Colorado Roadless Area Conservation National Forest System Lands Proposed Rule and Draft EIS

Summary of Public Comment

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Summary of Public Comment

1.0 Introduction and Overview

This document is a summary of public comment received by the U.S. Forest Service regarding the Colorado Roadless Area Conservation Rule (Proposed Rule) and Draft Environmental Impact Statement (DEIS) and request for comment. The comment period was July 25, 2008, to October 23, 2008. The U.S. Forest Service (Forest Service) has received 105,809 responses. Of these, approximately 104,771 are form and form plus letters; the remaining letters consist of original responses or form plus responses analyzed as unique.

A *response* is a single, whole submission that may take the form of a letter, email, fax, presentation at an organization-sponsored public meeting, etc. Each response may contain anywhere from one to several hundred comments.[1] Although many of the responses were *original responses*, which include both those submitted by individuals and those from agencies and organizations, the majority of the responses were *form letters*. Form letters are five or more letters that contain identical text but are submitted by different people.

Each original letter and an example of the form letter were analyzed to ensure that the concerns of all respondents were considered. In addition, if a respondent added information to a form letter, and the additional information was not redundant to the comment already in the form itself or was not covered by the CIC code assigned to the form, this content also was analyzed. No out-of-scope letters were analyzed. This Summary of Public Comment is a narrative analysis of concerns raised in the responses.

Although this analysis attempts to capture the full range of concerns raised, it should be used with caution. The respondents are self-selected; therefore, their comments do not necessarily represent the sentiments of the entire population. This analysis attempts to provide fair representation of the wide range of views submitted but makes no attempt to treat input as if it were a vote or a statistical sample. In addition, many of the respondents' reasons for voicing these viewpoints are varied, subtle, or detailed. In an effort to provide a succinct summary of all of the concerns raised, many subtleties are not conveyed in this summary.

This Summary of Public Comment is divided into the following sections:

- Introduction and Overview
- Content Analysis Process
- Project Background
- Public Concerns (Chapters 1-8)

The appendices to this document provide more detailed descriptions of the process used to analyze the comment received, the coding structure used by the analysts, demographic data about the respondents, and information about the organized responses (i.e., form letters):

- Appendix A—Content Analysis Process
- Appendix B—Coding Structure
- Appendix C—Public Concerns List

[1] *Responses* refer to single, whole submissions from respondents (e.g., letters, emails, faxes, presentations at public meetings). *Comments* refer to identifiable expressions of concern made within responses.

- Appendix D—Demographics
- Appendix E—Organized Response Report

2.0 Content Analysis Process

The goals of the content analysis process are to:

- Ensure that every response is considered,
- Identify the concerns raised by all respondents,
- Represent the breadth and depth of the public's viewpoints and concerns as fairly as possible, and
- Present those concerns in such a way as to facilitate the Managing Agencies' consideration of comments.

Content analysis is a method developed by a specialized Forest Service unit, the National Environmental Policy Act (NEPA) Services Group (NSG), for analyzing public comment. This method employs both qualitative and quantitative approaches. It is a systematic process designed to provide a mailing list of respondents, extract topics from each letter, evaluate similar topics from different responses, and identify specific topics of concern. The process also provides a relational database capable of reporting various types of information while linking comments to the original letters.

Throughout the content analysis process, the team strives to identify all relevant concerns, not just those represented by the majority of respondents. Breadth and depth of comment are important. In addition to capturing relevant factual input, NSG identifies the relative emotion and strength of public sentiment behind particular viewpoints.

This Summary of Public Comment attempts to capture all significant concerns related to a project. However, it is only a summary. Content analysis summaries and reports are not intended to replace original letters. As noted above, the database reports are linked directly to individual letters.

3.0 Project Background

This section summarizes the project background information supplied in the Proposed Rule and DEIS. Some passages are quoted directly from that publication.

The Forest Service, in cooperation with the State of Colorado, initiated a public rulemaking process regarding the management of roadless areas on National Forest System (NFS) lands in the State of Colorado. Colorado's petition was submitted to the Secretary of Agriculture for consideration on November 13, 2006, by then-Governor Bill Owens (2006 Petition). On April 11, 2007, Governor Bill Ritter submitted the 2006 Petition with modifications (2007 Petition).

The purpose of the proposed rule is to review and consider the State of Colorado's 2007 Petition for rulemaking, which presents direction for the conservation and management of Inventoried Roadless Areas (IRAs) within the State of Colorado.

The proposed rule integrates local management concerns with the national objectives for protecting roadless area values and characteristics. The 2007 Petition took into account State and local resource management challenges along with the national interest in maintaining roadless characteristics, and provides for management flexibility. Until August 2008, the conservation

and management of IRAs was under the direction of the 2001 Roadless Area Conservation Rule (2001 Roadless Rule), which was reinstated when the 2005 State Petitions Rule was invalidated in Cal. ex rel. Lockyer v. United States Dep't of Agriculture, 2006 U.S., Dist. LEXIS 72226, 52 (N.D. Cal. 2006). On August 12, 2008, the 2001 Roadless Rule was permanently enjoined for a second time by the U.S. District Court for Wyoming, leaving a legal and administrative void that the State of Colorado desires to fill with durable protections for IRAs in the state. Hence, it would be desirable to establish a Colorado Roadless Rule to protect and manage the approximately four million acres of NFS IRAs in Colorado, while working to accomplish the following goals: 1) conserve roadless area values and characteristics, 2) protect human health and safety, 3) reduce hazardous fuels, 4) restore essential wildlife habitats, 5) maintain existing facilities, and 6) provide reasonable access to public and private property or public and privately owned facilities.

The proposed rule designates Colorado Roadless Areas, which are identified using the2001 Roadless Area Conservation IRAs as a basis, amended by technical corrections to the inventory as well as any revisions to IRAs through revised Forest Plans and ongoing Forest Plan Revision. Lands located within ski permit area boundaries or adjacent to existing ski areas currently allocated to such uses by Forest Plan revisions would be removed from roadless designation and managed subject to Forest Plan direction.

The rulemaking process examined the 2007 Petition's specific proposal to prohibit road construction or reconstruction in Colorado Roadless Areas unless the responsible official determines the proposal cannot be reasonably accomplished without a road, no other reasonable alternatives are available, and one of the circumstances listed below exists. The circumstances for road construction are as follows:

a. 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;

b. Pursuant to reserved or outstanding rights, or by statute or treaty;

c. To provide access to existing or future grazing allotments, where roading is consistent with the Forest Plan in question;

d. For a Federal Aid Highway Project;

e. To allow for construction of, maintenance of, an emergency response to utility and water conveyance structures, where roading is consistent with the Forest Plan in question;

f. A temporary road is needed for treatment actions in areas identified in a community wildfire protection plan or within areas of the wildland-urban interface, as defined by the Healthy Forests Restoration Act of 2003 (HFRA);

g. A temporary road is needed for public health or safety in cases of threat of flood, fire or other potential catastrophic event that, without intervention, would cause loss of life, property, or natural resource values;

h. A temporary road is needed in conjunction with the continuation, extension, or renewal of a mineral lease; or

i. A temporary road is needed to support the leasing of federal coal reserves under certain lands in the North Fork Valley on the Grand Mesa, Uncompahgre and Gunnison National Forests.

Any temporary road would be obliterated and reclaimed, and the affected landscape restored immediately upon termination of the purpose for the road. Roadless areas in which temporary roads are allowed, built, and obliterated would not lose their roadless inventory status.

The 2007 Petition also provided two other circumstances under which road re-construction may be allowed in a Colorado Roadless Area: 1) When road realignment is needed to prevent irreparable resource damage from the original design, use, location, or deterioration of a forest road; or 2) When road reconstruction is needed to implement a road safety project based on local knowledge of a forest road or accident history.

The 2007 Petition specifically proposed to prohibit the cutting, selling, or removal of timber from a Colorado Roadless Area unless the responsible official determines that the action falls within one of the following circumstances:

a. Is needed for wildlife habitat management and improvement for wildlife species, in consultation with Colorado Department of Natural Resources and Division of Wildlife, while maintaining or improving roadless characteristics as defined in the 2007 Petition;

b. Is needed to reduce the risk of wildfire effects or large-scale insect and disease outbreak effects in areas covered by and as provided in a community wildfire protection plan, or if a protection plan is not present within areas of the wildland urban interface (WUI), as defined in the HFRA;

c. Is incidental to the implementation of a management activity not otherwise prohibited by the Rule;

d. Is needed and appropriate for personal or administrative use; or

e. Roadless characteristics have been substantially altered in a portion of a roadless area due to the construction of a forest road and subsequent timber harvest—which occurred after the roadless area was designated and prior to the effective date of this rule.

The content analysis for this summary of public comment pertains to comments on the Proposed Rule and the DEIS.

The DEIS lists three alternatives— roadless management as set forth in the 2001 Roadless Rule (Alternative 1), the proposed rule based on the Colorado State Petition (Alternative 2), and roadless management direction as set forth in current Land and Resource Management Plans (Alternative 3).

Chapter 1. Process

Public Involvement

1-1 Public Concern: The Forest Service should increase the time allotted for the Rule development process.

More time is needed to review this [Colorado Roadless Rule] plan, at least until the next administration takes office. Trying to rush this process before the president leaves office will only hurt Colorado and not protect the Roadless Areas. It is important that we take time in these decisions which will impact Colorado for millennia. (Individual, Denver, CO - #32.1.10000.021)

Waivers to this Rule [2001 Roadless Rule] must seek input from all potential user groups and that takes longer than 60 days. The public should not be short changed but allowed every opportunity to comment on proposed changes. (Individual, Smyrna, GA - #272.1.10000.010)

Please, do not rush into pushing a roadless plan that is not absolutely correct. There is too much at stake. Please, allow more time for thought and comment, both on the public side as well as allowing for more reflection on the Forest Service's part. (Individual, Durango, CO - #275.1. 10000.010)

TO ENSURE GREATER PROTECTIONS FOR COLORADO'S ROADLESS AREAS

I, [La Plata County Commissioner Wallace White] would encourage the Forest Service to back off and slow down the process for the DEIS and completely analyze the current situation. The vast majority of the people of Colorado and the Colorado Division of Wildlife want better protections for our Roadless Areas. If the current Petition is accepted as written, Colorado will have the weakest protection of any state. The 2001 Rule should remain in effect until further analysis is completed. Please do not open up our protected lands to exploration. (County Government Agency/Elected Official/Association, Durango, CO - #24.3.10000.061)

If Colorado cannot be governed by the 2001 RACR [Roadless Area Conservation Rule], then we ask that this process be slowed down to ensure [that] the final Colorado rule mirrors the 2001 RACR exactly, with only very concise and strict allowances. Given the key role that Roadless Areas play, we cannot afford to have this process rushed, and we cannot afford nor allow less restrictive protections of Colorado's Roadless lands. (Preservation/Conservation, Florissant, CO - #4.11.10000.200)

Whenever legislation or regulations that previously limited exploitation expire, there must be an extended period for public comment, environmental assessment and analysis of alternatives, and an open process of local and state input. After all, these are "public" resources and therefore must be administered and managed in the public interest, with the full participation and assent of the public. (Individual, Glenwood Springs, CO - #72.1. 12000.060)

TO REDUCE THE LIKELIHOOD OF LITIGATION AND APPEAL

If the FEIS/ROD [Final Environmental Impact Statement/Record of Decision] is structured anything like your DEIS, your violations of law will provide fertile ground for an appeal. I will file my appeal (knowing that I will lose) because I know that a citizen must file an appeal in order to take the next step to court. I dealt with appeals and litigation for the last 9 years of my career. I know that a member of the public who appeals a Forest Service decision does not consistently win their appeal if they correctly cite national environmental laws that have been violated by the decision being appealed. One little known (but major) factor used by the Forest Service to determine appeal resolution is the likelihood that the appellant will go to court if their appeal is rejected by the Forest Service. Knowing your legal violations in your draft EIS, I am confident that my appeal will be supported in court by a judge after it is denied by the Forest Service Appeal Deciding Officer. Do you know what the acronym WELC [Western

Environmental Law Center] stands for? You do have another option. Colorado is only the second state behind Idaho to weaken the 2001 Roadless Rule with their own state plan. The Bush Roadless Area plan required the individual states to develop their own roadless development plan, but it didn't specify when these state plans must be implemented. Please use a little sense and wait until January 2009 and feel out the political support for Inventoried Roadless Area development. Then make your decision. (Individual, Grangeville, ID - #44.2.10000.131)

1-2 Public Concern: The Forest Service should provide more information before implementing the Proposed Rule.

TO ALLOW FOR INFORMED DECISIONMAKING ABOUT THE ALTERNATIVES

The public has been asked to express a preference for one of the alternatives, yet they do not have the information they would think necessary to formulate an informed decision. Without a travel plan (TMP [Travel Management Plan]) we have no idea of what roads will be closed, limited, or decommissioned. It is my belief that the greatest number of inputs from the general public will have specific areas of concern. At this time, we do not have the information necessary to make a determination of what the impacts to our areas of interest might be. The public has a right to the same feelings of protection as has already been provided by the Forest Service to those with licenses, permits, or leases (the revenue-producing side). (Individual, Reeds Spring, MO - #240.2.12000.002)

Inputting an opinion at this point in time seems premature and asks for my commitment and support of an issue that has not been fully developed. Many questions continue to surface as one reads the information that is available. Is there a financial plan to pay for all the changes that will be made when an alternative is selected? When will the roads be closed? How will the closures be selected? Will there need to be a public meeting for each closure? When will corrected maps be available? Where will the resources and manpower come from to make these changes? (Individual, Reeds Spring, MO - #240.4.10000.002)

INCLUDING ADDITIONAL INFORMATION ABOUT THE RATIONALE FOR PROPOSED BOUNDARY CHANGES

It appears that the USFS roadless team, in this particular process, did not provide sufficient information for the public to actually corroborate decisions and did not readily provide supporting justifications for public review and inspection (i.e., boundary change recommendations). There is a large volume of information available at the USFS website dealing with the Colorado Roadless Rule. For instance, the Profiles of Colorado Roadless Areas document (http://roadless.fs.fed.us/documents/colorado_roadless/deis/profiles/com plete_profiles.pdf) is 286 pages of mostly small font type (in essence, it is chock full of information). This document summarizes characteristics of each Roadless Area and provides conclusions and decisions, such as boundaries and boundary line adjustments in the form of acreage before and acreage after. Basically, the "Profiles" document provides the public with the hypothetical open process and transparent information on boundary line adjustments. Also, I presume that, since the USFS Manual and Handbooks codify the Agency's policy, practice, and procedures, a consistent theme would be transparency in the decision-making process (e.g., analysis of comments/testimony specific to wilderness (see http://www.fs.fed.us/cgi-bin/Directives/get_dirs/fsh?1909.12!. 1909.12 Land Management Planning Chapter 70 Wilderness Evaluation - FSH 1909.12 Chapter 70 pages 39–40)) would also apply at least in concept when analyzing IRA [Inventoried Roadless Area] or CRA [Colorado Roadless Area] comments and testimony. In essence, the Supervisor should explicitly treat contrasting opinions and show how they relate to the proposal. By showing how information relates then leads to an open, documentable "transparency procedure." However, it is impossible or nearly impossible for a lay person to review and validate/corroborate either a supporting or contrasting opinion on boundary line adjustments that add to or delete from IRA/CRA acreages. First, the entire set of information is not available for review (e.g., Profiles of IRAs only lists general descriptions and characteristics, not specifics). Second, when specific requests are made for additional information, supporting documents, and GIS layers etc. then it is made available in a piecemeal fashion or references are made by the USFS Rule Making Team to already known web page(s) containing the incomplete information. This is not a trust issue (trust us, we know what we are doing), but it is a

transparency/ transparent quality issue (we trust you, we just want to review the information for clarity and accuracy). When information and data are difficult to obtain or appears hidden, then it can lead those who may hold a potentially contrary position on a particular area to be suspicious. Third, once the additional information, supporting documents, and GIS layers are provided, then it still may not necessarily provide sufficient data to essentially validate the decision. For instance, usually there are only a few words in the Profiles document that state something like, "Acreage added: Adjustments made were to connect the CRA to the Wilderness boundary or Forest boundary. Acreage removed: Areas do not meet the CRA criteria." What does "do not meet the CRA criteria" really mean? Descriptors like this do not say "why" or more specifically "exactly where." This seems contrary to instructions in the handbook since the documentation does not sufficiently state the "specific why" or show areas in enough detail for open public corroboration. An independent cursory review of some Roadless Areas does not necessarily corroborate the statements. [Footnote 3: Reviewing hundreds of these could take a significant amount of time.] (Individual - #1029.11-12.12000.160)

1-3 Public Concern: The Forest Service should conduct more and better publicized public meetings.

There should be more meetings. (Individual, Pueblo, CO - #14.1.12000.001)

The actual agenda; hidden or not, appears to be quite unclear at this time. With that being said, I fear that the merit of this proposal hasn't been publicized to gain the proper feedback of the people. (Especially those of us who will directly be impacted if this proposal is approved!) This should be something displayed on all of the news channels; requesting that the people comment on this subject. From the searches that I've conducted, there's only been a handful of meetings to discuss this proposal and they were not publicized and seemed to alienate the direct participants of the topic areas. (Individual - #210.1.12000.060)

I am writing in strong opposition to the Roadless Area proposal. As a Colorado Native—born and raised in Colorado, I am appalled that the government is trying to take away something that citizens enjoy—all citizens of the US, some even from around the world, not just Colorado citizens. I find it appalling that it appears that those in favor of this proposal are keeping it as quiet as possible so that it becomes law. Funny how the media did not make these meetings well known and there are scheduled "community meetings" that haven't even really been publicized. I learned about the meetings after they had all been held! Do you not want real opinions from real Colorado citizens? I think that a lot of people have a right to say what should happen with Colorado's high country and that there should be more community meetings and a lot more publication about it! (Individual - #248.1.12000.060)

Changes to Roadless Area boundaries need to encourage robust public participation. The process proposed will too easily place new areas at risk that are currently not targeted for resource development or extraction (i.e., it creates a pathway to continue chipping away at Roadless Areas). (Individual, Seattle, WA - #262.3.63000.060)

In Gunnison, [in the] Delta area, Crested Butte [and] especially in the GMUG [Grand Mesa, Uncompahgre and Gunnison] area, it would be helpful if there were more meetings closer to where the constituents live. We [The Outdoor Alliance] would definitely encourage a second round of meetings. There's only [been] eight meetings. (Non-Motorized/Non-Mechanized Recreation, Nederland, CO - #962.3.12000.060)

1-4 Public Concern: The Forest Service should revise the format of the public meetings.

TO INCLUDE PUBLIC FORUMS

Why not have a public forum, where all of the information is given! [And then] have an open house for afterward or a different day even, so we can ask any questions that weren't answered by the public

forum. I just feel like it's purposefully confusing. Layman's terms please! (Individual, Pueblo, CO - #11.3.12000.060)

I want a public forum so we all hear the same thing. (Individual, Pueblo, CO - #12.3.12000.001)

A public forum meeting educates better than an open-house setup causing confusion and chaos. If you want better, more detailed comments, have a more public-friendly meeting. (Maybe you don't want better, more detailed comments.) (Individual, Pueblo, CO - #13.3.12000.060)

Unfortunately I will be unable to make one of the "open houses," but I would like to know what happened to the tradition of public hearings, a long-standing tradition here in western Colorado. I understand that the public is denied an opportunity to testify at these open houses, which I think is a lot of bull. (Individual - #78.3. 12000.060)

It was a very interesting presentation. I wish that we could have been able to listen to each other instead of having it being an open house. I wish that we could have had a presentation about this particular proposed action, and then there could have been a history.

And there could have been a PowerPoint presentation, and then we all could have listened and then listened to each other's comment. That's how it's been handled in the past on this roadless issue. And I wish that it could have continued with this one. (Individual, Crestone, CO - #976.1.12000.060)

TO ACCEPT VERBAL COMMENTS

The format for Forest Service public meetings do not allow for verbal public comments for the record. [Wild Connections] understand that the Forest Service is planning to use this same, wholly inadequate meeting format for the meetings in Colorado. (Preservation/Conservation, Florissant, CO - #4.1.12000.060)

I intend to attend the Wednesday, September 10th meeting with the Forest Service at the Hotel Colorado; but I understand that there will be no chance for the public to express its views. I mourn the loss of public government as much as the loss of forest habitat. (Individual, Glenwood Springs, CO - #112.1. 12000.060)

1-5 Public Concern: The Forest Service should invite public review and comment on Roadless Area boundaries.

BECAUSE THERE HAS BEEN NO OFFICIAL PUBLIC REVIEW OF MANY OF THE BOUNDARIES AND ACREAGES

There has been no official public review of many of these [Roadless Area] boundaries and acreages. It is important that public comment still be formally invited on boundaries of Roadless Areas residing on national forests undergoing [Forest] plan [revisions]. (Individual, Durango, CO - #938.1. 63000.060)

Serious problems with the Draft Colorado Roadless Rule include failure to provide for public input in boundary changes of Roadless Areas. (Preservation/Conservation - #928.1. 63000.060)

An opportunity for public comment is of particular importance because many changes were made to the total acreages when determining Colorado Roadless Areas compared to Inventoried Roadless Areas prepared for the 2001 National Rule. There has been no official public review of many of these boundaries and acreages. It is important that public comment still be formally invited on boundaries of Roadless Areas residing on National Forests undergoing [Forest] Plan revisions. (Preservation/ Conservation, Denver, CO - #1019.2.12000.620)

1-6 Public Concern: The Forest Service should implement a public process to examine the reduction in Roadless Area acreage between the 2001 Rule and the Proposed Rule.

The Proposed Colorado Rule establishes management direction for 4.031 million acres of Colorado Roadless Areas. This figure represents a net decrease of approximately 218,000 acres from the inventory of roadless acres covered by the 2001 Rule. No public process was undertaken to assess or identify the value of these 218,000 acres or justify their removal from the inventory. The decision to remove acreage from the Roadless Inventory must be reevaluated, and this decision must be open to public and stakeholder comment. (Recreation/Conservation Organization, Missoula, MT - #836.20.12000.620)

1-7 Public Concern: The Forest Service should determine Roadless Area boundaries for each National Forest through the forest plan revision process, not the Proposed Rule.

It is important that the public has a chance to comment on any proposed changes to Roadless Area boundaries. However, a statewide rulemaking process is not the best place to solicit comment on roadless boundaries. That is more properly done during [Forest] Plan revision or in a separate process for each National Forest or portion thereof. This is a concern because there were many changes in roadless boundaries and total acreages in determining Colorado Roadless Areas from Inventoried Roadless Areas. There has been no official public review of many of these boundaries and acreages. It is important that public comment still be formally invited on boundaries of Roadless Areas residing on National Forests undergoing [Forest] Plan revisions. [Footnote 2: Notably, the three Colorado National Forests that are undergoing or will soon undergo Plan revisions (Pike-San Isabel, San Juan, and Grand Mesa, Uncompahgre and Gunnison [GMUG]). The GMUG had by far the greatest changes in acreage of Roadless Areas, both for acres dropped from the roadless inventory, and those added to it, in deriving Colorado Roadless Areas from Inventoried Roadless Areas. See Draft Colorado Rule Preamble, Table 1, at 73 Fed. Reg. 43545, July 25, 2008. The San Juan National Forest issued a draft revised plan earlier this year and the comment period was completed. The GMUG issued a draft revised plan, but it was withdrawn after the 2005 Planning Regulations were found illegal, thus the comment period was never completed. There has been no official review of the roadless boundaries on the Pike-San Isabel.] Therefore, our comments in Exhibit 1 [See ATT 1] must not be considered our final word on the subject of Roadless Area boundaries and [Roadless] Area inclusions. (Preservation/Conservation, Denver, CO - #789.7.12000.620)

1-8 Public Concern: The Forest Service should extend the public comment period.

This is a really complicated document, and I think 90 days is a pretty short fuse for folks to get a really good grasp of what this issue is all about and be able to comment intelligently on it. So I would like to see that maybe extended. (Individual, CO - #967.1.10000.160)

BY 30 DAYS

We [Fennemore Craig, P.C. on behalf of Freeport-McMoRan Copper & Gold, Inc. (Freeport)] request that the USDA Forest Service extend the proposed Colorado Roadless Rule (Rule) and Draft Environmental Impact Statement (DEIS) public comment period by a minimum of 30 days. We make such request because we are not able at the present time to precisely determine the effect that the Rule and DEIS, if approved in present form, will have on the Henderson Mine and Mill facilities, particularly with respect to the conveyor system. The maps as published by USDA Forest Service are not of sufficient scale or detail for us to conclusively make such determination at the present time.

In the event that Freeport determines that the Rule and DEIS, if approved in present form, will affect the Henderson facilities, Freeport intends to submit comments to USDA Forest Service. Although the nature and extent of any future comments cannot be determined without further analysis and review of larger scale maps, they will most likely focus on a request for revision of the Inventories Area Boundaries so as to ensure that the present and future footprint of the Henderson facilities are not within the areas subject

to the Final Rule or [Final] Environmental Impact Statement. (Mining Industry/Association (locatable), Phoenix, AZ - #997.1.12000.620)

Rulemaking and EIS Process

1-9 Public Concern: The Forest Service should suspend the EIS process.

UNTIL THE QUESTION OF THE VALIDITY OF THE 2001 RULE IS RESOLVED

Petrox has a significant concern regarding the situation created by Judge Brimmer's August 12, 2008 decision on the 2001 Roadless Rule. Petrox feels this decision invalidates the Proposed Action section of the Rulemaking for Colorado Roadless Areas Draft Environmental Impact Statement, which states on page 27 "which would supersede the 2001 Roadless Rule for NFS [National Forest System] lands in Colorado." To supersede the 2001 Roadless Rule in the Proposed Action, it first has to have standing, and Judge Brimmer's decision takes standing away from the Rule. Since the entire premise of the DEIS is predicated on the 2001 Roadless Rule, Petrox believes that, if the Brimmer decision is upheld, the entire document is seriously faulted and without merit.

Petrox understands that the Department of Justice has filed a Motion for Reconsideration and for a Stay Pending Reconsideration on August 20, 2008, of Judge Brimmer's August 12, 2008 decision. Concerning the Rulemaking for Colorado Roadless Areas, Petrox feels the Forest Service must suspend this EIS process until the question of the validity of the 2001 Roadless Rule is resolved.

To date, there has been no indication from the Forest Service that the comment period, which ends on October 23, 2008, to the Rulemaking for Colorado Roadless Areas DEIS has been changed or deferred. It is unclear if the Forest Service has a valid position to continue to pursue this DEIS in regard to Judge Brimmer's decision and the possible subsequent outcome of an appeal to that decision. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Meeker, CO - #205.1.20100.131)

1-10 Public Concern: The Forest Service should delay action on the Proposed Rule until final rulings by the courts.

BECAUSE A ROADLESS AREA IS NO LONGER PRISTINE AFTER BEING DISTURBED BY OIL, GAS, AND MINERAL DEVELOPMENT

The Clinton Roadless Rule is more protective than the local one. Once the oil, gas, and mining claims allowed by the weaker state Rule are allowed to go forward, there is no turning back. You cannot remake a Roadless Area that has been manifestly disturbed. Until the courts sort out who is right, don't you have an obligation to leave these pristine lands untouched? You can always ruin them later if (God forbid!) the Bush Rule is found to be valid. With an election coming up and a new administration taking over in just 3 months, can't you just wait? (Individual, Sagamore Hills, OH - #396.2.44000.200)

BECAUSE NOTHING WILL BE RESOLVED BY THIS RULEMAKING

Comments on the Roadless Area, I have several. First of all, it seems that between Judge Brimmer's decisions and his revised decision, which was released just recently, as well as the Fifth Circuit Court, we have quite a legal problem.

Even though we claim to be proceeding under the APA [Administrative Procedures Act] to resolve the issue, we keep referring back to the 2001 Rule, which should be moot, if I understand the law. The process that we instituted, a Colorado petition which had been under Bush's Rule, also would be moot.

So technically, from a legal viewpoint, it would appear to me that this continuing battle over Wilderness that's been going on for 50 years is not going to be resolved by this exercise. It would appear to me that we're making a mistake of trying to tie a lot of it back to the 2001 Rule and some other rules that have been invalidated. So that's a legal type issue that I can't answer because I'm not a lawyer, but it's a concern that I have on it. It should be a concern to everybody regardless of which side of the issue they're on. (Individual, Arvada, CO - #958.1. 20100.130)

1-11 Public Concern: The Forest Service should not spend time on state Roadless Area Rules.

BECAUSE THEY ARE FEDERAL LANDS TO BE MANAGED UNDER NATIONWIDE POLICY

My primary comment is that I really feel the whole process is flawed. These are Federal lands and Colorado shouldn't have its own rule and Idaho shouldn't have its own rule. They're Federal lands and there should be one rule, and we should be following the guidelines from the 2001 Roadless Rule. (Individual, Carbondale, CO - #990.1.10000.120)

1-12 Public Concern: The Forest Service should not spend its limited resources on map making.

Why is it necessary for the Forest Service to spend so much time on proposals such as these—presenting maps that are meaningless to most of us? The maps don't even have roads shown, so it's almost impossible to know where you are anyway. Put the personnel out in the field—they shouldn't be in the map-making business. (Individual, Grand Junction, CO - #234.1.10000.023)

It seems to me that you must have spent thousands of hours, or the Forest Service thousands of hours, trying to make these displays, and going out and mapping these areas, or transposing photos onto maps and so on, when it seems like such a waste of personnel.

I mean, let's say that each - I don't know how many people. Let's say, you know, a dozen people taking two years to do this thing - and that's just a number. I mean, so we're talking what, $200,000 or $300,000 worth of time to make all of these maps? I mean, yeah, that's what we hire the Forest Service for, was to spend $200,000 to make some maps up.

Why not just let the Forest Service guys go out and do their job, and go out in the field and kill the bugs and supervise trash pickup or do some other kind of thing? Help get some restrooms built or clear some forest out or something that's a little more useful. But making a bunch of maps for people when they don't really understand the maps, and that's [not] productive.

I understand that a lot of this stuff was just mandated by public officials. But most of these officials I don't think have ever come into one of these meetings to actually see what the results are from their mandates. Ridiculous, I think. (Individual, Grand Junction, CO - #971.2.10000.023)

1-13 Public Concern: The Forest Service should be subject to a grand jury investigation.

BECAUSE THEIR ACTIONS ARE UNCONSTITUTIONAL

The Forest Service Roadless policy needs to be investigated by a grand jury for contempt of our constitution and possible conspiracy to commit treason to the constitution. (Individual, Napa, CA - #288.1. 20000.121)

Influences on Decisionmaking

1-14 Public Concern: The Forest Service should make clear the criteria for treating a comment as "substantive."

Please provide me with the definition of the criteria you will be using to determine whether or not you will have to respond to any particular comment(s). I have a great interest in commenting, but I do not wish to waste my time making comments you will rule to not be substantive. (Individual, Eugene, OR - #171.1.12000.001)

1-15 Public Concern: The Forest Service should resist the efforts of the administration to reduce protection of Roadless Areas.

TO PROTECT THE NATIONAL FORESTS FOR ALL AMERICANS

Somewhere along the line, each one of you has lost the concept that you all administer National Forests, not State Forests. Visitors to National Forests pay for and expect policy consistency on issues with the massive scope and importance of Inventoried Roadless Areas. With your high paying GS-13+ jobs, you don't think twice about trashing the public land if you think preserving and conserving this land and its natural resources (which is what the public expects) might jeopardize your future promotions and cash awards. Of course the real culprits are Cheney and Bush and their corporate, pro-development masters. We must not forget Bush's partners in crime: Rey and Kimbell. The new president will quickly show these two the road. Ever since Cheney/Bush took office, I noticed significant changes in the Agency's priorities. USDA Undersecretary Mark Rey and Forest Service Chief Abigail Kimbell have done exactly what the Bush/Cheney administration wanted—maximize corporate extraction of natural resources for profit. To Rey and Kimbell, trading-off the health of the public ecosystem for decades and sometimes centuries was a necessary result of following their orders from the administration. I know this for a fact because I retired from the Forest Service in September 2003. I was the forest planner and NEPA legal compliance reviewer. You all think you are safe from this US Forest Service line officer purge that is long past-due. You will whimper as you tell representatives of the next administration that you knew implementing the Colorado Roadless Rule was the wrong way to treat a pristine ecosystem. Then you will scream "I had to do it … I was directed by the Chief." (Individual, Grangeville, ID - #44.1. 10000.020)

1-16 Public Concern: The Forest Service should subject all Roadless Areas to the NEPA process.

TO ENSURE THAT LOCAL CITIZENS HAVE A VOICE IN THE FINAL DESIGNATION

This whole roadless issue is where it is today because Bill Clinton, by executive order, circumvented NEPA. By doing so, the states, counties, and the people (I recall that our government is supposed to be "by the people") had no voice in what was a broad-brush declaration of Roadless designation. The only people he was interested in pleasing was the Sierra Club and the NRDC [National Resources Defense Council], and they have absolutely no interest in the economic viability of the West. In fact, they would just be overjoyed if we all went away.

I suggest that we back up and subject all the Roadless Areas designated by Clinton to the NEPA process so that the impacted states and their populace have a voice and input in the final designation. Then those areas truly deserving of Roadless designation would be covered, and those areas needed for growth and development would not be locked up in all of this expensive dispute. (Individual - #368.1. 63000.131)

1-17 Public Concern: The Forest Service should give greater weight to direction provided by the governor of Colorado and the cooperating agencies.

It appears that the decision makers, and the decision-making process leading up to the DEIS, and the authors of the DEIS did not fully take into account a conservative interpretation and approach of Governor Ritters' directions in his April 11, 2007 cover letter (http:/www.fs.fed.us/emc/roadless/041107ritter_to_rey_letter.pdf.). (Individual - #1029.5.10000.030)

BECAUSE THE COLORADO DIVISION OF WILDLIFE WAS NOT ADEQUATELY INVOLVED AS A COOPERATING AGENCY PARTNER

It appears that the USFS roadless team, in this particular process, did not adequately involve the Colorado Division of Wildlife [CDOW], as a cooperating agency partner. Governor Ritter specifically wrote in his cover letter, "I appreciate the DOW [Division of Wildlife] input and expect that its analysis will form the foundation for future involvement by DNR [Department of Natural Resources] and DOW as we move forward with the rule making process consistent with this petition." In fact, evidence indicates that the CDOW was not involved in the critical final stages of the actual rulemaking process. [see ATT 4] (Individual - #1029.8.10000.030)

It appears that the USFS Roadless Team in this particular process, did not solicit, utilize or incorporate the actual suggestions and recommendations of cooperating agency status specialists when developing the DEIS, and the Profiles of Colorado Roadless Areas, etc. After personal conversations with CDOW [Colorado Division of Wildlife] representatives, I have concluded that although the CDOW was granted "cooperating agency status" (at least in theory in the governor's cover letter but not stated in the MOU [Memorandum of Understanding] except when acting through DNR [Department of Natural Resources] as the coordinator), there appears to be a breakdown in communication and coordination. In my personal opinion, and not [as] one [who is] involved in the final day-to-day negotiations and consultations, it appears that insufficient key discussions and direct face-to-face analysis of information occurred, particularly in the later stages of Rule and DEIS development [see ATT 1]. This seems inconsistent with Governor Ritter's directions in his cover letter but potentially consistent with the MOU [Footnote 4: http://roadless.fs.fed.us/documents/colorado_roadless/co_roadless_areas_mou.pdf]. In my personal opinion, this caused confusion and this would then cast into doubt whether the best available information was used in the decision-making process [Footnote 5: e.g., the 2,990 acres to be removed for the ski area exemption at Loveland Ski Area includes cutthroat trout population as well as several reaches of cutthroat trout critical habitat.] It seems illogical that detailed dialog between the CDOW, DNR, and the USFS did not necessarily occur when reviewing complex information used to make decisions regarding the Colorado Rule development and the DEIS etc. Again, this appears contrary to Governor Ritter's cover letter, wherein he states modifications (there are only six main ones) are based in part on detailed analysis provided by the CDOW. (See page 2 of his cover letter.) Additionally, by not adequately involving cooperating agencies then it cast into question whether the best available and most current information was used in developing documents such as the Profiles of Colorado Roadless Areas, strategies, tactics, and operational procedures designed to minimize open-ended exceptions. Finally, it is my understanding that the CDOW, in theory a cooperating agency partner, was put into the position of having to comment with the general public and meeting the October 23 deadline [see ATT 1]. Only after significant complaints and the potential but unnecessary "rush" to meet short deadlines did the USFS consent and state that "cooperating agencies" will be able to participate after the DEIS October 23 deadline. (Individual - #1029.14-15.10000.030)

BECAUSE OFFERING COOPERATING AGENCY STATUS WITHOUT FOLLOW THROUGH WOULD IMPLY A PERFUNCTORY ACTION

It appears that the USFS Roadless Team in this particular process, may not have followed up with other entities "offered" cooperating agency status, although it is my understanding that cooperating agency status was basically offered to all entities of state and local government (if so, then this is an excellent and positive action on the part of USDA/USFS). Such an extension without follow through would mean it is just a perfunctory action. For instance, the Town of Ridgway requested at least another alternative to meet some unique demands. (For an article about the Ridgway Town Council, see http://www.ouraynews.com/Articles-i-2008-10-15-186012.112113_Deadline_nears_for_Roadless_area_comment.html.) (Individual - #1029.16.10000.030)

1-18 Public Concern: The Forest Service should ensure that the Colorado Division of Wildlife takes a lead role in the Final Colorado Rule.

BECAUSE THE RULE COULD EASILY BE LITIGATED WITHOUT ITS FULL PARTICIPATION

Involve DOW [Colorado Division of Wildlife] as a lead player both in specific decisions such as ski area exceptions and in the overall language of the Final Colorado Rule. To date, DOW's supposed involvement as a [cooperating] participating agency has been in name only. Any Final Rule without full participation from DOW, and without following closely DOW's recommendations and concerns, will provide an easy target for litigation—working directly counter to the Governor's stated "insurance policy" intent. (Recreation/Conservation Organization, Durango, CO - #759.8.41000.030)

1-19 Public Concern: The Forest Service should not give greater weight to the citizens of Colorado in the decision-making process.

BECAUSE THE NATIONAL FORESTS BELONG TO ALL AMERICANS

The first [of] my thinking would be: Who should you be listening to? While the citizens of Colorado no doubt are closer to the situation and are more likely to be affected by the policies enacted, the fact remains that these are Federal lands we are talking about. That means that, although I'm sitting here in Ohio, I have just as much say in how our public lands are administered as the Governor of Colorado. I think ultimately what the courts will have to decide is that the Bush Administration was incorrect in attempting to delegate a Federal responsibility down to the state level. These lands belong to all Americans, not just people in Colorado.

Why on earth should Colorado and Idaho have protections for their Roadless Areas which are inferior to those of the rest of the country? (Individual, Sagamore Hills, OH - #396.1.10000.123)

1-20 Public Concern: The Forest Service should reevaluate the emphasis placed on planning and administration activities.

TO INCREASE PUBLIC SUPPORT AND PROVIDE FOR APPROPRIATE LEVELS OF FUNDING

The differences in roadless acres subject to the proposed action differ little from the acres of Roadless Areas contained in the No Action Alternative (Alternative 1) and Alternative 3. Everyone ought to know this EIS process is required by law (NEPA), as the proposed management action qualifies as a "Significant Action." It seems to me that after 30 years of numerous forest plans, Timber Plans, Allotment Management Plans, Recreation Plans, Transportation Plans, etc. there should now be an adequately large database and accumulated knowledge for managing non-Wilderness lands within various National Forests. One of the possible reasons appropriated Federal funding for the U.S. Forest Service has not kept up with other agencies is related to an over emphasis on planning, administration, and sundry "bureaucratic" functions at the expense of program areas with a visible public image which generates widespread public support. About the only functional area in the Forest Service today which is widely recognized by the public and most politicians as "essential" is Wildland Fire Suppression. Not surprisingly, this function now consumes about 48 percent of the entire Forest Service Annual Budget. Forest Service personnel (at least in Western Colorado) would be a lot more popular and therefore have greater public support if they got out in the field more often. The bureaucratic and planning functions do not draw the support necessary for the Agency to maintain current funding levels in a changed fiscal and economic paradigm. (Individual - #46.2.10000.023)

1-21 Public Concern: The Forest Service should include the July 29, 2008 RACNAC meeting in the record.

I understand there are RACNAC [Roadless Area Conservation National Advisory Committee] hearings on July 29 and 31 in Washington on the results of the rulemaking. Please make this correspondence a part of the record. (Individual, Northglenn, CO - #25.3.10000.001)

1-22 Public Concern: The Forest Service should conduct more studies before adopting the Roadless Rule.

I am very interested in seeing more in-depth studies done before congress makes any decisions about opening our Roadless Areas here in Colorado. (Individual - #194.1. 31000.001)

Chapter 2. Proposed Rule

General Support for the Proposed Rule

2-1 Public Concern: The Forest Service should move forward with the Proposed Rule.

BECAUSE IT IS GOOD POLICY AND THE PRODUCT OF A GOOD PROCESS

The Proposed Colorado Roadless Rule is the product of an extensive bipartisan Colorado process conducted by the Colorado Roadless Area Task Force. The Task Force conducted numerous public meetings, provided opportunities for written and oral comments, and considered points of view from Colorado and across the nation in developing proposed regulations to govern Colorado Roadless Areas. Those regulations are modeled in substantial part on the 2001 Roadless Rule. Two successive Colorado governors have petitioned the Forest Service to adopt the regulations developed by the Task Force. The Forest Service accepted the petition from the State of Colorado, and identified the Colorado Roadless Rule as its proposed action. The Colorado Roadless Rule is good policy and process. It is the product of a careful, Colorado-focused process that allowed for consideration of specific Colorado Roadless Areas and Colorado-specific issues, such as the need to provide for high-quality developed winter recreation at Copper Mountain Resort, Steamboat Ski Resort, and Winter Park Resort. (Special Use Permittee, Frisco, CO - #833.1.20000.010)

CSCUSA [Colorado Ski Country USA] stands behind the extensive and deliberative public process undertaken by the Colorado Roadless Task Force and the State of Colorado to develop the Colorado Rule. The Colorado process has had no peer in its outreach to a wide variety of stakeholders, its consideration of the pros and cons of the 2001 Rule as applied on the ground in Colorado, or in its approach to protecting Roadless Areas without excessive rigidity. CSCUSA believes that the Proposed Colorado Rule overall is good policy. (Recreational, Denver, CO - #996.1.10000.060)

BECAUSE IT EFFECTIVELY ADDRESSES LOCAL ISSUES

I am very familiar with Colorado Roadless Rule and, by and large, I would support it. I think it addresses many of the more localized issues within the Colorado Roadless Areas pretty effectively. (Individual, Crawford, CO - #960.1.20000.061)

BECAUSE IT LARGELY REFLECTS RECOMMENDATIONS OF A BIPARTISAN TASK FORCE

I actually support the Colorado plan as presented. As I understand it, it's a modification or clarification of the task force that was in effect that made the initial recommendation. The Colorado plan takes that and changes it some, but it's based on that original bipartisan task force, which I think is the right way to do it. (Individual, Durango, CO - #955.1.10000.030)

The Proposed Colorado Rule (Alternative 2) is the result of a bipartisan, legislatively authorized Task Force which held hearings around the State. The Task Force recommendations which provide the basis of Alternative 2 were supported by both Governor Bill Owens, who submitted the original petition for rulemaking to the Forest Service, and Governor Bill Ritter, who resubmitted the recommendations with his own directives. The Proposed Colorado Rule strives to achieve a delicate balance between numerous competing values and objectives. It provides long-term protection for Roadless Areas while also providing some degree of certainty to both coal operators and the State of Colorado that important energy resources can continue to be developed under statutes and regulations concerning resources recovery, safety, and environmental protection. Alternative 2 has removed lands from the Colorado Roadless Areas (CRAs) because they have been "substantially altered" but has also added new lands as CRA lands, during revision of map boundaries. (Mining Industry/Association (locatable), Denver, CO - #839.1.10000.002)

General Opposition to the Proposed Rule

2-2 Public Concern: The Forest Service should not move forward with the Proposed Colorado Roadless Rule.

BECAUSE THE NEED FOR THE PROPOSED RULE HAS NOT BEEN DEMONSTRATED

Given that the National Forests in Colorado are part of the National Forest System, the State of Colorado's petition for unique treatment with the promulgation of the Proposed Rule does not demonstrate a national need, but a local desire, with consequences that affect the entire nation. The Forest Service has not adequately demonstrated why such a rule is in the interest of the United States. (Individual, Commerce City, CO - #1045.5.20000.127)

BECAUSE THE 2001 RULE IS IN EFFECT AND THERE IS NO LEGAL AUTHORITY FOR THE PROPOSED RULE

I denounce the legal authority of this state petition process, agreeing with the U.S. Courts that the 2001 Rule is the law of the land. (Individual, Boulder, CO - #29.1.20000.141)

BECAUSE THE COURTS HAVE FOUND THE 2001 RULE TO BE IN VIOLATION OF NEPA AND THE WILDERNESS ACT

Based on the U.S. District Court's finding on August 12, 2008, that "the Roadless Rule was promulgated in violation of the National Environmental Policy Act and Wilderness Act" and the Order "that the Roadless Rule be permanently enjoined," I am requesting that the Forest Service cease in pursuing the Colorado Roadless Rule. (Individual, Colorado Springs, CO - #910.1.20100.130)

BECAUSE COLORADO ROADLESS AREAS SHOULD BE MANAGED UNDER THE 2001 RULE TO PROVIDE FOR BALANCED USES, INCLUDING RECREATIONAL ACCESS

[Wild Connections] formally asks that the RACNAC [Roadless Area Conservation National Advisory Committee] request and advise the USFS and the Governor to stop this petition process immediately, and thus re-include Colorado under the 2001 RACR [Roadless Area Conservation Rule] for the following reason: The 2001 RACR allowed for balanced human and recreational use and access, such as mountain biking. (Preservation/Conservation, Florissant, CO - #4.7.20000.500)

BECAUSE THE PROPOSED RULE IS LESS PROTECTIVE THAN THE 2001 RULE

[From ATT 1] The Proposed Rule and DEIS acknowledge that hundreds of thousands of acres of Colorado Roadless Areas will be subject to road construction, tree-cutting, and other development. While the Proposed Rule is entitled "Roadless Area Conservation," its prohibition against road construction is subject to eight exceptions that either do not appear in the 2001 Rule or are weaker than the provisions of the 2001 Rule. Under the Proposed Rule, road construction will be permitted to enable development of approximately 30,000 acres of coal and 70,000 acres of oil and gas in currently Roadless Areas. Tree cutting is authorized in more than 600,000 acres of Roadless Areas for fire and insect management, and additional tree removal is permitted for wildlife habitat management and unspecified "incidental" purposes. (Preservation/Conservation - #799.3.20000.001)

Colorado's legislators did a decent job of crafting Colorado's revision, but there really wasn't any need for it. The original Rule provides better protection for natural areas. Please restore it. (Individual - #1009.1.20000.200)

BECAUSE THE PROPOSED RULE IS LESS PROTECTIVE THAN THE 2001 RULE AND IS NOT SUPPORTED BY THE CITIZENS OF COLORADO

During Governor Owen's administration, [Wild Connections] along with hunting and angling groups, concerned citizens, wildlife enthusiasts, conservation scientists, and recreationists felt that at that time, in 2005, we had no choice but to participate in the task force panel process. The 2001 RACR [Roadless Area Conservation Rule] had been overturned, and as protected Roadless Areas are so vital for our economy, quality of life, and for protecting the broader ecological functions across our landscape, we could not risk not being engaged to ensure their long-term protection. The key distinction is we participated, but we never supported the administration's "individual" state petition process, as

embodied by the 2005 Bush Roadless Rule. During that process, the vast majority of the public and key stakeholders demanded protections at the same level as the 2001 RACR, with only very limited, concise and strategic allowances to accommodate for a few of the pressing issues and to further clarify. This rule is not what Colorado asked for. In Table 2, the "Summary of environmental consequences for each alternative," in nearly every category it clearly shows that the petition is less protective than the 2001 RACR. The Draft Rule makes it clear that the Governor's "Insurance Policy" has now become a "Liability Policy" for the future of Colorado's Roadless lands, and we are asking to cancel our coverage. These exceptions are written so broadly, and with such vague language in this Draft Rule, that we believe the Rule guarantees absolutely zero protection for Colorado's Roadless lands. The Rule is supposed to protect these lands and offer clarifications. Instead, it opens these Roadless lands via a non-comical bureaucratic new Agency term "long-term temporary roads." Where are the protections for Roadless Areas if roads can be built for use lasting between "10 to 30 years"? (Preservation/Conservation, Florissant, CO - #4.5.20000.200)

BECAUSE THE PROPOSED RULE RUNS CONTRARY TO THE INTENT OF GOVERNOR RITTER'S ORIGINAL PETITION

When Governor Ritter petitioned for a Colorado Rule, the purpose was to preserve roadless area characteristics and this must be the Rule's express mandate. The Proposed Rule needs an unambiguous management directive focused on conservation and stewardship of Colorado Roadless Areas. As it currently stands, the Proposed Rule is a set of circumstances under which Roadless Areas values can be subordinated for one development reason or another. (Individual, Seattle, WA - #262.1.20000.200)

The Bush plan does not reflect—or respect—the intent to protect Colorado's roadless National Forests, as expressed by the public, the Governor, and in the State Task Force process. (Individual, Aspen, CO - #74.2.20000.010)

TO PROTECT FISH AND WILDLIFE HABITATS, WATERSHEDS, AND RECREATION

I am writing to strongly oppose the administration's attempts to repeal the landmark Roadless Area Conservation Rule so that new logging, mining, drilling and roadbuilding is allowed in Colorado's best backcountry forests. Opening up these Rocky Mountain landscapes to industrial development puts at risk valuable fish and wildlife habitat, watersheds, trout streams, and prime recreation lands. (Individual, Salt Lake City, UT - #2.1.20000.002)

Roadless Areas are among the relatively few places citizens of our state and nation have to go in the future for clean water and air, quiet recreation, and spiritual renewal. It is also the source of recuperation for many of our wildlife populations. As our human population grows, Roadless Areas will become ever more precious. We must preserve them. (Individual, Denver, CO - #488.11.20000.002)

TO PRESERVE OPPORTUNITIES FOR SCIENTIFIC REASEARCH AND LOW-IMPACT RECREATION

Roadless Areas protect sources of much of Colorado's clean drinking water, provide excellent areas for scientific research and education on natural ecosystems, and offer numerous opportunities for low-impact recreation. I strongly urge you not to weaken the current protections for Colorado's Roadless Areas that are provided under the 2001 Rule. (Individual, Santa Fe, NM - #202.5.20000.002)

BECAUSE THE EXISTING 2001 RULE PROVIDES SUFFICIENT EXCEPTIONS FOR CONSTRUCTING ROADS

The U.S. Forest Service has recently issued a Draft Rule that claims to "protect" Colorado's National Forest Roadless Areas but, rather than protect these areas, it would instead remove or weaken existing protections. The Draft Colorado Rule would replace the 2001 Roadless Rule's narrowly tailored exceptions with very broad authorizations for road construction and logging in Roadless Areas. The Roadless Rule, currently in effect, already allows timber cutting and roadbuilding when needed to reduce wildfire risk, protect endangered species habitat, or for pre-existing rights such as oil and gas leases. The Draft Rule, however, takes these legitimate exceptions and rewrites them to allow many more destructive activities, such as logging in wild areas far removed from homes and other structures, logging in areas that are already high-quality wildlife habitat because they are largely free of intensive human presence and habitat degradation, the development of even more oil and gas leases in Roadless

Areas that were issued since the 2001 Rule became effective, and construction and permanent roads for new power lines and water conveyances (pipes, ditches, canals, tunnels, etc.) in Roadless Areas. The Draft Rule would completely remove over 200,000 acres from the roadless inventory, including lands wanted by ski areas for future ski area expansions. A strong showing of support for protecting Colorado's National Forest Roadless Areas is crucial to stop the Draft Rule from becoming final. (Preservation/Conservation - #185.2.20000.002)

The Proposed Rule is not necessary to accommodate various interests, including the oil and gas, coal, and ski industries. The existing Roadless Rule already has exceptions for important fire protection work and access for pre-existing rights, allows ski areas to conduct activities in their master plans, and permits coal mines to pursue mining operations within their current lease areas. These balanced provisions were developed over years of scientific and public scrutiny and debate, and make up the guiding policy in the Roadless Rule. (Individual, Colton, CA - #208.3.20000.057)

The Draft Rule proposed by the USFS for Colorado would not effectively protect Roadless Areas. Instead, it will allow or encourage activities that destroy the pristine values of these valuable areas. The USFS proposal for Colorado would greatly expand exceptions in a way that would make any protections meaningless. While we understand that the USFS must permit diverse uses within the National Forest, we believe that these activities do not have to be expanded into the already limited Roadless Areas. The National Forest System already has an extensive road system that allows adequate and appropriate multiple-use activities. (County Government Agency/Elected Official/Association, Aspen, CO - #172.2.20000.002)

BECAUSE CREATING DIFFERENT RULES BY STATE IS INEFFICIENT AND IRRESPONSIBLE

[Wild Connections] formally asks that the RACNAC [Roadless Area Conservation National Advisory Committee] request and advise the USFS and the Governor to stop this petition process immediately, and thus re-include Colorado under the 2001 RACR [Roadless Area Conservation Rule] for the following reason: The 2001 RACR is primarily the law of the land, with the exception of Idaho and the Tongass, as you are aware. With the constant staff mobility within the USFS, and with the budget crisis within the Agency, it is irresponsible and inefficient for the Agency to create differing layers of rules and bureaucracy when a solid solution already existed. (Preservation/Conservation, Florissant, CO - #4.10.20000.023)

BECAUSE A SEPARATE RULE FOR COLORADO COULD AFFECT THE LARGER ROCKY MOUNTAIN SYSTEM

[Wild Connections] formally asks that the RACNAC [Roadless Area Conservation National Advisory Committee] request and advise the USFS and the Governor to stop this petition process immediately, and thus re-include Colorado under the 2001 RACR [Roadless Area Conservation Rule] for the following reason: Colorado is in the central heart of the US Rockies in terms of the broader mountain ecosystem. A weak Colorado rule such as this one has implications throughout the Rockies. (Preservation/Conservation, Florissant, CO - #4.8.20000.330)

BECAUSE THE PROPOSED RULE WOULD PROVIDE LESS PROTECTION FOR ROADLESS AREAS IN COLORADO THAN THOSE IN OTHER STATES

[From ATT 1] Appeals are pending in the U.S. Court of Appeals for the Ninth and Tenth Circuits in litigation over Roadless Area protection. Decisions in those appeals will likely not be reached before early 2009, when a new administration takes office and reexamines Roadless Area policy.

If and when the Proposed Rule is finalized, it——like every roadless rule before it—could likewise be challenged in Federal court. This challenge, too, would be unlikely to be resolved before a new administration takes office.

The correspondence transmitting the 2007 Colorado Petition to the Forest Service expressed support for the protections provided by the 2001 Rule. [Footnote 43: Letter from Gov. Bill Ritter to Undersecretary Mark Rey, April 11, 2007 at 1.] One ramification of proceeding with the Proposed Rule, which diverges from the protections of the 2001 Rule, is that Roadless Areas in Colorado will be subject to a lower standard of protection than they are currently. Yet the 2001 Rule, which was upheld by the Ninth Circuit in its Kootenai Tribe v. Veneman opinion (overturning a preliminary injunction [Footnote 44: Because

the parties jointly agreed to dismiss the case, no further proceedings were held after the Ninth Circuit vacated the preliminary injunction after finding that the EIS on the 2001 Rule was adequate. See Order Dismissing Actions in Their Entirety, Kootenai Tribe of Idaho v. Veneman, 2:01-cv-00010 (2/3/2006).]) and has been implemented administratively by the Forest Service since the Federal district court's September 2006 order in Lockyer, may well be embraced by an incoming administration. If so, roadless lands in the State of Colorado could end up enjoying significantly less protection than roadless lands in other states. (Preservation/Conservation - #799.45.20100.021)

BECAUSE THE PROPOSED RULE WOULD CREATE UNCERTAINTY, RESULTING IN INCREASED LITIGATION

[From ATT 1] It is our [Kaplan Kirsch & Rockwell LLP for Pew Environment Group] conclusion that the Proposed Rule suffers both in comparison to the greater protections afforded to Roadless Areas under the 2001 Rule and, on its own terms, by adding new or confusing terminology and considerable new Agency discretion to the regulatory structure for management of these lands. There are also numerous inconsistencies both within the Proposed Rule and between the Proposed Rule and the DEIS.

The combination of these three key aspects of the Proposed Rule—inconsistency in the documents, confusing or undefined terms, and wide Agency discretion to carry out management actions that are likely to be perceived as controversial—can be expected to cause considerable uncertainty and conflict about how Roadless Areas in Colorado are to be managed. As a result, adoption of the Proposed Rule is likely to result in more litigation over activities in Colorado Roadless Areas, not less. (Preservation/Conservation - #799.2.20000.029)

In general, I'm in favor of most laws and regulations that either pressure or expand Roadless Areas. I'm not in favor of the Colorado Roadless Rule, as I think it is vague and could open the door to conflict in the future concerning its interpretation. (Individual, Denver, CO - #33.1.20000.100)

BECAUSE THE PROPOSED RULE HAS TOO MANY LOOPHOLES

I'm concerned that the Colorado Roadless Rule as currently proposed includes too many exceptions and loopholes to effectively preserve the wildlife values of Colorado roadless forests. (Individual, Grand Junction, CO - #440.1.20000.350)

TO AVOID COMPROMISING THE MISSION OF THE FOREST SERVICE

I believe deeply that undermining the 2001 Roadless Rule would seriously compromise the mission of the Forest Service and the integrity of our wilderness areas. (Individual - #107.2.20000.160)

2-3 Public Concern: The Forest Service should acknowledge that adoption of the broad exemptions allowed in the Proposed Rule would threaten Roadless Areas throughout the country.

BECAUSE IT WILL MAKE IT EASIER FOR EXEMPTIONS TO BE ADOPTED IN OTHER STATES

The proposal for such broad exemptions from the 2001 Rule for Colorado threatens not only Colorado's Roadless Areas but [also] other Roadless Areas around the country. A number of governors have requested the Agency to retain and implement the 2001 Roadless Rule. The governors of Virginia, North Carolina, South Carolina, Tennessee, Maine, and Pennsylvania have made such requests. A number of governors in the West, including the governors of New Mexico, Arizona, California, Oregon, and Washington, have made similar requests. Proceeding with the proposed exemptions for the Colorado Roadless Areas will undermine the efforts of governors in other states to have their Roadless Areas covered by the strong protections found in the 2001 Rule. Once the Forest Service has allowed one state to have a number of broad exemptions from the 2001 Rule, it will not be able to deny these exemptions to other states. Just as forest plans failed to provide adequate protection for Roadless Areas, so too will state-by-state rules. (Preservation/Conservation, Charlottesville, VA - #795.11.33300.030)

2-4 Public Concern: The Forest Service should not reduce the number of decisions afforded NEPA review and public input.

TO ALLOW THE STATE OF COLORADO TO RETAIN SOME CONTROL OVER THE INTERPRETATION AND IMPLEMENTATION OF EXCEPTIONS TO THE RULE

[From ATT 1] Our [Kaplan Kirsch & Rockwell LLP for Pew Environment Group] analysis indicates that the State of Colorado will have no control over, and generally limited input into, how the numerous new exceptions to Roadless Area protection are interpreted and implemented. Rather, the Proposed Rule indicates that only a limited set of the Federal decisions involving road construction in these areas will be subject to the highest level of scrutiny and public participation under the National Environmental Policy Act. If finalized, the Proposed Rule will afford significantly fewer substantive protections to roadless lands in Colorado than is given to Roadless Areas in other states across the nation. (Preservation/Conservation - #799.5.20000.030)

2-5 Public Concern: The Forest Service should abandon the rule-based approach to management of Roadless Areas.

BECAUSE THE ISSUE SHOULD BE RESOLVED BY LEGISLATION THAT PROVIDES PERMANENT PROTECTION

In the long run, a rule does not provide the level of protection that Roadless Areas across the entire country deserve. It will continue to be kicked back and forth politically as long as it's a rule because it was too much of a blanket approach to wildland management and will be full of too many challenges and exceptions.

The best way to handle this entire issue is legislatively and to end up with a Roadless Rule that's [had] areas defined and boundaries defined on the local level, but that ultimately is a Wilderness Act type of legislation that provides permanent protection. I think it's essential for the well-being in the country's wild areas. (Individual, Crawford, CO - #960.4.20000.100)

2-6 Public Concern: The Forest Service should retain the 2001 Rule.

BECAUSE IT WAS DEVELOPED TO PROTECT ROADLESS AREAS AND IN RESPONSE TO THE EXISTING MAINTENANCE BACKLOG

What is too often overlooked in the current political climate is that the Clinton Roadless Rule was implemented because of the failure of local controls to protect the ecological services provided by Roadless Areas. In addition, the Rule came about in recognition of the enormous economic burden the Forest Service faces with the maintenance of the current road system (386,000 miles!). It is important to point out [that] the Roadless Area Conservation Rule does not lock Roadless Areas up or turn them into Wilderness Areas. Provisions are in the Rule allowing for critical vegetation management and fire protection, as well as traditional recreation activities such as hiking, fishing, and hunting. The Rule does not close existing roads or access to State or private lands, nor does it prohibit grazing or the construction and maintenance of trails. (Individual, Boulder, CO - #51.2.20000.002)

BECAUSE IT IS A WELL-CRAFTED RULE THAT ALLOWS FOR APPROPRIATE EXCEPTIONS FOR ROADBUILDING

The Board of County Commissioners of Pitkin County would like to go on record in opposition to the USFS Proposed Rule for Colorado Roadless Areas. We strongly urge the United States Forest Service to fully protect all of Colorado's Roadless Areas by keeping the 2001 Roadless Rule in Place. The 2001 Roadless Rule represents a focused, balanced, and fiscally prudent approach to road construction within our National Forests. It accommodates development interests, such as logging, mining, oil and gas development, [and] grazing while ending the most harmful and controversial activities and considering the recreational needs of the nation. The 2001 Roadless Rule is narrowly tailored and incorporates exceptions so that it is balanced, leaving most activities to be determined through local processes. (County Government Agency/Elected Official/Association, Aspen, CO - #172.1.20000.002)

[Wild Connections] formally asks that the RACNAC [Roadless Area Conservation National Advisory Committee] request and advise the USFS and the Governor to stop this petition process immediately, and thus re-include Colorado under the 2001 RACR [Roadless Area Conservation Rule] for the following reason: The 2001 RACR struck an optimum balance between providing strong ecosystem protections while still allowing for appropriate Agency management flexibility. (Preservation/Conservation, Florissant, CO - #4.6.20000.330)

BECAUSE IT RESOLVED MANY OF THE MANAGEMENT CONFLICTS BETWEEN INDUSTRY, THE AGENCY, AND ENVIRONMENTAL GROUPS

[Wild Connections] formally asks that the RACNAC [Roadless Area Conservation National Advisory Committee] request and advise the USFS and the Governor to stop this petition process immediately, and thus re-include Colorado under the 2001 RACR [Roadless Area Conservation Rule] for the following reason: The 2001 RACR was clear in its management guidance, finally removing the vagueness that pitted conservation groups against the Agency for so long. With the clarity of the 2001 RACR, stakeholder groups and the Agency were finally able to move beyond the stalemate and work collaboratively to find solutions for the many other pressing public lands challenges. This Rule, with such broad language, dangerously brings back the stalemate between the Agency and the public for yesteryear. (Preservation/Conservation, Florissant, CO - #4.9.20000.010)

TO PROTECT THE PRISTINE VALUES OF ROADLESS AREAS

I oppose the USFS Proposed Rule for Colorado Roadless Areas. Instead, I strongly urge the United States Forest Service to fully protect all of Colorado's Roadless Areas by keeping the 2001 Roadless Rule in place. The Draft Rule proposed by the USFS for Colorado would not protect Roadless Areas at all. Rather, it will allow or even encourage activities that would destroy the pristine values of these valuable areas. (Preservation/Conservation - #186.1.20000.200)

TO PROTECT ROADLESS CHARACTERISTICS AND THE POTENTIAL FOR WILDERNESS DESIGNATION

The Draft Rule would allow too many miles of road to be built, thus compromising the current roadless character. For example, up to 136.5 miles in the next 15 years for oil, gas, and coal (DEIS at 123); and for fuel reduction treatments under the Draft Colorado Rule, 88 miles of road would be constructed in Roadless Areas and 14 miles reconstructed over the next 15 years (DEIS at 150.)

The construction and use of such roads and implementation of the activities these roads would access would have a considerably adverse impact on roadless characteristics, wildlife habitat, biological diversity, scenery, introduction and spread of noxious weeds, and disqualification of portions of numerous Roadless Areas—or maybe whole Roadless Areas in some cases—from ever being designated as Wilderness, which are all documented in the DEIS.

The 2001 Roadless Rule would provide much more protection against road construction and reconstruction in Roadless Areas than would the Draft Colorado Rule, and the Draft Rule would provide only a little more protection from some destructive activities than no rule at all in the next 15 years. (Individual, Florissant, CO - #917.7.64100.200)

TO PROTECT ROADLESS AREAS FOR FUTURE GENERATIONS

I strongly oppose the administration proposal and urge you let the 2001 Roadless Area Conservation Rule stand in Colorado, as well as throughout the nation, so that future generations may enjoy these treasured landscapes. (Individual, Salt Lake City, UT - #2.3.20000.740)

As a Coloradan, I ask the Forest Service to fully protect all of Colorado's Roadless Areas according to the 2001 Roadless Rule. The weaker protections specific to the Roadless Areas in Colorado must be rejected. Protecting these last unspoiled natural areas is a responsible, common sense request to preserve our quality of life now, and for future generations. (Individual, Evergreen, CO - #1.1.20000.740)

TO PROTECT THE LONG-TERM ECOLOGICAL HEALTH OF ROADLESS AREAS

Roadless Areas are critical in ensuring the long-term ecological health, which leads to why a strong Roadless Rule is so important. If we don't protect our critical heartlands and our key wildlife linkages, we risk further upsetting the balance of the whole ecological network. Currently, conservationists only

have two tools to protect these critical wildlands: (1) We have congressional protection via the Wilderness Act. Some, but not all Roadless Areas are eligible for that level of protection; (2) the second tool is, or was for Colorado and Idaho, the 2001 Roadless Area Conservation Rule (RACR). We must maintain a strong Roadless Rule in our tool belt to ensure the long-term ecological health and continuity of natural systems. (Preservation/Conservation, Florissant, CO - #4.4.20000.300)

BECAUSE IT HAS PUBLIC SUPPORT AND PROVIDES A COHERENT FRAMEWORK FOR MANAGING ROADLESS AREAS

As young people and citizens of the United States, we [the University of Colorado Wilderness Study Group] will inherit the legacy of the policy decisions that the U.S. Forest Service makes with regard to our National Forests. After much research and thought, we wish to express interest in the reinstatement of the 2001 Federal Roadless Ruling in Colorado. This ruling enjoyed an unprecedented level of public support—receiving over 1.3 million favorable comments—for a reason: it provided a coherent and balanced framework for initiating the best possible future for our Roadless Areas. (Academic, Boulder, CO - #505.1.20000.160)

2-7 Public Concern: The Forest Service should provide the same level of protection for Colorado Roadless Areas as provided by the 2001 Roadless Rule.

It is my understanding that the Proposed Colorado Rule was established to provide an “insurance policy” for Colorado’s 4.4 million acres of Roadless Areas. However, the Draft Rule would exempt Colorado from the 2001 Roadless Rule even if the 2001 Rule is legally upheld. Repealing the 2001 Roadless Conservation Rule for the Proposed Colorado Rule would essentially deny the National Forests in Colorado the same level of protection given to those forests in other states. (Individual, Washington, DC - #18.1.20000.160)

I, [La Plata County Commissioner Wallace White] supported maximum roadless protections from the beginning and was disappointed with the original Owens Petition due to the industrial give-aways it includes and was further disappointed when Governor Ritter decided to submit it rather than join with many other western states in opting to stay with the 2001 Rule. The Proposed Rule and DEIS is very disturbing and I believe it allows exceptions that will open up more than 87,000 acres to exploration and degradation. (County Government Agency/Elected Official/Association, Durango, CO - #24.2.20000.200)

As one member of the Colorado Roadless Task Force, I am opposed to Governor Ritter agreeing to any rulemaking that will weaken the original 2001 Roadless Rule. In the past, I held a different opinion. I was wrong. Current and serious threats make it imperative that the provisions of the original Rule are absolutely necessary for protection of remaining Roadless Areas in Colorado. It is my opinion that so much has changed since the Task Force completed its report, especially in relation to energy exploration and development, that the final recommendations and subsequent rulemaking are seriously flawed. (Individual, Northglenn, CO - #25.1.20000.420)

The proposed Colorado Rule for Roadless Areas on our National Forests does not reflect my views. It is extremely important to protect these irreplaceable wild lands from development.

Please do not approve any state-specific rulemaking that would result in less protection for Colorado’s Roadless Areas than that currently enjoyed by Roadless Areas throughout the nation under the 2001 Roadless Area Conservation Rule. (Individual, Cave Creek, AZ - #313.1.20000.200)

2-8 Public Concern: The Forest Service should revise the Proposed Rule.

TO PROVIDE GREATER PROTECTIONS FOR COLORADO ROADLESS AREAS

The TRCP [Theodore Roosevelt Conservation Partnership] believes that the Proposed Colorado Rule is much weaker than the Final Idaho Rule. We have numerous concerns about the allowances and exceptions in the Colorado Rule and want to see them resolved.

We encourage the Colorado planning team and other decision makers to look to the successes of the Idaho rulemaking process and build on them by making meaningful modifications to the Colorado Rule.

The Idaho Roadless Rulemaking process was successful in part because the final product reflects true compromise: Roughly one-third of the state's 9.3 million acres of Roadless Areas received stronger protections than under the 2001 Rule, while 800,000 acres received weaker protections. From a conservation perspective, the Proposed Colorado Rule is not a compromise. It is a loss. All 4.4 million acres of Colorado Roadless Areas (CRAs) receive weaker protections under the Draft Colorado Rule than they do under the 2001 Rule. (Recreation/Conservation Organization, Missoula, MT - #836.1. 21000.200)

TO ENSURE THAT THE RULE WILL KEEP ROADLESS AREAS INTACT

Preserving Roadless Area characteristics must be the Rule's express mandate. As presently written, the Proposed Rule is simply a collection of circumstances under which Roadless Areas values can be subordinated for one development reason or another. Indeed, in defining Roadless Area characteristics, the Rule states that the definition creates no legal standard or management requirement. This is completely upside down—the Proposed Rule needs an unambiguous management directive focused on conservation and stewardship of Colorado Roadless Areas. Please, make changes to the Proposed Rule to keep Colorado's iconic backcountry Roadless Areas intact. (Individual, Shafer, MN - #274.2.21000.621)

2-9 Public Concern: The Forest Service should include provisions to limit undue influence of local officials by corporate interests.

Federal protections need to be in place to prevent backroom negotiations and bribery of local officials. Similarly, we need not legitimize the weakness of state and local agencies to cave in to corporate promises. (Individual, Merion Station, PA - #356.1.20000.720)

TO ENSURE PROTECTION OF ROADLESS AREAS

The Proposed Rule leaves too much to the imagination. It would be abused by local interests who would put pressure on Forest Service field managers to allow incursions in IRAs [Inventoried Roadless Areas] —always just one more road, just one more "habitat improvement" logging project, one more utility or water project. This would steadily carve out holes like a Swiss cheese, until the value of the Roadless Areas would be lost. (Individual, Baltimore, MD - #500.2.20000.050)

2-10 Public Concern: The Forest Service should not adopt a management scheme that would create de facto Wilderness Areas.

TO BE CONSISTENT WITH THE WILDERNESS ACT AND COURT RULINGS

Assuming, arguendo, that the Proposed Rule does not create new wilderness areas as prohibited by the Wilderness Act, the Proposed Rule nevertheless creates de facto wilderness in contravention of congressional authority. The United States owns 655 million acres of fee land, 29 percent of the total land base of the United States. Congressional Research Service, Federal Land Management Agencies: Background on Land and Resources Management, 1 (2001). These 655 million acres are managed almost exclusively by four Federal agencies: Bureau of Land Management (264 million acres), Forest Service (192) million acres), Fish and Wildlife Service (94 million acres), and National Park Service (78 million acres). Id.

To preserve portions of the 655 million acres of land, Congress established the National Wilderness Preservation System. 16 USC [Section] 1131(a). Wilderness may be added to the National Wilderness Preservation System only through an act of Congress. 16 USC 5 1132(b); see Wyoming, 277 F.Snpp.2d at 1233 ("Congress has the sole power to create and set aside federally designated areas pursuant to the Wilderness Act of…1964."). "[This] exclusive power derives from the provision of the Wilderness Act prohibiting the designation of any federal lands as wilderness 'except as provided for' in the Wilderness Act." Glickman, 34 Envtl. L. at 1192. "The Wilderness Act removed the discretion of the Secretary of Agriculture and the Forest Service to establish de facto administrative wilderness areas." Wyoming, 277 F.Supp.2d at 1233; 1964 USCC.A.N.3615, 3616. "The Wilderness Act functions as a 'proceed slowly

order' until Congress through the democratic process rather than by administrative fiat-can strike the proper balance between multiple uses and preservation." Wyoming, 277 F.Supp.2d at 1233(citing Parker v. United States, 309 F.Supp. 593, 795 [D.Colo. 1970]).

Given this statutory framework for the designation of wilderness, managing Roadless Areas in a manner in which no new roads may be created constitutes the creation of de facto wilderness, in violation of the Wilderness Act. In setting aside and permanently enjoining the 2001 Roadless Rule, the Wyoming District Court reasoned that "[T]he ultimate test for whether an area is 'wilderness' is the absence of human disturbance or activity.... In short, it is 'reasonable and supportable' to equate roadless areas with the concept of wilderness." Wyoming, 277 F.Supp.2d at 1233 (citing Michael Mortimer, The Delegation of Law-Making Authority to the United States Forest Service: Implications in the Struggle for National Forest Management, 54 Admin. L. Rev. 907, 958 [2002]).

If the CRAs [Colorado Roadless Areas] are managed in ways significantly similar to wilderness areas, simply labeling these areas as "roadless," instead of "wilderness," is not sufficient to escape the requirements of the Wilderness Act. "A roadless forest is synonymous with the Wilderness Act's definition of 'wilderness.' The reason is that roads facilitate human disturbance and activity in degradation of wilderness characteristics." Wyoming, 277 F.Supp.2d at 1236. Similarly, if the uses permitted in wilderness areas and the uses permitted in CRAs are virtually identical, the public will see that the CRAs are really wilderness areas. Id. For example, these are some of the uses allowed in wilderness areas:

"[A]ircraft or motorboat use where those uses have been established; measures... necessary in the control of fire, insects, and diseases; prospecting for mineral or other resources if such activity is carried on in a manner compatible with the preservation of the wilderness environment; [mineral] leases; prospecting for water resources, the establishment and maintenance of reservoirs, power projects, transmission lines, and other facilities needed in the public interest including the road construction and maintenance essential to development and use thereof; commercial services may be performed within the wilderness areas to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the area."

The uses allowed within the proposed CRAs are nearly the same as those uses allowed within wilderness areas; the Proposed Rule therefore creates de facto wilderness and is in violation of the Wilderness Act. 16 USC[Section] 1131. As in wilderness areas, the Proposed Rule disallows temporary and permanent roads, commercial development, mechanical transportation, and structures. Compare 16 USC [Section] 1133 with 73 Fed. Reg. 43544, 43560 (July 25, 2008) (to be codified at 36 CFR [Sections] 294.31–294.37). Yet, as in wilderness areas, the Proposed Rule allows exceptions for mineral development, water resource development, and public health and safety. Compare 16 USC [Section] 1133 with 73 Fed. Reg. 43544, 43560 (July 25, 2008) (to be codified at 36 CFR [Sections] 294.31–294.37). Because the proposed CRA management scheme would mirror the management scheme for wilderness areas, the Proposed Rule creates de facto wilderness and is in violation of the Wilderness Act. The Forest Service should not adopt a management scheme that would usurp congressional authority under the Wilderness Act. (Other or unidentified organization, Lakewood, CO - #913.7-9.22000.027)

TO PROTECT NON-WILDERNESS AREAS FROM OVER USE BY RECREATIONISTS

One policy of the Wilderness Act was to "spread the pressures upon our recreational resources which will become increasingly overburdened as the years go by." 1964 USCC.A.N. 3615, 3622. The policy of the Wilderness Act and the intent of Congress in passing the Wilderness Act have been fulfilled: a long-term management scheme has protected 105 million acres of wilderness, yet reserved the bulk of Federal lands for more accessible uses. If efforts such as this Proposed Rulemaking continue to lock up additional Forest Service lands, more people will be forced to use non-wilderness areas. This results in more people using a smaller amount of Federal land. Only a select few, physically capable people are able to enjoy the 105 million acres of wilderness already in existence. Creating more wilderness areas results in less access to Federal public lands and will place an undue burden on already overburdened Federal public lands. (Other or unidentified organization, Lakewood, CO - #913.3.22000.130)

2-11 Public Concern: The Forest Service should not rely on future NEPA analysis to provide protections for Roadless Areas.

BECAUSE NEPA PROVIDES ONLY PROCEDURAL PROTECTION AND THE PROPOSED RULE DOES NOT REQUIRE THE HIGHEST LEVEL OF NEPA ANALYSIS FOR ACTIONS UNDER THE RULE

[From ATT 1] Statements surrounding the release of the Proposed Rule suggested that public concerns about road construction, treatment actions, and other authorizations of actions typically prohibited in Roadless Areas should be ameliorated by the application of the National Environmental Policy Act of 1969 (NEPA) to such actions. We believe that if the State of Colorado is relying on later-occurring NEPA analysis to provide adequate protection for the affected Roadless Areas, it does not have a sound basis for this approach, for two reasons. First, NEPA provides procedural, not substantive, protection to the roadless resource. The application of NEPA is no substitute for legal protection under, for example, the 2001 Rule. Second, the NEPA scrutiny offered in the Proposed Rule for road construction, treatment actions, and other authorizations is not consistently of the highest level that NEPA provides. (Preservation/Conservation - #799.42.22000.131)

2-12 Public Concern: The Forest Service should retain the provision offering cooperating agency status to the State of Colorado.

While we [23 various preservation organizations] oppose the Draft Colorado Rule, it does have a few commendable features. When the Forest Service is the lead agency for projects inside Roadless Areas, it would offer cooperating agency status to the State of Colorado. (Preservation/Conservation, Denver, CO - #789.4.22000.030)

Revisions to and Clarifications of the Proposed Rule

2-13 Public Concern: The Forest Service should include the rationale for Alternative 2 in the Final Rule and EIS.

There are many good reasons to support Alternative 2. Vail Ski Resorts requests that the Forest Service identify the rationale for Alternative 2 and the Ski Area Rule in the FEIS and in the Preamble to the Final Rule. (Special Use Permittee, Broomfield, CO - #796.19.20000.001)

2-14 Public Concern: The Forest Service should explain how the Rule is consistent with the Wilderness Act and why forest plans are not sufficient to meet the purpose and need.

Considering Judge Brimmer's August 12, 2008 decision, the Forest Service will need to display how the Proposed Colorado Roadless Rule would not be in violation of the Wilderness Act. It appears the majority (if not all) of the characteristics listed on pages 23 and 24 of the DEIS currently can be achieved through implementation of the existing forest plans management and guidelines. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Meeker, CO - #1051.2.20100.130)

2-15 Public Concern: The Forest Service should ensure that the Rule is consistent with the Western Governors Association Wildlife Corridors Initiative.

The Colorado Rule should affirm that the Colorado Rule is in harmony with and is consistent with elements of the Western Governors Association Wildlife Corridors Initiative. Since this initiative was developed post "Colorado Petition" but pre "Colorado Rule" adoption, then such an affirmation clarifies that both are important and it establishes harmony similar to the attempts to harmonize the Colorado Rule with the Healthy Forest Restoration Act of 2003. (Individual - #1029.42.21000.030)

2-16 Public Concern: The Forest Service should avoid creating an irrevocable Rule.

TO ALLOW FOR CHANGING CIRCUMSTANCES

This proposal is set to be irrevocable. No document should ever be irrevocable because it's not a changeable, living document. The constitution for our great nation wasn't even set as an irrevocable document. Things change and every law should be able to [be] reviewed and revised if needed. (Individual - #248.5.21000.121)

2-17 Public Concern: The Forest Service should permit both reduction and expansion of restrictions.

TO ALLOW FOR MANAGEMENT FLEXIBILITY

The first sentence of this paragraph [Section 294.36(d) of the Proposed Rule] states that prohibitions and restrictions established by the Rule are not subject to reconsideration, revision, or rescission in forest plan amendments or revisions. The second sentence directly contradicts the first sentence and states that additional restrictions on management activities may be imposed through forest plan amendments and revisions. We [Colorado Timber Industry Association] strongly object to this one-sided approach that only allows Roadless Area restrictions to be expanded rather than modified if needed to permit additional flexibility when warranted by the circumstances. We recommend that the paragraph be revised to permit both reduction and expansion of restrictions. Timely modification of the Rule should be permitted as a result of new information gathered based on experience in implementing the Rule or for unexpected circumstances. Please consider the following language:

"(d) The prohibitions and permissions established in this subpart shall not be subject to reconsideration, revision, or rescission in subsequent project decisions or land management plan amendments or revisions undertaken pursuant to 36 CFR Part 219. The prohibitions and permissions established in this subpart may only be changed in a subsequent rulemaking." (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.21.62000.160)

2-18 Public Concern: The Forest Service should revise Section 294.30.

TO FOCUS THE RULE ON CONSERVATION AND STEWARDSHIP OF ROADLESS AREAS

We [Outdoor Alliance] believe that the Proposed Rule text can be improved. Proposed Section 294.30 provides:

"The purposed of this subpart is to provide, within the context of multiple-use management, lasting protection for Roadless Areas within the National Forests in Colorado. [Footnote 1: 73 Fed. Reg. 43544, 43560.]"

The qualifying language, "within the context of multiple-use management," should be struck from this section. Such revision acknowledges the inherent value of Roadless Areas and will help reset the focus of the Proposed Rule on conservation and stewardship of these places. (Preservation/Conservation, Washington, DC - #953.4.21000.203)

2-19 Public Concern: The Forest Service should remove the disclaimer in Section 294.31.

TO ELIMINATE CONFUSION

Limitations on the use of the catalog of these [Roadless Area] characteristics (which are themselves taken from the 2001 National Rule) render them essentially useful as foundation or guidance for the Proposed Rule. Specifically, the Proposed Rule states, "The enumeration of these resources and features does not constitute in any way the establishment of a legal standard, requirement, or cause for any administrative appeal or legal action related to any project or activity otherwise authorized by this rule." [Section] 294.31

This disclaimer negates the practical applicability of these characteristics as contemplated under the 2001 National Rule and directly conflicts with other provisions in the Proposed Colorado Rule. The

Proposed Rule provides, for example, that temporary roads built in Roadless Areas shall be removed and the affected landscape restored, specifying further, "Restoration shall be designed considering safety, costs, and impacts on land and resources (16 USC 1608) to achieve complete stabilization and restoration to a condition generally consistent with the pre-existing roadless characteristics." [Section] 294.33(b)(2)

The Proposed Rule also provides that, when designing tree-cutting proposed for habitat management, "Such activities should be designed to maintain or improve roadless characteristics as defined by this rule." [Section] 294.34(b)(1)(i)

Similarly, the proposed disclaimer conflicts with the proposed allowance for timber cutting in response to wildfire hazard or to insect or disease outbreaks, "…the responsible party shall implement projects to reduce wildfire hazard to communities after careful consideration to roadless area characteristics as defined by this rule." [Section] 294.34(b)(1)(ii)

Another, more general provision also conflicts: "In authorizing the cutting, selling, or removal of trees within a CRA, the responsible official shall consider the need for the cutting, sale, or removal of trees along with other resource and community protection needs and effects to roadless characteristics." [Section] 294.34(c)

These circular provisions, at best, create confusion as to the purpose and effectiveness of the important catalog of roadless characteristics that should serve as the reliable foundation for decisions about Roadless Areas management and protection. At worst, they eliminate the usefulness of that catalog altogether.

The problem exacerbates the already vague and overly qualified provisions in the cited passages (points of vagueness that, themselves, diminish the usefulness of the Proposed Rule).

Even the Colorado Roadless Areas Review Task Force, which first proposed this troubling disclaimer, tempered it with additional language in attempt to ensure some attention to roadless characteristics: "…and shall be used as guidance as context for decisions about the management of Roadless Areas." (Preservation/Conservation, Denver, CO - #1019.23-24.22000.621)

2-20 Public Concern: The Forest Service should retain the provision that allows for forest plans to take precedence when they are more restrictive than the Rule.

Proposed Section 294.36(b) notes that the Proposed 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 Proposed 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. This provision recognizes and allows for local situations in which a forest plan direction may further restrict road construction or tree-cutting as being in compliance with the Proposed Rule. The Outdoor Alliance agrees with this provision. (Preservation/Conservation, Washington, DC - #953.18.22000.162)

Definitions of Terms

2-21 Public Concern: The Forest Service should define key terms.

TO ENSURE THAT ONLY LIMITED ACTIVITY WOULD BE PERMITTED IN ROADLESS AREAS

[From ATT 1] In conducting this analysis, we [Kaplan Kirsch & Rockwell LLP for Pew Environment Group] bore in mind the goals of the State of Colorado in embarking on a state-specific rulemaking, which included achieving some degree of flexibility in the management of Roadless Areas while ensuring protection of the State's roadless lands. [Footnote 2: Letter from Gov. Bill Ritter to Undersecretary Mark Rey, April 11, 2007.] Because the Proposed Rule vests broad new discretion in the Forest Service and fails to define key terms that might otherwise establish parameters for the exercise of that discretion, however, the State runs the risk that the Rule, if finalized, goes beyond affording flexibility and instead impinges upon Governor Ritter's expressed support for only "limited activity where unique circumstances exist." [Footnote 3: Id. at 4.] (Preservation/Conservation - #799.4.20000.180)

2-22 Public Concern: The Forest Service should define the terms "changed circumstances" and "public need."

TO ENSURE THAT THE ALLOWANCE FOR MODIFICATIONS DOES NOT UNDERMINE THE PROTECTIONS OF THE RULE

Of great concern is the proposed 36 CFR [Section] 294.37(b), which proposes that "The Chief [of the Forest Service] may add to, remove from, or modify [Colorado Roadless Area] designations . . . based on changed circumstances or public need." Neither the terms "changed circumstances" nor "public need" are defined. This exception has the potential to quite literally swallow the entire proposed Roadless Rule, by granting the Chief very ill-defined discretion to modify Roadless Area boundaries based on an amorphous "public need" standard. Would, for example, increasing ease of access to oil and gas to meet energy demand from Forest Service lands qualify as a "public need"? If such a policy decision is to be made, it would amount to a wholesale revision of the substantive standards of the proposed Colorado Rule, and must not be done solely at the Chief's discretion. This modification standard is clearly contrary to the express intent of the State's petition, which sought that "inventory adjustments shall be made based upon objective standards as established in existing Forest Service policy as of the date of establishment of this Rule. Such inventory adjustments shall be used only for the purposes of determining whether applicable lands meet the specifications of a roadless area...". Colorado Petition 9 (November 13, 2006). (Preservation/Conservation, Denver, CO - #1037.14.21000.160)

2-23 Public Concern: The Forest Service should revise the definition of "Roadless Area characteristics."

TO BE CONSISTENT WITH THE COLORADO PETITION

We [Colorado Timber Industry Association] recommend [that] you add, "Such features also exist outside many Roadless Areas in many instances" to the definition of Roadless Area characteristics [in Section 294.31 of the Proposed Rule] to be consistent with the Colorado Petition. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.15.63000.621)

TO REMOVE QUALIFYING LANGUAGE

We [Outdoor Alliance] believe that the Proposed Rule text can be improved. The definition section of the Proposed Rule provides the following:

"Roadless Area characteristics: Resources or features that are often present and characterize CRAs [Colorado Roadless Areas]. The enumeration of these resources and features does not constitute in anyway the establishment of any legal standard, requirement, or cause for any administrative appeal or legal action related to any project or activity otherwise authorized by this rule. These characteristics include:

(a) High quality or undisturbed soil, water, and air;
(b) Sources of public drinking water;
(c) Diversity of plant and animal communities;
(d) Habitat for threatened, endangered, proposed, candidate, and sensitive species,
(e) and for those species dependent on large, undisturbed areas of land;
(f) Primitive, semi-primitive non-motorized, and semi-primitive motorized
(g) classes of dispersed recreation;
(h) Reference landscape;
(i) Natural-appearing landscapes with high scenic quality;
(j) Traditional cultural properties and sacred sites; and
(k) Other locally identified unique characteristics. [Footnote 2: Id. [73 Fed. Reg.] at 43560–43561.]"

We [Outdoor Alliance] believe that the following language should be struck from the definition:

"The enumeration of these resources and features does not constitute in anyway the establishment of any legal standard, requirement, or cause for any administrative appeal or legal action related to any project or activity otherwise authorized by this rule."

With the exception of this qualifying language, this is a comprehensive and well-crafted definition that would be very helpful in articulating the Forest Service's intent to manage CRAs for their value as Roadless Areas first, and then make accommodations that may be appropriate in the future. (Preservation/Conservation, Washington, DC - #953.5.63000.100)

2-24 Public Concern: The Forest Service should use the definitions of roads used in the 2001 Rule.

The Proposed Colorado Rule includes four different types of roads: forest roads, National Forest System roads, temporary roads, and long-term temporary roads. The State and the U.S. Forest Service are creating a new set of definitions for and interpretations of roads. The TRCP [Theodore Roosevelt Conservation Partnership] recommends that the Colorado Rule follow the U.S. Forest Service definitions for classified, unclassified, and temporary roads and eliminate the use of long-term temporary roads. (Recreation/Conservation Organization, Missoula, MT - #836.21.64000.160)

TO AVOID CONFUSION AND CONFLICT

[From ATT 1] The Proposed Rule creates several new subcategories of roads that are not recognized by the 2001 Rule. The 2001 Rule defines three types of roads: classified roads, unclassified roads, and temporary roads. 66 Fed. Reg. 3272 at [Section] 294.11. The Proposed Rule defines four types of roads: forest roads, National Forest System roads, temporary roads, and long-term temporary roads. The Proposed Rule's reliance on new definitions and types of roads puts Colorado in the position of creating additional exceptions to a unified national system of Roadless Area protection. By creating new exceptions, most notably the oxymoronic long-term temporary roads, Colorado can be expected to spawn a whole new body of administrative interpretation, argument, and controversy in this area of resource management. (Preservation/Conservation - #799.16.64000.160)

TO CLARIFY WHAT CONSTITUTES A ROAD

The definition of roads is real fuzzy. The Forest Service declares [that] a 50-inch-wide path is a road whereas you can't drive a 50-inch-wide path except with an off-road vehicle. The definitions need to be simplified for the public. I'm worried that the bureaucratic influences may check on a road being designated as 50 inches wide in GPS system and not understand that it's not an approved road or maintained road. (Individual, Carbondale, CO - #989.1.64000.600)

2-25 Public Concern: The Forest Service should clarify who can use long-term temporary roads.

Who can go on the long-term temporary roads? (And what is a long-term temporary road anyway? I understand that there needs to be some definition, but come on! That is so vague. Why not declare a certain period of time and then, if more [time] is needed, leave a clause that states that more time can be voted on.) How do you keep people out? (Individual, Pueblo, CO - #11.2. 64300.165)

So who exactly can go on the "long-term temp[orary] road"? I am assuming that anyone now can. Who will check the autos that you say can't go on the roads to keep them out? (Individual, Pueblo, CO - #12.2.64300.165)

2-26 Public Concern: The Forest Service should use the term "long-term temporary road."

BECAUSE IT CLARIFIES THE LENGTH OF USE

The Proposed Rule introduces the concept of long-term temporary roads. The Proposed Rule states:

"The proposed rule would establish a new category of road, long-term temporary road, which would have application only in CRAs. The intent is to provide a classification for roads associated with oil and

gas, or coal leases that better recognizes the longer term, but nonpermanent nature that is typical of such roads. Long-term temporary roads would be expected to be in place anywhere from 10 to 30 years."

ACV [Arch Coal Inc]/MCC [Mountain Coal Company] supports this new term as it is much more transparent to the public as to the potential length of use of some of these roads. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Grand Junction, CO - #798.4.64300.060)

2-27 Public Concern: The Forest Service should provide a better definition of "long-term temporary" roads.

Please define and use a better term than "long-term temporary" roads. (Individual, Pueblo, CO - #13.1. 64300.001)

TO AVOID CONFUSION

We [The Audubon Society of Greater Denver] also think that the creation of a new category of roads (i.e., "long-term temporary"), distinct from National Forests in other States, contributes to confusion by management and users alike. (Preservation/Conservation, Littleton, CO - #919.9.64300.160)

TO ELIMINATE ABIGUITY

The term "long-term temporary roads" is ambiguous and has little value for forest and roadless management. If long-term temporary roads are not on "forest" roads, how can adequate analysis and comment relative to [an] EIS/EA [Environmental Impact Statement/Environmental Analysis] apply? If the FS [Forest Service] can't manage their own "temporary" roads, how can they possibly provide the oversight of other entities? What keeps the FS from redesignating temporary long-term temporary roads later on as necessary for wildfire management control? Doesn't this entire interpretation and vague allowance preclude the whole idea of "roadless" intent? (Individual, Grand Junction, CO - #238.1.64300.160)

The Proposal is replete with confusing and often inconsistent terms, new terminology such as "long-term temporary roads" designed to circumvent public input, and new and unchecked Agency discretion to open up this Rocky Mountain landscape to road construction and industrial development. (Preservation/Conservation - #799.1. 21000.002)

TO REFLECT THE TRUE STATUS OF THESE ROADS AND AVOID MISLEADING THE PUBLIC

Of great concern are the temporary and "long-term temporary" roads that will be allowed for oil and gas leases that were issued after the 2001 Roadless Area Conservation Rule was implemented. According to the Draft EIS for the Colorado Rule, this would result in 136 miles of roads, and possibly more. For one, the term "long-term temporary" is misleading—a road with a life span of 30 years certainly cannot be categorized as temporary. We [Colorado Mountain Club] recommend that the term "long-term temporary" be changed to reflect the true status of these roads and avoid misleading the public. (Recreation/Conservation Organization, Carbondale, CO - #838.2.64300.421)

2-28 Public Concern: The Forest Service should revise the definition of "temporary road."

TO REMOVE MANAGEMENT DIRECTIONS FROM THE DEFINITION

We [Colorado Timber Industry Association] concur with the first sentence [of the definition of "Temporary Road" in Section 294.31 of the Proposed Rule]. However, the second sentence of this proposed definition establishes management direction for temporary roads that are no longer needed. We recommend that you not establish management direction in a definition, and specifically that you delete the second sentence its entirety, and that all management requirements for temporary roads be incorporated into [Section] 294.33. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.16.64300.001)

TO DEFINE A TEMPORARY ROAD AS LIMITED TO 5 YEARS

As written in the Proposed Rule, this topic [temporary roads] appears to have been significantly expanded beyond the Task Force recommendations (I was in the audience when the issue of temporary roads were negotiated and addressed in the open sessions), and it seemed to me to be expanded beyond the 2001 limitations but still mostly limited in nature. It seems to me that "temporary roads" as mentioned throughout the DEIS have taken on an obvious expanded nature well beyond what was discussed and recommended by the Task Force and as outlined in Governor Ritter's petition and cover letter that addressed the Colorado Rule. Additional clarifications are needed, additional "elements need to be added" to adequately address this topic, including changing the definition of temporary roads to no longer than 5 years [Footnote 6: The DEIS currently identifies that since leases may last up to 30 years and that rehabilitation/restoration may take an additional 10 years that roads associated with leases may last up to 30 years. That is a long-term "temporary road." 30-40 [year] durations are a long time for a temporary road.] duration with renewal options and rental payments to cover costs.

75 percent of the 4,000,000+ acres of roadless lands in Colorado [are] lying within 1 mile of a road. Public access is already easy in many cases. Development and allowance periods for temporary roads can last up to 30 years (based on the life of some leases for which roads would be permitted) plus an additional 10 years to rehab[ilitate]/restore them. This length of time is unreasonable.

5-Year Roads: Make a standard temporary road's duration 5 years. Although temporary roads associated with commodity development such as oil and gas, coal etc. may last up to 30 years during the operation of a well or extraction of mineral, the road should only be approved and reapproved in increments of 5 years. Should additional time be needed, then a payment system utilizing fair market rent can be applied. This would help accomplish at least two items, compel companies and individuals to develop the road, develop the lease or purpose for which the road is needed, timely finish the project, and then remove the road and restore the area to pre-road conditions; and [secondly,] recover the administrative costs associated with the road. (Individual - #1029.28-29.64300.200)

2-29 Public Concern: The Forest Service should revise the definition of "decommissioning."

TO MAKE IT MORE EXPLICIT

We [Gifford Pinchot Task Force] would also like to see the definition of "decommissioning" as it applies to temporary roads be more explicit. Currently, the definition is very ambiguous. FSM [Forest Service Manual] 7703.2(2). It could be interpreted to mean that merely closing a road could be deemed to be efficient "decommissioning" of a temporary road. This is unacceptable. (Preservation/Conservation, Portland, OR - #924.3.64200.001)

There is the question of what "decommissioning" means, as there is no definition of this term in the Draft Colorado Rule. The Forest Service Manual defines the term as follows:

Decommissioning includes applying various treatments, which may include one or more of the following:

(a) Reestablishing former drainage patterns, stabilizing slopes, and restoring vegetation;

(b) Blocking the entrance to a road; installing water bars;

(c) Removing culverts, reestablishing drainage-ways, removing unstable fills, pulling back road shoulders, and scattering slash on the roadbed;

(d) Completely eliminating the roadbed by restoring natural contours and slopes; or

(e) Other methods designed to meet the specific conditions associated with the unneeded roads. FSM 7703.2 (2).

Thus, decommissioning could mean merely closing a road without actually removing any of it, allowing it to naturally become revegetated. However, this would likely allow at least all-terrain vehicle and motorcycle usage for a decade or more, as well as foot and horse traffic for at least that period. [Footnote 8: Even a well-revegetated roadbed is still an obvious path. Without restoring original contours or establishing dense stands of trees of at least sapling size, a road can still be used for travel.]

Requiring "obliteration," under which the road is totally removed from the land, is more appropriate. Note that the 2001 Rule required obliteration of roads used for mineral leases when the road was no longer needed or when the lease terminated or expired. 2001 Rule at 36 CFR [Section] 294.12(b)(7). The language in the Draft Colorado Rule on restoration, which must be done "to achieve complete stabilization and restoration to a condition generally consistent with the pre-existing roadless characteristics," is good and should be retained. [Footnote 9: This must not be taken as an endorsement of the Draft Colorado Rule's allowance for construction of temporary roads for a variety of purposes. We [23 various preservation groups] oppose those provisions, as is clearly stated in this section of the comments. However, we recognize that some temporary roads would get built in Roadless Areas under any alternative, due to the need to allow access for valid existing rights, such as for mineral leases issued prior to the effective date of the 2001 Rule.] (Preservation/Conservation, Denver, CO - #789.16-17.64200.621)

2-30 Public Concern: The Forest Service should define "treatment actions."

TO RESTRICT THE DISCRETION OF THE FOREST SERVICE IN ALLOWING ROADBUILDING

[From ATT 1] [Fed. Reg. 73] Section 294.33(c)(3) of the Proposed Rule allows the Forest Service to authorize construction of temporary roads for "treatment actions." 73 Fed. Reg. 43562. The critical term "treatment action" is not defined by the Proposed Rule, Forest Service Regulations, or Forest Service Manual. Accordingly, the Proposed Rule vests the Forest Service with significant discretion to define the types of activities for which roads may be built under this section. The 2001 Rule does not allow construction of roads for activities that would fall under any common interpretation of "treatment action." (Preservation/Conservation - #799.30.64300.260)

Requests for New Provisions and Revisions to the Rule

2-31 Public Concern: The Forest Service should include a timeline for review and revision of the Rule.

TO ALLOW FOR SUFFICIENT FLEXIBILITY

The first paragraph of the Purpose and Need for Action, page 26 of this DEIS, states "The Department, Forest Service and the state are seeking to establish lasting direction for the management of Roadless Areas in Colorado in light of the uncertain future of the 2001 Roadless Rule that has been the subject of ongoing litigation." This lasting direction implies [that] this Rule would not be subject to reconsideration, yet the existing forest plans have a timeline revision considerations requirement. As stated, the implementation of this Proposed Colorado Roadless Rule would then not have the flexibility to respond to the ever-changing national, state, or local need or condition. A timeline for review and revision is necessary. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Meeker, CO - #1051.3.20000.160)

2-32 Public Concern: The Forest Service should include a provision that restricts the use of a waiver to decommission temporary roads.

TO PROTECT WATER QUALITY

To ensure that temporary roads are retired in a timely manner and prevent their contributing to impacts to water quality, EPA [U.S. Environmental Protection Agency] suggests [that] the FEIS and Final Rule include a provision similar to the one included in the Idaho Roadless Rule that restricts the use of a waiver to decommission temporary roads. (Federal Agency/Elected Official, Washington, DC - #995.6.64300.243)

2-33 Public Concern: The Forest Service should revise the management direction for temporary roads.

TO USE THE WORD "CONSIDER" INSTEAD OF "AUTHORIZE"

We [Colorado Timber Industry Association] recommend replacing "consider" with "authorize" [in the first sentence in Section 294.33(c)(2) at the Proposed Rule]. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.17.64300.001)

2-34 Public Concern: The Forest Service should broaden the exception for road constructing.

TO ALLOW FOR ACCESS TO EXISTING PERMITTED AREAS

The Forest Service should broaden the exception for road construction provided in [Section] 294.33(a)(2) as follows:

A road is needed pursuant to reserved or outstanding rights, authorizations, [insert] permits [insert] or as provided for by statute or treaty.

This change would acknowledge that permit holders may have the need to construct or reconstruct a road pursuant to their use and occupancy of Forest Service land. The need may stem from access, maintenance, or safety-related purposes, and should be recognized in the Final Rule. (Recreational - #920.10.64100.002)

TO INCLUDE DANGEROUS CONDITIONS AS PART OF THE PUBLIC HEALTH AND SAFETY EXCEPTION

The Forest Service should amend the public health and safety exception on temporary roads so that dangerous conditions, not just dangerous events, can be the basis for constructing a temporary road. The draft public health and safety exception currently provides at Section 294.33(c)(4):

A temporary road is needed for public health and safety in cases of threat of flood, fire, or other potential catastrophic event that, without intervention, would cause the loss of life or property….

The provision should be amended as follows:

A temporary road is needed for public health and safety in cases of threat of flood, [insert] avalanche [insert], fire, or other potential catastrophic event [insert] or condition [insert] that, without intervention, would cause the loss of life or property….

These changes would recognize the need to address threats to health and safety that are ongoing in nature and not one-time occurrences. In the Preamble to the Rule, the Forest Service could add the following language to provide examples of such conditions: "An example of a potentially catastrophic condition might be the chronic risk of avalanche or the risk of death posed to skiers or snowboarders who leave a ski area boundary and become trapped in roadless terrain without egress due to lack of lift service." (Recreational - #920.9.64300.790)

2-35 Public Concern: The Forest Service should require "obliteration" and restoration" of long-term temporary roads, and should remove the discretionary language.

The public should be assured that temporary roads will be adequately restored to remove signs of previous management activity, especially over time. The Proposed Colorado Rule does not stipulate that complete road restoration will occur, and it gives the Forest Service discretion not to restore temporary roads to their previous unroaded condition.

Under [Section] 294.33 (c)(2) the [Proposed] Rule should require that temporary roads will be "obliterated and restored." Restoration also should be designed to "achieve complete stabilization and restoration to a condition consistent with the pre-existing roadless characteristics." (Recreation/ Conservation Organization, Missoula, MT - #836.5.64300.200)

TO BE CONSISTENT WITH THE 2001 RULE

[From ATT 1] Because the 2001 Rule does not distinguish between permanent and temporary roads, it does not contain a provision to this effect. Under the 2001 Rule, roads that are no longer needed to access mineral leases are to be "obliterated." 66 Fed. Reg. 3272–73 at [Section] 294.12(7).

The Proposed Rule requires "decommissioning" and "restoration" of all temporary roads that are no longer needed for their established purpose. 73 Fed. Reg. 43562 at [Section] 294.33(c)(2). Restoration "shall be designed considering safety, costs, and impacts on land and resources to achieve complete stabilization and restoration to a condition generally consistent with the pre-existing roadless characteristics." Id. The language allowing consideration of cost and the use of the limiting term "generally consistent" introduces discretion into the restoration equation and falls short of the 2001 Rule's requirement of obliteration. (Preservation/Conservation - #799.24.64300.200)

2-36 Public Concern: The Forest Service should ensure that provisions of the Rule are retroactive to enactment of the 2001 Rule.

TO ENSURE THAT ALL MINERAL LEASES ARE SUBJECT TO THE SAME ROAD PROHIBITIONS

We [Western Slope Environmental Resource Council] propose that the Colorado Rule's prohibitions against roads should be retroactive to the 2001 Rule's date, so that gas, coal, and other leases occurring after the 2001 Rule was enacted would be subject to the same prohibitions against roads as leases sold after the Colorado Rule is enacted. (Preservation/Conservation - #928.10.22000.420)

Requests for Clarifications

2-37 Public Concern: The Forest Service should clarify what level of NEPA analysis will be implemented for temporary roads.

BECAUSE THE RULE SEEMS TO IMPLY THAT CATEGORICAL EXCLUSIONS MIGHT APPLY

[From ATT 1] The 2001 Rule does not contain an explicit provision establishing NEPA [National Environmental Policy Act] procedures for road construction projects. This approach relies silently on the uniform NEPA procedures established by the CEQ [Council on Environmental Quality] regulations. However, the Proposed Rule contains an environmental documentation provision governing NEPA analysis for roads constructed pursuant to Section 294.33. 73 Fed. Reg. 43562 at [Section] 294.33(e). This provision relies on later-occurring environmental analysis that will occur as projects are proposed.

The environmental documentation provision at Section 294.33(e) can be effectively divided into two parts. First, the provision requires the preparation of an EIS "for any proposed action or alternative that includes constructing a forest road within a [Roadless Area]." 73 Fed. Reg. 43562. This provision is touted as a positive change from the 2001 Rule because it ensures that the construction of forest roads in Roadless Areas must undergo rigorous NEPA analysis.

However, neither temporary roads nor long-term temporary roads are considered forest roads by the Proposed Rule. See id. at [Section] 294.31. NEPA analysis for construction of temporary roads is governed by the second part of the environmental documentation provision, providing that "an environmental analysis will be documented pursuant to the [CEQ] regulations … and will include a no-road option." Id. at [Section] 294.33(e). This provision implies that less rigorous analysis for these roads (either an EA [Environmental Analysis] or categorical exclusion) is acceptable. It is unclear what level of NEPA analysis the Forest Service will implement for temporary roads; this provision grants the Forest Service discretion to issue categorical exclusions, thus removing roadbuilding decisions from the public process. (Preservation/Conservation - #799.43.64300.131)

2-38 Public Concern: The Forest Service should clarify when a road can be reconstructed and the process for determining alternate routes.

Under the proposed provision that existing roads and access under "reserved and outstanding rights" may be reconstructed, what are the limitations and process for the reconstruction of roads? Pending the circumstances for which the road may need to be reconstructed, will the process allow for an alternate

route or access through an undisturbed Roadless Area if determined to be more cost effective and or environmentally suitable? (Utility Group - #949.2. 46100.100)

2-39 Public Concern: The Forest Service should clarify how the costs from the long-term and cumulative impacts of long-term temporary roads will be borne.

Decommissioning is a designation-related term not necessarily related to actual restoration of habitat eradication of road. "Temporary" roads have long-term impacts on resources. I suspect long-term temporary roads have much more permanent impacts. Who bears the cost of these and the cumulative impacts? (Individual, Grand Junction, CO - #238.3.64300.200)

2-40 Public Concern: The Forest Service should clarify whether roads can be built in CRAs to access areas outside of CRAs.

TO PROVIDE FOR MANAGEMENT FLEXIBILITY

Can a road be developed in conjunction with a lease or other exception to access an area outside a CRA [Colorado Roadless Area] that would be otherwise inaccessible due to the impacts or costs? An example would be an area that is open for timber harvest under forest plan direction, but is primarily/secondarily environmentally accessible through the CRA. Should the prudent manager look at the accessibility issue when considering the lease-needed access? This would be the prudent careful steward principle. I hope we could provide our managers with some discretion to manage these lands in the most efficient and environmentally sound manner. (Individual - #797.3.60000.200)

2-41 Public Concern: The Forest Service should clarify that Roadless Areas are not synonymous with wilderness areas.

BECAUSE THIS CONFUSION CONTINUES TO PROLIFERATE

We [Noble Energy, Inc.] recommend the following clarifications be incorporated into the proposed language before it is finalized:

Roadless versus Wilderness – In the most recent Federal court case arguing this issue, there was still an argument that "Roadless" was synonymous with "Wilderness." We know [that] much time and consideration have been devoted by many people to create a workable compromise between understanding and implementing the pre- and post-2001 Roadless Rules. The subsequent lawsuits [are] still pending which try to clarify their legality and purpose, the Colorado Roadless Area Task Force efforts, the Governor's office, and the many people involved with the DEIS. But we at Noble Energy strongly feel that it needs to be clearly stated that "Roadless Areas" are not "Wilderness designations," nor have they ever been necessarily 100 percent free of "roads." Therefore, they are subject to land use modifications with respect to multiple uses. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #469.1.62000.100)

2-42 Public Concern: The Forest Service should allow additional access to oil and gas and pipeline development, timber harvest, and construction of temporary roads.

TO AVOID THE FLAWS OF THE 2001 RULE

The court found that the Forest Service was creating de facto wilderness areas for three reasons: (1) the Forest Service acknowledged that a roadless forest is synonymous with the Wilderness Act's definition of "wilderness"; (2) the allowed uses in Roadless Areas and wilderness areas are essentially the same; and (3) Roadless Areas are based on the Forest Service's RARE [Roadless Area Review and Evaluation] II inventories that were intended to be the basis for recommending wilderness areas to Congress. Id. at *31. Thus, the Forest Service violated the Wilderness Act when it administratively attempted to create de facto wilderness areas.

The RACR [Colorado Roadless Rule] and its accompanying Draft Environmental Impact Statement (DEIS) violate the Wilderness Act. The small differences in the 2001 Clinton Roadless Rule and RACR

do not protect Colorado's Petition from challenge under the Wilderness Act. First, the RACR violates the Wilderness Act because the 2001 Clinton Roadless Rule and RACR are nearly identical in regard to their prohibition of road construction and restriction on new oil and gas development and timber harvests. Second, like the 2001 Clinton Roadless Rule, the CRAs [Colorado Roadless Areas] are based on the 2001 IRAs [Inventoried Roadless Areas] which were based on the RARE I and RARE II inventories used to make 70409546.2 5 recommendations for Wilderness Areas. Third, the IRA and CRA boundaries are nearly identical and the exclusion of approximately 400,000 acres does not cure the flaws in the RACR. See RACR DEIS at 2 (CRAs are based on the same IRAs from the 2001 Clinton Roadless Rule).

COGA [Colorado Oil & Gas Association] suggests that in order to escape the flaws of the 2001 Clinton Roadless Rule, the Forest Service must allow additional access to oil and gas development, pipelines, and timber harvests in CRAs. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #946.9.22000.141)

2-43 Public Concern: The Forest Service should clarify how enforcement of the Rule will be accomplished.

BECAUSE THE AGENCY HAS NEITHER THE RESOURCES NOR THE STAFF TO ENFORCE THE RULE

This plan would make more sense with proper Forest Service infrastructure and financial investments. How do you plan to enforce these rules without money and personnel? (Individual, Pueblo, CO - #13.2. 33400.800)

2-44 Public Concern: The Forest Service should clarify that the Rule would take precedence over other land management planning.

The proposed resolution between the Colorado Roadless Rule and direction in the current forest plans is a major shortcoming of the Colorado Roadless Rule. As stated on this page and paraphrased elsewhere in the DEIS and the Proposed Rule, "The Colorado Roadless Rule would supersede forest plan direction for road construction and reconstruction and tree-cutting in CRAs [Colorado Roadless Areas] except where forest plan direction is more restrictive."

We [Colorado Timber Industry Association] agree that implementation of the Colorado Roadless Rule cannot disregard forest plan direction, but we do not believe carte blanche deference to more restrictive forest plan direction is the answer. Instead, we recommend that you add the following to the Colorado Roadless Rule at [Section] 294.36(c): "The provisions set forth in this subpart shall take precedence over any inconsistent regulatory provision or land and resource management plan." (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.3.22000.160)

2-45 Public Concern: The Forest Service should reconsider the provision allowing for administrative corrections to the maps.

[That] Alternative 2 would allow the "Chief of the Forest Service" to make "administrative corrections to the maps" is especially problematic to me. I understand that the intent is to correct anomalies in the maps, but hey-who knows? (Individual, Littleton, CO - #35.1.21000.001)

2-46 Public Concern: The Forest Service should clarify that the maps of CRAs may not be changed through forest plan revisions.

TO COMPLY WITH THE ADMINISTRATIVE PROCEDURE ACT

The Forest Service should clarify that the maps of Colorado Roadless Areas may not be changed through forest plan revisions. Because the official maps of Colorado Roadless Areas are created through rulemaking under Section 553(e) of the Administrative Procedure Act, rather than via forest plan revisions, the Forest Service may change the official maps only if it goes through a subsequent rulemaking under Section 553 of the Administrative Procedure Act. E.g., Utility Solid Waste Activities Group v. Environmental Protection Agency, 236 F.3d 749, 753 (D.C. Cir. 2001) (ruling that an agency may not amend rules adopted through notice and comment rulemaking unless it complies with notice

and comment requirements of 5 USC [Section] 553). The Forest Service should state in the FEIS and in the Preamble to the Final Rule that roadless designations or maps of Colorado Roadless Areas may not be altered by forest plan revisions. (Recreational - #920.8.21000.162)

The Forest Service should clarify that changes to the maps of Colorado Roadless Areas may not be made via forest plan revisions, but require notice and comment rulemaking under the Administrative Procedure Act.

The proposed Colorado regulations apply to Colorado Roadless Areas identified on maps prepared by the Forest Service. 36 CFR [Section] 294.32 (Alternative 2, Proposed Rule). Those maps will become official, and legally binding, if the Forest Service issues a Final Colorado Roadless Rule based on this notice and comment rulemaking process under Section 533 of the Administrative Procedure Act.

The Forest Service should clarify that the maps of Colorado Roadless Areas may not be changed through forest plan revisions. Because the official maps of Colorado Roadless Areas are created through rulemaking under Section 553(e) of the Administrative Procedure Act, rather than via Forest plan revisions, the Forest Service may change the official maps only if it goes through a subsequent rulemaking under Section 553 of the Administrative Procedure Act. E.g., Utility Solid Waste Activities Group v. Environmental Protection Agency, 263 F. 3d 749, 753 (D.C. Cir. 2001) (ruling that an agency may not amend rules adopted through notice and comment rulemaking unless it complies with notice and comment requirements of 5 USC [Section] 553). (Special Use Permittee, Broomfield, CO - #796.3.63000.136)

The Forest Service should provide in the FEIS and Preamble to the Final Rule that significant revisions to the maps of Colorado Roadless Areas require a rulemaking under the Administrative Procedure Act. That appears to be the intent of the Proposed Colorado Rule, but it is less than clear. The Proposed Rule states that, except for minor "administrative corrections," the Chief of the Forest Service "may add to, remove from, or modify the designations listed in [Section] 294.38 based on changed circumstances or public need. The Chief shall provide at least 60 days public notice and opportunity to comment for all modifications."

36 CFR [Section] 294.37 (Proposed Rule). This provision requires notice and comment for modifications to the "designations" listed in [Section] 294.38, which are simply the names of the Colorado Roadless Areas. This provision does not expressly state that significant changes to the boundaries of the Roadless Areas listed in [Section] 294.38 also requires notice and comment rulemaking. It should. (Special Use Permittee, Broomfield, CO - #796.5.63000.136)

The Forest Service should state in the FEIS and Preamble to the Final Rule that the "public notice and opportunity for comment for all modifications" to Roadless Areas listed in [Section] 294.37 of the Proposed Rule includes significant changes to the boundaries of the listed Roadless Areas. Significant changes are any changes greater than the minor "administrative corrections" provided for in [Section] 294.37(a).

The Forest Service should state that the reference to "public notice and opportunity to comment" in [Section] 294.38 [of the Proposed Rule] means notice and comment [for] rulemaking under the Administrative Procedure Act, 5 USC [Section] 553, rather than some lesser procedure. (Special Use Permittee, Broomfield, CO - #796.6.63000.136)

2-47 Public Concern: The Forest Service should clarify the language related to off-highway vehicles.

TO RESTRICT THE AREAS OF ACCESS FOR OFF-HIGHWAY VEHICLES

There is a very ambiguous reference to the use of OHVs [off-highway vehicles], without regard to specifics of where and under what circumstances. OHV abuse is rampant throughout many National Forest areas, primarily due to sparse enforcement personnel. The rule should at least be more strict and specific as to where these vehicles are allowed; the current rule can easily be interpreted as allowing their use in almost any area. Once again, it would seem that political considerations are entering into this

area instead of meaningful regulation of vehicles which heavily contribute to erosion, wildlife harassment, and habitat destruction. (Individual, Pueblo, CO - #116.2. 52200.200)

2-48 Public Concern: The Forest Service should clarify that the Rule would not close trails to motorized users.

Whether purposeful or not, there is one aspect in this issue that is left very vague and should be cleared up to prevent the spread of untrue rumors. This roadless issue deals with roads and not [with] motorized ATV [all-terrain vehicle] and single-track motorcycle trails. Many people think that the ATV and single-track routes will be closed or that new routes of this nature will not be allowed in Roadless Areas. You need to publish the fact that this is not true, that these trails will continue to be allowed under the applicable guidelines of the forest or travel plan in each area. (Individual, Grand Junction, CO - #174.1. 52200.160)

2-49 Public Concern: The Forest Service should clarify the process for allowing future utility development.

TO AVOID DEVELOPMENT WITHOUT MEANINGFUL REVIEW

The Proposed Rule modifications are weak in that they would allow for road construction for "future utility development" and make no mention of what process is used prior to allowing such construction. This ambiguous definition leaves open the possibility of virtual rubber-stamping of utility road construction without any meaningful review or comment process. It is inappropriate to make such unclear references, and this should be more strictly defined. (Individual, Pueblo, CO - #116.1. 61000.680)

2-50 Public Concern: The Forest Service should close the loopholes in the Proposed Rule.

Close all the loopholes! Make sure that the USFS can't just ignore the rules or change them based on "public need" which is currently stated in the Federal Register and isn't defined in any way. (Individual, Nampa, ID - #1033.1.21000.160)

2-51 Public Concern: The Forest Service should reinsert the word "imminent" in the description of public health and safety threats.

TO CLOSE THE LOOPHOLE CREATED BY ITS REMOVAL

Both the 2001 Rule and Alternative 2 allow roads to protect public health and safety in case of threat of flood, fire, and other catastrophic events that may threaten loss of life or property. But as described in the DEIS, the threat would have to be "imminent" under the 2001 Rule. Alternative 2 does not require that the threat be "imminent." This exception for road building, literally read, lowers the justification required to build roads for public health and safety to the point where roads could be built in anticipation that a fire, flood, or other catastrophic event will occur sometime in the future. In Ouray County, fire is always a threat, as is insect damage and disease. The word "imminent" should be restored to remove any doubt that roads cannot be built under this exception unless necessary under true emergency conditions. (Civic Group, Ridgway, CO - #769.6.64100.790)

[From ATT 1] Both the 2001 Rule and the Proposed Rule allow road construction or reconstruction for public health and safety purposes. However, the Proposed Rule contains weaker language.

The 2001 Rule allows road construction and reconstruction where "[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." 66 Fed. Reg. 3272 at [Section] 294.12(b)(1).

The Proposed Rule allows road construction and reconstruction in cases of "threat" of flood, fire, or other "potential" catastrophic event. 73 Fed. Reg. 43562 at [Section] 294.33(c)(4). While the language is substantially similar, it is weakened through the removal of "imminent" and the addition of "potential." Additionally, the Proposed Rule authorizes construction of temporary roads under the public health and

safety provision, id., but classification as a temporary road is accompanied by less stringent environmental analysis requirements under the National Environmental Policy Act (NEPA) for construction of such roads. (Preservation/Conservation - #799.18.64000.131)

2-52 Public Concern: The Forest Service should clarify and strengthen the standards for review and decision making regarding the construction of temporary roads.

BECAUSE THE PROPOSED RULE FAILS TO DESCRIBE APPLICABLE METHODS AND STANDARDS

The standards of review and decision making about construction of temporary roads in Roadless Areas are unclear and far too permissive. The vague requirement that the 14 responsible officials may consider construction of a temporary road "after reviewing and rejecting other access options" is troublesome in several ways.

The passage fails to describe the method of review of options, standards for rejecting them, or any means of public review or participation in the decisions involved. Worse and read literally, the passage seems to direct the Forest Service to reject other options.

Even the Colorado Roadless Areas Review Task Force was more specific recommending the more detailed phrasing, "…after reviewing and rejecting other access options (including no-road options)…The Forest Service shall, to the extent practicable, emphasize the use of non-permanent roads in all instances and allow only temporary roads where specified [in this rule]." (Preservation/Conservation, Denver, CO - #1019.27.64300.002)

BECAUSE ELIMINATION OF THE "IMMINENT THREAT" LANGUAGE CREATES TOO LIBERAL AN EXCEPTION

Proposed [Section] 294.33(c)(4) eliminates the "imminent threat" language provided for in the 2001 Roadless Rule. A temporary road may be built whenever the Agency determines there is a "threat of flood, fire or other potential catastrophic event." Elimination of the term "imminent" would allow the Agency to build roads for routine fuel reduction activities determined to be desirable by the Agency as a result of blow-downs, ice storms, insect or disease infestations, etc. This is a much more liberal exception for road building than one requiring an "imminent threat" of flood or wildfire. (Preservation/Conservation, Charlottesville, VA - #795.8.64300.680)

2-53 Public Concern: The Forest Service should prepare an EIS for public comment before constructing new roads.

It is necessary to prepare an EIS before building new roads and open [their construction] to public comment. It does not matter whether the road is "temporary" or not. (Individual, Wheat Ridge, CO - #31.1. 64100.130)

INCLUDING LONG-TERM TEMPORARY ROADS

While we [23 various preservation organizations] oppose the draft Colorado Rule, it does have a few commendable features. Before construction of roads in Roadless Areas, an environmental impact statement must be prepared, and that document must consider a No-Road Alternative, and for proposals involving permanent road construction, a temporary road alternative must be considered. [Footnote 1: This must not be taken to mean that we support the wide allowance for road construction in Roadless Areas under the Draft Colorado Rule. See Section IV of these comments for a detailed discussion.] We strongly recommend that an EIS also be required for any long-term temporary roads, if such are allowed in Roadless Areas under a Final Colorado Rule, since such roads may be used for several decades (i. e., the life of a producing oil, gas, or coal lease), during which time considerable impact to Roadless Area characteristics could occur. (Preservation/Conservation, Denver, CO - #789.2.64000.131)

Long-term temporary roads should not be allowed in Roadless Areas. If they are allowed, an EIS must be prepared before approval of any construction or significant reconstruction. An EIS must also be prepared for regular temporary roads when a network of such would be built, such as for coal exploration and methane disposal [Footnote 11: The Draft Colorado Rule would allow both temporary

and long-term temporary roads for coal mining. Section 294.33(c)(6).], or for fuel reduction projects, which would result in degradation of Roadless Area characteristics. All EISs must be prepared in accordance with the CEQ [Council on Environmental Quality] regulations at 40 CFR 1500 et seq. (Preservation/Conservation, Denver, CO - #789.22.64300.131)

The Proposed Rule recognizes, at [Section] 294.33(e),that road construction within Roadless Areas is a significant environmental effect requiring preparation of an environmental impact statement, and that the Forest Service should offer cooperating agency status to the State [of Colorado] ([Section] 294.36[e]). However, the text of the Proposed Rule undermines the intent of [Section] 294.33(e) by providing that an (unspecified) "environmental analysis" shall be prepared for "projects proposing temporary roads within a CRA." The definition of "temporary road" would appear, under the definitions at 73 Fed. Reg. 43561, to include within it the novel (and perhaps paradoxical) concept of "long-term temporary roads" for oil and gas operations—operations which can last two decades or more. It defies the purpose of [Section] 294.33(e), and common sense, to suggest that the creation of a road designed to last 15–25 years within a previously unroaded Roadless Area could conceivably be found to have no significant impact under NEPA and its implementing regulations. (Preservation/Conservation, Boulder, CO - #1037.15.64300.131)

2-54 Public Concern: The Forest Service should prepare an EIS before approval of the construction of a long-term temporary road.

OR ANY ROAD THAT COULD ADVERSELY AFFECT ROADLESS AREA CHARACTERISTICS

If long-term temporary roads are allowed, an EIS must be prepared before approval of such facilities. EISs also must be prepared for shorter duration temporary roads and permanent roads when Roadless Area characteristics could be adversely affected. (Individual, Durango, CO - #938.5.64300.131)

BECAUSE THE STANDARD FOR INITIAL DECISIONS DOES NOT PROVIDE PROPER ROADLESS PROTECTION

The Proposed Colorado Rule would require preparation of an environmental impact statement, including a No-Road Alternative, for any proposed action that includes construction of a forest road. [Section] 294.33(e) […] The Proposed Rule's requirement affecting decisions about the construction of temporary roads or so-called long-term temporary roads requires the Forest Service to do nothing more than "…reviewing and rejecting other access options…" [Section] 294.33(c)(2) Especially in the context of qualifiers regarding the removal of temporary roads and associated land restoration-and the resultant likelihood that removal and restoration simply will not happen in many instances—this vague and undefined standard for initial decisions about temporary roads is not useful to proper roadless protection. (Preservation/Conservation, Denver, CO - #1019.36.64300.160)

2-55 Public Concern: The Forest Service should amend the Proposed Rule to require preparation of an EIS before constructing permanent and temporary roads.

Proposed Section 294.33(e) addresses the environmental documentation necessary for road construction and temporary road construction in CRAs [Colorado Roadless Areas]. While an Environmental Impact Statement (EIS) is required for permanent roads, [one is] not automatically required for temporary roads. The Proposed Rule should be amended to require an EIS for both permanent and temporary road construction in CRAs. (Preservation/Conservation, Washington, DC - #953.16.64300.131)

2-56 Public Concern: The Forest Service should require an EIS for temporary roads authorized under Section 295.33(b) or (c).

AND SHOULD INCLUDE A NO ROAD OPTION AS THE PREFERRED ACCESS OPTION IN SECTION 294.33(C)(2)

In [Section] 294.33(e) [of the Proposed Rule], language should be modified to require an Environmental Impact Statement to build a temporary road when authorized under Section 294.33(b) or (c) in the Rule.

In [Section] 294.33(c)(2) a "No Road Option" should be listed as the preferred access option. (Recreation/Conservation Organization, Missoula, MT - #836.4. 64100.130)

2-57 Public Concern: The Forest Service should identify the specific areas that could be affected by new roads, logging, or utility projects.

The Colorado Proposed Rule is vague, without identifying many of the specific areas that would be affected. The proposed ski areas and the North Fork Valley coal mining and are explicitly mentioned, but many other areas that would be subjected to new roads, logging, or "utility or water conveyance" projects are not identified by name or location. All the specific sites and acreages should be disclosed before this Rule goes any further, so the public can review them on the ground. (Individual, Baltimore, MD - #500.1.20000.060)

Technical and Editorial Changes

2-58 Public Concern: The Forest Service should correct the data in Tables 18 and 19 of the Proposed Rule.

BECAUSE THE TABLES CONTAIN ERRORS

Both Tables 18 and 19 [on page 79 of the Proposed Rule] have data and/or addition errors. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.22.21200.001)

Chapter 3. DEIS and Alternatives

Draft Environmental Impact Statement

General Comments

3-1 Public Concern: The Forest Service should incorporate the comments of key individuals, state agencies, and the Roadless Area Conservation National Advisory Committee, and redraft an improved FEIS.

TO ADDRESS SIGNIFICANT CONCERNS OVER THE RULEMAKING AND ITS IMPACTS

The USDA Forest Service has a rare opportunity to improve not only this current Draft Environmental Impact Statement [DEIS] but also actual Federal administration requirements of the Colorado Rule. To improve the administration of the Colorado Rule, it is my current and most recent understanding that key individuals and the State of Colorado (a cooperating agency) [[including DNR [Department of Natural Resources] as coordinator [Footnote 1: http://roadless.fs.fed.us/documents/Colorado_roadless/co_roadless_areas_mou.pdf] and CDOW [Colorado Division of Wildlife] as an active participant] and even the RACNAC [Roadless Area Conservation National Advisory Committee] are willing to review comments and redraft considerations into a better-balanced Final Environmental Impact Statement [FEIS]. I believe that sportsmen and women in Colorado, conservationists, and citizens around the nation, especially those in the West are counting on the USFS to engage or re-engage interested others in the spirit of cooperation and harmony. The goal hopefully seems to be to end the long stalemate and the significant concerns over the rulemaking for Colorado Roadless Areas and its environmental impacts, especially since in the West, fish, wildlife, clean water, open spaces, and quality habitat on these public lands are and have been a continuous way of life since the first settlers arrived. (Individual - #1029.6.30000.002)

3-2 Public Concern: The Forest Service should acknowledge that the U.S. Environmental Protection Agency (EPA) is assigning a rating of "Environmental Concerns– Insufficient Information" to the DEIS.

BASED ON THE POTENTIAL FOR ADVERSE IMPACTS TO WATER AND AIR QUALITY, AND THE INCREASED POTENTIAL FOR INTRODUCTION OF INVASIVE SPECIES

We [the EPA] are assigning a rating of Environmental Concerns - Insufficient Information (EC-2) to the DEIS. The EC rating is based on the potential for adverse impacts to water and air quality from increased road construction, and associated activities (e.g., prescribed burning and coal mining). Additionally, we are concerned about the increased potential for the introduction of invasive species from this proposal. The "2" indicates the DEIS does not contain sufficient information to fully assess the environmental impacts from the proposed action. (Federal Agency/Elected Official, Washington, DC - #995.12.30000.002)

3-3 Public Concern: The Forest Service should acknowledge that the wildlife section of the DEIS was thoughtfully developed.

INCLUDING THE IMPACT ANALYSIS OF ROADS AND DISCUSSIONS OF BIODIVERSITY VALUES AND LISTED WILDLIFE

We [Maryland Ornithological Society] compliment the authors of the section discussing wildlife in the DEIS, on pages 176 to 210. This section contains a thoughtful analysis of the impacts of roads against wildlife, the values of biodiversity in Roadless Areas, and the presence of threatened, endangered, and sensitive species of birds and other wildlife. (Preservation/Conservation, Ellicott City, MD - #493.1. 41100.680)

3-4 Public Concern: The Forest Service should acknowledge that parts of the DEIS should be commended.

While we [23 various preservation organizations] oppose the Draft Colorado Rule, it does have a few commendable features. The DEIS provides much useful information of the possible effects of each alternative on Roadless Areas. Appendix B, showing how Roadless Areas would be managed under the respective National Forest land and resource management plans, is particularly helpful, as is Appendix F, which shows areas with high wildlife values that might be subject to road construction or logging under the alternatives. For Appendix A in the FEIS, we recommend combining the table showing acreages for inventoried Roadless Areas and Colorado Roadless Areas, so that readers can easily see how the areas vary in size. (Preservation/Conservation, Denver, CO - #789.5.63000.060)

3-5 Public Concern: The Forest Service should have inventoried existing conditions.

TO DETERMINE WHETHER THE FORESTS ARE BEING MANAGED FOR FULL PROTECTION OF THE ENVIRONMENT

The idea of not having what we had, according to the law (which is the most protected possible environment), without even doing an inventory as to what the current situation is, is inappropriate for the mission of the Forest Service, which is to attempt to manage this and preserve what's worth preserving and wildlife. (Individual, Ridgway, CO - #969.3.31000.023)

3-6 Public Concern: The Forest Service should confirm that public comments from scoping for the Proposed Rule are posted on the website.

Page 34 [of the DEIS] states that all public comments received during scoping for the proposed rule are on the Forest Service's roadless website. We [23 various preservation organizations] do not find them there. (Preservation/Conservation, Denver, CO - #789.51.30000.060)

3-7 Public Concern: The Forest Service should provide better maps.

TO FACILITATE EVALUATION OF THE ALTERNATIVES

The maps given showing the alternatives for oil and gas, coal, forest plans, etc, are unclear. How are we supposed to understand and comment on the CRA [Colorado Roadless Area] plans when the information given is inadequate. (Individual, Pueblo, CO - #11.1.21000.001)

TO ALLOW FOR COMPARISONS BETWEEN ALTERNATIVES

These maps are beautiful, but they are not easy to read. Please, have overlaying maps that will compare/contrast the old (older than 2001) maps to the new (Colorado) Draft. I want to see real comparisons. (Individual, Pueblo, CO - #12.1.21000.001)

TO CLARIFY WHAT ACCESS WILL BE PROVIDED TO PIKES PEAK EAST AND PIKES PEAK WEST

I am unable to determine if the Pikes Peak East and Pikes Peak West will remove the trails that we currently frequent.

Is there a more detailed map online that I can review to locate the proposed area that is being looked at for roadless? (Individual, Englewood, CO - #170.1. 21000.001)

Specific Revisions to the DEIS

3-8 Public Concern: The Forest Service should use the term "Roadless Area characteristics."

TO BE CONSISTENT WITH THE PROPOSED RULE LANGUAGE

We [Colorado Timber Industry Association] also recommend that you use the term "Roadless Area characteristics" in the FEIS instead of "Roadless Area characteristics and values" to be consistent with

the Colorado Roadless Rule. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.6. 63000.621)

3-9 Public Concern: The Forest Service should clarify that Roadless Area characteristics are not unique to Roadless Areas.

The description and discussion of "roadless characteristics and values" [on page 23 of the DEIS] inappropriately gives the impression that those attributes are unique to Roadless Areas. Identification of Roadless Areas, either Inventoried Roadless Areas or Colorado Roadless Areas, is strictly a mapping exercise that has nothing to do with the presence or absence of any of the listed "roadless characteristics and values." (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.4.63000.621)

The Colorado Petition definition of Roadless Area characteristics states that "Such features also exist outside many Roadless Areas in many instances." We [Colorado Timber Industry Association] recommend you add that sentence to the Colorado Roadless Rule definition of Roadless Area characteristics. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.5.63000.621)

The second sentence in the first paragraph [after Table 4, on page 41 of the DEIS] is misleading and inaccurate, as there are numerous areas that are less than 5,000 acres, adjacent to existing Wilderness, and contain[ing] "many of the Roadless Area characteristics" that are neither Inventoried Roadless Areas nor Colorado Roadless Areas. We [Colorado Timber Industry Association] recommend that you delete the second sentence. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.8.63000.621)

3-10 Public Concern: The Forest Service should revise the DEIS.

TO REPLACE "SHOULD" IN THE PROPOSED RULE WITH A LESS VAGUE TERM

The way that this [DEIS] is written with a lot of vague definitions, I feel it's the kind of thing that leads to litigation because you can't have a DEIS where the terms are vague and it says "should," the word should is used a lot in the DEIS. "Should" doesn't mean anything to anybody.

So all of the places where the Rule says something like "it should or shouldn't" or "it could be or it might be," are unacceptable to me. Those [terms] have to be very tightly defined. (Individual, Hotchkiss, CO - #966.3.30000.100)

TO DELETE THE WORD "UNROADED" ON PAGES 27 AND 85

According to this paragraph [the last paragraph on page 27 of the DEIS], the "Proposed Colorado Roadless Rule would adjust Roadless Area boundaries by … (e) including unroaded areas outside IRAs [Inventoried Roadless Areas] that meet roadless characteristics." We are not aware of any references to "unroaded" areas in the Colorado Petition and believe that the Forest Service's use of "unroaded" is inappropriate. We [Colorado Timber Industry Association] recommend that you modify (e) to delete "unroaded."

We [Colorado Timber Industry Association] believe that the Forest Service's use of "unroaded" [in the fifth paragraph on page 85 of the DEIS] is inappropriate and recommend that you edit the first sentence to remove "unroaded." (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.7.63000.160)

TO CORRECT INACCURACIES REGARDING THE EFFECT OF THE ALTERNATIVES ON STATE AGENCIES

Features common to alternatives: [page 9, DEIS] "In addition, some state and local laws and regulations apply on an F.S. [Forest Service] lands within the state. All alternatives in this analysis assumed that these governing authorities are not affected." To assume that the state agencies are not affected is not an accurate statement! (Individual - #1029.25.31000.030)

TO INCLUDE THE PRESERVATION VISUAL QUALITY OBJECTIVE

On page 268 [of the DEIS] in the list of visual quality objectives [VQOs], the "preservation" VQO is omitted. It corresponds to "very high (unaltered)" in the scenery management system. (Preservation/Conservation, Denver, CO - #789.56.48000.001)

TO REFLECT THE ARAPAHOE-ROOSEVELT NATIONAL FOREST'S USE OF THE SCENERY MANAGEMENT SYSTEM

On page 269 [of the DEIS], the Arapahoe-Roosevelt National Forest now uses the scenery management system, per a 2006 amendment to the forest plan. (Preservation/Conservation, Denver, CO - #789.57.48000.001)

TO CORRECT INCONSISTENCIES IN THE ACREAGE OF THE LONG CANYON CRA

On pages 81–82 [of the Profiles of the Colorado Roadless Areas], the size of the Long Canyon CRA [Colorado Roadless Area] is listed as 17,500 acres and as 22,400 acres. (Preservation/Conservation, Denver, CO - #789.59.63000.001)

TO CORRECT INCONSISTENCIES IN THE ACREAGE OF HUNTER CRA

On page 254 [of the Profiles of the Colorado Roadless Areas], the Hunter CRA [Colorado Roadless Area] is listed as 1,100 acres and 6,500 acres. (Preservation/Conservation, Denver, CO - #789.63.63000.001)

TO CORRECT THE ORIENTATION OF SPECIFIC ROADLESS AREAS

On page 98 [of the Profiles of Colorado Roadless Areas], Whitehouse Mountain is west, not northeast, of Ouray. The Wilson CRA [Colorado Roadless Area] is in San Miguel, not Telluride, County. (Preservation/Conservation, Denver, CO - #789.60.63000.001)

On page 204 [of the Profiles of Colorado Roadless Areas] the South Fork CRA [Colorado Roadless Area] is east of Glen Eden, not west. (Preservation/Conservation, Denver, CO - #789.61.63000.001)

TO CORRECT INCONSISTENCIES IN THE LOCATION OF WHALEN CREEK CRA

In the second paragraph under "Roadless Characteristics" [on page 209 of the Profiles of Colorado Roadless Areas], the Whalen Creek CRA [Colorado Roadless Area] is adjacent to the Zirkel Wilderness, not the Sarvice Creek Wilderness. It is correctly stated elsewhere in this paragraph and in other places in the write-up for this area. (Preservation/Conservation, Denver, CO - #789.62.63000.001)

Alternatives

Adequacy of the Range of Alternatives Considered

3-11 Public Concern: The Forest Service should reanalyze the rulemaking and DEIS.

TO INCLUDE THE ENJOINED 2001 RULE AS AN "ALTERNATIVE CONSIDERED BUT ELIMINATED FROM DETAILED STUDY"

The 2001 Roadless Rule (as described in the DEIS as Alternative 1: No Action) has been permanently enjoined by United States District Judge Clarence A Brimmer on August 12, 2008. To my knowledge, there has been no appeal of this ruling. The 2001 Roadless Rule no longer represents the existing condition and is outside the reasonable range of alternatives. The decision by Judge Brimmer precludes the use of the 2001 Roadless Rule as a viable alternative. Said decision therefore has caused the 2001 Roadless Rule to be placed in the Alternatives Considered but Eliminated from Detailed Study because in this decision, Judge Brimmer states in his Conclusion on page 101 of Case No. 07-CV-17-B "In a case as important as this, where the agency action was driven by political haste and evidenced pro forma compliance with NEPA, it is the province of the Court under NEPA to safeguard the public by telling the government that more study is needed." All analyses and comparisons to the 2001 Roadless Rule in

this EIS process needs to be eliminated from the DEIS. Thus, Alternative 3: Forest Plans becomes the No Action Alternative because it is the existing condition and forms the basis for reference, analysis, and comparison. (Individual, Commerce City, CO - #1045.1.33100.141)

3-12 Public Concern: The Forest Service should evaluate an adequate range of alternatives.

TO COMPLY WITH PREVIOUS COURT RULINGS AND NEPA

The U.S. District Court, District of Wyoming found that the 2001 Roadless Rule violated the National Environmental Policy Act. The Forest Service issued a draft EIS in conjunction with [the] RACR [Roadless Area Conservation Rule] to analyze the impacts of the petition on the environment. The DEIS suffers similar flaws to those that Judge Brimmer found in the State of Wyoming's challenge to the 2001 Clinton Roadless Rule. In Wyoming II, the court again held that the 2001 Clinton Roadless Rule violated NEPA because the process took shortcuts resulting from "a mad dash to complete the Roadless Initiative before President Clinton left office." Wyoming II, 2008 WL 3397503 at *16; see also *27 ("In its rush to give President Clinton lasting notoriety in the annals of environmentalism, the Forest Service's shortcuts and bypassing of the procedural requirements of NEPA has done lasting damage to our very laws designed to protect the environment.").

The State of Wyoming challenged the Clinton Roadless Rule as violating NEPA in six ways. As it relates to the Colorado process, the court found in favor of Wyoming holding that the 2001 Clinton Roadless Rule violated NEPA because the alternatives section of the EIS merely justified the Forest Service's predetermined decision. Thus, the court found that the EIS failed to evaluate all reasonable alternatives (id. at *21), and that the cumulative impacts analysis in the EIS "was woefully inadequate" because it failed to consider or explain the comprehensive strategy, policies, and implementation of the rule (id. at *24). In addition to the two reasons that Judge Brimmer found in Wyoming II, the RACR DEIS violates NEPA because it does not analyze a reasonable range of alternatives, and fails to include an adequate socioeconomic analysis of the impacts of oil and gas development. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #946.11.22000.131)

40 CFR 1502.14(a) states that the Agency must "Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." This DEIS fails to meet that standard. (Individual, Evergreen, CO - #1050.1.33100.131)

INCLUDING A MINIMUM OF THREE ALTERNATIVES, EXCLUDING THE ENJOINED 2001 RULE

It appears that the USFS roadless team in this particular process did not provide an adequate number of alternatives for consideration. Only three alternatives are discussed in the submitted DEIS: Alternative 1: the 2001 Rule (as of August 2008 permanently enjoined by US District Court Judge Brimmer), Alternative 2: the Colorado Rule (with one option only) and Alternative 3: Forest Plans (basically the "No Rule-Rule").

This seems contrary to offering actual, substantive, and constructive "alternatives" and—if I read US District Judge Brimmer's permanent enjoining decision correctly—one issue in which he ruled was an insufficient number of actual alternatives to evaluate which can be considered potentially contrary to law.

If I understand the process correctly, cooperating agency status was basically offered to all entities of state and local government (a positive move) such an extension of cooperating agency status appears to be of per forma nature only (a failure, if true). For instance, as one example, see article about Ridgway Town Council asking for at least another alternative at http://www.ouraynews.com/Articles-i-2008-10-15-186012.112113_Deadline_nears_for_Roadless_area_comment.html.

(http://roadless.fs.fed.us/documents/colorado_roadless/deis/profiles/complete_profiles.pdf) etc. which could cast into question whether the best available information was used in developing either strategies, tactics, or operational procedures to minimize open ended exceptions. (Individual - #1029.17.33100.100)

INCLUDING FULL PROTECTION OF ROADLESS AREAS

NEPA requires Federal agencies to develop, analyze, and consider a full range of alternatives. In managing the impact of roads on forest lands, the full range of alternatives includes a span of possible outcomes, ranging from expansion and protection of roadless lands to degradation and eventual loss of Roadless Areas. In the middle of the range is a sort of status quo: protection and stabilization of all existing Roadless Areas. Unfortunately in the case of this DEIS ("Rulemaking for Colorado Roadless Areas"), the Forest Service constructed its range of alternatives under the false premise that Roadless Areas can only be diminished both in size and number over time. In reality, existing Roadless Areas can be enhanced, and new areas created, through careful planning and Forest Service management activities that are practical, legal, and feasible.

In this DEIS, Alternative 1 (the "No Action" Alternative, the 2001 Roadless Rule) is offered as a sort of slow-degradation alternative, with limited roadbuilding permitted as outlined in Table 6 (p. 44) and with significant opportunity for the Forest Service to conduct forest management (otherwise known as tree-cutting and timber harvest) outlined in Table 7 (p. 45). [Although] this is the best environmental alternative, it is not designed to enhance habitat connectivity or increase roadless acreage, but is conceived only to slow the loss.

Alternative 2 continues the long trend toward degradation of our existing Roadless Areas by allowing "greater management flexibility to address forest health concerns, wildfire hazards, and demands for coal, water, and utilities." The types and extent of degradation permitted are outlined in Tables 8, 9, and 10 [of the DEIS].

Alternative 3 offers the least protection. It would direct that forest plans be written to address Roadless Area issues. There would be maximum "flexibility" to degrade biodiversity since Roadless Areas could be fragmented by repeated revision of the forest plans and approved by the responsible officials. While the Forest Service may argue that the forest plan process might be used to enlarge Roadless Areas or create new areas, the DEIS never offers this as a possibility and the Forest Service's own analysis of Alternative 3 is based entirely on continued degradation (see the analysis of Environmental Consequences in Chapter 3 of the DEIS.)

Under these three alternatives the DEIS offers a limited choice of slow degradation, medium degradation, or maximum degradation of Colorado's roadless lands. Certainly, the Forest Service is aware based on its previous scoping efforts and the testimony of citizens at the Colorado Roadless Task Force meetings that there is significant interest in full protection of Roadless Areas, but the DEIS fails to offer an alternative that would fully protect or enhance Colorado's Roadless Areas. The narrow range of alternatives presented in this DEIS fails to meet the requirement set forth by 40 CFR 1502.14 that the public be provided a "clear basis for choice" among alternatives. This DEIS lacks a broad view of the possible outcomes of Roadless Area management and leaves the public with insufficient information to fully assess and understand the proposed degradation of Colorado's Roadless Areas. (Individual, Evergreen, CO - #1050.2-3.33100.131)

3-13 Public Concern: The Forest Service should extend the range of alternatives.

TO INCLUDE A FULL-PROTECTION ALTERNATIVE, AS REQUESTED AT PUBLIC SCOPING MEETINGS

The DEIS states that "no reasonable alternatives were identified to be considered but eliminated" (p. 15). However, at public scoping meetings for the CRR [Colorado Roadless Rule], many public citizens testified that they believed all Roadless Areas in Colorado deserve full protection from roadbuilding and that some areas that are not currently recognized as Roadless should be added to the inventory. Since none of the alternatives developed and analyzed would offer the high level of protection asked for by these citizens, it appears that the Forest Service believes that full protection of existing Roadless Areas (including restoration of lightly roaded areas) is not a reasonable alternative. Is full protection a reasonable possibility? Today, our designated wilderness areas are very popular; are highly valued for their recreational, scenic, and spiritual values; and are significant strongholds for a number of wildlife species. Most Americans now consider our designated wilderness areas as part of our national heritage. The U.S. Forest Service has seldom demonstrated a vision that includes significant expansion of protections for wildlands, and today's forest managers remain reluctant to embrace Roadless Areas as a special resource that deserves protection and restoration. Today's forest managers fear insects or wildlife

will harm "forest health," even though forest stand loss due to insects, disease, and fire are natural processes in western forests. (Individual, Evergreen, CO - #1050.4.33100.620)

TO INCLUDE AN ALTERNATIVE THAT WOULD INCREASE ROADLESS AREA ACREAGE

That the Forest Service, with its apparent reluctance to embrace higher level of wildlands protection, failed to recognized the full spectrum of reasonable alternatives does not alleviate the Agency's obligation to comply with legal requirements. Creating new Roadless Ares within Colorado's National Forests is feasible and reasonable from the technical, legal, and financial perspectives. The DEIS should be revised to include an alternative which would increase Roadless Area acreage. (Individual, Evergreen, CO - #1050.6.33200.131)

TO INCLUDE A BIODIVERSITY ALTERNATIVE

This DEIS should be expanded to include a "Biodiversity Alternative" offering reduced road densities, creation of new Roadless Areas, and more protective management than any of the current alternatives analyzed in the DEIS. This alternative would recognize the importance of intact landscapes and of low-elevation wildlife habitat that is currently under-represented in the existing Wilderness system. Not only is full protection of Inventoried Roadless Areas warranted, the Forest Service should be managing with the objectives of enlarging existing Roadless Areas and creating new areas to enhance biodiversity. The Forest Service would adopt practices that would seek to improve and restore connectivity between significant blocks of habitat and would allow natural processes to continue wherever and whenever practical. Development of a "Biodiversity Alternative" would fulfill the Agency's legal obligation to examine the full range of alternatives. Implementation of a "Biodiversity Alternative," formulated with a broad conservation vision is not impractical, as demonstrated by the fact that the Forest Service proposes to eventually "decommission" and restore a few roads as part of this DEIS. (Individual, Evergreen, CO - #1050.5.33200.310)

Alternative 1: No Action

3-14 Public Concern: The Forest Service should defend Alternative 1 as a viable No Action Alternative.

IF THE BRIMMER RULING PRESENTS A LEGAL CHALLENGE TO THE DEIS

We [Colorado Off-Highway Vehicle Coalition] would support the defense of Alternative 1 as a viable alternative per 40 CFR 1502.14d, as explicitly expanded upon by the Council on Environmental Quality [CEQ]. We summarize the CEQ position on what we perceive as relevant to this situation: "In light of the above, it is difficult to think of a situation where it would not be appropriate to address a 'no action' alternative. Accordingly, the regulations require the analysis of the no action alternative even if the agency is under a court order or legislative command to act. This analysis provides a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives. It is also an example of a reasonable alternative outside the jurisdiction of the agency which must be analyzed. Section 1502.14(c)."

Because the Colorado Roadless [Rule] DEIS process was well underway—indeed, beyond the point of no return before the Brimmer ruling—Alternative 1 remains a viable baseline alternative for the purposes of analyzing the effects of the Colorado petition (Alternative 2). The fact that the Brimmer ruling has created a conflict at this late stage of the NEPA process does not render Alternative 1, No Action (continue under the terms of the 2001 Rule), invalid or not viable for the sake of the evaluation and comparison of reasonable environmental alternatives.

In short, in the event of a legal challenge that contends the Brimmer ruling has created a fatal flaw in the present analysis, we offer this comment in the spirit of cooperation and in support of the present effort by the Forest Service to produce a CEQ-compliant analysis. (Motorized Recreation, Brighton, CO - #1032.2.33300.141)

3-15 Public Concern: The Forest Service should acknowledge that Alternative 1 is legally prohibited.

BECAUSE THE U.S. DISTRICT COURT RULED THAT THE 2001 ROADLESS RULE BE PERMANENTLY ENJOINED NATIONWIDE

In a recent decision, the U.S. District Court for the District of Wyoming ruled that the U.S. Forest Service's 2001 Roadless Area Conservation Rule (2001 Roadless Rule) must be permanently enjoined nationwide. State of Wyoming v. USDA, 07-CV-17-B, 2008 WL 3397503 (D. WY, Aug. 12, 2008). Oxbow [Mining, LLC] believes this decision effectively renders the Alternative 1: No Action Alternative as no longer a legitimate alternative for consideration in the EIS. Oxbow believes that this decision leaves Alternative 2: Proposed Action [the Colorado Rule] and Alternative 3: Forest Plans as the only legitimate alternatives to consider. Although the Forest Service appropriately included Alternative 1 in the EIS to ensure a reasonable range of alternatives, the Forest Service is legally prohibited from selecting Alternative 1 at this time. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Somerset, CO - #427.1.33100.141)

3-16 Public Concern: The Forest Service should adopt Alternative 1.

BECAUSE IT WOULD LEAST DISTURB THE ECOSYSTEM

Alternative 1 provides the least disturbance to the ecosystem in general, including wildlife and damage from invasive plants. That was clearly one of the main intents of the 2001 Rule and should be maintained. (Individual, Manitou Springs, CO - #175.1.33300.330)

BECAUSE IT WOULD BEST SERVE COLORADO'S ANIMAL AND PLANT DIVERSITY

After a careful reading of the proposed Rule and DEIS, we [The Audubon Society of Greater Denver] have come to the conclusion that Colorado's animal and plant diversity will be best served and maintained by adoption of Alternative 1, the 2001 Roadless Area Rule. This was not an easy decision, as Alternative 2, the Colorado Rule, has a number of positive features—including the fact that, once approved, it will take effect—whereas the 2001 Rule is still in legal limbo. However, the clear language of the Terrestrial Wildlife section of Chapter 3, has convinced us that Alternative 1 best preserves Colorado's diverse plant and animal communities in the Roadless Areas of Colorado (Preservation/Conservation, Littleton, CO - #919.1.41000.001)

3-17 Public Concern: The Forest Service should adopt the second form of Alternative 1.

BECAUSE IT WOULD LOCK IN PLACE THE 2001 RULE, SECURING IT FROM ONGOING LAWSUITS

With respect to the two forms of no action addressed in Alternative 1, the second form is clearly preferable, since the outcome of the various ongoing lawsuits concerning the 2001 Roadless Rule is not predictable, and the second form appears to lock the 2001 Rule in place. (Individual, Dolores, CO - #434.1.33300.141)

3-18 Public Concern: The Forest Service should adopt Alternative 1 with modifications.

TO INCLUDE AN UPDATED INVENTORY OF ROADLESS AREAS AND A PROCESS TO ALLOW CASE-BY-CASE PROJECTS

The primary problem I see is how the protection of areas from fires and other wilderness maintenance issues is conflated with drilling leases and other forms of industrial development. Perhaps I'm not reading correctly, but from the way the information is presented, it does look that way. Why can't the easing of a Roadless Rule apply exclusively to wildlife and fire protection while land exploitation remains banned? That works with my understanding that the present Roadless Rule is good because wilderness areas act as buffers on developed areas prone to calamities such as invasive species and storm water zones.

I must advocate for standing by the 2001 Roadless Rule. The document with the three comparisons does reveal the great promise in having such an inventory of all these lands. Why can't modifications be entered into the existing Rule for a case-by-case process with emphasis on ranger projects, but that would also make the process deliberate enough to safely allow for certain industrial projects, too? (Individual, North Bennington, VT - #40.1. 40000.200)

3-19 Public Concern: The Forest Service should not adopt Alternative 1.

BECAUSE IT IS TOO RESTRICTIVE AND ONLY CONGRESS CAN DESIGNATE WILDERNESS AREAS

COHVCO [Colorado Off-Highway Vehicle Coalition] could not disagree more with Alternative I, as it is ridiculously restrictive and does lean too far toward the creation of de facto Wilderness. This is beyond the scope of any president or agency. Only Congress may designate Wilderness. (Motorized Recreation, Brighton, CO - #1032.3.33300.027)

Alternatives 1 and 2

3-20 Public Concern: The Forest Service should acknowledge the difficulty in choosing between Alternatives 1 and 2.

BECAUSE ALTHOUGH ALTERNATIVE 1 IS BEST FOR THE ENVIRONMENT AND HUMANS, ALTERNATIVE 2 WOULD BE ACCEPTABLE IF THE AMOUNT OF DISTURBED ACREAGE WERE COMPARABLE TO ALTERNATIVE 1

Being asked to choose among the three USFS alternative management proposals for Roadless Areas in Colorado feels like being backed into a corner. Alternative 1 seems best for the health of the environment, wildlife, and humans. The slightly smaller size of Alternative 2 would not disturb me so much, if the expected degradation of the CRAs [Colorado Roadless Areas] were comparable to the expected degradation in the IRAs [Inventoried Roadless Areas] of Alternative 1. But they are not at all equal. (Individual, Denver, CO - #488.1.33100.200)

3-21 Public Concern: The Forest Service should adopt a combination of Alternatives 1 and 2.

TO INCLUDE THE PROTECTIVE MANAGEMENT OF ALTERNATIVE 1 AND THE INVENTORIED ROADLESS ACREAGE UNDER ALTERNATIVE 2

The 2001 Roadless Area Conservation Rule protects Colorado's backcountry forest and was overwhelmingly supported by Colorado residents. On July 25, 2008, the US Forest Service issued an Environmental Impact Study, which outlined three alternatives for Roadless Area management. Alternative 1 provides the most protection against the construction of roads while Alternative 2 provides the greatest area of roadless for Ouray County and environs. Alternative 3 provides the least protection of all and is, simply, not acceptable.

We feel that a combination of the maximum protection offered by Alternative 1 and the increased acreage included in Alternative 2 offers the optimum protection and is the best plan for our region. (Individual, Ridgway, CO - #41.6.33200.200)

I support Alternative 1, but the information that composes its inventory is inadequate [and] out of date in many cases. A good example is the land of the proposed Sneffels Addition Wilderness omitted in the 2001 Roadless Rule, but included in the Colorado Task Force recommendation. It's reasonable to include the Sneffels acreage as well as other acreage inventoried in Ouray County in the Colorado Task Force report but not included in the 2001 Roadless Rule. I use this area for hiking. (Individual, Montrose, CO - #229.1.31000.650)

3-22 Public Concern: The Forest Service should analyze a fourth alternative that combines Alternatives 1 and 2.

TO COMBINES THE PROTECTIVE MANAGEMENT OF ALTERNATIVE 1 AND THE INVENTORIED ROADLESS ACREAGE UNDER ALTERNATIVE 2

The Town Council of the Town of Ridgway, Ouray County, Colorado hereby recommend: that the USFS revise the DEIS to analyze a fourth alternative which would combine the more protective management policies of Alternative 1, the existing 2001 Roadless Area Conservation Rule, with the more current and complete Roadless Area designations of Alternative 2 [Whitehouse addition to the Mt. Sneffels Wilderness Watershed for the Town of Ridgway], the Proposed Colorado Roadless Rule; and that the USFS reconsider its proposal and proceed with the alternative which would provide the best protection possible of the natural characteristics and values of all the National Forest land in Colorado in general, and Ouray County in particular, which qualifies as "roadless." (Town/City Government/Elected Official/Agency, Ridgway, CO - #467.2.33300.200)

The DEIS fails to analyze a fourth reasonable alternative, that is, the more protective management policies of the 2001 Roadless Rule with the updated roadless land inventories used for Alternative 2. For Ouray County, the updated inventory more than doubles the number of roadless acres and includes the proposed Whitehouse Addition to the Mt. Sneffels Wilderness Area (omitted from Alternative 1). The protection offered by Alternative 2 is significantly weaker. This deficiency in the DEIS should be corrected by including and analyzing a fourth alternative which combines the best and most current roadless land inventories with the more protective management policies of the 2001 Roadless Rule. (Civic Group, Ridgway, CO - #769.1.33200.620)

TO INCLUDE OIL AND GAS PIPELINE PROHIBITIONS AND EIS REQUIREMENTS FOR PROPOSED ROAD CONSTRUCTION PROVIDED UNDER ALTERNATIVE 2

I am concerned about the current alternatives to the 2001 Roadless Rule.

The current Roadless Rule (Alternative 1) is by far the best course of action and I ask that you keep this Rule in effect.

If any changes are made, I request that Alternative 1 be made even more effective by including two proposals from Alternative 2 (i.e., prohibiting construction of pipelines to transport oil or gas through a CRA [Colorado Roadless Area] from a source or sources located exclusively outside a CRA, and requiring preparation of an EIS when proposing construction of a forest road in a CRA. (Individual, Del Norte, CO - #250.1.33200.002)

3-23 Public Concern: The Forest Service should acknowledge critical differences between Alternatives 1 and 2 regarding road and logging management policies.

BECAUSE LOGGING IN OURAY COUNTY HAS RESULTED IN PERMANENT SCARS THAT ELIMINATE AREAS FROM WILDERNESS PROTECTION AND ROADLESS AREAS IN OURAY COUNTY PROVIDE CRITICAL WATERSHED, SCENIC AND RECREATIONAL OPPORTUNITIES, AND WILDLIFE HABITAT

An area in the forest near Mount Sneffels was logged in the 1950s and 1970s. After all these years, this area still bears the scars of logging and logging roads, causing the USFS to exclude it from consideration for addition to the Mt. Sneffels Wilderness Area and permanent protection. Ouray County's Roadless Areas, particularly the Whitehouse area, provide critical watershed for agricultural and domestic water, including the Town of Ridgway's sole source of potable water. Ouray County's National Forest Roadless Areas provide exceptional scenic and recreational opportunities as well, in addition to excellent wildlife habitat. The differences between the road and logging management policies of Alternatives 1 and 2 are therefore of critical concern to us. (Civic Group, Ridgway, CO - #769.2.33000.002)

Alternative 2: Proposed Colorado Rule

3-24 Public Concern: The Forest Service should acknowledge the positive provisions included in Alternative 2.

INCLUDING OIL AND GAS PIPELINE AND LEASE ALTERATION PROHIBITIONS, EIS REQUIREMENTS FOR ROAD CONSTRUCTION, AND COOPERATING AGENCY STATUS FOR THE STATE OF COLORADO

There are some good provisions of the Draft Rule. They include the prohibition on construction of pipelines for transporting oil and gas from sources originating outside any Roadless Area through any such areas; preparation of an environmental impact statement before construction of roads in Roadless Areas; not allowing the Forest Service to waive, except, modify, or otherwise remove any oil and gas lease stipulation that prohibits or restricts roadbuilding or otherwise prohibits surface occupancy; [and] offering cooperating agency status to the State of Colorado. (Individual, Florissant, CO - #917.2.33400.002)

3-25 Public Concern: The Forest Service should adopt Alternative 2.

BECAUSE IT WOULD PROVIDE CLEAR MANAGEMENT PROTECTION OF ROADLESS AREAS AND SKI AREA LANDS, AND REMOVE COLORADO FROM ROADLESS RULE LITIGATION

Alternative 2 is an opportunity for Colorado and the Forest Service to provide clear management protection for Colorado Roadless Areas. Ongoing litigation regarding the 2001 and 2005 Roadless Rules makes predictable nationwide Roadless Area regulation difficult. Both the 2001 and 2005 Roadless Rules are subject to nationwide injunctions. Adopting Alternative 2 will remove Colorado from that controversy. It will also eliminate confusion about the regulation of Colorado Roadless Areas and provide long-term protection of over 4 million acres of National Forest System lands in Colorado while allowing for careful use of lands at ski areas for high-quality managed public recreation. (Special Use Permittee, Frisco, CO - #833.6.33400.141)

BECAUSE IT REPRESENTS THE RECOMMENDATIONS OF THE COLORADO TASK FORCE AND RACNAC

The proposed action, Alternative 2, mirrors in most respects the recommendation of the Colorado Roadless Area Task Force and the recommendation of the Roadless Area Conservation National Advisory Committee [RACNAC]. Both these bodies were bi-partisan and included a broad range of interests. (Mining Industry/Association (locatable), Denver, CO - #839.14.33400.010)

BECAUSE IT WOULD PROVIDE MAXIMUM MANAGEMENT FLEXIBILITY

Compared to Alternative 1, Alternative 2 would provide additional management flexibility to respond to the varied management needs across Colorado's Roadless Areas. Maximum flexibility is required due to the composition, age, and structure of modern forests; concerns about forest health; and an increased dependence on National Forest System lands to provide for a growing population's need for recreation and other resources. Alternative 1 is the least flexible of the alternatives formulated and also the furthest from meeting the purpose and need. (Recreation/Conservation Organization, Pocatello, ID - #930.1.33000.002)

BECAUSE IT WOULD BEST MEET THE NEEDS OF THE WESTERN AREA POWER ADMINISTRATION REGARDING FOREST HEALTH AND FUEL REDUCTION

The Western [Area Power Administration] would like to offer the following comments concerning the alternatives addressed in the Draft Environmental Impact Statement for the Colorado Roadless Rule. Alternative 1, the No Action Alternative, is not an appropriate alternative for the Copper Mountain Roadless Area for the following reasons. No action by the Forest Service in this area would result in [worsened] health of the spruce fur and aspen stands. Trees must be cut and harvested to salvage the wood products but also to ensure the fire survivability of the transmission line. Western has undertaken some emergency maintenance activity within its power line right-of-way to remove danger[ous] trees, which are dead, dying, or living trees that have grown too tall or risk falling into the conductor. If the final decision by the Forest Service is Alternative 1, unresolved for Western will be the issuance of the

special use permit, access to the structures, and how much actual vegetation management activity can occur. No action on these concerns is problematic for both Western and the Forest Service.

Alternative 2, the Preferred Alternative, is also the one preferred by Western. It will result in a decision by the Forest Service for each specific CRA [Colorado Roadless Area], including the Copper Mountain CRA, which is traversed by Western's Blue River-Gore Tap Transmission Line. The Forest Service will update the roadless boundaries under this alternative. Western believes this alternative will allow the Forest Service to determine that the NFS [National Forest System] lands occupied by the Blue River-Gore Tap Transmission Line right-of-way be removed from the Copper Mountain Roadless Area and at the same time issue the special use permit authorizing the power line and providing for access to the structures. This action would be consistent with the environmental process completed at the time of the power line construction.

Under Alternative 3, the Forest Service would manage each CRA [Colorado Roadless Area] in accordance with the current forest plan direction. The environmental impact statement and maps completed for the Routt National Forest Land and Resource Management Plan did describe the power line right-of-way as the Copper Mountain Roadless Area boundary. The forest plan provided a management prescription allowing for issuance of road permits to utility permittees where necessary, and possible closure of such access to public use. Western has requested on numerous occasions action on its special use permit application by either the Sulphur Ranger District of the Arapaho/Roosevelt National Forest or the Billon Ranger District of the White River National Forest. Western has also requested that it be allowed to establish minimum access to properly operate and maintain its facilities. At this time, Western has no idea when the transmission line will be authorized, or whether the eventual permit will include vehicular access to the transmission line structures. Western is concerned that under Alternative 3, a new forest plan could contain more restrictive language for managing a CRA, and that the transmission line authorization will not be issued. (Federal Agency/ Elected Official, Lakewood, CO - #1052.3-4.61000.200)

3-26 Public Concern: The Forest Service should adopt Alternative 2 with modifications.

TO INCLUDE A SUNSET DATE AND RECLAMATION PLAN FOR TEMPORARY ROADS

Fuel reduction projects in WUI [Wildland-Urban Interface] areas are appropriate, but temporary roads must be defined with time frames that set limits within which temporary roads must be closed and rehabilitated. Colorado Rule Alternative 2 is reasonable if temporary roads are selected for truly important access for the greater good such as fuel reduction, and temporary roads have a sunset date and reclamation plan. (Individual, Fruita, CO - #221.2. 64300.263)

TO REQUIRE BONDS TO COVER THE COST OF ROAD RECLAMATION

I generally support Alternative 2. However, I see no assurance that temporary or long-term temporary roads are reclaimed. I feel the proposal should include a required Bond for x million dollars that is estimated to reclaim the road in the year it will be reclaimed.

Contractors, oil and gas operators, etc. in all likelihood will be unable to be fund in 20-30 years, then reclamation will not be done or will be done at taxpayers' expense. (Individual, Craig, CO - #231.1.64300.800)

3-27 Public Concern: The Forest Service should revise Alternative 2.

BECAUSE IT IS ASKING TOO MUCH

I think that the new Rule maybe is asking too much, and should be revised. (Individual, Boulder, CO - #628.1. 21000.001)

TO REMOVE PROVISIONS TYING ROADLESS AREA PROTECTIONS TO FOREST PLANS, WHICH PROVIDE WEAK TO NON-EXISTENT PROTECTION OF ROADLESS AREAS

The Draft Rule is tied to forest plan protections, which are inadequate. The provision tying RA [Roadless Area] protections to forest plans must be removed since many forest plans provide weak RA protection, if any at all. For example, on 60 percent of National Forest RAs there are virtually no

restrictions on logging and road development. The Roadless Rule needs to limit all ground-disturbing activities to preserve the undeveloped character of these last relatively undisturbed lands. (Recreation/Conservation Organization, Nederland, CO - #823.8.33400.162)

TO REMOVE THE DISCLAIMER REGARDING THE DEFINITION OF "ROADLESS," WHICH DISCOUNTS THE IMPORTANCE OF MAINTAINING ROADLESS CHARACTERISTICS

The proposed definition of "roadless" that is included in the Colorado Draft Rule includes a disclaimer which denies any real effect of listing the characteristics of roadless, thereby essentially discounting the importance of maintaining these particular characteristics. We [Colorado Mountain Club] find this disclaimer problematic and request that it be removed. (Recreation/Conservation Organization, Carbondale, CO - #838.9.33400.621)

3-28 Public Concern: The Forest Service should not adopt Alternative 2.

BECAUSE THE STATE PETITION RULE HAS BEEN ENJOINED, AND ALTERNATIVE 2 DEPARTS FROM THE TERMS OF THE COLORADO PETITION AND UNDERMINES THE GOAL OF CONSERVING ROADLESS AREA VALUES

We [the National/Colorado Wildlife Federation] recognize that, despite the fact that the 2005 "State Petition" rule has been enjoined as violating both the National Environmental Policy Act and the ESA [Endangered Species Act], (Lockyer, 468 F. Supp. 2d 1140), the State of Colorado has petitioned the Department of Agriculture for consideration of a state-specific rule governing the management of Roadless Areas in Colorado. The Proposed Rule found at 73 CFR 43544 and analyzed as Alternative 2 in the DEIS is deficient in several respects, both in departing from the terms and goals of the Colorado Petition and in its use of unsupported and ill-defined exceptions that undermine the stated goal of conserving Roadless Area values. (Preservation/Conservation, Denver, CO - #1037.1.33400.621)

3-29 Public Concern: The Forest Service should acknowledge that Alternative 2 would result in degradation and elimination of sizeable Roadless Area acreage.

BECAUSE IT ALLOWS BROAD EXCEPTIONS TO THE PROHIBITIONS ON LOGGING AND ROAD CONSTRUCTION AND RECONSTRUCTION

The Draft Colorado Rule did not retain the important principle of allowing exceptions to the prohibitions on logging and road construction and reconstruction in Roadless Areas only for specific, narrowly tailored situations and problems—primarily to protect public safety and for valid existing rights of access—as the 2001 Rule did. Instead, the Draft Colorado Rule would allow extremely broad exceptions to these prohibitions. The application of the Draft Rule would likely result in a great degradation or in some cases, even elimination, of roadless values on sizable acreages, over time. The Draft Colorado Rule would create second-class Roadless Areas (i.e., ones having less protection than those in other states). I consider the Draft Colorado Rule unacceptable. (Individual, Florissant, CO - #917.1.33000.200)

3-30 Public Concern: The Forest Service should acknowledge that, in addition to its positive elements, Alternative 2 includes provisions of concern that prevent endorsement.

BECAUSE IT DOES NOT REPRESENT FOREST SERVICE PHILOSOPHY AND MANAGEMENT DIRECTION IN SUPPORT OF ROADLESS AREAS

AMGA [American Mountain Guides Association] finds and is willing to support many positive elements in the Proposed Rule. However, our inability to endorse Alternative 2 rides on this fundamental concern, an underlying lack of Agency philosophy and Agency management direction in support of roadless lands and characteristics. (Recreational, Boulder, CO - #911.3.33400.023)

BECAUSE IMPLEMENTATION OF EFFECTIVE MANAGEMENT PROPOSALS MAY BE UNDERMINED BY CURRENT AND FUTURE FUNDING

AMGA [American Mountain Guides Association] finds and is willing to support many positive elements in the Proposed Rule. However, our inability to endorse Alternative 2 rides on this fundamental concern, on-the-ground implementation. The current and future funding scenarios necessary to effectively implement the cornerstone management proposals of the Proposed Rule raise serious questions as to the Agency's ability to protect Colorado Roadless Area values. (Recreational, Boulder, CO - #911.5.33400.200)

BECAUSE IT DOES NOT PROVIDE SUFFICIENT PRESCRIPTIONS REGARDING ROAD CONSTRUCTION, INCLUDING DESIGN, ASSESSMENT, MAINTENANCE, AND DECOMMISSIONING AND ASSOCIATED COSTS

AMGA [American Mountain Guides Association] finds and is willing to support many positive elements in the Proposed Rule. However, our inability to endorse Alternative 2 rides on this fundamental concern, roadbuilding prescriptions. The Proposed Rule opens a number of opportunities for roadbuilding in Colorado Roadless Areas without providing sufficient prescriptions on where and how those roads may be built. Critical to this issue is a "cradle-to-grave" approach on roadbuilding and "temporary" roads that includes specifics on assessment, design, construction, maintenance and decommission/restoration, and—most importantly—who will bear the costs and how funds will be allocated or reserved. (Recreational, Boulder, CO - #911.4. 64000.800)

3-31 Public Concern: The Forest Service should explain the difference between Ritter's Petition and Alternative 2.

BECAUSE RITTER'S PETITION MAY BE MORE PROTECTIVE THAN ALTERNATIVE 2

One thing I would really like to know is what differences are between Ritter's Petition and Alternative 2. Because, as I understand it—but I haven't had time to go actually make the comparison myself—that Ritter's Petition is actually more protective than the alternative that the US Forest Service is putting out as Alternative 2. (Individual, CO - #967.2.33400.180)

3-32 Public Concern: The Forest Service should acknowledge that the combination of forest plans and the Roadless Rule makes forest management difficult.

BECAUSE AMBIGUITIES ARE PROBLEMATIC TO THE DEVELOPMENT OF SPECIFIC PLANS AND INCREASE COSTS

The 4CBCH [Four Corners Back Country Horsemen] is concerned for the ambiguity caused by having to consider the Colorado Roadless Rule and the San Juan National Forest Plan in preparing specific projects for Roadless Areas in southwest Colorado. Layer upon layer of plans makes it difficult for forest planners to interpret and for regular citizens to understand. This circumstance will increase costs for project implementation. (Non-Motorized/Non-Mechanized Recreation, Durango, CO - #1046.1.33400.162)

Alternative 3: Forest Plans

3-33 Public Concern: The Forest Service should adopt Alternative 3.

BECAUSE FOREST PLANS PROVIDE SITE-SPECIFIC MANAGEMENT AND COMPLY WITH REGULATIONS

Alternative 3 is the best choice for management of inventoried areas as the management of these areas is blended with and works along with all adjacent lands and uses. I believe that the forest plans are a more thoughtful, scientific, all-inclusive, and complete process for determining the best management (for all multiple uses) for Forest System lands. The forest planning process is site specific (i.e., to each National Forest) and includes compliance plans for all regulations that the USDA Forest Service is obligated and required to comply with (MLA [Mineral Leasing Act], FLPMA [Federal Land Policy and Management Act of 1976], ESA [Endangered Species Act], etc). (Individual, Hotchkiss, CO - #228.1.33500.130)

BECAUSE THE FOREST PLANNING PROCESS INVOLVES LONG-TERM PUBLIC INVOLVEMENT

I've participated in the GMUG (Grand Mesa, Uncompahgre and Gunnison) National Forest planning process as it has evolved and changed over the past 15 years. Perhaps 30, 40, or maybe twice that many public meetings have been attended by myself and many others, and that's just for the GMUG Plan. With the Colorado Rule, just nine public hearings over a period of a few months short of a year—not 10 years or 15 years, as has occurred during the varied forest planning processes on the GMUG. Because folks don't understand what oil and gas development is or does, or because they don't understand what logging is or does, or what off-road recreation is or does is not an appropriate or logical reason for changing management of any National Forest lands from what has been determined with the locals through the local forest planning process! (Individual, Hotchkiss, CO - #228.2. 10000.160)

BECAUSE THE FOREST PLANNING PROCESS RELIES ON THE EXPERTISE OF LOCAL FOREST SERVICE PROFESSIONALS AND IS NOT DICTATED BY THE EVER-CHANGING POLITICAL ARENA

In previous comments, the TMW [Thunder Mountain Wheelers] has encouraged the Forest Service not to adopt the 2001 Protection of Inventoried Roadless Area Rule, 66 Fed. Reg 3272, January 12, 2001 (2001 Roadless Rule). TMW strongly feels the best management of the forest is to allow individual units of the National Forest System to manage Inventoried Roadless Areas in accordance with locally developed Land and Resource Management Plans. In May 2005, the GMUG [Grand Mesa, Uncompahgre and Gunnison] National Forest exercised its option to revise its land and resource management plan using the 2005 Forest Service Planning Regulation, 70 Fed. Reg. 30059 (May 25, 2005), and the GMUG National Forest then issued a Proposed Land Management Plan in March 2007. 72 Fed. Reg. 13740 (March 23, 2007). As part of its planning process, the Forest Service extensively analyzed areas identified as roadless in the 1979 Roadless Area Review Evaluation (RARE II) and updated its inventories with new, more accurate information. The Forest Service also evaluated the existing conditions in each of the identified Roadless Areas and developed appropriate future management conditions based on the extensive expertise and information available to local Forest Service personnel. TMW feels that the management of the Forest Lands is [best] left to the professionals, and [should] not be dictated and restricted by the ever-changing political arena and administration. (Motorized Recreation, Delta, CO - #778.2.33500.162)

BECAUSE AT THE FOREST PLAN LEVEL, CONSEQUENCES OF PROPOSED ACTIONS CAN BE THOROUGHLY ANALYZED AND REVIEWED UNDER THE DYNAMIC PLAN REVISION PROCESS

An aspect that concerns me is the lack of description of unintended consequences of the proposal, which has to be looked at a little more finely than what's being done. The whole exercise stems around Clinton's Rule of 58.5 million acres of Roadless [Areas] that he did rule to be roadless permanently. That is only 2 percent of the Federal land base and 31 percent of the National Forest System lands.

On the surface, that sounds like a very innocuous figure that isn't a big thing. But the consequences of it must be looked at on a forest-by-forest basis that says, "Okay, we have X number of acres in the spruce fir type." By adding more land to roadless or to an unmanaged situation means that you're unable to respond to natural disasters to manage those [lands], such as fire and insect outbreaks. It lowers the base for the land that you can manage.

In each resource management area, there are unintended consequences that are not being looked at. And I think that is a real problem in the analysis level. It's also one of the reasons why I, as a member of the Board of Directors of the National Association of Forest Service Retirees [and] provided testimony years ago when this exercise started in Colorado that said our preferred position was that roadless be looked at in forest plan revisions. And that was the only proper place for it to be done because you can look at the unintended consequences and look at it in a rather continuing dynamic base every 10, 15, [or] 20 years—whatever it may be, since the situation will change.

I think the current approach that we're using has some real solid roadblocks to managing the nation's resources, for whatever values that are there. It's too heavily oriented to the social side and not oriented to actually what's going on—what will happen on the ground as a result of whatever decisions come out of there. (Individual, Arvada, CO - #958.3.33500.200)

BECAUSE ALTERNATIVE 3 PROVIDES THE BEST PROTECTION AGAINST FIRE AND DISEASE

Alternative 3 provides the best protection for the forest, with 27 percent of the forest treated for fire reduction and 41 percent treated for insect and disease reduction. (Individual - #404.2.43000.200)

TO ENSURE THAT PUBLIC LANDS ARE AVAILABLE FOR MULTIPLE USE

I would like to go on record supporting Alternative 3 out of the choices listed here tonight. My guiding principle in choosing or making this decision is that I think the public lands in this county need to be available to the public as much as possible, both for natural resources—such as firewood and logging, mining, seeking petroleum products, or other natural resources within the guidelines of good environmental policies. And I think Alternative 3 will accomplish that. (Individual, Alamosa, CO - #975.1.60000.002)

3-34 Public Concern: The Forest Service should return to normal forest planning in the Grand Mesa, Uncompahgre and Gunnison National Forest.

IN ACCORDANCE WITH RECENT COURT RULINGS

Recently, Judge Brimmer in Wyoming has remanded the Clinton Rule, found it unconstitutional, and in violation of NEPA, and has reinstated normal forest planning. So that is my preference, that we comply with the requirements of the Brimmer rule, and that we go back to normal forest planning in the GMUG [Grand Mesa, Uncompahgre and Gunnison]. (Individual, Paonia, CO - #972.1.20100.140)

3-35 Public Concern: The Forest Service should ensure the existing applicability of forest plans to Roadless Areas.

INCLUDING THEIR GOVERNING MANAGEMENT OF TRAILS, EXISTING ROADS, AND MOST RECREATIONAL ACTIVITIES

[From ATT-1] Applicability of existing forest plans to Roadless Areas under Proposed Rule and effects on recommended Wilderness and effects of existing forest plans:

The forest plans will continue to govern management of existing and future trails and any existing roads within Roadless Areas. 73 Fed. Reg. 43563 at [Section] 294.36(f); DEIS at 57. Forest plans will also typically control recreational activities such as hunting, camping, mountain biking, and use of motor vehicles, including off-highway vehicles. Id. (Preservation/Conservation - #799.39.33000.002)

INCLUDING THEIR GOVERNING PROJECT AND ACTIVITY DECISIONMAKING FOR MANY PROJECTS PERMITTED BY THE PROPOSED RULE AND SUPERCEDINGTHE PROPOSED RULE WHEN MORE RESTRICTIVE

[From ATT-1] Forest plans will continue to govern "project and activity decision-making" in Roadless Areas in two situations. First, forest plans will control where the Proposed Rule is silent on a subject (i.e., where not "otherwise superseded by a roadless rule"). DEIS at 9. Second, forest plans will govern management of the 8,200 ski area acres removed from Roadless Area designation and all other acres not included in the Colorado Roadless Areas that were included in the 2001 Rule's Inventoried Roadless Areas (a total of 529,000 acres). See 73 Fed. Reg. 43546; DEIS at 58.

"Project and activity decision-making" includes decisions about many of the projects for which road construction and tree-cutting in Roadless Areas is permitted under the Proposed Rule (e.g., cutting or removal of trees for management and improvement of wildlife and plant species; cutting or removal of trees incidental to implementation of management activity not otherwise prohibited by the Rule). The DEIS states that "management of vegetation, habitat, or ecosystems, such as by prescribed burning," in Roadless Areas would be governed by forest plan direction under any of the alternatives (including the 2001 Rule and the Proposed Rule). DEIS at 57.

Where conflicting management direction exists between a forest plan and the Proposed Rule, the more restrictive direction would prevail, whether it came from the Rule or from the forest plan. DEIS at 39, 55. [Footnote 41: This applies to both the 2001 Rule and the Proposed Rule—under both, the most restrictive Roadless Area management direction must be followed. DEIS at 263.] Thus, restrictions in forest plans that are more stringent than the Proposed Rule will supplant the Rule, but any less restrictive forest plan direction would have no force or effect. 73 Fed. Reg. 43563 at [Section] 294.36(d). [Footnote

42: Maps 5 and 6 attached to the DEIS purport to show areas where forest plan direction is more restrictive than the 2001 Rule (Map 5) and where forest plan direction is more restrictive than the Proposed Rule (Map 6).] For example, forest plans generally give Research Natural Areas (RNAs) special protection to maintain their pristine character while facilitating research and education. There are 13 RNAs in Roadless Areas in Colorado National Forests, and for all of them, the forest plan prohibits tree-cutting altogether. DEIS at 263. As such, no tree-cutting would be allowed in RNAs under the Proposed Rule, including cutting that the Proposed Rule would otherwise allow. (Preservation/Conservation - #799.37-38.33000.162)

Additional Analysis

3-36 Public Concern: The Forest Service should clarify how Alternatives 2 and 3 would affect pipeline companies currently under contract.

Conversations with our local contacts have not clarified the burdens that acceptance of other alternatives [Alternative 2 and 3] would place on us [Pitkin Mesa Pipeline Company]. (Utility Group, Paonia, CO - #758.1.33000.242)

3-37 Public Concern: The Forest Service should assess wind and solar development before adopting a Roadless Rule.

BECAUSE EXCLUSION OF ALTERNATE ENERGY DEVELOPMENT NEGATES FOREST SERVICE RENEWABLE ENERGY DIRECTIVES, COMMUNITY NEEDS, AND THE GOALS OF ENERGY COMPANIES

CCP [Clear Creek Power] cannot support any of the proposed rules, as the broad exclusion of wind and solar development is unpalatable to our community renewable energy needs and the goals of our company and, ironically, appears to negate the NFS's [Forest Service's] own renewable energy directives. We respectfully request an assessment of wind and solar development in relation to the Roadless Rules before an adoption of a rule is made. (Utility Group, Georgetown, CO - #837.12.31000.640)

3-38 Public Concern: The Forest Service should better explain the different purposes of the Colorado Rule, the Roadless Rule, and a forest plan, and how the three are connected.

BECAUSE IT IS NOT CLEAR TO THE PUBLIC

In observing the visitors to the display and also the number of personnel that are working there from the Forest Service, most of the visitors that I've seen don't really understand what the difference is between one proposal and another [or between] a Colorado Rule and a Roadless Rule and Forest Service Rule—which one is which, and how they interact, and what the purpose of one [is] over another one. Even though several Forest Service people explained it, it's still hard to really understand what the connection is between the three. (Individual, Grand Junction, CO - #971.1.33000.060)

3-39 Public Concern: The Forest Service should analyze how application of the WUI definition from the Idaho Rule would affect Roadless Areas in Colorado.

INCLUDING MAPPING AND SPATIAL ANALYSIS OF IMPACTED ACREAGE

The Colorado Draft Rule also uses similar language to the Idaho Roadless Rule in its definition of the Wildland-Urban Interface [WUI], which seems to work for the state of Idaho but raises concerns in Colorado. The WUI definition includes allowing logging up to 1.5 miles from the boundary of at-risk communities where the boundary of the wildland-urban interface is not defined, which may likely be problematic in Colorado where we have far more communities and there is complex integration between communities and National Forest lands. We [Colorado Mountain Club] would like to see the Forest Service put together a detailed analysis of how this language from the Idaho Rule would affect roadless lands in Colorado, including mapping and spatial analysis of the acreage impacted. We are interested in

discussing the Idaho provisions, but only after the completion of more detailed analysis. (Recreation/Conservation Organization, Carbondale, CO - #838.8.33400.263)

3-40 Public Concern: The Forest Service should return to pre-1993 or pre-1980 rulings.

BECAUSE ALTERNATIVES 1, 2, AND 3 ARE TOO STRICT AND OVERMANAGEMENT HAS MADE ACCESS TO PUBLIC LANDS DIFFICULT FOR THE AVERAGE PERSON

The 2001 Rule was an extreme ruling, and it probably shouldn't have been in effect. The options [Alternatives] 2 and 3 are even more strict. I really feel that we should go back to a pre-1993 or even pre-1980 ruling of our Colorado areas to have the roads established back to a form of what they were then.

Our country hasn't gone downhill since then, but due to the fact that it's being overmanaged and micromanaged in a lot of cases, it's become difficult for the average person to be able to access the country that we live in. (Individual, Grand Junction, CO - #970.1. 33000.100)

3-41 Public Concern: The Forest Service should evaluate additional alternatives allowing expanded oil and gas development and increased timber harvesting.

INCLUDING AN ALTERNATIVE ALLOWING NEW LEASING IN COLORADO ROADLESS AREAS WITHOUT NO SURFACE OCCUPANCY STIPULATIONS, TO MEET THE PURPOSE OF NEPA

The DEIS for the Colorado Roadless Petition considers three alternatives: (1) Alternative 1: No Action Alternative (2001 Clinton Roadless Rule); (2) Alternative 2: Proposed Action RACR [Roadless Area Conservation Rule]; and (3) Alternative 3: Forest Plans. [Footnote 2: 2 The DEIS fails to acknowledge that Alternative 1 has been invalidated by the court in Wyoming II and thus, is no longer a viable alternative.] NEPA requires that the Forest Service "study, develop, and describe appropriate alternatives to recommend courses of action on any proposals which involve unresolved conflicts concerning alternative uses of available resources." 42 USC [Section] 4332(2)(e). NEPA further requires the Forest Service to take a "hard look" at the environmental consequences of a proposed action and prescribes public dissemination of relevant environmental information. Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 350 (1989). The Forest Service, however, need only analyze alternatives that are feasible. See Vt. Yankee Power Corp. v. NRDC, 435 U.S. 519, 551 (1978). Here, the Forest Service has failed to analyze additional and feasible alternatives that would increase reasonable access to oil and gas resources to meet the growing need of natural gas.

The RACR DEIS fails to reasonably evaluate any other alternatives that would allow for expanded oil and gas development and increased timber harvesting. The DEIS acknowledges that it does not consider any other alternatives because no other reasonable alternatives were identified. RACR DEIS Summary at 15. To meet the purpose and goals of NEPA, the Forest Service must evaluate additional alternatives that allow for expanded oil and gas development including at least one alternative that would allow new leases in CRAs [Colorado Roadless Areas] without NSO [No Surface Occupancy] lease stipulations. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #946.11. 22000.131)

Chapter 4. Management of Natural, Mineral, and Physical Resources

4A. MANAGEMENT OF NATURAL RESOURCES

Funding and Enforcement

4-1 Public Concern: The Forest Service should ensure that funding is provided to National Forest lands in Colorado.

FOR LAW ENFORCEMENT TO PROTECT THE WILDERNESS-QUALITY FORESTS

Colorado seems intended, chosen, to become the state with the least protected wilderness-quality forest lands in the lower 48 states. Note that Colorado's National Forest law enforcement team is persistently lacking enough funding to pay for more than 18 total officers, one per 780,000 acres. (Individual, Craig, CO - #255.1.40000.165)

4-2 Public Concern: The Forest Service should not increase development in or access to National Forest lands.

BECAUSE THE FOREST SERVICE DOES NOT HAVE THE RESOURCES TO MANAGE THE AREAS ALREADY OPEN TO DEVELOPMENT

The USFS suffers for the funds required to properly manage forests that are already opened to various forms of development and access, much less add more. (Individual - #801.2.62000.800)

The legacy of official US Forest System roads (both the good ones and the poorly designed, poorly planned, and poorly executed bad ones) and the unofficial user created roads (including in some cases the damage they have cost) is extensive and well documented. Yet, we all intuitively realize that [National] Forest System roads are essential in many, but not all places. On the other hand, once a US Forest System road is established (and even some user created outlaw roads) then it often becomes difficult if not nearly impossible at times, no matter how serious a negative impact might be documented, to manage the road/roads properly. Couple this with the ever-increasing extensive backlog of needed but postponed maintenance and repair needs and the problem becomes enormous. (Individual - #1029.2.64000.200)

The Preamble to the 2001 Roadless Rule makes a strong case as to the fiscal benefits of a prohibition on roadbuilding in Roadless Areas. The Agency notes that there is an existing backlog of about $8.4 billion (now acknowledged as $10 billion) in deferred maintenance on the more than 386,000 miles of roads in the National Forests. 66 Fed. Reg. 3245. The Forest Service further states: The Agency receives less than 20 percent of the funds needed annually to maintain the existing road infrastructure. As funding needs remain unmet, the cost of fixing deteriorating roads increases exponentially every year. Failure to maintain existing roads can also lead to erosion and water quality degradation and other environmental problems and potential threats to human safety. It makes little fiscal or environmental sense to build additional roads in Inventoried Roadless Areas that have irretrievable values at risk when the Agency is struggling to maintain its existing extensive road system. 66 Fed. Reg. 3246. (Preservation/Conservation, Charlottesville, VA - #795.1.64100.800)

4-3 Public Concern: The Forest Service should ensure that there are enough resources to manage the National Forests.

BECAUSE THEY SEEM TO BE OVEREXTENDED

I don't think the Forest Service has enough people to manage the areas they already have. And that's something I see every day as far as through our National Parks system here close to Pueblo. They seem that they're overextended. (Individual, Pueblo, CO - #983.2.62000.023)

4-4 Public Concern: The Forest Service should keep Roadless Areas intact.

AND PROVIDE FOR PROPER MARKING AND PATROL OF THE AREAS

I write to support as strongly as possible a complete keeping of all Roadless Areas intact, and to encourage the proper marking and patrol of new Roadless Areas. (Individual, Plainfield, NJ - #306.1.62000.165)

4-5 Public Concern: The Forest Service should further study the indirect and long-term costs of the Colorado Roadless Rule.

TO DETERMINE FUNDING AVAILABILITY AND TO ENSURE THAT THE RULE DOES NOT GET RAILROADED THROUGH AT THE EXPENSE OF PUBLIC LANDS

When this [Colorado Roadless Rule] goes through, who is going to be paying for these, not only applications, but management of permits and other things? Is it going to be the Forest Service, which seems to be under-budgeted and not staffed enough? Is it going to be the Division of Wildlife who has even less resources?

Who is going to be maintaining the lands? What are we going to do about people poaching big game, about roads that are near rivers that bring silt into the rivers which kill the native trout or any fish for that matter? I think this is a wrong way to go. I think this needs to be studied and determined whether this Rule will really have an effect.

I understand the economy is needed to be helped by the oil and gas industry. But at the loss of our public lands, I do not believe is the right way to go for it. We need to study this issue further and make sure that this does not get railroaded through so other people in other areas can really determine whether this is a good idea or not. (Individual, Highlands Ranch, CO - #961.1.40000.800)

4-6 Public Concern: The Forest Service should avoid adding more roads to the National Forest System roads.

BECAUSE OF THE EXISTING MAINTENANCE BACKLOG

The USFS already have way more roads than they can properly maintain; adding new roads, even temporary long-term roads, makes absolutely no sense economically or ecologically. (Individual, Beulah, CO - #16.2.64100.800)

TO AVOID ADDING TO THE EXISTING MAINTENANCE BACKLOG OR INCREASING ROAD DENSITY

What I've learned over the years of attending their meetings is that the U.S. Forest Service is hard pressed to take care of the existing roads, let alone adding more roads or uses for roads to the system. Many of the so called "Roadless Areas" have existing roads in close proximity. In other words, the density of roads is already great. (Individual, Pueblo, CO - #15.1.64000.680)

BECAUSE THE FOREST SERVICE DOES NOT HAVE THE FUNDS TO MAINTAIN MORE ROADS

If the USFS cannot be funded sufficiently to police roads that already exist, how can they possibly be expected to take on the management of even more roads in highly sensitive areas? The answer of course is that they cannot, and since that is a fact, then it is ridiculous to even think of authorizing any further road building on public lands. Period. In our area the USFS does everything they can to mitigate the situation, but given their gutted budget and lack of direction by Washington, they simply cannot be effective. Why make matters worse? (Individual - #176.2.64000.800)

Resource Development

4-7 Public Concern: The Forest Service should support fishing, farming, mining, forestry, and manufacturing.

BECAUSE THESE INDUSTRIES SUSTAIN AMERICA'S ECONOMY

I strongly support the extraction of our country's natural resources with reasonable safeguards for pollution. The sources of wealth that can sustain the American economy include those identified by Adam Smith many years ago. Namely fishing, farming, mining, forestry, and manufacturing. Without these industries, America, and all she stands for, will perish. Ultra clean air and water are luxuries beyond our budget. Legislation forbidding the extinction of any species is irrational and not in accord with the laws of nature. Our nation's enemies are delighted to see the damaging results of such policies and will no doubt be found to be contributors to the promotion of such policies. (Individual, Portland, OR - #125.1.40000.700)

4-8 Public Concern: The Forest Service should acknowledge that people believe most human activity has a negative effect on nature.

HOWEVER, MANAGED ACTIVITIES SHOULD NOT BE CONSIDERED "BAD"

Somewhere, in the last 20 years, we seem to have forgotten that there is a balance of life and death in nature. The death of old trees, etc., is critical for the health of the new trees. We also seem to be overzealous in our knowledge that humans have an effect on nature. We have come to the conclusion that everything that man does, with possibly the exception of walking through the woods, is bad for nature. This is not true. There are things that man does to nature that are extremely bad, such as over-logging, willful destruction, [and] strip mining, etc. There are other things that man does to nature which are not "bad" such as managed logging, outdoor recreation, [and] archeology, etc. (Individual, Jordan, MN - #804.2.40000.700)

4-9 Public Concern: The Forest Service should prohibit industrial development in pristine forests.

BECAUSE IT NEGATES OUR RIGHTS AS CITIZENS

Industrial development in more of our relatively pristine forests permanently and negatively affects habitat, watersheds, and water quality, and is antithetical to our rights as citizens. For me and many others, life, liberty and the pursuit of happiness are ideals which cannot be separated from our nation's commitment to preserving the remaining wildness of our National Forests wherever and whenever possible. (Individual, Leadville, CO - #941.2.40000.125)

4-10 Public Concern: The Forest Service should prohibit destructive industries on National Forest lands and should shift subsidies to mass eco-restoration projects.

TO RESTORE HABITAT, WATERSHEDS, AND WATER QUALITY TO HELP REDUCE THE EFFECTS OF CLIMATE CHANGE, PROVIDE JOBS, AND REBUILD ECONOMIES

It is my feeling that destructive industries should be booted off public lands altogether. And subsidies should be shifted to mass eco-restoration projects that will not only restore habitat and watersheds and water quality, but will also help stabilize the climate and help to mitigate the oncoming climate changes that are already unavoidable. And will also serve to put many people to work and to rebuild local and regional economies. (Individual, Denver, CO - #957.1.40000.002)

4-11 Public Concern: The Forest Service should acknowledge that unintended degradation of the environment by resource development occurs.

BECAUSE OF ACCIDENTS AND LACK OF ADMINISTRATION OF, AND ADHERENCE TO, ENVIRONMENTAL PROTECTION PROTOCOLS

In the document there is attention to the way a company would temporarily create roads and waste for exploitation purposes. The protocol for entering, exploiting, respecting, and leaving an area as it was found is roughly sketched. I could accept this section's approach if I felt more sure these protocols could be trusted and administered effectively. I would like to think that land drillers possess the same vision at the end of the day as land nurturers. But my confidence in these plans has been diminished for empirical reasons—for having been witness to too much unintended degradation. This is not to take away from industrialists who have been successful in this realm, only to point out that it takes just a single accident to devastate huge bodies of land and water. After all the unintended ruination we've seen observing work from Alaska to New Jersey to Louisiana, our trust in the sincerity and willingness of everyone involved to coordinate truly clean energy exploitation is unfortunately compromised. The economic and moral climate that supports cutting corners also feeds this mistrust. Indeed, this is where the demonizing (on the ecologists' side) begins to set in—environmental issues are noticed and addressed, but it still seems more of a sop than a mentality sure of why we must seek profound energy alternatives and the spirit, not just the law, of preservation. (Individual, North Bennington, VT - #40.2.40000.720)

Wildlife Species and Habitat

4-12 Public Concern: The Forest Service should protect ecosystem functions.

TO SLOW OUR PATH TO EXTINCTION

We are extinguishing species at 100-to-10,000 times nature's typical rate. We humans have methods of food supply that spend 10 calories of energy to obtain every 1 calorie of imbibed food. If any other species were so extravagant and were to take so much for granted, it would go toward extinction. The major one of our human devices that slows our path to extinction is our willingness to access and drain multiple other species' life progressions and reduce all of their survival probabilities before we worry about our own. (Individual, Craig, CO - #255.7.41600.001)

4-13 Public Concern: The Forest Service should provide large areas of contiguous habitat.

TO PRESERVE WILDLIFE SPECIES FOR FUTURE GENERATIONS

The long, broad, uninterrupted habitat for our deer, elk, big horn sheep, [and] bears is constantly shrinking, as these wildlife populations constantly diminish and wane, and their gene pool cannot continue in a healthy manner. Wildlife is not infinite, and the Forest Service has the responsibility to preserve these precious species and maintain their habitat for future generations. (Individual - #105.1.41000.320)

4-14 Public Concern: The Forest Service should provide enough land and habitat to support wolves and grizzly bear.

I have a priority in making sure that there's enough public land and enough wild land and habitat for two of the eradicated species that no one has been able to find for many years because they were killed by some of these government killers that are still out there today. I'm talking about the wolf and the grizzly bear. (Individual, Mancos, CO - #954.1.41100.001)

4-15 Public Concern: The Forest Service should actively manage forests.

BECAUSE PRACTICES SUCH AS TIMBER HARVEST AND PRESCRIBED BURNING PROVIDE A WIDE VARIETY OF WILDLIFE HABITATS

In general, we [the National Wild Turkey Federation] believe that National Forests should be actively managed to provide for a variety of wildlife habitats from grasses and seedlings to mature and old growth forests. Forest management practices such as timber harvest, prescribed burning, and other silvicultural and wildlife habitat management techniques are normally the best and most efficient means to accomplish these objectives. (Recreation/Conservation Organization - #948.1.40000.330)

4-16 Public Concern: The Forest Service should know that Audubon Colorado has designated two Important Bird Areas in or adjoining Roadless Areas.

INCLUDING THE ENTIRE ARAPAHO AND GUNNISON NATIONAL FORESTS, LISTED AS GLOBALLY IMPORTANT BIRD AREAS BY THE AMERICAN BIRD CONSERVANCY

Two Important Bird Areas have been designated by Audubon Colorado in or adjoining Roadless Areas. The entire Arapaho and Gunnison National Forests are listed as Globally Important Bird Areas by the American Bird Conservancy. (Preservation/Conservation, Ellicott City, MD - #493.2.41110.001)

4-17 Public Concern: The Forest Service should analyze the impacts of ski areas on wildlife.

Wildlife impacts resulting from ski area expansion should not be allowed—especially without more specific wildlife impact analysis. (Individual, Durango, CO - #26.1.56000.350)

Protection of Roadless Areas

4-18 Public Concern: The Forest Service should acknowledge that the Proposed Rule allows for expanded management activities.

WITHOUT REQUIRING THE MAINTENANCE OF ROADLESS CHARACTERISTICS

[From ATT 1] Under the 2001 Rule, cutting, sale, or removal of trees is permitted "to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects." 66 Fed. Reg. 3273, at [Section] 294.13(b)(1)(ii). Cutting is limited to "generally small diameter timber" and must maintain or improve one or more of the defined roadless area characteristics. Id.

The Proposed Rule allows timber cutting to reduce the hazard of wildfire effects within Community Wildfire Protection Plans ("CWPPs") or are near a Wildland-Urban Interface. It also allows cutting for large-scale insect and disease outbreaks. 73 Fed. Reg. 43563 at [section] 294.34(b)(1)(ii). The scope of the "within CWPP" exception is dramatic. As of 2006, at least seven Colorado counties had adopted county-wide CWPPs. See Colorado State Forests, Community Wildfire Protection Plans (Nov. 29, 2006) available at http://csfs.colostate.edu/library/pdfs/cwpp/Completed_CWPP_links.pdf (last visited Aug. 13, 2008). Together, these seven CWPPs encompass roughly 629,000 roadless acres identified by the Proposed Rule. [Footnote 39: This figure was calculated based on the acreage identified in Table 58 of the DEIS identifying roadless acres by county. DEIS at 287-88.] Today, there are 82 approved CWPPs in effect throughout Colorado. DEIS at 142. While many of these plans are more limited in scope than those covering entire counties, the reach of CWPPs into Roadless Areas is undoubtedly immense. Moreover, the roadless acreage falling under CWPPs will continue to grow as more plans are proposed and approved.

Further, the Proposed Rule requires the Forest Service to implement projects (presumably involving cutting trees) to reduce wildfire hazards. Id. The restriction of logging to "smaller diameter trees" has been deleted, and where the 2001 Rule permitted actions to reduce the risk of wildfire, the Proposed Rule requires action to reduce wildfire hazards, and permits actions to address large-scale insect and disease outbreaks. Finally, unlike the 2001 Rule, the Proposed Rule does not require the maintenance of

roadless characteristics in association with these actions, instead requiring only "careful consideration" of such characteristics. (Preservation/Conservation - #799.27-28.43100.621)

4-19 Public Concern: The Forest Service should ensure maintenance of roadless characteristics.

BECAUSE WITHOUT MANDATORY PROTECTION, PERMISSIBLE LOGGING COULD DEGRADE ROADLESS AREA CHARACTERISTICS

The Proposed Colorado Rule could allow road construction and logging on all or nearly all roadless lands to reduce the hazard of wildfire effects or large-scale insect and disease outbreaks. This would allow logging on a large area of roadless lands, some of it miles from any housing, communities, or infrastructure. The total acreage logged after 15 years could be 114,000 acres, or 3 percent of the total CRA [Colorado Roadless Area] acreage.

Implementation of this provision would not significantly reduce the risk of fire, as there is no substantial difference in the potential for large fires to occur in Roadless Areas among the three alternatives considered in the DEIS. DEIS at 82.

While the Proposed Rule does state that projects are to be implemented after giving "careful consideration to Roadless Area characteristics as defined by this rule" [Section] 294.34(b)(1)(ii), we [The Wilderness Society] do not believe that this would ensure adequate protection of Roadless Area characteristics. This consideration would be applied only insofar as it is "[c]onsistent with the purposes of this paragraph." In other words, the emphasis would be on addressing effects of insects or diseases or reducing fire risks, not on maintaining roadless characteristics.

Widespread salvage logging and associated road construction in response to mountain pine beetle attacks, for example, which would be allowed by Section 294.34(b), would leave any Roadless Area so treated in a degraded state, as dead and dying trees are typically clearcut and removed during such operations. This means there could be widespread clearcutting in Roadless Areas under the Proposed Rule. At a minimum, the following identified roadless characteristics would be degraded: high-quality undisturbed soil, water, and air; diversity of plant and animal communities; reference landscapes; and 20 natural-appearing landscapes with high scenic quality. Intense treatment, along with the presence of roads, could then become sufficient basis for consideration of removing treated areas from the roadless inventory. (Preservation/Conservation, Denver, CO - #1019.44-45.43000.621)

4-20 Public Concern: The Forest Service should provide greater protection to Roadless Areas than provided by the Proposed Rule or forest plans.

BECAUSE THESE ALTERNATIVES ONLY ADDRESS A SMALL PERCENTAGE OF ROADLESS ACREAGE

Forest plans do not provide much protection for Roadless Areas. Several of the provisions of the Draft Colorado Rule would allow activities and road construction in Roadless Areas only if such actions comply with the respective land management plan. See, e.g., Sections 294.33(b)(6) and (7) and (c)(2). In other words, activities that might degrade roadless characteristics and are permitted by the Draft Colorado Rule would be prohibited where they would not comply with forest plans. See Draft Rule Preamble at 73 Fed. Reg. 43547. However, land management plans for Colorado generally do not provide much protection for Roadless Areas.

The plans certainly provide less protection than the 2001 Rule. [forest] plans for the Grand Mesa, Uncompahgre and Gunnison, Pike-San Isabel, San Juan, and Manti-La Sal [National Forests] are less restrictive than the 2001 Rule on nearly 100 percent of their Inventoried Roadless Areas. DEIS at 230.

Overall, for Inventoried Roadless Areas, 23 percent of the acreage is in management category D4 (DEIS at B-21), under which logging and road construction and reconstruction are "not restricted." Id. at B-2. Another 41 percent of the IRA acreage is in management category C4 (id. at B-21), under which logging is "not restricted" and road construction and reconstruction are "generally not restricted except under some specific circumstances." Id. at B-2. Concomitantly, only 5 percent of the IRA acreage is in management categories A1 and A2, under which road construction and reconstruction are prohibited, and logging is prohibited or strongly restricted. Id. at B-2 and B-21.

For Colorado Roadless Areas, the allocations are very similar: 20 percent of the acreage is in category D4 and 41 percent is in category C4, with just 6 percent in categories A1 and A2. Id. at B-35.

In other words, there are almost no restrictions on logging or road construction or reconstruction in more than 60 percent of Colorado's National Forest roadless acreage. This demonstrates the need for a strong Roadless Rule that would limit ground-disturbing activities to conserve roadless characteristics, as the public demands. (Preservation/Conservation, Denver, CO - #789.8-9.40000.620)

4-21 Public Concern: The Forest Service should support the 2001 Roadless Rule.

BECAUSE IT PROTECTS COLORADO'S WILDLIFE AND BACKCOUNTRY

The 2001 Roadless Rule is the best protection we have for Colorado's wildlife and backcountry. (Individual, Carbondale, CO - #874.1.40000.001)

BECAUSE IT PROMOTES WILDLIFE CONSERVATION BEFORE EXTRACTIVE INDUSTRY DEVELOPMENT

The Proposed Rule blatantly reduces currently protected Roadless Areas and hands acreage protected under the 2001 National Rule to the mining and ski businesses. Is the natural gas industry next in line for conversion of the Roadless Area to a wasteland in the name of energy production? I'm not advocating no development, but rather maintaining Roadless protections provided for in 2001 and putting wildlife conservation first in the consideration of extractive industry development needs in Colorado. (Individual, Denver, CO - #927.3.40000.002)

TO PROTECT COLORADO'S MOST PRISTINE NATIONAL FOREST LANDS FROM EXTRACTIVE USES

Today, 4.4 million acres of Colorado's National Forests are protected by the Roadless Area Conservation Rule. Tomorrow, this backcountry could be at risk to industrial development under a Bush administration plan. Drilling, mining, and logging would be permitted in some of Colorado's most pristine National Forests. Don't give our forests less protection than any others. I firmly support the 2001 Roadless Rule as the best and most balanced policy to protect Colorado's National Forests now and into the future. (Individual, Bothell, WA - #808.2.40000.200)

More than 100 years ago, President Theodore Roosevelt recognized the importance of conserving America's natural legacy—our forests. Now, we need you to renew that commitment to our nation and protect our forest heritage. I urge you to uphold, enforce, and defend the original Roadless Area Conservation Rule that protects 58.5 million acres of our last wild National Forests; stop last-minute attempts to remove Roadless Rule protections in Colorado and Idaho's National Forests. (Individual, Diamond Bar, CA - #929.1.40000.200)

4-22 Public Concern: The Forest Service should protect Roadless Areas.

TO PROTECT ECOSYSTEM HEALTH AND SPECIES POPULATIONS

I have explored many of the Roadless Areas in Colorado over the past three decades: hiking, climbing, hunting, fishing, birding, [and] botanizing. There is no doubt in my mind that the presence of roads is the single greatest threat to the ecological integrity of an area. Whether one is looking for elk and deer or the presence of invasive weeds, the empirical evidence is irrefutable that native species are healthier and more abundant in Roadless Areas. These observations are borne out by numerous wildlife and botanical surveys, and quantitative studies that document erosion rates, water quality, human-induced fires, and incidents of poaching. (Individual, Boulder, CO - #51.1.40000.300)

Roadless Areas are vital for long-term ecological health and continuity of natural systems. Our bank of scientific data has grown exponentially over the last 10–20 years. This proliferation of scientific knowledge has vastly changed conservationists approach for ensuring long-term ecosystem health and species viability. The accepted approach generally divides lands into three broad management categories. Most important are "core" areas. Cores are the heart of the system, and therefore these key wildlife and ecological areas need a high level of protection. The other broad classification is "linkages." Many species, such as elk and lynx, are adverse to roads. Therefore, keeping the roadless integrity of

these areas directly sustains the ecological health and wildlife populations for which our hunters, local citizens, wildlife enthusiasts, and tourists treasure Colorado. Maintaining these Roadless Areas is even more critical as new roads are built, or existing roads are improved, in order to accommodate the explosive exurban sprawl and population growth in the Colorado Rockies. (Preservation/Conservation, Florissant, CO - #4.2.41000.330)

I strongly urge you to please not undermine [the] 2001 Roadless Rule. Undeveloped Forest Service lands are one of our nation's greatest assets—they provide many irreplaceable services to our national economic, social, and ecological health. Protected Forest Service areas provide many ecosystem functions. If these lands are compromised, a range of negative effects for humans emerge. Degraded habitat brings wildlife into urban areas, where more often than not they become nuisances. Intact ecosystems provide important water filtration services. If these lands are damaged through roads and the developments and increased uses more roads encourage, the important ecological functioning of ecosystems will be compromised. (Individual - #107.1.40000.201)

BECAUSE ROADLESS AREAS PROVIDE MIGRATION CORRIDORS AND LARGE CONTIGUOUS HABITAT BLOCKS TO CONSERVE BIOLOGICAL DIVERSITY

All of the Roadless Areas need to be preserved, protected, and maintained to provide maximum benefit for wildlife habitat and biological diversity. These Roadless Areas provide vital habitat and migration routes for so many wildlife species and are particularly important for those species requiring a large home range. Connecting corridors of wildlands must remain intact. (Individual, Carbondale, CO - #237.1.41700.330)

Colorado and the rest of the nation must recognize the critical juncture at which we stand and protect our backcountry resources. Biodiversity is at an ever-increasing risk of adverse cumulative impacts from population growth and associated land uses/land conversions, as well as the introduction and proliferation of non-native species. As the Draft Environmental Impact Statement recognizes: "By reducing the level of potential adverse impacts on Roadless Areas, some of the last relatively undisturbed large blocks of land outside of designated wilderness areas that contribute to species biodiversity would be conserved. The value of Roadless Areas in conserving biodiversity is likely to increase as habitat loss and habitat degradation increase in scope and magnitude elsewhere... The value of Roadless Areas is even more important when considered with other land conservation laws, policies and strategies... [M]any Roadless Areas are adjacent to wilderness, national parks, and other designated area that provide large contiguous habitat blocks with national significance for biodiversity conservation... Overall, as population growth and associated land uses and land conversions place pressures on National Forest Service and non-National Forest Service lands, the value and importance of Roadless Areas in conserving biological diversity will probably increase. In the future, habitat loss and loss of viable animal populations may be of a magnitude such that the beneficial effects of the prohibition and limitation, and other laws, regulations and policies relative to the conservation of native biodiversity may be lost or overwhelmed. Even under this scenario, Roadless Areas would likely still convey some beneficial effects relative to conservation of terrestrial and aquatic animal species and habitat in Colorado." DEIS at pp. 207–209." (Pitkin County Board of Commissioners, Aspen, CO - #324.6.41600.200)

I would respectfully ask that you please take into consideration the grave effects of habitat fragmentation on the animals that live in the wilderness of Colorado and neighboring states. In particular, the larger, migratory animals of the region require open, undeveloped, and continuous swaths of land in order to thrive. Please restrict to the extent possible any potentially disruptive human incursions (anything but "taking only pictures, leaving only footprints," and certainly including roads and vehicles) into those large tracts of land that have so far survived encroachment. (Individual, Philadelphia, PA - #383.1.41700.350)

The 2001 Ruling provides the highest level of protection of aquatic ecosystems, threatened species, wildlife diversity, and scenic value: Roadless Areas are imperative to migration; one-third of Roadless

Areas border other protected areas (3). [Footnote 3: "The Value of Roadless Areas." Colorado's Forest Legacy. http://roadless.net/sections/background/background.htm] (Academic, Boulder, CO - #505.5. 40000.331)

BECAUSE ROADLESS AREAS PROVIDE REMOTE HIGH-QUALITY HABITAT FOR LISTED SPECIES AND OTHER WILDLIFE

Colorado's Roadless Areas include remote areas with rugged terrain that provide the highest quality habitat for wildlife species such as lynx, wolverine, bear, and goshawk that need large areas with minimal human disturbance. (Individual, Santa Fe, NM - #202.4.41110.330)

I am writing to oppose the opening of over 300,000 acres of National Forest Roadless Areas in Colorado to facilitate road construction, energy development, and timber removal. This runs counter to scientific evidence, which demonstrates that areas with low road densities, less altered or modified forest vegetation, and lower levels of human activity and ground disturbance are generally better for wildlife and their habitats.

The Greater Sage-Grouse will be negatively affected by this Proposed Rule. The rule threatens habitat for the threatened and Southwestern Willow Flycatcher, Mexican Spotted Owl, as well as the watch-listed Gunnison Sage-Grouse, Mountain Plover, Olive-Sided Flycatcher, Black Swift, Lewis's Woodpecker, Flammulated Owl, and Brewer's Sparrow. (Individual, Washburn, WI - #418.1.41400.330)

TO PROTECT THE THREATENED GREENBACK CUTTHROAT TROUT

We [Colorado Trout Unlimited] have great concern over the extent of proposed roadbuilding and timber cutting contemplated in Roadless Areas that support the threatened greenback cutthroat trout. The DEIS (Appendix G) indicates a high likelihood of roadbuilding and/or timber cutting in three Roadless Areas supporting greenbacks on the Arapaho-Roosevelt National Forests – Comanche Park, Comanche Peak adjacent area, Green Ridge-West – and in a remarkable 10 Roadless Areas supporting greenbacks on the Pike-San Isabel National Forests (Burning Bear, Greenhorn Mountain: Graneros Creek to Section 10, Greenhorn Mountain: Little St. Charles Creek to Greenhorn Creek, Mount Antero, Pikes Peak East, Sangre de Cristo: Alvarado Campground to Music Pass, Sangre de Cristo: Alvarado Campground to Music Pass SA, Sangre de Cristo Blanca Peak to Slide Mountain, Sangre de Cristo: Lake Creek to Hermit Creek, and Sangre de Cristo: West Creek to Big Cottonwood). Moreover, the Proposed Rule would remove from roadless protection the Bard Creek area (which also supports greenback cutthroat trout) as part of its withdrawal from roadless protection of areas contemplated for ski area expansion. While the DEIS notes that Roadless Areas are strongholds for native populations and reintroduction, the preferred alternative nonetheless would open up these "strongholds" to development, and thereby place the populations at a much greater risk. Mitigation measures certainly can help reduce risks, but the presence of native trout on so many Roadless Areas is a reflection of the way in which roadless qualities protect the fish—from habitat destruction, from introduction of other species, and from excessive angling pressure. The best way to preserve these attributes—which have helped allow native fish to succeed in these habitats—is to preserve the watersheds' roadless character. (Recreation/Conservation Organization, Boulder, CO - #1002.2.41400.206)

TO PROTECT THE COLORADO RIVER CUTTHROAT TROUT

We [Colorado Trout Unlimited] have similar concern over the 30 Roadless Areas supporting Colorado River cutthroat trout that are identified as likely to have roadbuilding and or timber cutting; while not implicating a Federally listed species, these habitats are important to ongoing efforts to preserve and restore Colorado River cutthroat trout and hopefully avoid the need for Endangered Species Act listing in the future. (Recreation/Conservation Organization, Boulder, CO - #1002.3.41400.330)

TO PREVENT ADDITIONAL STRAINS ON BOREAL ECOSYSTEMS GIVEN THAT THE SHORT-TERM NEED FOR OIL HAS LESSENED

The web of boreal ecosystems in Colorado is strained as it is. Opening up roads and drilling in this strained system is sure to stress it further.

I expect that with oil [prices] going down, we can put this off for the time it takes to generate our energy in less ecology-damaging ways. (Individual, Moreno Valley, CA - #786.1. 41000.421)

TO AVOID INTRODUCTION OF INVASIVE SPECIES AND INCREASED SEDIMENTATION, POLLUTION, AND WASTE CAUSED BY HUMAN ACTIVITY

It is important, if not essential, that we maintain all existing Roadless Areas in their current natural state. The science shows that habitat fragmentation by putting roads through large unroaded tracts is detrimental to all sorts of wildlife by disrupting their migration/movement patterns, introducing a greater human element with all its incumbent disturbance and transmission of potentially invasive species, increased sedimentation to streams and rivers, increased pollution and waste, etc. Our earth has been severely altered by human activities and our sheer numbers; therefore, it is essential that we protect each last bit of Roadless Areas for the other species and for its value [in] providing ecosystem services. (Individual, Sacramento, CA - #308.1.41700.200)

BECAUSE THEY PROVIDE CLEAN DRINKING WATER AND AREAS FOR SCIENTIFIC RESEARCH AND RECREATION

Roadless Areas are locations with few or no roads open to motor vehicle use. Often, they are remote areas with rugged terrain that provide the highest quality habitat for wildlife species such as lynx, wolverine, bear, and goshawk that need large areas with minimal human disturbance.

Roadless Areas also protect sources of much of Colorado's clean drinking water, provide excellent areas for scientific research and education on natural ecosystems, and offer numerous opportunities for low-impact recreation. (Preservation/Conservation - #185.1.40000.002)

BECAUSE THEY PROTECT OUR WATER SOURCES AND COOL AND CLEAN THE AIR

Please continue to maintain and protect our Roadless Areas, to keep them free of roads, oil and gas exploration, and ski area expansions such as Snodgrass Mountain in Crested Butte. These areas are vital to protecting our forest, which protects our snowpack, which releases water slowly when shaded, and ultimately protects our water source. This land is important to migrating animals and local wildlife and flora. With the onset of global warming and beetle infestations, our Roadless Areas are becoming a precious asset which helps us cool the clean the air. (Individual - #773.1.40000.002)

TO PROTECT WATERSHEDS, STREAMS, AND PRIME RECREATION LAND

I'm writing to oppose the U.S. Forest Service's proposal to allow commercial logging, mining, roadbuilding, and oil and gas drilling in 4.4 million acres of Colorado's Inventoried Roadless Areas.

These roadless forests are some of the last wild refuges in our swiftly developing world and provide: quality habitat for lynx, elk, cutthroat trout, goshawk, and other vulnerable species, clean drinking water for our communities; and outstanding opportunities to enjoy unspoiled areas of the wild outdoors. (Individual, West Hollywood, CA - #428.1.40000.002)

4-23 Public Concern: The Forest Service should acknowledge that protecting Roadless Areas also will protect many low- to mid-elevation environments.

THAT PROVIDE YEAR-ROUND RECREATION, WILDLIFE MIGRATORY CORRIDORS, PRIME WINTER RANGE AND BIRTHING AREAS, AND PLANT AND ANIMAL DIVERSITY

Roadless Areas are also critical in that many include low- to mid-elevation lands. In fact, roughly 90 percent of the public lands in Colorado fall within the least protected land management category. If you look at that 10 percent of lands that are protected, over 70 percent of those lands are over 10,000 feet in elevation, lands we in Colorado affectionately call "rock and ice." Low elevation directly equates to more diversity of plant and animal species, larger populations, and what we all care about—year-round recreational opportunities in a primitive setting. Further, these lower-elevation lands are also key wildlife migratory corridors, provide prime winter range outside of the extremes above 10,000 feet in elevation, and are birthing areas. That is why, the Colorado Division of Wildlife [CDOW] report to the Task Force in 2005, states that 100 percent of the CDOW field officers support 100 percent protection for Roadless lands. Protecting low- and mid-elevation lands is the top priority of conservation biologists today. (Preservation/Conservation, Florissant, CO - #4.3.41000.002)

THAT CONTAIN BIODIVERSITY AND HABITAT TYPES NOT REPRESENTED IN WILDERNESS AREAS

Many of the Roadless Areas in Colorado are the last non-roaded, lower elevation public lands that are habitat types that are not represented in Wilderness. Once they have roads in them, they cannot be protected. Lower elevation areas have much higher biodiversity because the vegetation is much more complex, there is more water, and these areas have longer growing seasons. (Individual, Pagosa Springs, CO - #47.1.41600.330)

4-24 Public Concern: The Forest Service should protect Colorado's aquatic ecosystems, listed species, wildlife diversity, and scenic values.

BECAUSE COLORADO'S CITIZENS CHERISH THE STATE'S REMAINING PRISTINE LANDS

After examining the DEIS on the Colorado Proposed ruling, we [the University of Colorado Wilderness Study Group] found that the 2001 Ruling is the best alternative on the issues that are most important to us with regard to our public lands [such as]: The 2001 Ruling provides the highest level of protection of aquatic ecosystems, threatened species, wildlife diversity, and scenic value. Colorado is known for its incredible scenery and recreation values. Many of us are lifelong citizens of this beautiful state and cherish what untrammeled places remain. In fact, 76 percent of Colorado's population engages in non-motorized recreation (2). [Footnote 2: "The Many Values of Roadless Areas." Citizens for Roadless Area Defense. Spring 2006. http://www.wrroadless.org/] (Preservation/Conservation, Boulder, CO - #505.2.40000.002)

4-25 Public Concern: The Forest Service should value Roadless Areas as a buffer between Wilderness Areas and surrounding development.

We are residents of Ouray County and have become intimately acquainted with the surrounding backcountry through hiking, biking, and skiing. We have come to realize the value of Roadless Areas as a buffer between existing designated Wilderness Areas and surrounding development. (Individual, Ridgway, CO - #41.1.50000.600)

INCLUDING PROTECTION FROM WILDFIRE, STORMWATER, AND INVASIVE SPECIES

The public overwhelmingly supports protection of these [Colorado's] last wild forests. These areas are sanctuaries for wildlife, including at least 21 threatened, endangered, or imperiled species that depend on Colorado's Roadless Areas for habitat, such as the Canada lynx, elk, and the greenback cutthroat trout. Wild Roadless Areas provide a clean drinking water source for many communities; create the foundation of healthy forest ecosystems; and offer some of the best recreation, fishing, and hunting opportunities in Colorado. In addition, Roadless Area protection is vital to buffer developed areas from wildfires and stormwater, and to slow the spread of invasive species. (Individual, Colton, CA - #208.2.40000.002)

4-26 Public Concern: The Forest Service should acknowledge the value of Colorado's Roadless Areas.

BECAUSE THE WHITE RIVER AND GRAND MESA, UNCOMPAHGRE AND GUNNISON NATIONAL FORESTS PROVIDE SOME OF THE LARGEST ECOLOGICALLY INTACT AREAS IN THE STATE

Some of those Roadless Areas [in White River and Grand Mesa, Uncompahgre and Gunnison National Forests] are some of the largest complexes of ecologically intact areas in the state. They're very pristine. They have some very outstanding wildlife values and some remarkable natural features, such as the largest Aspen forest in the state, some very healthy forest as far as ecology fire regime goes, the integrity of wildlife habitat, [and] major areas for watersheds and hunting recreation. (Individual, Crawford, CO - #960.3.41000.001)

BECAUSE THEY ARE CRITICAL TO STABILIZING AND REVERSING DECLINING BIRD POPULATIONS

Regarding habitat for threatened, endangered, candidate, and sensitive species, the DEIS notes that virtually all the Roadless Areas have a threatened, endangered, or sensitive species or habitat in them (p. 176). As a Chapter of the National Audubon Society, we [The Audubon Society of Greater Denver]

share a goal to stabilize and reverse population trends of bird species that are in decline. Roadless Areas are an important component of that goal. (Preservation/Conservation, Littleton, CO - #919.2.41000.340)

BECAUSE THEY CONTRIBUTE TO THE HABITAT AND SURVIVAL OF COLORADO'S NATIVE TROUT SPECIES

[From ATT 2] According to a recent analysis, all three of Colorado's native cutthroat trout species depend heavily on Roadless Areas for habitat and survival. The group found, for example, that 76 percent of present-day greenback cutthroat trout habitat was found in those sections of coldwater, such as the Rio Grande and Colorado River, which ran through Roadless Areas. [Footnote 20: "Where the Wild Lands Are: Colorado" Trout Unlimited 2006) http://www.tu.org/atf/cf/ percent7BED0023C4-EA23-4396-9371-8509DC5B4953 percent7D/Roadless_CO_final.pdf] (Preservation/Conservation - #799.50.41300.330)

BECAUSE THEY SUPPORT ENDANGERED AND THREATENED SPECIES

The 2001 Ruling provides the highest level of protection of aquatic ecosystems, threatened species, wildlife diversity, and scenic value: The Colorado Division of Wildlife lists 74 species as endangered or threatened in this state; 23 of these species are found in Roadless Areas (4). [Footnote 4: Threatened and Endangered List. Last updated 10/15/2007. http://wildlife.state.co.us/WildlifeSpecies/SpeciesofConcern/ThreatenedEndangeredList/ListOfThreatenedAndEndangeredSpecies.htm] (Preservation/Conservation, Boulder, CO - #505.3.40000.340)

4-27 Public Concern: The Forest Service should provide full roadless protection to critical habitat areas.

INCLUDING THE SERAL ASPEN FORESTS IN THE NORTHFORK ROADLESS AREAS

The vast seral aspen forests found in the North Fork Roadless Areas are one important example of a very unique plant community. These rare aspen woodlands provide critical habitat for wildlife as well as critical linkages to wilderness areas for Colorado's big game. These places need full roadless protection. They cannot survive any more impact. (Individual, Hotchkiss, CO - #824.1.41210.330)

4-28 Public Concern: The Forest Service should avoid adding more roads to the National Forest System roads.

BECAUSE CONSTRUCTING ROADS COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS, ESPECIALLY ON SPECIAL-STATUS SPECIES

Total road miles constructed or reconstructed in Roadless Areas under Alternative 2 would be 18–19 miles per year (DEIS at 74, as corrected by the July 21, 2008 Errata Sheet), totaling 270–285 miles over 15 years. Under Alternative 3, 29.8 miles of road per year, or about 447 miles over 15 years, would be built in Roadless Areas (DEIS at 74). Under the 2001 Rule (Alternative 1), only 6.3 miles of road would be constructed or reconstructed per year, or 93.8 miles over 15 years. (Id.)

The construction and use of such roads and implementation of the activities these roads would access would have a considerably adverse impact on roadless characteristics, including: wildlife habitat, including fragmentation (DEIS at 196–199); biological diversity (id. at 209–210); ESA-listed and sensitive plants (id. at 167–173); scenery (id. at 242 [Footnote 5: The discussion of impacts to scenery under Alternative 2 at DEIS p. 270 severely understates the impact of this Alternative. . Some roads would exist for decades, and thus be long-lasting scars on the land, even if closed to public use. Each fuel reduction project that employed logging would be noticeable for several years. There would likely be many such projects in Roadless Areas in the next 15 years.]); introduction and spread of noxious weeds (id. at 159–160); and disqualification of portions of numerous Roadless Areas, or maybe whole Roadless Areas in some cases, from ever being designated as Wilderness (id. at 256).

While it is true, as the DEIS states at p. 185, that potential adverse effects can be reduced at the project level by good design and application of mitigation measures, the level of activity likely to occur under the Draft Colorado Rule would surely cause considerable adverse impacts to important roadless characteristics, even with well designed and implemented mitigation measures.

Note, e.g., that many ESA-listed and sensitive species appear to be selecting Roadless Areas with "exceptionally high wildlife values." (DEIS at 198). Roadless Areas containing such features where road construction or logging are likely to occur are listed in DEIS Appendix F. Note that the list there is quite long (i.e., there are many Roadless Areas with important wildlife values where destructive habitat alteration could occur under the Draft Colorado Rule). This is a strong indication of the pervasive threat to wildlife habitat in Roadless Areas that would likely occur with implementation of the Draft Rule 2. [Footnote 6: Appendix F lists Roadless Areas where there is potentially higher risk for wildlife because road construction and/or logging are likely to occur "under one or more alternatives." See DEIS at F-1. Since Alternative 2, the Draft Colorado Rule, would allow considerable activity in Roadless Areas, many of the ones listed would suffer under implementation of the Draft Rule.] (Preservation/Conservation, Denver, CO - #789.12-13.64100.621)

4-29 Public Concern: The Forest Service should return the 500,000 acres that were removed from Roadless Area status.

BECAUSE THEY PROVIDE PRIME HABITAT FOR ELK, MULE DEER, BIGHORN SHEEP, GUNNISON SAGE-GROUSE, AND NATIVE TROUT SPECIES

We need to return the 500,000 acres of prime habitat for elk and mule deer winter and summer range, bighorn sheep, and Gunnison sage-grouse. That large expanse of acreage was taken out for no scientific reason and still meets Roadless Area tests for inclusion. No new roads have been built in there, and the reason given for removing these lands is because of "changing circumstances." This is unacceptable. Roadless Areas only comprise about 6 percent of Colorado, but nearly all native trout species' waters originate or flow through Roadless Areas. Besides providing the best areas for fishing, they also hold the largest and healthiest populations of big game animals. (Individual, Nampa, ID - #1033.4.63000.350)

Invasive Species Management

4-30 Public Concern: The Forest Service should consider using helicopters and hand spraying to control invasive plant species.

BECAUSE THESE ARE SUCCESSFUL ALTERNATIVES TO CONSTRUCTING ROADS TO CONTROL INVASIVE PLANTS

I'm also on the Ouray County Weed Board. I'm not here as a representative. I'm on my own. But I am a member of the Weed Board, so I'm concerned about invasive plants. But I'm wondering how many roads we need to put into Roadless Areas to deal with invasive plants. In Ouray County, we've had success with helicopter spraying and also hand spraying, and I think those ought to be seriously considered before we put roads in to deal with that. (Individual, , CO - #967.3.41210.680)

4-31 Public Concern: The Forest Service should provide measures to prevent the spread of invasive plants.

INCLUDING CURTAILING DEVELOPMENT IF THESE MEASURES ARE UNSUCCESSFUL

Exotic and Invasive Species: It should be clearly spelled out in the Colorado Rule that the spread of exotic and invasive species is a major threat in Colorado and that roads associated with developments and commodity development are directly associated with that threat! If mitigation reclamation techniques fail to curtail the spread of exotic, invasive, or noxious species, then the Colorado Rule should state that commodity development must be curtailed until it complies. (Individual - #1029.30.41200.358)

4-32 Public Concern: The Forest Service should require that all vehicles and equipment entering Colorado Roadless Areas be cleaned and inspected.

TO LIMIT SOURCES OF NON-NATIVE INVASIVE SPECIES

All people, equipment, construction materials, vehicles, etc., entering a CRA [Colorado Roadless Area] must be processed to minimize the introduction of species non-native to that CRA and must be inspected immediately prior to entering the CRA. This includes individuals, larvae and seeds and any other potential sources of spreading non-native species. (Individual, Denver, CO - #488.4.60000.330)

4-33 Public Concern: The Forest Service should provide an analysis of costs to control invasive species.

INCLUDING AN ASSESSMENT OF FOREST SERVICE BUDGET AND STAFF REQUIREMENTS, AND COSTS TO PRIVATE LANDOWNERS AND OURAY COUNTY

According to the summary of the Roadless Rule alternatives published in the Federal Register and the DEIS, the number of acres of invasive plants would increase by about 4 acres per year under Alternative 1 and about 38 acres per year under Alternative 2. Control and/or elimination of invasive plants are costly and difficult. Having an additional 34 acres per year to treat is a significant problem. It is unlikely that the USFS will have sufficient budget and staff to accomplish a reasonable level of management of invasive species. Invasive plants are already present on USFS land in Ouray County. Without sufficient means of control, they can and will spread to private land and roadsides in Ouray County. This results in increased costs to private landowners and the County. The DEIS should analyze the impacts to adjacent property owners. (Civic Group, Ridgway, CO - #769.8.41200.358)

4-34 Public Concern: The Forest Service should avoid adding more roads to the National Forest System roads.

BECAUSE ROADS CONTRIBUTE TO THE SPREAD OF NON-NATIVE SPECIES

One aspect of integrating new roads in previous Roadless Areas which is often overlooked is the introduction of exotic (non-native) plants into these areas. Exotics are prolific and extremely damaging to native species and local ecosystems. These exotics are almost always introduced via new roads that provide vehicle access, or easy movement for livestock. Exotics become established along the new roads and reproduce unabated spreading with each new season. With all the money being spent to reduce these populations, establishing new roads seems extremely counter-productive to me. I hope that those making decisions on this matter take into account the various environmental and economic problems that new roads create for the future. (Individual - #111.1.64100.358)

Road Development

4-35 Public Concern: The Forest Service should develop roads inside Colorado Roadless Areas.

FOR FOREST HEALTH AND WILDFIRE PREVENTION ACTIVITES

Can timber be harvested inside a CRA [Colorado Roadless Area] using a road developed for an existing lease? If the answer is yes, can the road location be developed in conjunction with the lease needed to minimize environmental effects associated with both activities? This would seem logical so as to develop resources in the most efficient and environmentally sound manner. If an area needed to be treated for insect and disease outbreaks or for wildfire hazard reduction, then planning the road to accommodate both objectives would be both efficient and reduce impacts. (Individual - #797.2.43000.200)

TO PROVIDE ACCESS FOR FIRES

Fire is the number one threat to forest and access roads are a must to “save our forests.” (Individual - #1027.3. 43100.200)

FOR SAFETY, FIRE PREVENTION, AND FOREST HEALTH AS PROVIDED BY THE 2001 RULE

Even though maintaining the roadlessness of these [Roadless] Areas may be the best way to prevent wildfires and to protect forest health, reasonable exceptions to the prohibition on roadbuilding should be allowed when necessary to protect against threats to human safety and property. Such is the case in the 2001 Rule as it is now written. The Rule already provides adequate exceptions that allow roadbuilding and logging when necessary to prevent severe wildfires and to protect forest health. Section 294.12(b) of the Rule provides numerous exceptions to the prohibition on road construction in Inventoried Roadless Areas when necessary, including to prevent wildfires or other natural catastrophes. Section 294.13(b) provides similar exceptions to the prohibition on logging to prevent wildfires or other natural disturbances that might threaten the health of the forest. The Rule also allows fire line construction for prescribed fire (for any legitimate purposes) or control of wildfire. 66 Fed. Reg. 3258. (Preservation/Conservation, Charlottesville, VA - #795.7.43000.680)

4-36 Public Concern: The Forest Service should acknowledge that road construction and motorized travel adversely affect wildlife and habitat.

INCLUDING WILDLIFE DISPLACEMENT ONTO PRIVATE PROPERTY, RESULTING IN REDUCED HUNTING OPPORTUNITIES, OVERGRAZING OF RANCH LAND, AND PROPERTY DESTRUCTION

Study after study has shown that roads and motorized travel adversely affect wildlife populations, often pushing them out of roaded areas and onto private property. This not only decreases hunting opportunities but burdens private landowners and ranchers with overgrazing and destruction of private property. (Individual - #803.1.41110.530)

INCLUDING HABITAT DESTRUCTION DUE TO NOISE AND CHEMICAL POLLUTION FROM ROADS

With the creation of more roads, there is a greater chance of habitats being destroyed by the noise and chemical pollution. My girlfriend appreciates that mercury is not in her water, as do I. (Individual, Lafayette, CO - #561.1.40000.790)

INCLUDING THE CREATION OF HABITAT BOTTLENECKS

More roads create habitat bottlenecks for plants and animals. [The effects of [m]issing, underfunded, immature National Forest Service biology research into the effect of habitat bottlenecks on species reproducibility and health [should be considered] (Your biologists must know that any species' immune health, weakened over long periods by a pattern of nonsupportive habitats, eventually becomes suspended as cell-walls, bombarded by enzyme failures or recombinations, can no longer "read" their immune-protection functions). (Individual, Craig, CO - #255.5.64000.330)

BECAUSE MAGNESIUM CHLORIDE IS USED TO CONTROL DUST

The 2001 Ruling provides the highest level of protection of aquatic ecosystems, threatened species, wildlife diversity, and scenic value: The use of MgCl [magnesium chloride] to control dust leads to pollution of riparian areas and drinking water, and also harms vegetation (6). [Footnote 6: "Concerns Regarding Additional Road Building in the Roaring Fork Watershed." Roaring Fork Conservancy. Spring 2006. http://www.roaringfork.org/images/other/RFCroadlessareas2006/pdf] (Preservation/ Conservation, Boulder, CO - #505.7.40000.200)

BECAUSE THEY CONTRIBUTE SEDIMENT TO RIVERS AND STREAMS

The 2001 Ruling provides the highest level of protection of aquatic ecosystems, threatened species, wildlife diversity, and scenic value: Roads contribute significant sediment to rivers and streams, depriving the aquatic flora and fauna of oxygen and other nutrients (6). [Footnote 6: "Concerns Regarding Additional Road Building in the Roaring Fork Watershed." Roaring Fork Conservancy. Spring 2006. http://www.roaringfork.org/images/other/RFCroadlessareas2006/pdf] (Preservation/ Conservation, Boulder, CO - #505.6.41000.220)

BECAUSE THE OCCURRENCE OF ROADS RESULTS IN DECREASED ELK POPULATIONS

The 2001 Ruling provides the highest level of protection of aquatic ecosystems, threatened species, wildlife diversity, and scenic value: A study on elk populations found a 50-percent decrease in elk population with the addition of 2 miles of roads per square mile; 6 miles per square mile was sufficient

to eliminate the population (3). [Footnote 3: "The Value of Roadless Areas." Colorado's Forest Legacy. http://roadless.net/sections/background/background.htm] (Preservation/Conservation, Boulder, CO - #505.4.40000.350)

BECAUSE OF ASSOCIATED PROBLEMS WITH WEEDS, HABITAT FRAGMENTATION, FIRE HAZARDS, AND OFF-ROAD VEHICLE USE

Because of the problems of weeds, habitat fragmentation, increased fire starts, and expanding ORV [off-road vehicle] use, there should be very few if any instances of new logging roads built in IRAs [Inventoried Roadless Areas]. (Preservation/Conservation, Hotchkiss, CO - #925.1.42000.002)

BECAUSE ANY TIME A ROAD IS DEVELOPED, OFF-ROAD VEHICLE ENTHUSIASTS USE IT AS A STARTING POINT FOR OFF-ROAD ACTIVITIES

I think the big thing for roadless is, you need to have some sort of sanctuary for wildlife. If you start chopping up the habitat and fragmenting it with a lot of different roads and—my concern is, anywhere that you get a road part-way in, what tends to happen is, then you start getting four-wheelers that begin to spider out from wherever you got a new road put in.

In most of the Roadless Areas on the maps that you find now, it's very, very hard to actually find an area that hasn't been actually interfaced with OHVs [off-highway vehicles] and four-wheelers and things that have gone into a certain point and then found it and started to make their own roads. (Individual, Nathrop, CO - #984.2.41700.530)

BECAUSE ROAD DEVELOPMENT PROMOTES DEVELOPMENT AND DEGRADATION OF NATURAL RESOURCES

As a resident of a rural Colorado area, I am writing to voice my opinion on the management of Roadless Areas in the state. It is my view that roads are the key first step to development and eventual degradation of what little pristine wilderness that remains in the state. To that end, any effort to preserve these wild areas must begin with a commitment to ban road construction in said areas. Roads allow for residential and industrial development to occur in normally wild areas. This encroaches on valuable habitats and increases incidents of conflict between humans and other animals. As stewards of our public lands, the Forest Service and BLM [Bureau of Land Management] have a responsibility to preserve the resources contained in them. New road construction inevitably leads to the degradation or extraction of those natural resources. Therefore, I believe that all current Roadless Areas ought to continue to be so, and such status be extended further to include as much of our valuable open spaces as possible (Individual, Crested Butte, CO - #449.1.64100.200)

4-37 Public Concern: The Forest Service should avoid adding more roads to the National Forest System roads.

BECAUSE ROADS NEGATIVELY AFFECT WILDLIFE AND INCREASE HUMAN-CAUSED FIRES

Statistics have shown that intrusion of roads significantly decreases the population of wildlife in adjacent terrain and, therefore, is a deterrent to adequate wildlife management. Also, the presence of roads actually increases the incidence of human-caused fires rather than acting as a preventive measure. Roads do not prevent forest fires! (Individual, Ridgway, CO - #41.2. 40000.680)

4-38 Public Concern: The Forest Service should acknowledge that the Proposed Rule could reduce protection of water and aquatic resources, and increase impacts.

DUE TO DELAYED DECOMMISSIONING OF TEMPORARY ROADS

EPA [U.S. Environmental Protection Agency] is concerned that the Proposed Rule could reduce the level of protection to surface water, groundwater, and aquatic resources, and exacerbate the impacts caused by the unrestricted use of waivers which delay decommissioning of temporary roads. (U.S. Environmental Protection Agency, Washington, DC - #995.5.41600.680)

4-39 Public Concern: The Forest Service should acknowledge that long-term temporary roads would have the same impacts as permanent roads.

BECAUSE IMPACTS WOULD BE FULLY REALIZED BEFORE THE ROADS ARE DECOMMISSIONED

We [Colorado Trout Unlimited] are concerned by the DEIS treatment of long-term temporary roads. In describing impacts for the San Juan; White River; and Grand Mesa, Uncompahgre and Gunnison National Forests—where the largest proportion of such long-term temporary roads would be seen for oil and gas development and coal mining—the DEIS concludes that there will be "no long-term adverse effects on sensitive [aquatic] species or [Management Indicator Species] population trends," although there will be "increased risk of impact on individual populations." Given the limited numbers of populations for sensitive species such as the Colorado River cutthroat trout, it seems optimistic to believe that the collective "increased risk" to populations that are disproportionately found in Roadless Areas would not result in any "long-term adverse effects." Perhaps part of this conclusion is founded on the belief that temporary roads will be, as directed in the Draft Rule, "decommissioned and the affected landscape restored." While that conclusion might be reasonable in the case of short-term temporary roads, the "long-term temporary roads" being contemplated could be in place for decades, and their impacts upon the watershed and the resident fisheries will have long since been realized by the time the roads are decommissioned. While administratively different, the impacts from these roads should be considered and disclosed—from an aquatic impact standpoint—no differently than for a permanent road. (Recreation/Conservation Organization, Boulder, CO - #1002.1.41400.680)

4-40 Public Concern: The Forest Service should acknowledge that roads are not necessary to wildfire control in Roadless Areas.

BECAUSE THE AGENCY HAS A SUCCESSFUL HISTORY OF FIRE SUPPRESSION IN ROADLESS AREAS AND THE THREAT IS NOT SIGNIFICANT

The combined threat from wildfire, insect infestation, and disease is hardly significant in Inventoried Roadless Areas, especially as compared to National Forest lands which are not roadless. According to the Forest Service, less than 2 percent of the Inventoried Roadless Areas are at combined risk from insects, disease, and fire. FEIS, VOL. 1 at 3-119, Chart 3-25. The Forest Service found that it has been able to control 98 percent of wildland fire starts in Inventoried Roadless Areas without having to build any roads. Id. at 3-115. As stated in the Agency's own analysis, "The Agency has a long history of successfully suppressing fires in Inventoried Roadless Areas. This high level of suppression performance is expected to continue." Id. at 3-115. (Preservation/Conservation, Charlottesville, VA - #795.6.43110.680)

Timber Resource Management

4-41 Public Concern: The Forest Service should open areas to logging.

BECAUSE TREES ARE A RENEWABLE RESOURCE

Grass is a renewable resource and trees should be viewed the same—open areas to logging. I can see where it was logged in the past and the regrowth is great. (Individual, Hotchkiss, CO - #815.2.42000.205)

4-42 Public Concern: The Forest Service should limit logging.

TO AREAS THAT WOULD LEAST DISTURB WILDLIFE AND WATER SOURCES

The plan [Roadless Areas management plans] should limit logging in Roadless Areas to areas where there would be the least disturbances to wildlife and water sources. Logging efforts insist on building new roads to access timber, which defeats the purposes of Roadless Forest Areas. (Individual, Steamboat Springs, CO - #1044.1.42000.200)

4-43 Public Concern: The Forest Service should allow use of public lands for timber manufacturing.

ON A TEMPORARY BASIS WITHIN 3 YEARS OF HARVEST

The Forest Service should allow for use of public lands for mills, timber mills, and also for [wood] pellet manufacturing plants. When they allow construction of these things, they should be on a temporary basis to harvest the wood since it's not good after 3 years. Understanding that it should [be] immediate, and that they also provide employee housing and bonding for mitigation of tearing down and re-vegetating afterward(Individual, Carbondale, CO - #989.4.42000.201)

4-44 Public Concern: The Forest Service should prohibit tree-cutting for industrial production but permit tree-cutting for disease management, fuel reduction, and use as Christmas trees.

I'm in favor of providing fire breaks and fire roads when the necessity arises. As far as cutting trees, I don't agree with cutting trees for industrial production. If the trees are diseased or damaged and necessary to be cut, yes, I agree with that. And I think that if it's too thick, it should be thinned.

I believe that that's where the tree-cutting—now the Christmas trees sometimes is necessary. Even though they're young trees, they're in an area where they will never grow. They [will] probably die or be damaged by the animals. I think prescribed areas and controlled areas of Christmas tree-cutting [is allowable]. (Individual, Pueblo, CO - #981.1.42000.200)

4-45 Public Concern: The Forest Service should salvage merchantable trees that can be reached from existing roads.

WITHIN 2 YEARS OF STANDING DEAD

I am not opposed to salvaging merchantable trees that can be reached by already existing roads. I think that is good and it is what I am doing personally on my farm. However it must be done quickly because after only 2 years of standing dead, those infected trees become virtually useless as saw logs or even pulp. I've felled many such trees and they shatter when they hit the ground, at which point they are not worth removing. (Individual - #176.4.42000.261)

4-46 Public Concern: The Forest Service should not use salvage logging as an excuse to construct roads.

BECAUSE THE ROADS CAN HINDER FOREST FIRE RECOVERY

The study of the Biscuit Fire in Oregon by investigators at Oregon State University indicated that salvage logging hindered recovery of forests after a fire. As I understand it, much of that hindrance came from roads, compaction of soil by heavy equipment, further destruction of the remaining plant life, and damage to plant life trying to grow after the fire. Therefore, salvage logging is not an excuse for building roads. (Individual, Manitou Springs, CO - #175.3.64100.261)

4-47 Public Concern: The Forest Service should eliminate all provisions for commercial timber harvest.

BECAUSE THESE GIFTS TO INDUSTRY UNDERMINE ROAD-FREE FISH AND HABITAT PROTECTION

While all informed citizens are concerned about the wildfire threat in parts of our state, the current rulemaking wording regarding "treatment" for fire and disease openly facilitates commercial logging deep in roadless back country, far from any private land or structure, with no limitation on the mileage of new temporary roads that can be constructed in the process. We encourage the Forest Service to eliminate all provisions for commercial timber harvest in Roadless Areas. We strongly feel that all wording that allows new roads for the construction of new and additional water delivery facilities, pipelines, and power lines within Roadless Areas be eliminated. We strongly feel that all wording that allows commercial logging "to benefit wildlife" be eliminated. All such thinly disguised gifts to industry

come at the cost of currently road-free fish and wildlife habit and must be eliminated if we are to have an honest Colorado Roadless Protection Rule. (Individual, Durango, CO - #275.2. 43100.001)

Logging Exceptions

General Considerations

Public Concern: The Forest Service should acknowledge that the many exceptions under the Proposed Rule would greatly compromise wildlife.

The DEIS seems to be littered with so many exceptions available to future authorities in charge of these areas, particularly regarding roadbuilding, but also fuels management, logging and timber cutting, and possible water and utility incursions, that the original intent to be roadless becomes lost. Indeed some of these areas could literally disappear as Roadless Areas, and safe haven for wildlife [would be] greatly compromised. (Individual, Denver, CO - #805.2.40000.160)

4-48 Public Concern: The Forest Service should acknowledge that the logging exception would apply to ski area development and operations.

BECAUSE SKI AREAS ARE NOT PROHIBITED MANAGEMENT ACTIVITIES

Like the Proposed Rule, the 2001 Roadless Rule prohibits the cutting or removal of timber in Inventoried Roadless Areas of the National Forest System, except as provided in 36 CFR [Section] 294.13(a) (2001). One of the exceptions listed in [Section] 294.13 is when the Forest Supervisor determines that "the cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart." 36 CFR [Section] 294.13(a) (2001). Ski area development and operation is "a management activity" that is not prohibited by the 2001 Rule. In the preamble to the Final 2001 Rule, the Forest Service explained that "management actions that do not require the construction of new roads will still be allowed, including activities such as timber harvesting for clearly defined, limited purposes..." 66 Fed. Reg. 3250. The Forest Service explained that timber cutting and removal may be authorized in Roadless Areas for trail construction, maintenance, and "other authorized activities such as ski runs..." 66 Fed. Reg. 3258

In a supporting document to the 2001 Rule titled "Roadless Area Conservation Final Rule Questions and Answers," the Forest Service answered the question "[H]ow will the Final Rule affect the development or expansion of existing ski areas?" Questions and Answers at 10. [Footnote 1: http://roadless.fs.fed.us/documents/rule/qa/re.shtml] The Forest Service responded that "new ski areas or other activities outside of existing special use permit boundaries that do not require road construction, but require timber harvest, may be allowed in Inventoried Roadless Areas, if approved by the Responsible Official." Id. (Recreational - #920.14.42000.521)

4-49 Public Concern: The Forest Service should make clear that proposed logging exceptions do not authorize ground-disturbing activities in Roadless Areas.

BECAUSE PROJECTS WOULD STILL BE REQUIRED TO UNDERGO THE ENVIRONMENTAL REVIEW PROCESS

In any case and as provided in the National Rule, timber cutting selectively allowed must be implemented in a manner that maintains or improves roadless characteristics. Certainly, it must be made clear that timber cutting allowances, particularly those that may affect large expanses of Roadless Areas, do not themselves authorize the implementation of any ground-disturbing activities. Rather, such allowances only describe circumstances under which certain activities in Roadless Areas may be allowed or restricted in Roadless Areas. Before authorizing such activities in Roadless Areas, the Forest Service must complete detailed environmental analysis of individual proposed activities, with meaningful opportunity for public review and comment. (Preservation/Conservation, Denver, CO - #1019.47.42000.621)

Support for Logging Exceptions

4-50 Public Concern: The Forest Service should support the logging exception for fire prevention and management of insect and disease outbreaks.

TO PROTECT WILDLIFE HABITAT, WATER QUALITY, AND PUBLIC SAFETY

The National Forests in Colorado are currently experiencing a massive mountain pine beetle epidemic, plus spruce bark beetle outbreaks, plus Sudden Aspen Decline. The Colorado Roadless Rule provisions that allow temporary roads and cutting, sale, or removal of trees where needed to reduce the hazard of wildfire effects or large-scale insect and disease outbreaks—as provided in a Community Wildfire Protection Plan or within the wildland-urban interface—are critical. Landscape-scale insect epidemics and forest fires have had significant effects on wildlife habitat, water quality, and public safety; and the Forest Service's ability to respond to these events should not be limited by arbitrary designations of Roadless or non-Roadless. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.2.42000.260)

Requests to Modify Logging Exceptions

4-51 Public Concern: The Forest Service should revise the logging exception.

TO INCLUDE LANGUAGE REGARDING THE FREQUENCY OF TIMBER ACTIVITIES

The Colorado Rule mentions nothing of timber cutting frequency. This omission, combined with the "option" to maintain Roadless Area characteristics, creates the potential for frequent timber cutting projects that are heavy handed and could have long-term effects on the landscape, resulting in a loss of roadless character. Under [Section] 294.34 (b) language should be included stating, "Timber cutting is expected to be infrequent, and projects must be approved by the Regional Forester." (Recreation/Conservation Organization, Missoula, MT - #836.8.42000.621)

TO REPLACE "SHOULD" WITH "SHALL" TO REQUIRE THAT ALL TIMBER ACTIVITIES MAINTAIN OR IMPROVE ROADLESS AREA CHARACTERISTICS

The Proposed Colorado Rule makes the retention of Roadless Area characteristics optional. In order to conserve the important values the Proposed Colorado Rule is intending to protect, it should be required that "all timber cutting projects shall maintain or improve Roadless Area characteristics," under [Section] 294.34 (b)(1)(i). (Recreation/Conservation Organization, Missoula, MT - #836.7.42000.621)

TO REMOVE THE TERM "MANAGEMENT" FROM "FOR MANAGEMENT AND IMPROVEMENT OF WILDLIFE AND PLANT SPECIES"

The term "management" under [Section] 294.34 (b)(1)(i) [of the Proposed Rule] implies that timber cutting will be allowed frequently and in a heavy-handed manner. It is recommended that the term "management" be removed to ensure that timber cutting is conducted in ways that maintain Roadless Area character. (Recreation/Conservation Organization, Missoula, MT - #836.10.42000.621)

TO DEFINE "INCIDENTAL TO THE IMPLEMENTATION" AND "MANAGEMENT ACTIVITY" IN REFERENCE TO TREE-CUTTING SO THAT THE LIMITS OF THIS EXCEPTION ARE NOT LEFT TO THE DISCRETION OF THE FOREST SERVICE

[From ATT 1] The Proposed Rule allows the cutting, sale, or removal of trees when it is "incidental to the implementation of a management activity not otherwise prohibited by [the Colorado Rule]." 73 Fed. Reg. 435,663 at [Section] 294.34 [Footnote 40: The 2001 Rule had an identical provision. See 66 Fed. Reg. 3273 at [Section] 294.13(b)(2).] In other words, tree-cutting that is necessary to implement any management activity not prohibited under the Rule (for example, drilling on oil and gas leases issued before the final date of the Rule) is permitted.

A reasonable reading of this Rule would allow cutting and removal of trees to implement development of an oil and gas lease issued before the final date of the Rule (for instance, for the well pads, and for a pipeline). It would also allow cutting and removal of trees incidental to coal exploration and development—again, for well pads (this time for methane gas), for pipelines (again, for methane gas),

and for other activities incidental to exploration and development of coal in the North Fork valley. It would also allow cutting and removal of trees "incidental" to construction of power lines or water conveyance structures as permitted under the Rule.

The parameters of "management activity" are left undefined, as is the definition of "incidental to the implementation" of a management activity. Providing limits on this exception would be left to the discretion of the Forest Service. (Preservation/Conservation - #799.35.42000.160)

4-52 Public Concern: The Forest Service should modify the logging exception to benefit wildlife.

TO SPECIFY SELECTIVE LOGGING

Regarding logging to benefit wildlife, I am doing exactly that on my property, but it requires selective logging, not clear cutting. Clear cutting rarely helps wildlife in any meaningful way except when "parks" can be created for forage and safety zones. Selective logging can do the same thing without the inherent damage caused by heavy machinery and new roads. Do not let logging companies mislead us on this point! (Individual - #176.5.42000.335)

TO LIMIT THE EXCEPTION TO MAINTENANCE OF HABITAT FOR LISTED SPECIES

Insist on the following change to the Draft Rule: Logging for wildlife must be limited to areas where maintenance of habitat for threatened or endangered species is needed, as it is under the 2001 Rule. (Preservation/Conservation - #185.4.42000.355)

TO SPECIFY THAT SUCH PROJECTS WILL MAINTAIN OR IMPROVE ROADLESS AREA CHARACTERISTICS

Roadless Areas contain important and often irreplaceable unbroken landscapes. While I support fish and wildlife habitat improvement projects, the Colorado Rule should specify that such projects shall maintain or improve Roadless Area characteristics. (Individual, Washington, DC - #441.1.41100.330)

TO REQUIRE A DETERMINATION BY THE SECRETARY OF AGRICULTURE AND DIRECTOR OF THE COLORADO DIVISION OF WILDLIFE THAT NO REASONABLE ALTERNATIVE TO TIMBER CUTTING EXISTS

Proposed 36 CFR 294.34(b)(1)(i) would create an exemption allowing tree-cutting "[f]or management and improvement of wildlife and plant species (including threatened, endangered, proposed, or sensitive species) in coordination with the Colorado Department of Natural Resources, including the Colorado Division of Wildlife. Such activities should be designed to maintain or improve roadless characteristics as defined by this rule." This Rule as formulated is unclear and substantially over-broad. The Task Force received extensive input from the Colorado Division of Wildlife regarding the importance of Colorado's Roadless Areas as habitat for a variety of species. Yet the Division of Wildlife's findings do not identify a broad need for timber cutting in Roadless Areas in order to manage wildlife. While an exception for particular projects aimed at an identified threatened or endangered species may be warranted, the exception in the Proposed Rule is much broader than that. The DEIS acknowledges that there are individual species that may benefit, under certain circumstances, from certain types of tree-cutting. DEIS pp. 191–92. However, the fact that one species, such as goshawks, might benefit from tree-cutting under certain limited conditions should not justify a cut in Roadless Areas with significantly greater negative impacts to the comparatively scarce resource Roadless Areas provide, i.e., substantial areas of forested habitat undisturbed by roads, cuts, fragmentation, edge effects, and invasive plants. DEIS pp. 186–191. This provision should not be used to authorize timber cutting projects with a primary non-wildlife purpose, incidental temporary benefits to one species, but net long-term detriment to multiple species through the loss of an area's roadless character. We [the National/Colorado Wildlife Federation] do not believe that this was the Task Force's or the Petition's intent.

The Proposed Colorado Rule provision does conclude with the clause, "while maintaining or improving roadless characteristics as defined in this Rule." The intent and operation of this clause remains unclear, and this exception could be in danger of swallowing the rule. If a benefit, even limited or short-term, to one species—whether or not of special concern—can justify timber cuts with adverse impacts to scarce roadless habitat for other species, the exception has the potential to defeat its intended purpose. The Forest Service should amend [and] clarify this provision to: (a) limit the exception to threatened, endangered, candidate, or sensitive species; (b) require an express determination by the Secretary of

Agriculture, with the concurrence of the Director of the Colorado Division of Wildlife, that there is no reasonable alternative means to achieve the desired habitat improvement without timber cutting within an Inventoried Roadless Area. (Preservation/Conservation, Denver, CO - #1037.8-9.42000.350)

4-53 Public Concern: The Forest Service should limit logging projects for forest health in Roadless Areas to those required under exceptional circumstances.

BECAUSE ROADLESS AREAS ARE IRREPLACEABLE

Because Roadless Areas offer important and often irreplaceable value such as habitat for "species dependent on large, undisturbed areas of land; high quality or undisturbed soil, water, and air; reference landscapes and; natural-appearing landscapes with high scenic quality" (Proposed Rule, p. 43561), as well as superior opportunities for hunting and fishing, any and all forest health timber harvest projects must be conducted only under exceptional circumstances and after being intensely scrutinized. (Recreation/Conservation Organization, Missoula, MT - #836.6.43000.200)

4-54 Public Concern: The Forest Service should recognize that the logging exception for fire prevention applies in areas where there is no property to protect.

The logging exception (nominally "for fire prevention") applies in areas where there is no property to protect. (Individual, Aspen, CO - #187.2.42000.262)

4-55 Public Concern: The Forest Service should modify the logging exception for fire prevention.

TO LIMIT THE EXCEPTION TO AREAS ADJACENT TO HOMES

Insist on the following change to the Draft Rule: Road construction and logging for fuel reduction must be limited to areas immediately adjacent to homes, where such efforts would be the most effective. (Preservation/Conservation - #185.3.43100.263)

This Forest Service draft should be changed to only allow road construction for logging and logging activities when they are adjacent to homes and other structures in order to mitigate fire danger as in the 2001 Rule. (Individual, Denver, CO - #746.3.42000.263)

Rules for fuels reduction should be tightened to ensure that they focus on those limited areas where there's a real risk to homes or structures. (Individual, Grand Junction, CO - #440.3.43100.263)

TO AVOID ITS ABUSE TO JUSTIFY COMMERCIAL TIMBER SALES IN BACKCOUNTRY AREAS, WHERE ECOLOGICAL COSTS ARE HIGH

Reword and tighten the closely related timber cutting and fire and insect treatment language to more precisely facilitate wildfire prevention actions along high-risk, "red zone" CRAs [Colorado Roadless Areas] directly adjacent to private property, while eliminating any possibility of the Colorado Rule being abused to justify commercial timber sales and associated roadbuilding in CRA backcountry, miles from private property. The immediate and negative ecological consequences of roadbuilding—including habitat fragmentation, noxious species introduction, soil compaction and erosion, increased stream sedimentation, motorized invasion and increased fire danger—far outweigh the long-term threat of backcountry wildfire. (Recreation/Conservation Organization, Durango, CO - #759.1.42000.200)

TO LIMIT LOGGING TO SMALL-DIAMETER TREES AND UNDERBRUSH, WITH NO NEW ROADS ALLOWED

Another example [of a broad exception] would be Alternative 2's broader exceptions for logging and related roads to reduce wildlife hazards. The 2001 Rule would allow limited logging of small-diameter trees to restore the forest—in essence—to a natural fire regime and maintain or improve Roadless Area characteristics, and would not allow new roads for this logging. Alternative 2, however, would allow logging in designated areas of any size tree and would allow new roads. Logging for wildfire hazard

reduction should be limited to underbrush and small trees, with no new roads allowed. (Civic Group, Ridgway, CO - #769.4. 43100.260)

TO INCLUDE MAXIMUM RETENTION OF LARGE TREES

Under [Section] 294.34 (b)(1) [of the Proposed Rule], with the exception of aspen regeneration projects (aspen stands require disturbance to maintain vigor), language must be included that maximizes the retention of large trees. Large-diameter trees are more resilient to wildfires than smaller-diameter trees and their retention helps uphold Roadless Area characteristics. (Recreation/Conservation Organization, Missoula, MT - #836.9.42000.353)

4-56 Public Concern: The Forest Service should modify the logging exception for fire prevention and management of insect and disease outbreaks.

TO CLARIFY THAT THE AGENCY DOES NOT REQUIRE FUEL REDUCTION PROJECTS TO BE IMPLEMENTED, AND TO REQUIRE PROJECTS TO BE DESIGNED TO MAINTAIN ROADLESS AREA CHARACTERISTICS

Unlike the 2001 Rule, the proposed Colorado Rule would not require logging to be infrequent and to generally be limited to smaller diameter trees. Under the 2001 Rule, logging in Roadless Areas was expected to be infrequent and to consist of "generally small diameter timber." 2001 Rule at 36 CFR [Sections] 294.13(b) and (b)(1). There are no such limitations in the Draft Colorado Rule. In most places in Colorado, logging that prioritizes removal of small-diameter material will likely be the most effective in reducing the threat of uncharacteristic wildfire. [Footnote 22: Recent research has indicated that low thinning, in which small trees less than 20–25 cm in diameter at breast height (dbh) are cut, can reduce fire severity. Conversely, evidence from the Biscuit Fire in Oregon indicates that more intensive mechanical thinning, which involves removing many young and mature trees, can increase fire severity. See Hanson and Odion, 2006.]

Furthermore, the 2001 Rule required that any logging "maintain or improve one or more of the roadless characteristics." Id at (b)(1). In contrast, the Draft Colorado Rule requires only that logging: a) for wildlife "should be designed to maintain or improve roadless characteristics" (Section 294.34(b)(1)(i);; and b) for implementation of projects addressing insect and disease outbreaks and wildfire risk reduction, the responsible official shall give "careful consideration to Roadless Area characteristics" (Section 294.34(b)(1)(ii)).

For the latter, the language states that the responsible official "shall implement projects to reduce the wildfire threat to communities" after giving careful consideration to roadless values. Id. We [23 various preservation organizations] are troubled by the use of the word "shall" here, as it could be interpreted to mean that the responsible official is required to implement such projects in Roadless Areas.

That must not be part of any Colorado Rule, as it would ensure destruction of Roadless Area values and would create confusion on what projects had to be implemented.

We strongly recommend that Sections 294.34(b)(1)(i) and (ii) be removed from any Colorado Rule. If paragraph (ii) is retained, it must, at a minimum, be reworded to make clear that the Colorado Rule does not require implementation of projects in Roadless Areas, and to require that any such projects proposed must be designed and implemented so that Roadless Area characteristics are maintained or improved. (Preservation/Conservation, Denver, CO - #789.42-43.42000.621)

TO DEFINE "TREATMENT ACTION"

[From ATT 1] The 2001 Rule does not provide an exception to the general prohibition on roadbuilding for wildfire and insect treatment actions. The Proposed Rule, however, allows construction of temporary roads for treatment actions and within (i) areas covered by Community Wildfire Protection Plans (CWPPs) or (ii) wildland urban interfaces if a CWPP is not in force. 73 Fed. Reg. 43562 at [Section] 294.33(c)(1). The DEIS estimates that fuel treatments could total 3 percent of CRA [Colorado Roadless Area] acres after 15 years (114,000 acres). DEIS at 152. (See discussion of CWPPs in Section III.D.2).

The Proposed Rule fails to define "treatment action," and neither the Forest Service Regulations nor the Forest Service Manual (FSM) provides a general definition of "treatment action." Consequently, the Proposed Rule allows road construction for a type of action that is not defined and could be given a very

broad definition by the Forest Service [Footnote 37: An Agency's interpretation of its own regulations is given considerable deference by the courts. The Wilderness Workshop case discussed above provides an example of this, in which the BLM [Bureau of Land Management] and Forest Service interpreted "road" not to include "construction zone," even though a construction zone might look like a road to an observer.] This loophole could be closed by providing a specific and appropriately limited definition for "treatment action." (Preservation/Conservation - #799.23.43000.680)

TO APPLY TO PRIORITIZED AREAS WITHIN A COMMUNITY WILDFIRE PROTECTION PLAN

Proposed 36 CFR [Section] 294.34(b)(1)(ii), an exception to the general prohibition for timber cutting "to reduce the hazard of wildfire effects or large-scale insect and disease outbreaks, in areas covered by and as provided in a Community Wildfire Protection Plan or, if a Community Wildfire Protection Plan is not present, within areas of the wildland-urban interface," is overly broad. The Colorado Task Force received considerable public input regarding a perceived need for timber cutting to ensure the safety of communities from wildfire—but we [the National/Colorado Wildlife Federation] are concerned that the specific proposed language could authorize timber cutting in the backcountry of Roadless Areas where it would, by its nature, diminish the natural character of the area. Some Community Wildfire Protection Plans [CWPPs] cover a whole county (e. g., Summit County), thus allowing cutting in areas covered by a CWPP could mean that logging deep in the backcountry could be authorized under the proposed recommendation. Backcountry logging and roadbuilding could, contrary to the Task Force's and Petition's intent, actually increase wildfire ignition threats. The Proposed Rule's inclusion of a requirement that "[c]onsistent with the purposes of this paragraph, the responsible official shall implement projects to reduce the wildfire hazard to communities after careful consideration to roadless area characteristics as defined by this rule," proposed 36 CFR [Section] 294.34(b)(1)(ii), but [the National/Colorado Wildlife Federation] continues to have serious concerns that this provision does not sufficiently narrow the scope of the exception.

Instead of allowing timber cutting in all areas identified in a Community Wildfire Protection Plan, [it is] recommended that these provisions should instead allow timber cutting in those specific project areas identified in a Community Wildfire Protection Plan as high priority for reducing risk to communities, i.e., areas closest to these communities or posing a particular risk by virtue of topography and vegetation. More importantly, tree cutting (and road construction) outside the wildland-urban interface should be permitted only following environmental analysis and a specific finding that no reasonable alternative (e.g., creation of defensible space around communities and structures) exists that would not have adverse effects on roadless values. (Preservation/Conservation, Denver, CO - #1037.10-11.43000.263)

4-57 Public Concern: The Forest Service should modify the logging exception for wildlife habitat improvement.

TO APPLY ONLY TO THE CONSERVATION OF THREATENED OR ENDANGERED SPECIES AND IMPROVEMENT OF HABITAT

"Logging for wildlife" should occur in Roadless Areas only under those limited circumstances when it's needed to conserve a threatened or endangered species. (Individual, Grand Junction, CO - #440.5.42000.355)

In the event that further action is taken on the Colorado Proposed Rule, changes should be made to protect our national interest. The exception for "improvement" of wildlife and plant species should be deleted. For years, the timber industry has said logging improves wildlife habitat, and old-growth forest is a "biological desert." We know that is not true. The open-ended provision in the Colorado Rule plays into the hands of the timber industry. It should be rewritten to copy the 2001 Rule language referring only to endangered and threatened species. (Individual, Baltimore, MD - #500.3.42000.355)

The "tree-cutting" provision in Section 294.34(b)(1)(i) greatly broadens an exception in the 2001 Rule that allowed cutting to improve habitat for threatened, endangered, proposed, or sensitive species. The proposed language allows tree-cutting "for management and improvement of wildlife and plant species...

in coordination with the Colorado Department of Natural Resources...". This vague language will lead to a multitude of logging projects proposed by local industries, because logging advocates always argue that every logging project contributes to "improvement of wildlife." Forest Service field managers will have difficulty resisting logging proposals because the language is vague. We urge the Forest Service to stick with the 2001 language here, limiting cutting projects to those needed to "improve threatened, endangered, proposed, or sensitive species habitat" (294.13(b)(1)(i). (Preservation/Conservation, Ellicott City, MD - #493.6. 42000.350)

Broad authority for logging in Roadless Areas for wildlife management must not be granted. Section 294.34(b)(1)(i) of the Draft Colorado Rule would allow logging for management and improvement of wildlife and plant species (including threatened, endangered, proposed, or sensitive species) in coordination with the Colorado Department of Natural Resources, including the Colorado Division of Wildlife. As with the liberal permission for logging in response to a perceived threat of fire and insects and diseases, this provision is also too broad and unnecessary. It is very unlikely that logging in Roadless Areas would be beneficial to wildlife and plants. Indeed, one roadless characteristic is: "diversity of plant and animal communities"; another includes "habitat for those species dependent on large, undisturbed areas of land." Draft Colorado Rule at [Section] 294.11.

But logging, by definition, cuts down, and usually removes, trees—the very habitat needed by many species of wildlife. We [23 various preservation organizations] know of no terrestrial wildlife species with important habitat on National Forest land that are heavily dependent on non-forested areas. [Footnote 21: This would not be true for wildlife on the national grasslands, but those lands are not at issue here, as the grasslands in Colorado do not have any Roadless Areas.] Logging is a disturbance that would drive wildlife away from an affected area. After logging, the changed habitat would likely be undesirable or unsuitable, or at least less desirable and less suitable, for many species of terrestrial wildlife. Logging could also harm aquatic species by causing deposition of sediment in streams and lakes. Thus, it is difficult to see how logging in Roadless Areas would benefit wildlife, and harm to many species would be considerably more likely to occur than any benefit.

Similarly, it is difficult to envision a scenario under which logging would benefit rather than harm plants. The use of heavy equipment for logging and road construction compacts soils, making it difficult for most plants to grow. Such equipment can also directly kill groups of plants and even small populations of them. Seeds of noxious weeds often come into lands being logged on vehicles used in logging and road work. If weeds get established, native plants would be reduced in coverage or eliminated from an affected area.

Any logging desired to improve wildlife habitat could be better done outside Roadless Areas where roaded access already exists. Any such logging in Roadless Areas must be limited to that needed to "to improve threatened, endangered, proposed, or sensitive species habitat" as provided in the 2001 Rule at 36 CFR [Section] 294.13(b)(1)(i). Such logging should also maintain or improve roadless characteristics, as was also required by the 2001 Rule. Id. 2001 Rule at 36 [Section] CFR 294.13(b)(1). (Preservation/Conservation, Denver, CO - #789.40-41.42000.200)

TO LIMIT LOGGING TO SMALL-DIAMETER TREES

For Ouray County, Alternative 2's broader exceptions for new roads and logging could impact Roadless Areas in a number of respects. The 2001 Rule allows limited logging of primarily small-diameter trees to improve habitat for threatened, endangered, and sensitive species. Alternative 2 would expand this exception to allow logging of any size trees to improve habitat for any plant or animal species. This expanded exception presents a greater opportunity for the approval of commercial-style logging for "habitat improvement." Logging for wildlife habitat improvement should be limited to threatened, endangered, and sensitive species habitat and to primarily small-diameter trees to eliminate this risk. (Civic Group, Ridgway, CO - #769.3.42000.330)

We [Gifford Pinchot Task Force] would also like to see the inclusion of the limitation in the 2001 Rule specifying that logging should be infrequent and should consist only of small-diameter trees. 2001 Rule at [Sections] CFR 294.13(b) and (b)(1). (Preservation/Conservation, Portland, OR - #924.6.42000.200)

Any logging done for wildlife habitat should be expressly limited to small-diameter trees, which have little wildlife value. (Preservation/Conservation, Hotchkiss, CO - #925.2.42000.330)

TO BETTER DEFINE "ENHANCE WILDLIFE HABITAT"

There's lots of ambiguity. Logging would be okay under the Alternative 2 to, quote, enhance wildlife habitat, but what does this mean? Under the 2001 Rule, it's limited to threatened, endangered, and sensitive species areas. That needs a lot more definition. (Individual, Ridgway, CO - #968.3.42000.330)

The idea that we would change over to doing more with politically clever comments like enhancing wildlife habitat by cutting down trees is patently transparent as something to -- accomplish something that sounds the opposite of what the words are. (Individual, Ridgway, CO - #969.1.42000.330)

4-58 Public Concern: The Forest Service should allow roads for habitat enhancement only if they would improve habitat for special-status species.

Roads for thinning to enhance habitat for wildlife and plants must be reduced and limited to only that needed to improve habitat for threatened, endangered, or sensitive species. Any such roads must maintain or enhance roadless characteristics. (Recreation/Conservation Organization, Nederland, CO - #823.7.64100.355)

Opposition to Logging Exceptions

4-59 Public Concern: The Forest Service should reject the logging exception to benefit wildlife.

I do not support the current administration proposal as it stands now because it would loosen restrictions on logging in Roadless Areas. (Individual, South Fork, CO - #429.5.42000.001)

BECAUSE IT CONTRADICTS THE COLORADO DIVISION OF WILDLIFE'S SUPPORT FOR ROADLESS PROTECTION

The logging exception (nominally to "improve wildlife") directly contradicts Colorado's Division of Wildlife unanimous support for roadless protection, and should be removed. (Individual, Aspen, CO - #187.1.42000.030)

BECAUSE IT WOULD ALLOW UNLIMITED LOGGING IN ROADLESS AREAS

As a Coloradan, I ask the Forest Service to fully protect all of Colorado's Roadless Areas according to the 2001 Roadless Rule. The weaker protections specific to the Roadless Areas in Colorado must be rejected. The Draft Rule would allow unlimited logging to "improve" wildlife habitat, even though roadless areas are valuable precisely because they provide a refuge from human activities like logging. (Individual, Evergreen, CO - #1.2.42000.330)

BECAUSE IT WOULD ALLOW LOGGING IN WILDLIFE AREAS WITHOUT SCIENTIFIC REVIEW OR REQUIRED MITIGATION

The Proposed Rules contain numerous loopholes. Wildlife Management: The 2001 Roadless Rule allows logging when appropriate with provisions to protect the habitat of threatened, endangered, or sensitive species. The USFS proposal for Colorado allows logging in wildlife areas without necessary scientific review or required mitigation for protection of wildlife or prime wildlife habitat. (Pitkin County Board of Commissioners, Aspen, CO - #172.10.42000.355)

BECAUSE THE BENEFITS ARE MARGINAL

No roads for cows or wildlife! Even the USFS has acknowledged how ridiculous the grazing exceptions are and even the marginal benefit that some small portion of species might receive from clear cuts and edge-based transitional habitat isn't worth it, given the large expanses of already superior habitat areas. (Individual, Nampa, ID - #1033.2.40000.002)

TO PROTECT ROADLESS FISH AND WILDLIFE HABITAT

Wording that allows commercial logging "to benefit wildlife" should be eliminated from the Roadless Protection Rule because all such gifts to industry come at the cost of currently road-free fish and wildlife habitat. (Individual, Broomfield, CO - #144.5.21000.261)

4-60 Public Concern: The Forest Service should reject the logging exception for fire prevention.

BECAUSE IT WOULD ALLOW LOGGING AND ROAD CONSTRUCTION IN AREAS TOO DISTANT TO PROVIDE PROTECTION OF LIVES AND PROPERTY

As a Coloradan, I ask the Forest Service to fully protect all of Colorado's Roadless Areas according to the 2001 Roadless Rule. The weaker protections specific to the Roadless Areas in Colorado must be rejected. Some Roadless Areas could have road construction and logging in large areas supposedly for fuel and fire hazard reduction, even in areas that are far away from homes—where the projects would not truly protect lives and property. (Individual, Evergreen, CO - #1.3.42000.263)

The Draft Rule would allow logging under the guise of fire prevention, but in areas where there is no property to protect. These projects would simply be a windfall for the timber industry. Fuel treatments in Roadless Areas, if necessary, should be restricted to areas where they do the most good, in the "home ignition zone." (Preservation/Conservation - #186.4.42000.263)

BECAUSE IT WOULD ALLOW LOGGING OF LARGE TREES AND ROAD CONSTRUCTION THAT IS NOT SUPPORTED BY SOUND SCIENCE

The Proposed Rules contain numerous loopholes. Wildfire Risk: The 2001 Rule allows local officials to conduct targeted fuel reduction activities in Roadless Areas to protect communities at risk, with specific direction for logging small trees that are the most flammable and present the greatest wildfire risk. Under the 2001 Roadless Rule, forest health thinning is permissible and is being planned miles into Roadless Areas. These guidelines were based on years of scientific research, and designed to ensure that legitimate thinning can occur where necessary. The USFS proposal for Colorado would allow logging of large trees and wanton road construction deep in Roadless Areas on the pretext of reducing wildfire risk to communities. This approach is simply not supported by sound science. (Pitkin County Board of Commissioners, CO - #172.7.43100.263)

4-61 Public Concern: The Forest Service should acknowledge that the 2001 Rule goal to maintain the integrity of the ecosystem is replaced in the Proposed Rule with the goal to reduce hazards to humans.

[From ATT 1] The 2001 Rule allows tree-cutting, sale, or removal "[t]o maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climactic period." 66 Fed. Reg. 3273 at [Section] 294.13(b)(1)(ii). The Proposed Rule takes a significantly different approach, allowing cutting, sale, or removal "[t]o reduce the hazard of wildfire effects or large-scale insect and disease outbreaks, in areas covered by and as provided in a [CWPP] [Community Wildfire Protection Plan] or, if a [CWPP] is not present, within areas of the wildland urban interface." 73 Fed. Reg. 43563 at [Section] 294.34(b)(1)(ii).

The Proposed Rule departs from the 2001 Rule by replacing the goal of maintaining the integrity of the ecosystem with one of reducing hazards to humans. In addition, the Proposed Rule states that the Forest Service "shall implement projects to reduce wildfire hazards to communities after careful consideration to [defined] roadless characteristics." Id. This provision has two weaknesses for Roadless Area protection. First, while maintenance of roadless characteristics is not mandatory under this section, projects to reduce wildfire hazards are mandatory, regardless of whether such projects jeopardize roadless characteristics. Second, the requirement that the Agency give only "careful consideration" to roadless character sets no defined standard and leaves considerable doubt as to how roadless characteristics will be valued or maintained in making these decisions. (Preservation/Conservation - #799.34.43000.621)

4-62 Public Concern: The Forest Service should reject the logging exception for fire prevention and management of insect and disease outbreaks.

BECAUSE IT WOULD ALLOW LOGGING IN BACKCOUNTRY AREAS WHERE THE BENEFITS ARE LOW AND NATURE SHOULD BE ALLOWED TO RUN ITS COURSE

As currently drafted, we [Pitkin County Commissioners] find the following provision of the Proposed Rule particularly egregious and destructive of our National Forests' Roadless values.

The broad language employed in the Proposed Rule could expose some Roadless Areas to large-scale and unnecessary logging for the purpose of reducing wildfire hazard and to respond to insect and disease outbreaks. While we [Pitkin County Commissioners] continue to encourage flexibility in any regulations that impact public health and safety, the present verbiage does not restrict fuel treatments to areas where they are most effective. Instead, it opens the door to logging in the backcountry areas where the benefits are low and nature should be allowed to "run its course." The regulations proposed for Colorado ignore the premise of the 2001 Roadless Area Conservation Rule's exceptions to logging in Roadless Areas, "The cutting, sale, or removal of timber in these areas is expected to be infrequent." 36 CFR [Section] 294.13(b) (Pitkin County Board of Commissioners, Aspen, CO - #324.4.43000.200)

4-63 Public Concern: The Forest Service should acknowledge that the logging exception for fire prevention and management of insect and disease outbreaks is extremely permissive.

UNDERMINING THE LOGGING PROHIBITION AND ALLOWING WIDESPREAD CLEARCUTTING

Widespread salvage logging and associated road construction in response to mountain pine beetle attacks, for example, which would be allowed by Section 294.34(b), would leave any Roadless Area so treated in a degraded state, as dead and dying trees are typically clearcut and removed during such operations. [Footnote 19: Approximately 600,000 acres, or 14 percent, of Colorado roadless acreage is considered to be at high risk for insect and disease mortality. DEIS at 133.] This means there could be widespread clearcutting in Roadless Areas under the Draft Colorado Rule. At a minimum, the following identified roadless characteristics would be degraded: high-quality undisturbed soil, water, and air; diversity of plant and animal communities; reference landscapes; and natural-appearing landscapes with high scenic quality. See the Draft Colorado Rule at 36 CFR 294.31 and DEIS at 23–24. Intense treatment, along with the presence of roads, could be sufficient to warrant consideration of removing treated areas from the roadless inventory.

It is important to recognize that dead trees, even high concentrations of them, while not desirable immediately adjacent to communities, are part of the natural ecological regime in Colorado, especially in ecosystems dominated by lodgepole pine. Since natural values receive emphasis in Roadless Areas, any Roadless Rule must ensure that roadless values in areas not immediately adjacent to communities are not unduly degraded. The Draft Colorado Rule does not provide this protection.

Treatment could conceivably occur over a fourth or more of Colorado's roadless acreage. See Table 32 at p. 142, which shows that 24–25 percent of the State's roadless acreage are within 3 miles of an at-risk community. Such areas are often included in CWPPs [Community Wildfire Protection Plans]. Logging is projected in nearly all of the Roadless Areas on the Pike-San Isabel National Forest, including those with a threatened fish species. DEIS at 229. In numerous Roadless Areas, logging is "somewhat likely," "very likely," or proposals are being studied or have already been approved. DEIS at C-3 through C-7. Overall, the DEIS projects that 7,600 acres in Roadless Areas would be logged annually. DEIS at 77.

The fact that tight budgets and other factors might limit widespread application of authority for logging in Roadless Areas (see DEIS at 77) is not a valid defense of this provision. Budgets may change; indeed, intense efforts are currently underway to score more appropriations for Colorado in order to treat much more of the federal land in Colorado that has mountain pine beetle mortality, some of which has occurred in Roadless Areas. Thus the broad authority for logging could easily get used over sizable areas of Colorado's roadless lands in the relatively near future. Also, the mere existence of a provision allowing logging in portions of Roadless Areas miles away from communities invites responsible officials to use it.

Similar to the provisions for road construction, the Draft Colorado Rule's extremely permissive logging provision could essentially negate application of the general prohibition on logging in some Roadless Areas. (Preservation/Conservation, Denver, CO - #789.35-36.42000.200)

BECAUSE IT ALLOWS LOGGING IN COMMUNITY WILDFIRE PROTECTION PLAN AREAS, WHICH COMPRISE MUCH OF COLORADO'S ROADLESS AREAS

The Draft Colorado Rule would allow road construction and logging on all roadless lands to reduce the hazard of wildfire effects or large-scale insect and disease outbreaks "in areas covered by and as provided in a Community Wildfire Protection Plan [CWPP]...." 36 CFR 294.34(b)(1)(ii). As with road construction (see Section IV B 3 above), this would allow logging on a large area of roadless lands, some of it miles from any housing, communities, or infrastructure. Indeed, many CWPPs cover whole counties. See Exhibit 3 [ATT 3]. The total acreage logged after 15 years could be 114,000 acres, or 3 percent of the total CRA [Colorado Roadless Area] acreage. Id. Note that only 12,000 acres would be logged under the 2001 Rule (Alternative 1) in the same time period. Id.

The Draft Colorado Rule would thus allow logging in areas where treatment would not address needs to protect private and municipal properties from wildfire. As such, it would discourage the focusing of fire risk reduction treatment in areas where it is most needed.

Implementation of this provision would not significantly reduce the risk of fire, as there is no substantial difference in the potential for large fires to occur in Roadless Areas among the three alternatives considered in the DEIS at 82. (Preservation/Conservation, Denver, CO - #789.34.43100.263)

[From ATT 1] Under the 2001 Rule, cutting, sale, or removal of trees is permitted "to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects." 66 Fed. Reg. 3273, at [Section] 294.13(b)(1)(ii). Cutting is limited to "generally small diameter timber" and must maintain or improve one or more of the defined roadless area characteristics. Id.

The Proposed Rule allows timber cutting to reduce the hazard of wildfire effects within Community Wildfire Protection Plans (CWPPs) or are[as] near a wildland-urban interface. It also allows cutting for large-scale insect and disease outbreaks. 73 Fed. Reg. 43563 at Section 294.34(b)(1)(ii). The scope of the "within CWPP" exception is dramatic. As of 2006, at least seven Colorado counties had adopted county-wide CWPPs. See Colorado State Forests, Community Wildfire Protection Plans (November 29, 2006) available at http://csfs.colostate.edu/library/pdfs/cwpp/Completed_ CWPP_links.pdf (last visited August 13, 2008). Together, these seven CWPPs encompass roughly 629,000 roadless acres identified by the Proposed Rule. [Footnote 39: This figure was calculated based on the acreage identified in Table 58 of the DEIS identifying roadless acres by county. DEIS at 287–88.] Today, there are 82 approved CWPPs in effect throughout Colorado. DEIS at 142. While many of these plans are more limited in scope than those covering entire counties, the reach of CWPPs into Roadless Areas is undoubtedly immense. Moreover, the roadless acreage falling under CWPPs will continue to grow as more plans are proposed and approved. (Preservation/Conservation - #799.27.43100.260)

4-64 Public Concern: The Forest Service should reject the logging exception for fire prevention and wildlife habitat improvement.

BECAUSE ATTENDANT ROADBUILDING IMPACTS WILDLIFE AND INCREASES THE RISK OF WILDFIRE

I think it is nonsense to justify weaker protection of the Colorado Draft Rule in order to "improve" wildlife habitat and wildfire management. It is the intrusion of the kind of human activity brought by roads that threatens the wildlife and increases the risk of human-initiated fires. Wildfire in the backcountry does not threaten human lives or property, and efforts to log for fire hazard reduction should occur in the urban-wildlands interface. (Individual, Evergreen, CO - #252.1. 43000.330)

4-65 Public Concern: The Forest Service should reject the logging exception for wildlife habitat improvement.

Totally eliminate the "logging for wildlife" exception, which is a biological oxymoron and starkly counter to the nominal intent of the Rule. (Recreation/Conservation Organization, Durango, CO - #759.4.42000.330)

4-66 Public Concern: The Forest Service should acknowledge that the logging exception for habitat improvement is too broad.

BECAUSE IT ALLOWS MANAGEMENT OR IMPROVEMENT FOR ALL SPECIES; DOES NOT REQUIRE MAINTENANCE OF ROADLESS AREA CHARACTERISTICS; AND PROVIDES A BROAD RANGE OF PERMISSIBLE ACTIVITIES, OPENING UP THE ENTIRE SET OF ROADLESS AREAS TO TIMBER SALES

[From ATT 1] Both the 2001 Rule and the Proposed Rule provide for timber cutting to improve habitat, but the Proposed Rule is much more permissive and imposes fewer restrictions on habitat-enhancing tree cutting.

Under the 2001 Rule, cutting may only be done to improve habitat of "threatened, endangered, proposed, or sensitive species." 66 Fed. Reg. 3273 at [Section] 294.13(b)(1)(i). Further, this cutting is limited to "generally" small diameter trees, and must "maintain or improve one or more of the defined Roadless Area characteristics." Id.

The Proposed Rule allows cutting not just to improve habitat of threatened or endangered species but for "management and improvement" of any "wildlife and plant species." 73 Fed. Reg. 43563 at [Section] 294.34(b)(1). Cutting, sale, or removal "should be designed to maintain or improve roadless characteristics" but is not required to do so. Id. Where "vegetation management" is the goal, as permitted under this Rule, "timber sales are often the least-cost method." DEIS at 76. Permissible activities "related" to timber harvesting, which may be employed for management of wildlife or plant species under the Rule, "may include road construction" as well as dragging logs to nearby roads, piling up unmerchantable trees, and prescribed burning to reduce the accumulation of leftover brush and logs. Id. As such, the provision for cutting in support of management of any species of flora or fauna leaves virtually the entire set of CRAs [Colorado Roadless Areas] vulnerable to timber sales in support of vegetation management. (Preservation/Conservation - #799.26.42000.330)

RESULTING IN ACTIVITIES THAT WILL NOT ENHANCE WILDLIFE

The Proposed Rule authorizes tree cutting to improve habitat for threatened, endangered, proposed or sensitive species And to improve habitat for all wildlife and plant species (Section 294.34(b)(1)(i)). We [The Audubon Society of Greater Denver] find this a rather broad and scantily documented reason for logging and foresee that it could lead to all sorts of logging that does little for wildlife, because logging advocates always claim that their project improves wildlife habitat. The effects of tree-cutting include road construction or reconstruction (DEIS p. 190), the negative impacts of which are clearly described in the DEIS pp. 186–190. "In reality, roads are not required to conduct wildlife habitat improvement activities" (ibid.). (Preservation/Conservation, Littleton, CO - #919.3.42000.330)

4-67 Public Concern: The Forest Service should reject all logging exceptions.

BECAUSE THE PROVISIONS ARE BROAD AND UNNECESSARY

Broad authority for logging in Roadless Areas for wildlife management must not be granted. As with the liberal permission for logging in response to a perceived threat of fire and insects and diseases, this provision is too broad and unnecessary. (Individual, Florissant, CO - #917.13.42000.350)

Fire Ecology and Forest Health

Fuel Management

4-68 Public Concern: The Forest Service should thin forests for fuel reduction.

ONLY WITHIN ONE-HALF TO ONE-QUARTER MILE FROM THE COMMUNITIES BEING PROTECTED

Any effort to thin forests to protect communities (human communities) needs to be limited to within one-fourth to one-half mile of human communities and not in areas greater than half-mile [from a community]. (Individual, Beulah, CO - #16.1. 43100.263)

ONLY WITHIN URBAN WILDLAND AREAS

Fire mitigation is another issue that I'm concerned with. We just did it on our property, I absolutely understand the need. But I think it should be limited to real urban wildland areas and not so broad that it includes the whole forest and is [an] excuse to go over and make roads everywhere. (Individual, , CO - #967.4.43100.263)

ONLY TO PROTECT ENDANGERED HOMES

Road construction and logging for fuel reduction must be limited to areas immediately adjacent to homes. (Individual, Santa Fe, NM - #202.1.43100.263)

The efforts to log timbers near endangered homes is okay, but to open Roadless Areas to logging companies is excessive. (Individual, Steamboat Springs, CO - #1044.3.42000.263)

MANUALLY AND WITH HORSES TO DRAG LOGS OUT

Thinning can be done by people who walk in, and horses can be used to drag logs out. (Individual, Elgin, IL - #307.1.43000.001)

BECAUSE MANAGED LOGGING IS IMPERATIVE FOR FOREST HEALTH NOW THAT WE PRACTICE FIRE SUPPRESSION

The simple fact that we now suppress forest fires in our natural forests makes it imperative that we allow managed logging in our forests. Nature used to use forest fires as a way of keeping the forests healthy. Managed logging can be used to replace the natural means of thinning forests as well as allowing the older trees to die so that the new trees can grow. (Individual, Jordan, MN - #804.3.43000.261)

4-69 Public Concern: The Forest Service should include prescriptive thinning guidelines, similar to those provided in the Idaho Rule.

TO AVOID LOOPHOLES IN THE DRAFT COLORADO RULE THAT WOULD FACILITATE COMMERCIAL TIMBER CUTTING

While the 2001 Rule wisely restricts thinning in the name of reducing fire and insect threats with the proviso "generally small-diameter" trees and other safeguards, the Draft Colorado Rule language glaringly lacks this vital protection from abuse. To the contrary, this entire section of language is so vague as to seem intended to facilitate commercial timber cutting in roadless backcountry. Our [Trout Unlimited/Public Lands Initiative] concern is that this loose-language loophole and related others—including lack of any restriction on the miles of temporary roads that can be constructed for "treatment" operations, lack of emphasis on non-road options, and wording that would allow commercial timber cutting to be conducted well beyond the Wildlands/Urban Interface (WUI) and deep into pristine Colorado Roadless Areas (CRAs) backcountry—will facilitate ecologically disruptive commercial timber cutting in the guise of prescriptive thinning. The "mostly small-diameter" restriction in the 2001 Rule leaves ample room to remove individual diseased, obstructive, or fire-prone diseased or dead large trees, and short of eliminating any option for backcountry CRA timber cutting, must be restored. Please consult the RACNAC [Roadless Area Conservation National Advisory Committee] letter on this point, which is further reinforced by the previously referenced February 20, 2008 letter from EPA [U.S.

Environmental Protection Agency], to wit: "EPA is concerned with the considerable breadth of exceptions to the prohibition of cutting, selling or removing timber from a Colorado Roadless Area. The NOI [Notice of Intent] lists five exceptions from the prohibition that capture the universe of what EPA sees as the purpose and need for logging projects on national forests. While commercial logging operations are clearly prohibited, the NOI indicates that timber operations for many other reasons can be justified. Logging and associated roadbuilding can increase erosion and sedimentation, polluting water ways and damaging fish habitat, while also fragmenting wildlife habitat. EPA is concerned about impacts to ecological resources from those exceptions. The DEIS should include clear guidelines and commitments for how impacts from exemptions will be avoided, minimized and mitigated on IRAs [Inventoried Roadless Areas]."

In general, we feel that the Idaho Rule offers good beginning guidelines in this area of critical importance, both establishing boundaries and hierarchies for WUI [wildland-urban interface] treatments, while avoiding authorization of backcountry commercial timber harvest.

[These suggestions are summarized, as follows: Eliminate all provisions, overt and implied, that would facilitate commercial logging via new roads beyond the WUI boundary as described in HFRA [Healthy Forests Restoration Act]. Restore [the] "mostly small-diameter" proviso to all treatment options. Specifically, emphasize that all non-road options for thinning have priority over new road construction. (Recreation/Conservation Organization, Durango, CO - #770.1-2.43000.200)

4-70 Public Concern: The Forest Service should limit costly, unnecessary, and detrimental fuel reduction treatments in Roadless Areas.

BECAUSE THE NATURAL FIRE REGIME RECYCLES NUTRIENTS AND PROMOTES REGROWTH

After examining the DEIS on the Colorado Proposed ruling, we [the University of Colorado Wilderness Study Group] found that the 2001 Ruling is the best alternative on the issues that are most important to us with regards to our public lands [such as]: Under the Proposed Colorado Rule, 12 percent of Roadless Areas would be subjected to hazardous fuels reduction, compared with 1 percent under the 2001 Rule; these treatments will be costly and unnecessary or even detrimental: Fires in Roadless Areas provide opportunities to allow forest cycles to progress as they would naturally, recycling nutrients and promoting regrowth. [Footnote 3: "The Value of Roadless Areas." Colorado's Forest Legacy. http://roadless.net/sections/background/background.htm] (Preservation/Conservation, Boulder, CO - #505.16.43100.260)

BECAUSE THESE TREATMENTS INCREASE THE RISK OF ACCIDENTAL HUMAN-CAUSED WILDFIRES

After examining the DEIS on the Colorado Proposed ruling, we [the University of Colorado Wilderness Study Group] found that the 2001 Ruling is the best alternative on the issues that are most important to us with regards to our public lands [such as]: Under the Proposed Colorado Rule, 12 percent of Roadless Areas would be subjected to hazardous fuels reduction, compared with 1 percent under the 2001 Rule; these treatments will be costly and unnecessary or even detrimental: Ninety percent of wildfires are human caused, and human-caused fires are five times more likely to occur in roaded areas. [Footnote 3: "The Value of Roadless Areas." Colorado's Forest Legacy. http://roadless.net/sections/background/background.htm] (Preservation/Conservation, Boulder, CO - #505.14.43100.260)

BECAUSE LARGE WILDFIRES ARE MORE LIKELY TO OCCUR OUTSIDE ROADLESS AREAS THAN WITHIN

After examining the DEIS on the Colorado Proposed ruling, we [the University of Colorado Wilderness Study Group] found that the 2001 Ruling is the best alternative on the issues that are most important to us with regards to our public lands [such as]: Under the Proposed Colorado Rule, 12 percent of Roadless Areas would be subjected to hazardous fuels reduction, compared with 1 percent under the 2001 Rule; these treatments will be costly and unnecessary or even detrimental: A 15-year study concluded that large wildfires are more likely to occur outside of Roadless Areas than within them. [Footnote 2: "The Many Values of Roadless Areas." Citizens for Roadless Area Defense. Spring 2006. http://www.wrroadless.org/] (Preservation/Conservation, Boulder, CO - #505.13.43100.262)

BECAUSE ONLY MINIMAL ROADLESS AREA ACREAGE IS WITHIN ONE-HALF MILE OF AT-RISK COMMUNITIES

After examining the DEIS on the Colorado Proposed ruling, we [the University of Colorado Wilderness Study Group] found that the 2001 Ruling is the best alternative on the issues that are most important to us with regards to our public lands [such as]: Under the Proposed Colorado Rule, 12 percent of Roadless Areas would be subjected to hazardous fuels reduction, compared with 1 percent under the 2001 Rule; these treatments will be costly and unnecessary or even detrimental: Only a fraction of a percent of Roadless Areas are within a half-mile of "at risk" communities. [Footnote 3: "The Value of Roadless Areas." Colorado's Forest Legacy. http://roadless.net/sections/background/background.htm] (Preservation/Conservation, Boulder, CO - #505.15.43100.263)

4-71 Public Concern: The Forest Service should ensure that the Final Rule remains flexible regarding wildfire prevention.

BECAUSE WILDFIRE RISKS WILL INCREASE DUE TO INSECT EPIDEMICS AND GROWING FUEL LOADS, WHICH WILL RISK CRITICAL WATER SUPPLIES

The Colorado state specific rules attempts to provide increased management flexibility in identified Colorado Roadless Areas to reduce fuels and treat large-scale insect and disease outbreaks. Under the No Action Alternative, only 1 percent of the annual fuels treatments on NFS [National Forest Service] lands would occur in Roadless Areas. Based on critical water resource values for community water supplies, how will the ruling under the No Action Alternative adjust to meet increasing wild fire risks due to insect epidemics and increased fuel loading as a result of historical fire suppression and limited fuels mitigation? Even under Alternative #2 where only 12 percent, and Alternative #3 at 27 percent of the annual fuels treatment would occur in Roadless Areas is limited, and constrains the management of fuels and wildland fire as one of the greatest risks to water supplies and infrastructure. (Utility Group - #949.4.43000.240)

BECAUSE THE PROTECTION OF WATERSHEDS IS IMPORTANT TO WATER SUPPLY

Described within the environmental effects summary there are provisions for additional flexibility in Alternative 2 compared to Alternative 1, and likewise in Alternative 3 compared to Alternative 2. These effects are quantitatively expressed for the annual fuels treatment where only 1 percent would be in Roadless Areas in Alternative 1, 12 percent for Alternative 2, and 27 percent for Alternative 3. The protection of watershed areas is very important to water users in Colorado, and treatment of fuels to realize a reduction in fire hazard is an important component of watershed protection. The low percentages of treatment in these watersheds for Alternatives 1 and 2, especially when contrasted to the 31 percent of forest lands [in] Colorado Inventoried Roadless Areas, demonstrate the lack of flexibility being afforded the water owners in protecting their facilities and water supplies. (Utility Group, Aurora, CO - #947.5.43100.240)

4-72 Public Concern: The Forest Service should address logging needs outside the wildland-urban interface and Community Wildfire Protection Plan areas.

TO PROTECT WATER SUPPLIES AND FOREST HEALTH IN ALL ROADLESS AREAS

Within the 2001 Roadless Rules there is essentially no provision for dealing with forest health issues and related consequences, such as those posed by the current beetle kill epidemic. The proposed Colorado Roadless Rule adds some flexibility to allow tree-cutting, although limited to areas specified as wildland-urban interface or covered within a Community Wildfire Protection Plan. There is no specific mention of provision to allow protection for water system components, ditches, diversions, and related facilities. This type of language needs to be added to make the Colorado Roadless Rule flexible enough to allow for protection of water supplies. (Utility Group, Aurora, CO - #947.4.43000.240)

4-73 Public Concern: The Forest Service should not use wildfire threat as an argument to support the Proposed Rule.

BECAUSE ROADLESS AREAS ARE TOO DIFFICULT AND COSTLY TO ACCESS FOR FUEL TREATMENT

While OB [Outward Bound] recognizes the increasing threats from and costs of wildfire in Roadless Areas, the Agency simply does not have the capacity to treat significant acres in Roadless Areas. This is particularly true given the fact that many roadless acres are, by definition, difficult and costly to access. Wildfire hazard arguments do not supply sufficient grounds to support the Proposed Rule. (Recreational, Boulder, CO - #911.9.43100.800)

4-74 Public Concern: The Forest Service should put out to bid logging contracts to reduce forest fires.

BECAUSE PRIVATE INDUSTRY SHOULD NOT USE PUBLIC LANDS FOR PROFIT

Private industry should not use public lands for profit. If the lands need to be logged to reduce forest fire risks, it should be put out to bid and have private industry do the job. (Individual, Steamboat Springs, CO - #323.2.43000.830)

4-75 Public Concern: The Forest Service should modify the fuel treatment program.

TO PROVIDE A DEFINITION OF "TREATMENT" THAT WOULD AVOID ABUSE OF THE TERM

The wording fire "treatment." Treatment is meant as a tactic to mitigate fire danger, but without exact definition could be defined as found convenient. The auspices of "treatment" could mean miles of new road to aid commercial logging. (Individual, Durango, CO - #444.1.43100.830)

TO RESTRICT ITS USE TO THE HOME IGNITION ZONE

Restrict "fuel treatments" to the "home ignition zone." (Individual, Carbondale, CO - #882.1.43100.001)

TO INCLUDE A DESCRIPTION IN THE PROPOSED RULE OF ALL AT-RISK COMMUNITIES AND AN ASSESSMENT OF ALL NECESSARY ROADS

Treatment programs in Roadless Areas should focus on at-risk communities. Such treatment programs [Wildlife Hazard Treatment Programs] and the necessary roads should be described in detail in the Proposed Rule, including the assessment, design, utilization, and decommissioning of all roads. (Recreational, Boulder, CO - #911.11.43100.160)

4-76 Public Concern: The Forest Service should carefully constrain fuel treatments.

Be sure that any fuel treatments are carefully constrained. (Individual, Cave Creek, AZ - #313.2.43100.001)

4-77 Public Concern: The Forest Service should allow remote areas to burn.

BECAUSE FIRE AND DISEASE ARE THE MAIN CONTRIBUTORS TO LONG-TERM FOREST HEALTH

Given that the USFS has decided that highest priority should be given to protecting structures in a wildfire situation, money for fighting fires should be allocated for such protection, and remote (roadless) areas should be allowed to burn. I say this even in the face of understanding that suppression of fire over the past 100 years or so have left forests in an unhealthy state and climate change further exacerbates the problem. Fire and disease are some of the main contributors to long-term forest health and they should be allowed to take their course. As difficult as the Hayman Fire was, it improved wildlife habitat over a substantial part of the burned area. (Individual, Manitou Springs, CO - #175.2.43110.260)

Road Construction

4-78 Public Concern: The Forest Service should acknowledge that road development increases the number of people who visit the forest.

INCREASING EXPOSURE TO FIRE HAZARDS

The development of roads increases the number of people who visit areas as majestic as this is. Although people should see what mother nature has created for them, they rarely take into consideration what their presence in an area such as this does to the environment. They leave trash, feed the animals, and even worse start fires to cook food, for warmth, or just because. Our forests are under siege with the pine beetle and are more "volatile" than ever. Fire is the very last thing we need in our "special place." (Individual, Denver, CO - #766.1.43000.002)

4-79 Public Concern: The Forest Service should limit road construction for fire management.

BECAUSE THIS IS THE BEST WAY TO MANAGE FIRE RISKS

The best way to manage Inventoried Roadless Areas to limit fire risks is to keep the areas roadless. Research has shown that keeping the areas roadless diminishes the intensity and scale of forest fires. Forest Service Roadless Area Conservation, Final Environmental Impact Statement (FEIS), Vol. 1 at 3-115 (November 2000). The Forest Service has stated that "overall fire potential is greater on NFS [National Forest System] lands outside Inventoried Roadless Areas than on lands inside inventoried areas." Id. at 3-115. (Preservation/Conservation, Charlottesville, VA - #795.4.43000.620)

TO AREAS CLOSE TO AT-RISK COMMUNITIES

The Draft Rule would allow almost unlimited road construction for treatments in areas covered by a Community Wildfire Protection Plan (CWPP) or in the wildland-urban interface. Proposed Section 294.33(c)(3) would carve out a wide exception to the prohibition on road construction in Colorado Roadless Areas, as road construction could occur where: A temporary road is needed for treatment actions and in areas identified in a Community Wildfire Protection Plan or, if a Community Wildfire Protection Plan is not present, within areas of the wildland-urban interface. [Footnote 12: The wildland-urban interface, or WUI, is broadly defined. See Draft Colorado Rule at 294.11.]

This could result in construction of 88 miles of new roads in Roadless Areas in the next 15 years under the Draft Colorado Rule. DEIS at 150. What's more, the term "treatment" is never defined in the Draft Rule.

Road construction for fuel reduction logging should never be needed in portions of Roadless Areas that are not close to at-risk communities, as implementing activities from these roads would provide little or no protection to such communities but would harm roadless characteristics. See discussion in Sections IV C 1–3 below. Thus roads would not be needed in areas far away from these communities. Furthermore, construction of roads, even "temporary" ones, would greatly degrade roadless characteristics. The roadless characteristics of small Roadless Areas (under about 8,000 acres) could be almost totally destroyed by road construction a few miles into the interior of such an area. (Preservation/Conservation, Denver, CO - #789.23.43100.680)

TO PROVIDE FIRE ACCESS AND ESCAPE ROUTES

The Draft Colorado Rule's provision for logging for fuel treatment would not ensure focus on maximizing the effectiveness of treatment. The undersigned [23 various preservation organizations] recognize the need for reducing fuels in areas adjacent to homes and communities. But we believe that treating any such locations within Roadless Areas can and must be done without sacrificing roadless characteristics.

It is clear from Forest Service research that the best protection for homes is accomplished by making the home fire-resistant and treating vegetation in the immediate surrounding area. See Cohen, 1999 and 2000. See a more detailed discussion on this issue at pp. 21–22 of our ANPR [Advance Notice of Proposed Rulemaking] comments. Without creation of defensible space around homes, even treatments

adjacent to the homes—let alone far away from them—would provide little fire protection. Any logging in Roadless Areas done outside the areas immediately surrounding homes and communities should thus be limited to specific purposes, such as to provide escape routes for residents or provide access routes for firefighters. (Preservation/Conservation, Denver, CO - #789.33.43100.263)

BECAUSE ROADS COMPROMISE FOREST HEALTH

Maintaining the roadless character of an area reduces the risk of insect infestations and disease because roads increase the opportunity for invasive exotics to infiltrate healthy forests. In the Roadless Area Conservation FEIS, the Agency found that Inventoried Roadless Areas are at a lower risk for insect and disease infestation than other areas on the National Forests. Id. at 3-119. (Preservation/Conservation, Charlottesville, VA - #795.5.43200.200)

4-80 Public Concern: The Forest Service should not allow firewood gathering off designated routes or temporary roads.

BECAUSE THIS ACTIVITY WOULD DEGRADE ROADLESS AREA CHARACTERISTICS

Fuelwood gathering via motor vehicles operating off designated routes or temporary roads must not be allowed in Roadless Areas. The DEIS at p. 297 states that fuelwood gathering could be allowed from temporary roads in Roadless Areas if this activity "is deemed by the local district as an approved use of those temporary roads." However, the Draft Rule does not generally allow this, as temporary roads are closed to motorized use "unless specifically used for the purpose for which the road was established," with exceptions for administrative use, law enforcement, other emergency access, and specific written authorization issued under Federal law or regulation. Section 294.33(d).

Fuelwood gathering usually involves people driving motor vehicles off roads to retrieve firewood. But even if it could legally be done under the Draft Colorado Rule or other authority, allowing fuelwood gathering would not be appropriate in Roadless Areas if motor vehicle use off of designated routes or temporary roads was allowed. Such activity would degrade roadless area characteristics, such as undisturbed soil, reference landscapes, and natural-appearing landscapes with high scenic values.

The Forest Service does not have the personnel to properly supervise firewood gathering, even in well-roaded areas. The only situation in which firewood gathering from temporary roads in Roadless Areas might be acceptable is when slash disposal was needed as part of an authorized fuel reduction project for which an existing or new temporary road was used. But even then, material to be offered as firewood would have to be placed, but not piled [Footnote 18: It would likely not be safe for firewood gatherers to pull apart log piles to get firewood.], near roads to prevent or discourage soil damage from vehicle use off of designated routes or temporary roads. (Preservation/Conservation, Denver, CO - #789.32.43100.002)

Community Protection

4-81 Public Concern: The Forest Service should support the Community Wildfire Protection Plans.

TO CONFORM WITH THE INTENT OF THE HEATHLY FORESTS RESTORATION ACT

I do not think that CWPPs [Community Wildfire Protection Plans] are in conflict with the roadless issues. The WUI [Wildland-Urban Interface] in a CWPP is more an expression of a community's value set than a technical fuels-driven WUI, and I think HFRA [Healthy Forests Restoration Act] intended that to be so. (Individual, Clark, CO - #220.1.22000.263)

4-82 Public Concern: The Forest Service should use Community Wildfire Protection Plans as the basis for authorizing logging in Roadless Areas.

To protect human health and safety, fuel reduction work should be focused near communities instead of deep in the backcountry. Congress already has defined "community protection zones" in the Healthy Forest Restoration Act; I recommend that this definition be used in the Colorado Rule to identify areas

where fuel reduction projects should occur. Furthermore, any projects located outside designated community protection zones should have higher standards to ensure that Colorado's backcountry values are maintained. (Individual, Washington, DC - #441.3.43100.164)

4-83 Public Concern: The Forest Service should not use Community Wildfire Protection Plans as the basis for authorizing logging in Roadless Areas.

BECAUSE THE AMOUNT OF AREA COVERED UNDER THESE PLANS VARIES AND SOME COMMUNITY WILDFIRE PROTECTION PLANS INCLUDE WHOLE COUNTIES

The Draft Colorado Rule's provision for logging for fuel treatment would not ensure focus on maximizing the effectiveness of treatment. There surely is a need for reducing fuels in areas adjacent to homes and communities. Treating any such locations within Roadless Areas can and must be done without sacrificing roadless characteristics. The Draft Colorado Rule would allow road construction and logging on all roadless lands to reduce the hazard of wildfire effects or large-scale insect and disease outbreaks in areas covered by and as provided in a Community Wildfire Protection Plan (CWPP).

CWPPs should not be used as the basis for authorizing logging in Roadless Areas. The amount of area covered by individual CWPPs varies greatly across Colorado. Some cover a relatively compact, site-specific area, but others cover whole counties. Teller County has a CWPP that encompasses the whole county. Potentially, the Draft Rule would allow fuels treatments and associated roads on all the Forest Service land in the county. (Individual, Florissant, CO - #917.12.43000.263)

BECAUSE WILDFIRE PROTECTION ACTIVITIES SHOULD FOCUS ON AREAS NEAR THE COMMUNITIES AT RISK

The Draft Colorado Rule allows for logging and road construction in all Roadless Areas covered by a Community Wildfire Protection Plan (CWPP). This becomes problematic when you consider the fact that there are CWPPs in Colorado that cover an entire county; if the Rule allows for this activity, it is essentially rubber-stamping logging in areas that are literally miles from the communities, homes, and structures that should be the focus of wildfire protection efforts. The Colorado Mountain Club believes strongly that the focus of wildfire protection activities should be close to communities where the threat really exists. (Recreation/Conservation Organization, Carbondale, CO - #838.7.43100.261)

BECAUSE THERE WOULD BE NO ROADLESS AREA PROTECTION FOR COMMUNITIES COVERED BY A COMMUNITY WILDFIRE PROTECTION PLAN, WHICH COULD RESULT IN UNRESTRICTED NEW ROAD DEVELOPMENT

The Draft Rule provides no RA [Roadless Area] protection from fuel treatments in places where a community is covered by a wildfire protection plan [Community Wildfire Protection Plan]. This could allow 88 miles of new roads to be built in Colorado RAs in the next 15 years. (Recreation/Conservation Organization, Nederland, CO - #823.2.43100.680)

BECAUSE THERE ARE NO STANDARDS FOR IDENTIFYING, PRIORITIZING, AND IMPLEMENTING TREATMENT AREAS

CWPPs [Community Wildfire Protection Plans] cannot be used as the basis for authorizing logging in Roadless Areas. The amount of area covered by individual CWPPs varies greatly across Colorado. Some cover a relatively compact, site-specific area, but others cover whole counties. Note the following from the Colorado State Forest Service website: "A CWPP can be developed for any level of 'community,' from a homeowner's association or mountain town to a county or metropolitan city." [Footnote 20: http://www.csfs.colostate.edu/cwpp.htm] Numerous counties are each covered by single CWPPs, (see Exhibit 3 [See ATT 3]), as is a large area of northern Routt County in the North Rout CWPP. Many of these CWPPs include thousands of acres of roadless lands.

There are no agreed-upon standards for how much land a CWPP should cover, nor for how much detail on desired treatments should be provided, as is clear from the CWPP Handbook, 2004:

"The language in the HFRA [Healthy Forests Restoration Act] provides maximum flexibility for communities to determine the substance and detail of their plans and the procedures they use to develop them." CWPP Handbook at [p.] 2.

CWPPs that cover a large area are simply not sufficiently site-specific to provide the basis for authorizing individual projects. This point is reinforced by information on the Colorado State Forest Service's website: "County level plans can be used as an umbrella for community plans but should not be considered a substitute. A county plan will not provide the detail needed for project level planning. CSFS [Colorado State Forest Service], id. In this light, a county-wide CWPP or any CWPP that covers a large area (like the one for Eagle County, which covers more than 1 million acres) should never be used alone to authorize any fuel reduction projects.

That applies even more strongly for projects within Roadless Areas, where many important values could be harmed by logging (and associated road construction) during implementation of projects that might not even provide any fire protection for homes and communities because they might be very distant from those homes and communities.

With no agreed-upon standards for identifying and prioritizing areas for treatment, CWPPs must not be used to authorize logging in Roadless Areas. This provision must be deleted from any Colorado Rule. We [23 various preservation organizations] provide more specific substitute language for addressing the issue of fuel reduction in Roadless Areas adjacent to occupied private property in the Recommendations section at the end of these comments. (Preservation/Conservation, Denver, CO - #789.37-38.43100.263)

The Proposed Rule would allow timber cutting "…in areas covered by and as provided in a Community Wildfire Protection Plan…" [Section] 294.34(b)(1)(ii). The recent implementation of such plans in Colorado has resulted in highly variable and unreliable standards for making fuels treatment decisions that could affect Roadless Areas. Absent more specific and consistent standards, definitions, and constraints, CWPPs [Community Wildfire Protection Plans] are not appropriate as guidance for management of Roadless Areas. (Preservation/Conservation, Denver, CO - #1019.38.43100.263)

BECAUSE THEY ARE NOT A RELIABLE OR EFFECTIVE REFERENCE POINT

Community Wildfire Protection Plans (CWPPs) are not reliable or effective reference points for the purpose of guiding allowances for fuels treatments or for roadbuilding in Roadless Areas. (Preservation/Conservation, Denver, CO - #1019.22.43100.263)

4-84 Public Concern: The Forest Service should not use Community Wildfire Protection Plans or the wildland-urban interface as the basis for authorizing logging in Roadless Areas.

BECAUSE LOCAL CONDITIONS SHOULD GUIDE SOLUTIONS

Neither CWPPs [Community Wildfire Protection Plans] nor a very liberally defined WUI [wildland-urban interface] can be used to determine where road construction and logging can occur in Roadless Areas. In some locations, Roadless Area boundaries come very close to homes or other structures. In most such locations, fuel reduction treatments that would most effectively protect buildings can still be implemented outside the Roadless Area. In a few areas, the Roadless Area boundary may be so close that fuel reduction needed to protect structures would occur within the Roadless Area. Exceptions to the prohibitions on logging in the 2001 Rule already cover many of these situations. If no exceptions apply (as might occur in dense lodgepole pine and in areas with steep slopes, especially ones that run downhill from structures), the Roadless Area boundary can be adjusted in a public process to provide needed protection for communities.

Any logging in Roadless Areas must be designed and implemented to maintain or enhance Roadless Area characteristics. Logging should generally be focused on smaller-diameter material and be as infrequent as possible. (Individual, Durango, CO - #938.3.43100.621)

BECAUSE ALLOWANCES SHOULD BE LIMITED TO WITHIN ONE-HALF MILE OF AT-RISK COMMUNITIES AND COMBINED WITH OTHER FIRE REDUCTION PROGRAMS

The Proposed Rule allows for the construction of temporary roads "in areas identified in a Community Wildfire Protection Plan or, if a Community Wildfire Protection Plan is not present, within areas of the wildland-urban interface."

In the period since this reference to Community Wildfire Protection Plans (CWPPs) was first contemplated relative to Colorado Roadless Areas, such plans have emerged in a wide variety of designs, expanse of landscape affected (in some instances, entire counties declared CWPPs), and standards for prioritizing projects and for selecting treatment actions. As a result, this reference is an unreliable standard.

The back-up reference included in the Proposed Rule—the wildland-urban interface (as defined in the Proposed Rule and, in turn, in the Healthy Forests Restoration Act)-is far too broad in its reach. Communities and other settlements adjacent to or near Roadless Areas are extensively laced among those areas in a pattern that creates enough overlap and interconnectedness to open broad expanses of Roadless Areas to roadbuilding for fuels treatment.

At most and in general, allowances for treatment of potential wildfire fuels (and any roads that might be associated with those treatments) should be limited to the areas up to 1/2 mile from at-risk communities, combined with effective fire awareness education programs, installation of fire-resistant building materials, and proper fire response and evacuation plans.

The DEIS projects, otherwise, that 102 miles of roads would be constructed or reconstructed for the purpose of fuels treatments in Colorado Roadless Areas over the first 15 years of the Rule's effect. DEIS at 150 (Preservation/Conservation, Denver, CO - #1019.28.43100.680)

4-85 Public Concern: The Forest Service should use "community protection zones" rather than Community Wildfire Protection Plans as the basis for authorizing logging in Roadless Areas.

WHILE BALANCING PUBLIC SAFETY WITH FOREST MANAGEMENT, AND TO INCLUDE STRICTER STANDARDS FOR PROJECTS OUTSIDE THESE ZONES

The Colorado Rule depends on the use of problematic Community Wildfire Protection Plans (CWPPs) under [Section] 294.34 (b)(1)(ii). Finding a more narrowly defined and legally defensible definition of a Community Protection Zone (CPZ) is necessary. Similar to the Idaho Rule, the Colorado Rule should remove reference to CWPPs and use the definition of a CPZ that is consistent with the default definition found in the Healthy Forests Restoration Act (HFRA), whose authority supersedes this rulemaking.

While homes and public safety must be protected within CPZs, fuel reduction projects should be conducted under language that assures "balance" with Roadless Area characteristics while placing constraints on roadbuilding. Regional forester approval should be required both for temporary roadbuilding and for timber cutting within CPZs, and temporary roads should be allowed only after a no-road option is explored.

Outside CPZs: All community protection-focused Roadless Area projects located outside CPZs should be managed more strictly than those located within CPZs. Such projects should not include roadbuilding. Additionally, an "uncharacteristic" risk of wildfire should exist before projects advance in the name of community protection outside CPZs. Finally, projects conducted for community protection outside CPZs should be required to maintain Roadless Area characteristics, should retain large-diameter trees, should be conducted infrequently, and should be consistent with the forest plan. Additionally, such projects should require Regional Forester approval. (Recreation/Conservation Organization, Missoula, MT - #836.3.43100.164)

4-86 Public Concern: The Forest Service should coordinate fire management goals with local communities.

TO IDENTIFY SITE-SPECIFIC RISK REDUCTION ACTIVITIES

[From ATT 2] Protecting communities, to the degree possible, from the inevitable wildland fire is at the core of all successful fire management. The National Fire Plan and the 10-Year Comprehensive Strategy identify community protection as one of the highest priorities of fire management. However, as important as this goal is in Federal policy, community protection cannot be achieved solely by the Federal agencies; it requires partnership with the communities themselves.

Indeed, the Disaster Mitigation Act of 2000 and the Healthy Forests Restoration Act of 2003 both emphasize the importance of collaboration by establishing processes that encourage states and local communities to develop Mitigation Plans and Community Wildfire Protection Plans, and directing Federal land management agencies to consider local priorities outlined there when implementing projects on Federal land. While national policymaking and priority-setting still require a consistent, reliable assessment of the scope of the community protection challenge, the identification of areas within which to focus risk reduction activities must be a function of local planning. (Preservation/Conservation, Denver, CO - #1019.257.43100.061)

Despite the need for local assessment of conditions, lack of access to good, local data ensures that too often, planning efforts must rely on the very state and Federal spatial assessments that we have demonstrated to be both highly variable and, in some cases, inaccurate. Refinements in state and Federal community mapping efforts will greatly assist local stakeholders to develop their own wildfire protection plans with site-specific risk reduction recommendations; ultimately, it is the community, in partnership with adjacent Federal land managers, that must assess where community protection efforts should be focused. Local Community Wildfire Protection Planning also allows plans to reflect not simply hazardous fuel reduction needs but also evacuation, development, and emergency response challenges—issues that cannot be addressed without community input.

While local wildfire protection plans provide communities with a ready mechanism to plan for local risk reduction challenges across jurisdictional boundaries, additional resources are needed to assist communities in moving from planning to on-the-ground action to reduce fuel hazards. The more local a planning effort becomes, the greater the reliance on volunteer efforts, from homeowners to rural and volunteer fire chiefs, to produce and implement a plan. These efforts demand new resources. Also needed are new incentives to encourage Federal managers to work across ownerships and collaborate locally on community protection efforts.

Comprehensive fire management requires the protection of communities, the restoration of fire as an ecological process, and the modification of altered vegetation to accommodate natural fire. The Community Fire Planning Zone [CFPZ] is the area within which community protection should be the dominant management objective. Beyond the CFPZ are other zones in which restoration or the management of natural fire should predominate. By managing these zones together, fire can be restored to fire-dependent ecosystems while also protecting homes and lives. Accordingly, there is a need to ensure that the local planning efforts of citizens, fire chief, and local governments are integrated into this comprehensive framework. As more and more communities behind the process of developing local wildfire protection plans, state-level or sub-regional multi-stakeholder collaborative bodies are needed now more than ever to ensure that site-specific recommendations fit within a framework of comprehensive fire management. (Preservation/Conservation, Denver, CO - #1019.258-259.43100.061)

4-87 Public Concern: The Forest Service should target both public and private lands in developing policy solutions for community safety.

BECAUSE MUCH OF THE LAND WITHIN FIRE PROTECTION ZONES IS PRIVATELY OWNED

[From ATT 2] Applet and Wilmer (2003) [See ATT 20] estimated that, nationwide (lower 48 only), the CFPZ [Community Fire Planning Zone] was 85 percent private, heavily influenced by the distribution of people and private land in the East. Here, we [The Wilderness Society] looked more closely at three western landscapes [California's Greater Yosemite, Colorado's Front Range, and Central Idaho] that are predominantly Federal land (see Table 3)[see ATT 6]. Our results show that even in these Federal-land-dominated landscapes, private land is still the most common ownership in the CFPZ, dominating Greater Yosemite and the [Colorado] Front Range, and contributing substantially to central Idaho's CFPZ. Locally determined buffer distances will change the ratio of private to public land in the CFPZ, but it is clear that addressing community safety within the CFPZ will require resources and policy solutions targeted at private land. Policies that facilitate fuel treatment on Federal land without concomitant attention to private land will fail to achieve community safety. (Preservation/Conservation, Denver, CO - #1019.255.43100.180)

4-88 Public Concern: The Forest Service should develop flexible strategies to protect communities from fire hazards.

BECAUSE LOCAL CONDITIONS VARY

[From ATT 2] Our analysis shows that the CFPZ [Community Fire Planning Zone] of the Greater Yosemite area is very different from the CFPZ of Colorado's Front Range. One is dominated by grasslands, shrublands, and open woodlands, and the other is dominated by dense coniferous forest. In Central Idaho, the majority of the CFPZ is Federal land. These findings suggest that no single community protection formula will work in every location. Different strategies will be needed to address different conditions, and treatment operations will vary. Achieving community protection will require the development of local solutions, tailored to local conditions. (Preservation/Conservation, Denver, CO - #1019.256.43100.600)

4-89 Public Concern: The Forest Service should not rely on local definitions of the Community Fire Planning Zone to allocate fuel treatment resources.

BECAUSE THE DEFINITIONS ARE INCONSISTENT, UNDERMINING THE ABILITY TO PRIORITIZE COMMUNITY PROTECTION NEEDS

[From ATT 2] Different definitions of community and the CFPZ [Community Fire Planning Zone] have a major effect on what is targeted for protection on the ground. The use of unique data and methods in each state produced vastly different estimates of the size of the CFPZ. Using locally "best available data" can result in improved estimates of the location and extent of the CFPZ, but it comes at the expense of comparability across state lines. The application of our [The Wilderness Society] simple, consistent method across regions produced estimates of buffered community area 36 percent higher than Colorado's along the Front Range and 77 percent lower than Idaho's in central Idaho. If Federal policy makers were to rely solely on the states' individual assessments in order to allocate fuel treatment resources, the inconsistency among states would undermine efforts to direct limited resources to those places where community protection is most needed. (Preservation/Conservation, Denver, CO - #1019.255.43100.180)

4-90 Public Concern: The Forest Service should provide restrictions on logging in the wildland-urban interface.

INCLUDING LIMITS ON THE SIZE OF TREES AND DISTANCE FROM STRUCTURES

For logging in the wild[land]-urban interface, there should be specific size limits or distance limits on how far from structures logging could occur, say up to a quarter mile, and that they not be allowed to extend for miles away from structures and using the wild[land]-urban interface as an excuse to build roads to do commercial logging. (Individual, Durango, CO - #956.1.42000.263)

INCLUDING A BETTER DEFINITION OF WILDLAND-URBAN BOUNDARIES

Logging, under Alternative 2, would be okay for fuel reduction, and that's fine within a true wildland-urban boundary. But some of these boundaries are very ill-defined and included, in some cases, entire counties in the state of Colorado. That seems pretty silly and undefined. Logging for fuel reduction should also be limited to primarily smaller diameter trees and brush and not allow, in effect, cherry picking the large-diameter trees. (Individual, Ridgway, CO - #968.4.42000.263)

In the absence of a CWPP [Community Wildfire Protection Plan], the Draft Rule would inappropriately allow logging up to 1.5 miles from communities. There is no guidance in the Draft Rule for determining community boundaries. If a CWPP does not exist, 36 CFR [Section] 294.34(b)(1)(i) would allow logging in the wildland-urban interface (WUI). The Draft Rule defines WUI, for areas where no CWPP is in effect, as an area within one-half mile, and in some cases 1.5 miles, of an at-risk community. See 36 CFR Section 294.31 and 16 USC 6511 (16).

Similar to the Draft Rule's allowance for logging anywhere covered by a CWPP, this is excessive. Logging 1.5 miles away from at-risk communities would do little to reduce the risk of fire to those

communities, especially if little or no action had been taken to reduce the risk of fire in the area immediately surrounding each community. It is true that burning embers, or firebrands, can break off from a crown fire and land some distance away to start another fire. But, if adequate measures had been taken in and near communities, there would be little or nothing for a firebrand to burn. (Preservation/Conservation, Denver, CO - #789.39.42000.263)

The Proposed Rule provides that, in the absence of a CWPP, timber cutting to reduce wildfire hazard or to respond to insect or disease outbreaks could occur up to 1.5 miles from at-risk communities. [Section] 294.31 There is no guidance in the Proposed Rule, however, for determining community boundaries. (Preservation/Conservation, Denver, CO - #1019.40.43100.263)

4-91 Public Concern: The Forest Service should limit logging for fire prevention and forest health to areas within the wildland-urban interface.

The [Proposed] Rule authorizes cutting to: "reduce the hazard of wildfire effects or large-scale insect and disease outbreaks" in areas covered by a Community Wildfire Protection Plan. It's not clear if this would authorize or promote logging in the backcountry to reduce wildfire hazards, which means that this provision could be so used. Regarding insect outbreaks, logging substantial areas in the backcountry would do little to stop them, from what we know of the subject. We urge that logging to reduce wildlife hazards be limited to areas within the wildland-urban interface (WUI). (Preservation/Conservation, Littleton, CO - #919.6.43000.263)

LIMITING ACTIVITIES TO AREAS NEAR AT-RISK COMMUNITIES

Logging for fuel reduction should not be needed in portions of Roadless Areas that are not close to at-risk communities; implementing activities from these roads would provide little or no protection to such communities. Meanwhile, such cutting in roadless backcountry would harm roadless characteristics, as acknowledged in the DEIS and accompanying summary documents. The roadless characteristics of small Roadless Areas (under about 8,000 acres) could be almost totally destroyed by road construction a few miles into the interior of such an area. (Preservation/Conservation, Denver, CO - #1019.43.43100.621)

4-92 Public Concern: The Forest Service should not permit broad allowances for logging and roadbuilding to protect communities.

BECAUSE THERE IS NOT ENOUGH ROADLESS LAND CLOSE TO THESE COMMUNITIES TO WARRANT THESE ALLOWANCES

Under the Proposed Rule's allowance for logging anywhere covered by a CWPP [Community Wildfire Protection Plan], this is excessive. Logging 1.5 miles away from at-risk communities would do little to reduce the risk of fire to those communities, especially if little or no action had been taken to reduce the risk of fire in the area immediately surrounding each community. It is true that burning embers, or firebrands, can break off from a crown fire and land some distance away to start another fire. But, if adequate measures had been taken in and near communities, there would be little or nothing for a firebrand to burn.

It is clear from Forest Service research that the best protection for homes is accomplished by making the home fire-resistant and treating vegetation in the immediate surrounding area. See Cohen, 1999 and 2000. Any logging in Roadless Areas done outside the areas immediately surrounding homes and communities should be limited to specific purposes, such as to provide escape routes for residents or provide access routes for firefighters.

The Wilderness Society developed the Community Fire Planning Zone (CFPZ), which is a one-half mile buffer around communities (defined as two structures in a 40-acre area). Using the CFPZ as a realistic measurement of WUI demonstrates there is very little roadless land close enough to communities to warrant broad allowances for logging and roadbuilding in [the] millions of acres of Colorado's roadless land. For a detailed report on the CFPZ, how it was developed, and why we chose [the] one-half mile buffer, please read the full report: Targeting the Community Fire Planning Zone, which is enclosed with

our comments as Exhibit 3 [See ATT 2]. (Preservation/Conservation, Denver, CO - #1019.41.43100.263)

4-93 Public Concern: The Forest Service should involve cooperating agencies and specialists when developing a rule to protect communities from wildfire.

BECAUSE OF THE POTENTIAL ABUSE OF FUEL MANAGEMENT TO PERMIT TIMBER CUTTING THROUGHOUT ROADLESS AREAS

This topic [wildland-urban interface (WUI) and Community Wildfire Protection Plan (CWPP)] is not adequately addressed in the Colorado Rule. Total revamping of this topic is necessary. I support the statements as outlined by the Theodore Roosevelt Conservation Partnership. Coordination with other expertise including cooperating agencies is essential. The USFS rulemaking team's preferred recommendations needs significant reorganization. Protecting communities from wildfire is important! However, improper timber management justified as under "fuel reduction projects" has the potential for abuse. Community Wildfire Protection Plans are open ended and can allow for timber cutting in the name of "fuel reduction" throughout an entire Roadless Area. Actually, in some cases, this may be appropriate but, in many cases, this would be inappropriate (such as those done away from homes in the deep backcountry/away from communities).

At a minimum, the [rulemaking] team should decide how to more fully involve cooperating agency status members and other specialists, particularly outside specialists from both traditional and from nontraditional sources. The [rulemaking] team should consider all recommendations and views when analyzing CWPP and WUI issues for the Colorado Rule, and should also explicitly treat contrasting opinions with equal respect to best show how they relate to this topic. It should be a requirement that cooperating agencies be consulted or that their comments are addressed and not disregarded. (Individual - #1029.27.43100.263)

4-94 Public Concern: The Forest Service should provide a geographically focused analysis of the wildland-urban interface and a consistent definition of community.

TO UNDERSTAND THE IMPLICATIONS OF FEDERAL SPENDING FOR COMMUNITY PROTECTION

[From ATT 2] Understanding the nature of the wildland-urban interface and implications of Federal spending for community protection in these landscapes requires a more geographically focused analysis that can describe patterns of housing density, ownership, and vegetation using higher resolution data and a clear, consistent definition of community. (Preservation/Conservation, Denver, CO - #1019.236.43100.263)

4-95 Public Concern: The Forest Service should look at alternate methods of fire protection for communities.

INCLUDING FIRE-RESISTANT HOMES AND VEGETATION

Besides increased road construction, the Draft Rule will also allow excessive logging. The Rule would allow logging in all CWPP [Community Wildfire Protection Plan] areas to reduce the hazard of wildfires and insect and disease outbreaks. 36 CFR [Section] 294.34(b)(1)(ii). This would cover much of the Colorado Roadless Areas, many of which are far from communities. It has also been shown that logging is not the most efficient method of protecting homes from wildfires. Cohen (1999, 2000) purports that making homes fire-resistant and treating surrounding vegetation will more effectively protect homes from fires. (Preservation/Conservation, Portland, OR - #924.4.42000.263)

4-96 Public Concern: The Forest Service should clarify guidance and implementation regarding application of the 2001 Rule to protect communities near Roadless Areas.

RATHER THAN PROMULGATE A SEPARATE STATE RULE

The protection of public safety, communities, homes, and related structures is very important; and sound forest management must address related issues and forest dynamics. The 2001 National Rule does this in several ways.

First, the National Rule provides for construction or reconstruction of roads "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." [Section] 294.12(b)(1).

Second, the National Rule allows for the cutting of timber if it "…will maintain or improve one or more of the Roadless Area characteristics" [Section] 294.13(b)(1) and is needed "to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period." [Section] 294.13(b)(1)(ii).

Third, the National Rule also allows for the cutting of timber if it is "incidental to the implementation of a management activity not otherwise prohibited by this subpart." [Section] 294.13(b)(2).

More simply stated, if the National Forest lands in Roadless Areas near communities are in such a dangerously unnatural condition, it is possible to thin, remove, and otherwise treat timber on those lands in order to correct that situation, thus improving community protection and safety. Further, the construction of roads necessary for the most dire or immediate version of those circumstances could be allowed to facilitate treatments.

We [The Wilderness Society] acknowledge that some forest types in Colorado may need special attention. For example, some forest areas near mountain communities are dominated by lodgepole pine, which is naturally subject to stand-replacement fires (and, coincidentally, is currently subject to extensive die-off due to pine bark beetle infestation). This leaves some communities and homes uncomfortably close to trees that would naturally burn through and that are currently more dead, dry, and subject to fire than usual.

While we believe that the 2001 National Rule contemplates and provides for this situation, it may be appropriate to either selectively adjust Roadless Area boundaries adjacent to communities or to clarify the allowance for timber removal and road construction near those communities, or both. This can be accomplished by administrative guidance interpreting the National Rule, without the promulgation of an entirely new rule just for Colorado. (Preservation/Conservation, Denver, CO - #1019.14-15.43100.002)

[Fuels] treatment could conceivably occur over a fourth or more of Colorado's roadless acreage. See Table 32 at p. 142 [DEIS], which shows that 24–25 percent of the state's roadless acreage is within 3 miles of an at-risk community. Such areas are often included in CWPPs [Community Wildfire Protection Plans]. Logging is projected in nearly all of the Roadless Areas on the Pike-San Isabel National Forest, including those with a threatened fish species. DEIS at 229. In numerous Roadless Areas, logging is "somewhat likely," "very likely," or proposals are being studied or have already been approved. DEIS at C-3 through C-7 Overall, the DEIS projects that 7,600 acres in Roadless Areas would be logged annually. DEIS at 77. Timber cutting in certain forest types (e.g., lodgepole pine) that are naturally subject to stand-replacement fires, and are adjacent to communities such that fire at that scale would create a danger for those communities, it may be appropriate to selectively adjust Roadless Area boundaries in order to allow for fuels reduction or other timber cutting activities not otherwise allowed in Roadless Areas. This accommodation of community safety can be accomplished through clarifying guidance and implementation of the National Rule; it is not necessary to promulgate a separate Colorado-specific rule for this purpose. (Preservation/Conservation, Denver, CO - #1019.39.43100.263)

Insect and Disease Control

4-97 Public Concern: The Forest Service should concentrate insect, disease, and wildfire treatments on at-risk communities.

BECAUSE IT DOES NOT HAVE THE RESOURCES TO TREAT ALL AFFECTED AREAS

Colorado recreationists recognize the impacts of insects and disease on our forests. However, we also recognize that the Agency [Forest Service] simply does not and will not have the resources to treat large numbers of acres. Given this reality, the Proposed Rule should link the issues of insects, disease, and wildfire and concentrate treatment in Roadless Areas to protect at-risk communities. As drafted, the Proposed Rule grants broad and ill-defined authority to construct roads in Inventoried Roadless Areas. (Recreational, Boulder, CO - #911.10.43200.800)

4-98 Public Concern: The Forest Service should provide corrective action to counter the beetle outbreak.

SO THAT CURRENT AND FUTURE GENERATIONS CAN ENJOY THE HIGH COUNTRY

From my perspective, the lack of corrective action to counter the beetle outbreak from the U.S. Forest Service has cost my generation and many more generations to come the ability to enjoy the high country. (Individual - #210.2. 43200.740)

INCLUDING COORDINATION WITH CONSERVATION GROUPS AND CITIZEN REPRESENTATIVES TO PROMOTE LEGISLATION TO PRESERVE THE QUALITY OF ROADLESS AREAS

As far as timbering is concerned, because of the destruction of our forests from pine beetle, special legislation of a very conservative and careful manner must be created to “preserve the roadless quality” of our currently defined Roadless Areas. This should be accomplished with agreement of the forest service, conservation groups, representatives of citizens in specific areas concerned with pine beetle, and our Colorado legislature. (Individual, Vail, CO - #806.4.42000.266)

4-99 Public Concern: The Forest Service should be given authority to remove insect-damaged trees in designated Roadless Areas.

The bill should keep the provision for larger logging areas due to pine beetle infestations. (Individual, Boulder, CO - #737.2.42000.266)

TO REDUCE THE HAZARD OF WILDFIRES

Red/dead lodgepole pines, also those which are not dead yet but will be red/dead most likely within 1–3 years, need to be cut and removed as soon as possible to reduce heavy dry fuels which will incinerate following heavy lightning and thunderstorms. Currently, the lower limbs of dead lodgepole pines which have red needles can incinerate and rapidly result in crown fires, which can jump tree-to-tree and rapidly become a major project fire, endangering homes and improvements on adjoining private lands. In [the] event [that] this situation does not occur, all dead trees will fall within 3–15 years, leaving very heavy fuels on [the] forest floor which will become absolutely impassable by hikers/horseback riders/ hunters/ firefighters, etc. and become a worse hazard for lightning or other started fires and almost impossible to suppress due to limited/no access and heavy ground fuels (does anyone remember the Yellowstone National Park fires which had heavy ground fuels?). In summary, USFS should be given authority to conduct tree-cutting, sale, or otherwise remove pine beetle-killed lodgepole pine and other similar emergency forest management scenarios before loss of private property due to no Forest Service management in designated Roadless Areas. I am totally in favor of [the] DEIS proposal authorizing tree-cutting, sale, or removal of trees—including temporary logging roads and closing and restoration after removal—in order to reduce the hazard of wildfire in situations endangering loss of private property/ homes adjoining USFS-managed forestlands. (Individual, Clark, CO - #145.1.43100.790)

Normally, I am a strong advocate for the protection of pristine wilderness but Colorado's dead and dying lodgepole pine forests, devastated by the pine beetle, are tinder boxes waiting to happen. While the scope of this problem is mind-boggling, I urge that all options be explored for the clearing of this timber. Not only in Colorado but in other similarly affected states as well. I don't mean to be cynical, but the clearing and pulping of this vast unfortunate resource could keep the world in Kleenex and toilet paper for a long time. Having this resource ignite would be unstoppable and more devastating. (Individual, Greenwood Village, CO - #253.1.42000.262)

FOR FOREST HEALTH

We MUST allow for areas with insect infestations to be cut down to keep the forests healthy. Not allowing these trees to be cut down in the first stages of the infestation does more damage to the forest by allowing the infestation to grow and spread, and we do not allow forest fires to naturally kill the bugs. (Individual, Jordan, MN - #804.4.43200.261)

UNDER A SPECIAL CIRCUMSTANCE RULE WITHOUT THE NEED FOR AN EIS

As far as the bark beetle situation and the dead lodgepole pines in the northern part of the state, I feel that the Forest Service should really start addressing the ability to harvest some of that or to cut swaths for fire mitigation. That should be listed under a special circumstances rule and be allowed to happen without going through a lot of the EIS and that sort of thing procedures. (Individual, Carbondale, CO - #989.3.43000.131)

AND USE THE PROCEEDS FOR FOREST HEALTH IMPROVEMENTS

We [Jeff and Sharon Stackhouse] believe in many areas the bark beetle-killed forests should be harvested, and the money from that should go to improving the health of the forests. (Individual - #934.1.42000.260)

INCLUDING A TEMPORARY HARVEST OF SPRUCE IN THE UPPER ROCK CREEK DRAINAGE, FOLLOWED BY ROAD REMOVAL, CLOSURE, AND RETURN TO ITS ROADLESS DESIGNATION

I propose that the 2,000-acre beetle kill area in the upper Rock Creek Drainage, which is currently under the Roadless Inventory designation, be opened up temporarily to harvest the dead standing spruce so that the Rio Grande County School District might receive the proceeds from the timber sale. That's it.

Tear up the roads and lock the gates when they're done. Revert it back to Roadless Area once they've harvested the commercially viable timber. (Individual, Monte Vista, CO - #974.1.42000.030)

4-100 Public Concern: The Forest Service should explain the differences between the Proposed Rule (Alternative 2) and forest plans (Alternative 3) regarding guidelines for insect and disease control.

BECAUSE ALTERNATIVE 2 PLACES THE FOREST SERVICE IN A REACTIVE ROLE AND ALTERNATIVE 3 ALLOWS PREVENTIVE MANAGEMENT

The Forest Service will need to explain how the difference between implementation of Alternative 3, Forest Plan, timber management guidelines will differ from how random events will dictate the timber management (tree-cutting) of Alternative 2, Proposed Action and the long-term effectiveness of each alternative. Since endemic situations occur throughout the forests, the Forest Service will need to include how insect and disease conditions will be monitored. Continuous monitoring of endemic populations will be necessary to determine if conditions facilitate a change to epidemic populations. The opportunity to respond responsibly between the beginnings of an epidemic situation and a widespread epidemic can be very short to be effective. With the known afflictions of the spruce beetle in the San Juan and Rio Grande National Forests; what is known as the Sudden Aspen Decline on the Grand Mesa, Uncompahgre and Gunnison and San Juan National Forests—as well as the mountain pine beetle throughout the lodgepole pine forests of the northern National Forests in Colorado—along with their probable spread to the ponderosa pine in the adjoining timber types are a significant challenge to manage. As written, Alternative 2 gives the Forest Service the authority to access said outbreaks and the implied treatment is not adequately analyzed because the basic principle for timber management is knowing the condition of the trees and managing them to avoid or minimize undesirable outbreaks.

Alternative 2 will ensure that random events will facilitate future outbreaks of insect and disease infestations/infections throughout the Colorado Roadless Areas. The Forest Service will be placed in a limited reactive role and not be in a position to adequately respond to these conditions, such as what is currently occurring with the mountain pine beetle infesting the lodgepole pine forests in Colorado. This needs to be described and considered in the FEIS. (Individual, Commerce City, CO - #1045.8.43000.261)

4-101 Public Concern: The Forest Service should acknowledge that areas decimated by the mountain pine beetle will naturally burn, reseed, and reforest.

Regarding the overreaction to wildfire threats, let's be clear about what is really going to happen, in light of the mountain pine beetle infestation. Millions of acres will indeed be decimated by the blight, and my property is among them. However, those trees are for the most part in areas that are inaccessible by any means other than rampant destruction of the top soil and natural drainage systems. The trees will burn, the forest will reseed itself and, in a relatively short time, the forests will start a new cycle of life—all without our meddling. (Individual - #176.3.43000.266)

Our forest [the Routt Medicine Bow National Forest] has been ravaged by the beetles, but this process needs to take its course to correct the cycle of nature and rejuvenate the forest. (Individual, Steamboat Springs, CO - #1044.5.43200.200)

4-102 Public Concern: The Forest Service should allow only infrequent timber harvest in backcountry areas.

WHILE RETAINING LARGE TREES (WITH THE EXCEPTION OF ASPEN RESTORATION) FOR THEIR HABITAT VALUE

Timber harvest in the backcountry should be conducted infrequently, and, with the exception of aspen restoration, large trees should be retained for their ecological and habitat values. (Individual, Washington, DC - #441.2.42000.330)

4-103 Public Concern: The Forest Service should ensure that the Proposed Rule allows dead trees to remain in place, if located in areas distant from communities.

BECAUSE THEY ARE PART OF THE NATURAL ECOLOGICAL REGIME

It is important to recognize that dead trees, even high concentrations of them—while not desirable immediately adjacent to communities, are part of the natural ecological regime in Colorado, especially in ecosystems dominated by lodgepole pine. Since natural values receive emphasis in Roadless Areas, any Roadless Rule must ensure that roadless values in areas not immediately adjacent to communities are not unduly degraded. The Proposed Rule does not provide this protection. (Preservation/Conservation, Denver, CO - #1019.46.41000.206)

4-104 Public Concern: The Forest Service should prohibit logging of pristine areas.

BECAUSE WILDERNESS AREAS SHOULD BE LEFT ALONE AND FOREST FIRES ARE PART OF THE NATURAL CYCLE OF THESE AREAS

These pristine areas of National Forest should not be logged. Period. National Forests shouldn't be logged in the first place, but I've already lost that battle. There is real value in having lands untrammeled by man. What's wrong with letting land be? All lands don't need to be milked of every penny they possibly contain. Concerning the effects of the pine beetle, if there are not roads available to cut down the affected trees, does it matter? The inevitable forest fire that will consume these acres will burn only wilderness acres. When the fire spreads to inhabited areas, fire breaks and other fire preventions can be added there. A forest fire every now and then is part of the natural forest fire cycle. (Individual, Denver, CO - #376.2.43100.260)

4-105 Public Concern: The Forest Service should allow logging and road construction only for mountain pine beetle infestations.

New logging and/or roads should only be allowed where it has been proven that such action can clearly benefit the forest in its battle against the mountain pine beetle infestation and restore its health. (Individual, Leadville, CO - #941.1.43200.261)

4-106 Public Concern: The Forest Service should acknowledge that there may not be enough funds to implement proposed activities.

INCLUDING EXPANSION OF THE ROAD SYSTEM TO COMBAT BEETLE INFESTATION

One reason given for modifying or changing the Roadless Rule is that the United States Forest Service needs to expand their existing road system in order to combat the beetle infestation. Given my observations in both the Rio Grande and San Juan Forests, neither forest is able to combat the spruce beetle on existing roaded areas given funding cuts, so how do they expect to fund the building of new roads? (Special Use Permittee, Pagosa Springs, CO - #943.1.43200.800)

Grazing

4-107 Public Concern: The Forest Service should not allow new roads for livestock grazing purposes.

I do not support the current administration proposal as it stands now because it would allow new roads to be built for ranchers to access their grazing livestock. (Individual, South Fork, CO - #429.4.47100.001)

I'm unhappy with the Forest Service DEIS. There are changes from the Colorado Rule as it was recommended by the Task Force. Among the many concerns I have is a provision allowing roads for livestock management.

The Forest Service says that the aim of these was to assure access to grazing land and permitting roads. The Forest Service actually said that that might be a mistake too. (Individual, Hotchkiss, CO - #966.1.47100.680)

BECAUSE THEY ARE NOT NEEDED

The Proposed Rule's allowance for the construction or reconstruction of roads "for the management of livestock grazing" [Section] 294.33(b)(7) is not defined or constrained and, according to the DEIS at 278, is, in any case, completely unnecessary. (Preservation/Conservation, Denver, CO - #1019.26.47100.680)

According to page 278 in the DEIS, new roads for grazing allotments are not needed. This allowance under [Section] 294.33 (b)(7) [of the Proposed Rule] should be eliminated. (Recreation/Conservation Organization, Missoula, MT - #836.13.47100.001)

New roads must not be allowed for livestock grazing operations. Access needs can be met under existing permits allowing for short-term or one-time use of motor vehicles. (Recreation/Conservation Organization, Nederland, CO - #823.6.47100.001)

New roads are not needed for livestock grazing operations. Livestock grazing on National Forest land is not likely to increase in the foreseeable future. Many ranches are going out of business in the face of difficult economic conditions and aging owners whose offspring are not interested in working long hours for low pay. Many National Forest allotments are vacant, and more will become vacant in the near to mid-term future. (Individual, Florissant, CO - #917.11.47100.800)

The Proposed Rules contain numerous loopholes. Grazing: The 2001 Rule leaves grazing unaffected, but ruled out building new roads in backcountry grazing allotments. The USFS proposal for Colorado, ignoring the fact that Roadless Areas have been grazed without roads for many years, would allow unlimited new roads related to grazing. (Pitkin County Board of Commissioners, Aspen, CO - #172.5.47100.680)

The Colorado Proposal would allow unlimited new roads related to grazing. This is not necessary, as the 2001 Rule has always allowed grazing and the FS [Forest Service] has always[s] provided access to grazing allotments. I do not support this provision. (Individual, Golden, CO - #34.1.47100.680)

As currently drafted, we [Pitkin County Commissioners] find the following provision of the Proposed Rule particularly egregious and destructive of our National Forests' Roadless values.

The Proposed Rule permits road construction for livestock grazing. This is a totally unnecessary carve-out. As the accompanying DEIS acknowledges: "[T]hose who have grazing permits for allotments in Roadless Area have been effectively managing their livestock in those areas for long time periods without the necessity of additional roads... Range management personnel on the national Forests of Colorado do not foresee a need for additional roads in Roadless Areas in support of livestock grazing management in those areas over the next 15 years... DEIS at page 278 (Pitkin County Board of Commissioners, Aspen, CO - #324.2.47100.206)

Alternative 2 allows new roads for the management of livestock grazing. ROCC [Ridgway Ouray Community Council] agrees with the importance of maintaining a viable ranching industry in Colorado. This is particularly important in Ouray County and to Ouray County residents. However, we understand that the total number of new roads for livestock grazing anticipated by all Colorado National Forest managers was zero. This is reflected in Ouray County, where ranchers with grazing leases in the forest are already successfully managing their leases without needing additional mechanization or new roads. This raises the question why Alternative 2 includes an exception for new roads for the management of livestock grazing if no one anticipates a need. There is no rationale for the exception, since management flexibility is not needed to address a need which does not exist. The exception should be deleted. (Civic Group, Ridgway, CO - #769.7.47100.680)

The most plainly arbitrary feature of proposed 36 CFR Part 294 is proposed [Section] 294.33(b)7), allowing new roads (including permanent roads) where "a road is needed for the management of livestock grazing." The chief difficulty with this exception is that it is a solution in search of a problem: the Proposed Rule and DEIS have apparently failed to identify any instance where a road, much less a permanent road, would in practice be required for this purpose. 73 Fed. Reg. 43554 (finding no difference in effects on livestock management operations under any of the alternatives). Given that the Forest Service's own analysis finds no difference in effects on livestock management whether road construction in Roadless Areas is prohibited (Alternative 1) or allowed (Alternative 2), there would appear to be no foreseeable circumstance where "a road is needed for the management of livestock grazing." Adoption of the proposed "roads for cows" exception could open up substantial potential for abuse, whereby road construction for other purposes (including commercial and recreational uses unrelated to any of the sanctioned exceptions of the 2001 Rule or Proposed Colorado Rule) could seek an exemption based on alleged benefits to livestock management. If there is no identifiable need for the exception, there is no good reason to even entertain such potential for its abuse. (Preservation/ Conservation, Denver, CO - #1037.6.47100.680)

New roads are not needed for livestock grazing operations. The Draft Colorado Rule would allow construction of permanent roads for livestock grazing. Section 294.33(b)(7). Such roads are clearly not needed, as the following text from the DEIS demonstrates:

...Those who have grazing permits for allotments in Roadless Areas have been effectively managing their livestock in these areas for long time periods without the necessity of additional roads. They typically rely on pack and saddle stock to manage the livestock and maintain their range improvement structures. In specific instances, their permit[s] may include authorized use of motor vehicles to access

specific locations for specific needs associated with their permit[s]. Such actions would not require construction of a road, but would allow one-time, over-ground motorized access to the area. Range management personnel on the National Forests of Colorado do not foresee a need for additional roads in Roadless Areas in support of livestock grazing management in those areas over the next 15 years under any Alternative. (DEIS at 278) Livestock grazing on National Forest land is not likely to increase in the foreseeable future. Many ranches are going out of business in the face of difficult economic conditions [Footnote 17: The existing state of the U.S. economy will make this situation even worse, as it will likely be very difficult or impossible for many ranchers, already heavily in debt, to borrow any additional money.], and aging owners whose offspring are not interested in working long hours for low pay. Many National Forest allotments are vacant, and more will become vacant in the near to mid-term future. (Preservation/Conservation, Denver, CO - #789.30.47100.800)

New roads are not needed for livestock grazing operations. The Draft Colorado Rule would allow construction of permanent roads for livestock grazing. Section 294.33(b)(7). Such roads are clearly not needed [as] those who have grazing permits for allotments in Roadless Areas have been effectively managing their livestock in these areas for long time periods without the necessity of additional roads. They typically rely on pack and saddle stock to manage the livestock and maintain their range improvement structures. In specific instances, their permit[s] may include authorized use of motor vehicles to access specific locations for specific needs associated with their permit[s]. Such actions would not require construction of a road, but would allow one-time, over-ground motorized access to the area. Range management personnel on the National Forests of Colorado do not foresee a need for additional roads in Roadless Areas in support of livestock grazing management in those areas over the next 15 years under any alternative.

Livestock grazing on National Forest land is not likely to increase in the foreseeable future. Many ranches are going out of business in the face of difficult economic conditions, and aging owners whose offspring are not interested in working long hours for low pay. Many National Forest allotments are vacant, and more will become vacant in the near to mid-term future. (Individual, Durango, CO - #938.2.47100.680)

TO PROTECT ROADLESS FISH AND WILDLIFE HABITAT, HUNTING, AND FISHING

Wording that allows: new road construction to benefit public lands ranchers beyond the status quo should be eliminated from the Roadless Protection Rule because all such gifts to industry come at the cost of currently road-free fish and wildlife habitat. (Individual, Broomfield, CO - #144.2. 47000.330)

We [Trout Unlimited/Public Lands Initiative] feel that the Colorado Rule should be written so that traditional commercial interests, specifically coal mining, skiing, and grazing, maintain their pre-Colorado Rule status quo privileges regarding CRAs [Colorado Roadless Areas]. However, the Draft Rule's grazing language boldly facilitates expanded roadbuilding for private ranchers in existing lease areas and, worse, into currently Roadless Areas for existing and future leases. The intent of the [Colorado] Rule ostensibly is to protect CRAs from the known habitat fragmentation and associated downgrading that comes with new roads, motorized invasion, and other harmful and disruptive human disturbances to currently natural landscapes. Yet in the grazing section, the Draft Rule language goes directly against the overwhelming public and DOW [Colorado Division of Wildlife] desires to the contrary. [Colorado] Rule language should assure public lands ranchers only of status quo privileges in CRAs. It should not provide them with new opportunities they've never before enjoyed, to the detriment of the very lands and qualities the Rule purports to project. Here again, the original RACNAC [Roadless Area Conservation National Advisory Committee] recommendations back our views by noting a need to address this problem, and provide a workable guideline to follow in correcting current language flaws.

Eliminate all references and allowances for new roads to benefit grazing in CRAs. (Recreation/ Conservation Organization, Durango, CO - #770.3.47100.330)

Eliminate wording allowing new roads to expand motorized ranching into CRAs [Colorado Roadless Areas]. A fair rule will assure that ranchers can continue to enjoy the same access as always before, while providing no new roads into CRAs, which would negatively impact wildlife habitat, watershed

quality, and hunting and fishing. (Recreation/Conservation Organization, Colorado Springs, CO - #759.2.47000.002)

The Draft Rule's grazing language boldly facilitates expanded road access for private ranchers in existing lease areas and, worse, into currently unroaded Roadless Areas for existing and future leases. This provision openly defies the expressed intent of the Colorado Rule and amounts to a private gift at public expense. The intent of the Rule ostensibly is to protect Roadless Areas from the known habitat fragmentation and associated downgrading that comes with new roads, motorized invasion, and other harmful and disruptive human disturbances to currently natural landscapes. Yet in the grazing section, the draft language goes directly against this intent, despite the overwhelming public desires to the contrary. Any exception in the Rule language should assure public lands ranchers only of status quo privileges in Roadless Areas. It should not provide them with new opportunities they've never before enjoyed to the detriment of the very lands and qualities the Rule purports to protect. Here again, the original RACNAC [Roadless Area Conservation National Advisory Committee] recommendations back our views by noting a need to address this problem, and provide a workable guideline to follow in correcting current language flaws. We [Colorado Trout Unlimited] therefore recommend that the Proposed Rule eliminate all references and allowances for new roads to accommodate grazing in CRAs [Colorado Roadless Areas]. (Recreation/Conservation Organization, Boulder, CO - #1002.5.47100.680)

The DEIS for the Proposed Rule itself notes specifically that no special provisions are necessary for grazing purposes. "…Those who have grazing permits for allotments in Roadless Areas have been effectively managing their livestock in these areas for long time periods without the necessity of additional roads. They typically rely on pack and saddle stock to manage the livestock and maintain their range improvement structures. In specific instances, their permit[s] may include authorized use of motor vehicles to access specific locations for specific needs associated with their permit[s]. Such actions would not require construction of a road, but would allow one-time, over-ground motorized access to the area. Range management personnel on the National Forests of Colorado do not foresee a need for additional roads in Roadless Areas in support of livestock grazing management in those areas over the next 15 years under any alternative. DEIS at 278.

Moreover, the 2001 National Rule further affirms that grazing, and the access necessary for it, will continue in Roadless Areas in three ways. First and as noted above, the National Rule directs that the rule "…does not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land [Section] 294.14(a), in this case, a grazing permit and accompanying motorized use agreements.

Second, the 2001 National Rule even contemplates the possibility of new road construction if genuinely needed for grazing access, providing an exception to the Rule's prohibition of road construction and reconstruction where "a road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty;" [Section] 294.12(b)(3)

Third, the 2001 National Rule provides that the Rule "…does not revoke, suspend, or modify any project or activity decision made prior to January 12, 2001 [Section] 294.14(c). [This includes] grazing permits and their accompanying motorized use agreements. Simply stated, actual roads needed for grazing access and management have long ago been built. Any new motor access will be of an emergency nature, inherently temporary, not needing permanent road construction and, in any case, allowed under respective motorized use agreements and management plans for grazing permits.

The Proposed Colorado Rule instead would implement an undefined open-ended allowance for new roads construction in Roadless Areas simply "…for the management of livestock grazing." [Section] 294.33(b)(7)

Common logic, and the DEIS itself, confirm that the provisions of the 2001 National Rule are more appropriate, and completely sufficient, in this regard. (Preservation/Conservation, Denver, CO - #1019.12.47100.680) (Preservation/Conservation, Denver, CO - #1019.12-13.47100.680)

4-108 Public Concern: The Forest Service should not allow grazing on public lands.

TO STOP WILDLIFE DEPREDATION BY LESSEES

The ranching community still is to this day killing wildlife to protect their cows that graze on public lands. They need to get into another business. They should not be allowed to graze on public lands. Their allotment should not exist any longer. They've had their way for far too long.

They've already eradicated the wolf and the grizzly bear and are still slaughtering coyotes and a whole host of other animals, mountain lions. Every time they lose a calf, they seem—they've been given this right to do this sort of thing. (Individual, Mancos, CO - #954.2.47100.351)

4-109 Public Concern: The Forest Service should clarify how access will be provided for mending cattle fencing.

How can we bring materials in to work fences? Most of the areas I ride on horseback while rotating and rounding up cows are filled with fallen trees and barely accessible. (Individual, Hotchkiss, CO - #815.1. 47000.260)

4-110 Public Concern: The Forest Service should keep open roads used for livestock management within the developing Dominguez Roadless Area.

TO ALLOW ESCALANTE RANCH TO CONTINUE TO MANAGE AND MAINTAIN ITS LONG-STANDING GRAZING ALLOTMENT

The Escalante Ranch is currently working with the USFS to address its recent closure of a network of such roads within the Dominguez CRA [Colorado Roadless Area]. These roads, as well as other roads in the area that remain open, are located within the acreage the USFS proposes to add to form the Dominguez CRA. These roads are used by Escalante Ranch regularly and are necessary for the efficient management of the livestock and the maintenance of range improvement structures, including fences and water structures on its long-standing grazing allotment.

The USFS asserts that "none of the projected activities in Roadless Areas that vary by alternative would be likely to have any substantial beneficial or adverse impacts on livestock management operations in Roadless Area grazing allotments." Special Areas; Roadless Area Conservation; Applicability to the National Forests in Colorado; Proposed Rule, 73 Fed. Reg. 43544 [and] 43554 (July 25, 2008). Continued motorized access to these existing roads is vitally important to the Escalante Ranch to move and check livestock, haul salt and maintain fence and water structures, among other things. (Domestic Livestock Industry, Denver, CO - #912.2.47000.630)

4-111 Public Concern: The Forest Service should analyze the economic impacts of Roadless designation on grazing-right holders.

BECAUSE THE PROPOSED RULE IGNORES IMPACTS ON GRAZING

The Proposed Rule ignores the economic impacts Roadless designation could have on ranches and ranchers with grazing rights. While the Rule addresses impacts on mineral and timber resources, it improperly ignores impacts to grazing. This should not be the case. Agriculture contributes $16 billion to Colorado's economy, and provides 105,000 jobs (4.4 percent of Colorado's total). (Domestic Livestock Industry, Denver, CO - #912.3.47000.810)

4-112 Public Concern: The Forest Service should provide greater flexibility for local Forest Service management, as under Alternative 3.

BECAUSE ROADS NEEDED FOR GRAZING MANAGEMENT HAVE BEEN CLOSED ERRONEOUSLY

We [Dick Miller] possess the grazing permit in these areas. Many roads have been closed under the Travel Management Plan in error which is detrimental in managing our grazing permit due to lack of access. We believe this has caused a false roadless inventory that is not reflective of what actually exists.

This hampers our access to repair fences, clean ponds, and distribute and manage livestock grazing and distribution.

Alternative 3 appears to give more flexibility to local Forest Service Management which we agree with. It was stated by a Forest Service official at the Club 20 meeting in July in Glenwood Springs Colorado that these areas are being made wilderness ready. We oppose any action that will promote more wilderness acres in the area. Access is imperative to properly manage livestock distribution and to maintain improvements on the Forest. We request that roads that were closed which hamper our management of our livestock be evaluated on a one-on-one basis and be reopened where they negatively impact our grazing operations. We feel range improvements such as roller chopping and chaining need to be continued on our range to meet grazing objectives. It is unclear to me whether these would be permissible activities. (Individual - #935.1.47100.620)

4-113 Public Concern: The Forest Service should adopt the best permutation of all alternatives to protect Roadless Areas while preserving existing grazing rights and necessary access.

[The Ouray County Commissioners recommend] that the USFS consider all of the various permutations of the three alternatives described in the DEIS and proceed with adoption of a final "Roadless Rule" that will provide the best possible protection of the natural characteristics and values of those Roadless Areas within Ouray County, Colorado as identified in Alternative 2, with [this] specific criterion being of critical importance, protection of existing grazing rights and necessary access to such grazing rights within the Preferred Roadless Boundary. The Board recognizes the need for the USFS to promulgate a state-specific rule to manage roadless values and characteristics that will be responsive to the need to balance local, state, and national interests in providing management direction for such lands in Colorado. (Ouray County Board of Commissioners, Ouray, CO - #466.2.47100.621)

4-114 Public Concern: The Forest Service should recognize that the provision allowing roads for grazing management and access could significantly affect a large number of acres.

RELATIVE TO THE 2001 RULE

[From ATT 1] The 2001 Rule does not permit road construction for grazing purposes, whereas the Proposed Rule allows construction of permanent roads where "needed for the management of livestock grazing." 73 Fed. Reg. 43562 at [Section] 294.33(b)(7). This provision also reflects a change from the 2007 Colorado Petition. The Petition contained more detailed language allowing roads to "provide access to existing or future grazing allotments to construct or maintain range improvements, or gain access in emergencies..." 2007 Colorado Petition at 10.

This divergence from the 2001 Rule has the potential to affect a large number of acres. Grazing allotments cover wide swaths of forest land. Accordingly, the potential for roadbuilding under the grazing provision of the Proposed Rule is significant. (Preservation/Conservation - #799.20.47100.680)

Site-Specific Comments

4-115 Public Concern: The Forest Service should protect the Uncompahgre Plateau's Inventoried Roadless Areas.

BY RESTRICTING LOGGING, MINING, DRILLING, AND ROADBUILDING

As agricultural lands on the periphery of the Uncompahgre Plateau NFS [National Forest System] area experience development from 35-acre-ranchettes, rural subdivision, and energy development, wildlife is increasingly challenged to find habitat that is not fragmented. The new or improved roads and infrastructure associated with this development can impact wildlife corridors, becoming obstacles to wildlife migrations. For example, it is anticipated that Dave Wood Road, which passes through portions of NFS land along the southeastern Uncompahgre Plateau, will be improved to accommodate increased traffic volume from approved developments. New roads expected to service oil and gas and uranium

development have sparked interest in improving Hwy 90 across the Uncompahgre Plateau. Such road improvements and energy development on NFS land would impact habitat values for many species and provide additional obstacles to wildlife migration for species like mule deer, elk, and black bear.

SJCC [San Juan Corridors Coalition] supports protecting the Uncompahgre Plateau's Inventoried Roadless Areas according to the 2001 Roadless Rule as the best way to preserve unfragmented areas of wildlife habitat and unimpeded wildlife corridors. We would encourage that those protections include restrictions against logging, mining, drilling, and roadbuilding. (Preservation/Conservation, Ridgway, CO - #945.1.41700.002)

4-116 Public Concern: The Forest Service should return to roadless status 200,000 acres in the Grand Mesa, Uncompahgre and Gunnison Forest.

TO PROTECT WILDLIFE

We [Malinda Rogers and Bruce Barnhart] commend the Forest Service for what it has done to protect the Roadless Areas that it has. We realize that many acres have been lost to road expansion since protections have been put in place. Some of these "road incursions have been illegal." The Forest Service's budget has grown tighter and it must be a temptation to pull boundaries back to lines that are easier to manage. It seems to us that this is not what you have been charged to do, but in the words of Governor Ritter, to provide insurance for these critical areas.

The Colorado Rule is not the best insurance to protect these productive wildlife and sanctuary lands. The Forest Service should add back in as much as 200,000 acres of roadless lands on the GMUG [Grand Mesa, Uncompahgre and Gunnison National Forest]. (Individual, Delta, CO - #1030.2. 63000.200)

4-117 Public Concern: The Forest Service should acknowledge that Green Ridge has been ravaged by the mountain pine beetle.

RESULTING IN AN EXTREME FIRE HAZARD TO ADJACENT PRIVATE LAND

Like many areas in Grand County, Green Ridge has been ravaged by the current Mountain Pine Beetle (MPB) epidemic. Several years ago, the USFS tried to open it up for timber harvest to reduce the impacts of the MPB infestation and improve wildlife habitat, but several environmental extremist groups protested because the area is classified as "Roadless," threatened to file lawsuits, and nothing was done. This has resulted in the portion of the ridge that is public land becoming an extreme fire hazard to the private land that is contiguous and adjacent to it. About half the ridge is private land with houses on it. (Individual, Grand Lake, CO - #933.2.43200.620)

4-118 Public Concern: The Forest Service should not allow a fire on Green Ridge to naturally run its course.

BECAUSE IT WOULD CAUSE SOIL EROSION, WHICH WOULD AFFECT WATER QUALITY

At a public meeting in Grand Lake, Colorado last summer, a USFS official said "We're just going to let nature take its course on Green Ridge." Meaning when (there is no "if") there is a wildfire, they will just let it burn. This will result in a catastrophic, hot fire that will certainly cause soil erosion problems. Since the Colorado River runs on the northeast side and Granby Reservoir surrounds the rest of the ridge, this would severely affect the water quality of a major water source for eastern Colorado. This will be a costly mistake that is the direct result of the environmental extremists preventing proper management of a misclassified Roadless Area. (Individual, Grand Lake, CO - #933.4.43100.200)

The Proposed Rule and Alternatives

4-119 Public Concern: The Forest Service should include achievable wildlife habitat goals in the Proposed Rule.

INCLUDING MAINTENANCE OF EXISTING FOREST ROADS TO DECREASE HABITAT DEGRADATION

The Colorado Roadless Rule should contain specific, achievable goals for wildlife habitats that can be easily identified and measured. Specific direction to provide maintenance of existing forest roads will also decrease degradation of wildlife and fish habitat. (Recreation/Conservation Organization - #948.3.41100.680)

4-120 Public Concern: The Forest Service should encourage adoption of a rule requiring the Forest Service and State of Colorado as a cooperating agency to prepare an EIS for tree-cutting projects affecting 640 or more roadless acres.

TO ENCOURAGE STATE INVOLVEMENT AND ANALYSIS OF ALTERNATIVES

In order to foster the Colorado Petition's complementary goals of encouraging state involvement and discouraging destruction of Roadless Areas where other alternatives exist, the Forest Service should consider adoption of an equivalent to proposed Section 294.33(e) for the rules governing tree-cutting. We [the National/Colorado Wildlife Federation] recommend specifying that an EIS, and cooperating agency status for the State of Colorado in its preparation, should at least presumptively be required for all projects affecting, individually or cumulatively, 640 acres or more of roadless forests. (Preservation/Conservation, Denver, CO - #1037.16.42000.131)

4-121 Public Concern: The Forest Service should ensure that an analysis of each Roadless Area be completed by the Colorado Division of Wildlife.

TO ACCOUNT FOR CHANGES MADE BY THE TASK FORCE

The Colorado Division of Wildlife needs to complete a current analysis of each Roadless Area and define critical wildlife habitats. This analysis is required due to the changes made to the original recommendations made by the Task Force in relation to wildfire control, oil, gas, coal exploration, logging, and expansion of ski areas. The results of this analysis should be incorporated into the Final Colorado Rule. (Individual, Northglenn, CO - #36.1. 41000.002)

4-122 Public Concern: The Forest Service should acknowledge that, unlike the 2001 Rule (Alternative 1), the Proposed Rule (Alternative 2) provides the Agency discretion in timber management decisions.

BECAUSE THE USE OF "SHOULD" REGARDING MAINTENANCE OF ROADLESS AREA CHARACTERISTICS COULD RESULT IN DECREASED PROTECTION AND LITIGATION

[From ATT 1] Another important difference between the 2001 Rule and the Proposed Rule is that the Proposed Rule does not limit cutting, sale, or removal actions to those that will maintain or improve roadless characteristics—in contrast to the 2001 Rule (mandating that all timber cutting, sale, or removal activities "will maintain or improve one or more of the [defined] roadless area characteristics." 66 Fed. Reg. 3273 at [Section] 294.13(b)(1)). The Proposed Rule provides only that "[s]uch activities should be designed to maintain or improve [defined] roadless characteristics." 73 Fed. Reg. 43563 at [Section] 294.34(b)(1)(i)

While some conversational uses of the word "should" denote a concrete obligation or duty, its presence in regulatory language indicates considerable discretion. Courts recognize the linguistic distinction between mandatory language such as "shall" or "will" and permissive language such as "should" or "may." The use of "shall" in statutes or regulations is the "language of command." MCI Telecomm. Corp. v. FCC, 765 F.2d 1186, 1191 (D.C. Cir.1985). On the other hand, "should" is typically interpreted to be merely directory.

See New England Tank Industries of New Hampshire, Inc. v. United States, 861 F.2d 685, 694 (Fed. Cir. 1988); see also Clariton Sportsmen's Club v. Pennsylvania Turnpike Commission, 882 F. Supp. 455, 473, 476 (W.D. Pa. 1995) (rejecting plaintiff's claim that a regulation providing that the Agency "should" analyze certain alternatives in an environmental impact statement under specified circumstances imposed an enforceable obligation on the Agency, stating, "[i]n any event, [the regulation] contains permissive language, and thus is committed to agency discretion"); but see Cardoza v. Commodity Futures Trading Commission, 768 F.2d 1542 (7th Cir. 1985) (use of discretionary language in a regulation does not exempt an agency from its obligation to follow rules or policies upon which the public justifiably has come to rely).

In sum, the Forest Service may take the position that use of the word "should" in the Proposed Rule grants it discretion to accord less weight to, or disregard, roadless characteristics in its timber management decisions. If so, this language in the Proposed Rule can be expected to decrease the Roadless Area acreage subject to protection or to lead to disputes and litigation over the scope of the Agency's duty to take roadless characteristics into consideration in making these decisions. (Preservation/Conservation - #799.32-33.42000.160)

BECAUSE IT ELIMINATES REQUIREMENTS REGARDING THE SIZE OF TREES TO BE LOGGED

The exceptions for timber harvesting are much broader than found in the 2001 Rule. [Section] 294.34(b) eliminates the 2001 Rule requirement that any cutting, sale, or removal be limited to "generally small diameter timber." The Colorado Rule further provides that timber cutting can occur "for management and improvement of wildlife and plant species." [Section] 294.34(b)(1)(i). This exception is not limited to threatened, endangered, proposed, or sensitive species. Thus, large trees can be harvested in the name of general wildlife and game management. Once again this nearly eviscerates the 2001 Rule's prohibition on timber harvesting in Roadless Areas. Furthermore, this section allows for harvesting "to reduce the hazard of wildfire effects or large-scale insect and disease outbreaks." This eliminates the 2001 Rule's focus on "uncharacteristic wildfire effects." Thus, the Agency will have the discretion to do substantially more harvesting in Roadless Areas in the name of addressing wildfire and insect effects. (Preservation/Conservation, Charlottesville, VA - #795.10.42000.002)

BECAUSE IT ELIMINATES REQUIREMENTS ON THE TYPE OF SPECIES TO BE MANAGED FOR HABITAT IMPROVEMENT

[From ATT 1] The Proposed Rule allows the Forest Service more discretion than the 2001 Rule regarding the justifications for cutting, sale, or removal of trees in Roadless Areas. Section 294.34(b)(1)(i) of the Proposed Rule allows the cutting, sale, or removal of trees for "management and improvement of wildlife and plant species (including threatened, endangered, proposed, or sensitive species)..." 73 Fed. Reg. 43563. This is a departure from the 2001 Rule, which allows cutting, sale, or removal of trees only "[t]o improve threatened, endangered, proposed, or sensitive species habitat." 66 Fed. Reg. 3273 at [Section] 294.13(b)(1)(i).

While the 2001 Rule limits tree-cutting, sale, or removal activities to those that improve the habitat of a clearly-defined category of species, the Proposed Rule does not contain an express limitation as to the type of species that may justify such activities. Also, the 2001 Rule limits the justification for cutting, sale, or removal activities to habitat improvement. The Proposed Rule adds the category of species "management" as a rationale for the cutting, sale, or removal of trees. (Preservation/Conservation - #799.31.42000.355)

4-123 Public Concern: The Forest Service should acknowledge that, although the DEIS states the desire to retain management provisions from the 2001 Rule, the Proposed Rule provides increased management flexibility.

Inconsistent Statements and Actions: page 3, [DEIS] "...at the same time there was a desire for the Colorado roadless rule to retain many of the key provisions from the 2001 roadless rule..." however, the USFS authors and Rule Development Team often and significantly deviated from this "desire to retain" in favor of allowing "greatly increased management flexibility" in drafting the Rule. Examples:

Page 18 Invasive plants - Alternative 1 projects an increase of about four acres per year, Alternative 2 projects an increase of about 40 acres per year (10x) and Alternative 3 projects an increase of 80 acres per year (20x).

Page 19: Leasable minerals: coal - Alternative 1 projections are for 6.5 miles of new roads, Alternative 2 projections are for 45 miles of new roads (7x), Alternative 3 projections are for 66 miles of new roads (10x).

Table: The table on pages 16–20 shows significant deviation from the statement, "a desire for the Colorado roadless rule to retain many of the key provisions from the 2001 roadless rule that..." included inaccurate statements under livestock management on page 20 and potentially an inaccurate statement regarding geothermal on page 20.

Supporting Documents: Page 21: It seems questionable that all supporting documents (such as the specialists reports) and evaluations for the Rule Making and the DEIS are both readily available to the public for review in the EIS records, which I believe are located at the Forest Service Rocky Mountain Regional Office as stated. (Individual - #1029.22.40000.002)

4-124 Public Concern: The Forest Service should acknowledge that the Proposed Rule (Alternative 2) contains important principles regarding consultation with state agencies and maintenance of Roadless Area characteristics.

The 2001 National Roadless Rule allows the cutting of timber in Roadless Areas "to improve threatened, endangered, proposed, or sensitive species habitat" [Section] 294.13(b)(1)(i), or "to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of natural variability that would be expected to occur under natural disturbance regimes of the current climatic period" [Section] 294.13(b)(1)(ii). Individually or taken together, these two allowances provide for response to the most essential of habitat protection and improvement. By focusing on technically imperiled species in particular, in the first instance, or the ecological health of a larger landscape, in the second, wildlife benefits.

Unlike the Proposed Colorado Rule, which allows for open-ended and essentially unconstrained timber cutting for "management and improvement of wildlife and plant species…" [Section] 294.34(b)(1)(i), the existing National Rule keeps the focus of cutting where it is essential.

The Proposed Rule does mention two important principles: a call for consultation with the Colorado Department of Natural Resources and Colorado Division of Wildlife; and direction that habitat treatments be designed to maintain or improve roadless characteristics—concepts that are well-advised in any case and specifically provided in the 2001 National Rule, respectively. (Preservation/ Conservation, Denver, CO - #1019.20.42000.330)

THAT DO NOT JUSTIFY THE PROPOSED TIMBER CUTTING

The Proposed Rule's generalized and constrained allowance for timber cutting for "…management and improvement of wildlife and plant species…" [Section] 294.34(b)(1)(i) is unnecessarily permissive and leaves little distinction between treatment on general forest land and that on land in Roadless Areas.

As acknowledged in the catalog of Roadless Area characteristics, in both the 2001 National Rule and in the Proposed Colorado Rule, Roadless Areas provide important habitat "…for threatened, endangered, proposed, candidate, and sensitive species, and for those species dependent on large, undisturbed areas of land…" [Sections] 294.11 and 294.31, respectively.

Correspondingly, the National Rule allows for selective timber cutting in order to improve the habitat for imperiled species. The Proposed Rule goes far beyond this constrained standard, essentially allowing any cutting, without constraint on purpose or scale, for any wildlife purpose.

The proposed consultation with Colorado natural resources and wildlife agencies is well advised and should be incorporated into any Roadless Areas management. This provision in the Proposed Rule, however, does not justify or sufficiently guide the timber cutting proposed. (Preservation/Conservation, Denver, CO - #1019.37.42000.330)

4-125 Public Concern: The Forest Service should acknowledge that the Proposed Rule (Alternative 2) would provide more protection than the 2001 Rule (Alternative 1).

BECAUSE OF LITIGATION OVER THE 2001 RULE

Overall, Alternative 2 is more likely to provide lasting environmental protection for Roadless Areas than Alternative 1 due to protracted litigation over the 2001 Rule.

"...Due to uncertainty over its legal status and ongoing litigation a case can be made that Alternative 1 provides a greater risk of not protecting lasting protection over the long term." (Risk Assessment, Executive Summary p.1). (Mining Industry/Association (locatable), Denver, CO - #839.10. 33400.100)

4-126 Public Concern: The Forest Service should provide a mechanism in the Proposed Rule (Alternative 2) to develop baseline data for natural resources.

TO BE USED IN MONITORING PLANS

The Colorado Rule does not provide for comprehensive, landscape-scale mitigation or reclamation strategies. Therefore, the Colorado Rule should provide a mechanism to develop baseline data for key fish, wildlife, plants, and water resources in advance of development. Such data could then be used in monitoring plans. (Individual - #1029.46.40000.200)

INCLUDING USE OF BEST AVAILABLE DATA

It is often impossible for agencies to use the most up-to-date information because of political pressure, [and] time and funding constraints placed upon managers, etc. Therefore, the Colorado Rule should identify that the use of the best available data, including peer-reviewed research to develop baseline data for key fish, wildlife, water resources, for the decision process, prior to regarding leasing or commodity development is an acceptable format/procedure. (Individual - #1029.50.40000.200)

4-127 Public Concern: The Forest Service should ensure that the Proposed Rule (Alternative 2) adopts the CEQ guidelines on mitigation.

WITH STIPULATIONS REGARDING BOND RATES AND RELEASES

The Colorado Rule should specifically clarify and clearly adopt the Council on Environmental Quality [CEQ] guidelines on mitigation. Accordingly, mitigation should follow a hierarchy of avoiding the impacts altogether; minimizing the impacts by limiting the degree or magnitude of the action; rectifying the impacts by repairing, rehabilitating or restoring the affected environment; reducing the impact over time by preservation and maintenance operations during the life of the action; and, if the above options are impossible or unsuccessful, compensating for the impacts. The Colorado Rule should ensure that bond rates reflect the true costs and liability of reclamation and restoration. Bond releases must be contingent on the relation of monitoring, mitigation, and reclamation. (Individual - #1029.47.41000.120)

4-128 Public Concern: The Forest Service should acknowledge that the maps show there would be significant potential impacts on wildlife.

The USFS maps show significant potential for impacts to wildlife. Potentially up to and beyond 1,000,000 acres. If my cursory observation of the maps is correct, then this is significant. For comparison: 1,000,000 acres = about 1,563 square miles a strip of land from Denver to Fort Collins about 20 miles wide. (Almost as large as the Arapahoe Roosevelt NF [National Forest] in totality. Or 1,000,000 acres is about 1.5 percent of Colorado, about 7 percent of all National Forests in Colorado, [and] about 25 percent of Roadless Areas.) (Individual - #1029.26.41100.620)

4-129 Public Concern: The Forest Service should provide a tree-cutting benefits analysis in the DEIS at a regional rather than local scale.

TO REFLECT AGENCY MANAGEMENT ACTIONS

This DEIS includes lengthy analysis of the impact of forest management, but the beneficial effects described are very limited. Perhaps that is because the actual benefits are quite limited. The benefits [of tree-cutting on terrestrial species] described on pages 191–192 are weak in that they focus on a very small number of species (singularly) at a local level. A better approach would be to describe what benefits (if any) might be provided to a wide range of wildlife and habitat conditions at various scales, including the landscape scale. A key problem with this DEIS tree-cutting benefits analysis [is that the] few quick examples presented on DEIS pages 191 and 192 are insufficient [for] proposed agency actions (i.e., Roadless Area management) that would be undertaken at the regional scale, particularly so if some of the benefits presented are incomplete and/or incorrect. (Individual, Evergreen, CO - #1050.8. 42000.330)

4-130 Public Concern: The Forest Service should review its analysis of tree-cutting benefits on snowshoe hare.

BECAUSE TREE-CUTTING MAY BE MORE HARMFUL THAN BENEFICIAL

One of the species described as potentially benefiting from tree-cutting (on DEIS page 192) is snowshoe hare. The analysis presented is incomplete. Recent work which is relevant to Colorado's latitude suggests that thinning high-elevation forests in the Southern Rocky Mountains "may stimulate early successional stages which promote mountain cottontail stead of snowshoe hare." (Malaney, J. L. and Frey, J. K., 2006. Summer Habitat Use by Snowshoe Hare and Mountain Cottontail at Their Southern Zone of Sympatry. Journal of Wildlife Management. 70(3):877-833.)

An analysis by S. Buskirk et al. (Chapter 14, page 407) in Ecology and Conservation of Lynx in the United States (USFS, 2000) indicates that, in the drier Southern Rocky Mountains of Colorado where disturbance fails to initiate a shrub state, "suitable hare habitat may only occur in old growth forests and riparian areas."

The DEIS analysis states that tree-cutting could benefit juvenile goshawks. Goshawks prey on snowshoe hare, and goshawk are an interference competitor with lynx. If thinning actually does benefit goshawk populations, we can expect that activity to negatively impact the populations of both snowshoe hare and lynx. Contrary to information presented in the DEIS, tree-cutting and thinning may do more harm than good for snowshoe hare in Colorado. (Individual, Evergreen, CO - #1050.9.41110.261)

4-131 Public Concern: The Forest Service should quantify the type and number of species that would be affected by, and the severity of effect from, proposed changes in inventory boundaries.

BECAUSE THE DEIS STATES ONLY THAT HABITAT WOULD BE DIMINISHED

We [the National/Colorado Wildlife Federation] have compared the wildlife habitat gained or lost for five species of particular importance if the proposed change in inventory boundaries were to proceed. Significant acreage of mule deer winter and summer range, elk winter and summer range, bighorn sheep range, and Gunnison sage-grouse winter range and production areas would be removed from designation as Roadless Areas. Although overall range for black bear would decrease, summer and fall concentration areas would increase. The DEIS acknowledges that "[t]his reduction in roadless area acreage where roadbuilding is prohibited to restricted would diminish the habitat quality for a number of terrestrial species, compared to Alternative 1" (DEIS p. 196) but fails to provide even a general quantification of which species would be affected and how severely. (Preservation/Conservation, Boulder, CO - #1037.13.41110.620)

The DEIS and the Proposed Rule: Specific Corrections and Revisions

4-132 Public Concern: The Forest Service should correlate information in Appendices C and F of the DEIS regarding likely roadbuilding activities and high-value wildlife areas.

SO THE PUBLIC CAN BETTER UNDERSTAND THE REASONS FOR TREE-CUTTING AND ITS IMPACTS

The reasons and positive impacts of tree-cutting must always be clearly described. Appendix F of the DEIS lists Roadless Areas with potentially higher risk for wildlife, due to projected increases in roadbuilding or tree-cutting and the species that occur in each. Appendix C analyzes the likelihood of roadbuilding and tree-cutting in each Roadless Area. Nowhere is there a table connecting these two types of information, i.e., Roadless Areas with high value for wildlife in which tree-cutting and roadbuilding are most likely to occur under the different alternatives. It shouldn't be hard to correlate this information and give the public a comparison. (Preservation/Conservation, Littleton, CO - #919.5.42000.350)

4-133 Public Concern: The Forest Service should display in a single document the Roadless Areas, the listed and management indicator species they contain, and the likelihood of occurrence of timber or roadbuilding activities.

BECAUSE IT WOULD MAKE THE ANALYSIS OF IMPACTS CLEARER TO THE PUBLIC

For the purposes [of] public information, we [The Audubon Society of Greater Denver] urge the Forest Service to create a display of Roadless Areas; the endangered, threatened, candidate, sensitive, and management indicator species they contain; and the likelihood of tree-cutting and roadbuilding in each area, in a single document. This would make analysis of impacts much clearer and easier for the public. Such analysis can be done now, but it is a laborious and time-consuming task. (Preservation/Conservation, Littleton, CO - #919.12. 41300.002)

4-134 Public Concern: The Forest Service should provide additional information regarding the introduction of invasive plant species resulting from ground-disturbing activities.

INCLUDING THE NUMBER OF ACRES POTENTIALLY AFFECTED BY THE ESTABLISHMENT OF INVASIVE PLANTS

Based on the information presented in the DEIS and the Proposed Rule we [the U.S. Environmental Protection Agency] have identified the following concerns that should be addressed in the FEIS and Final Rule: the number of acres potentially affected by the establishment of invasive plants as a result of ground-disturbing activities. (U.S. Environmental Protection Agency, Washington, DC - #995.4.41200.358)

INCLUDING REFERENCES AND SOURCES THAT WERE USED TO CALCULATE ACRES POTENTIALLY AFFECTED

The DEIS states that one-half of 1 percent of the total acres are invaded by invasive plants, as well as a compound effect of 5 percent annual spread; [these] are the standards used in the DEIS. The FEIS should cite the references or sources for calculating acres potentially affected by the establishment of invasive plants as a result of ground-disturbing activities. (U.S. Environmental Protection Agency, Washington, DC - #995.11.41200.358)

4-135 Public Concern: The Forest Service should delete sections of the DEIS.

INCLUDING PARAGRAPH 3 ON PAGE 131

Without supporting data, this paragraph [paragraph 3 on page 131 of the DEIS] is speculative and should be deleted. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.12.43000.001)

INCLUDING PARAGRAPH 2 ON PAGE 132

The intent of this paragraph [second paragraph on page 132 of the DEIS] is not clear, and we [Colorado Timber Industry Association] recommend you modify or delete it. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.13.43000.001)

INCLUDING THE SENTENCE THAT INCLUDES THE UNATTAINABLE OBJECTIVE THAT TREE-CUTTING ACTIVITIES WOULD BE DESIGNED TO "PROTECT ROADLESS CHARACTERISTICS"

The last sentence in the first paragraph [on page 77 of the DEIS] states, "tree-cutting and removal activities would be specifically designed to protect roadless characteristics." This statement establishes an unattainable threshold for projects designed to cut or remove trees from Colorado Roadless Areas, i.e., "protect Roadless [Area] characteristics." The Proposed Rule does not contain any requirement to "protect Roadless [Area] characteristics." In fact, the Proposed Rule, at [Section] 394.34(c), acknowledges effects to roadless characteristics and requires the responsible official to consider those effects in light of the need to cut, sell, or remove trees along with other resource and community protection needs. We recommend that you delete the last sentence in the first paragraph. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.11.42000.621)

4-136 Public Concern: The Forest Service should revise the DEIS.

INCLUDING A CLARIFICATION OF PARAGRAPH 3 ON PAGE 132

Other than to point out the obvious need for roads to implement forest management projects, we [Colorado Timber Industry Association] are puzzled by the purpose of this rambling, speculative paragraph [third paragraph on page 132 of DEIS]. We recommend you condense it down to a discussion of the need for forest roads to implement forest management projects. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.14.43000.680)

FOR CONSISTENCY

On pages 316 and 320 [of the DEIS] the former says that 118 at-risk communities in 20 counties could benefit from additional fuel reduction treatments in Alternative 2 compared to Alternative 1, but at the latter, the corresponding figures are 132 communities in 12 counties. (Preservation/Conservation, Denver, CO - #789.58.43100.263)

Page 144 [of the DEIS] states that only 8 percent of roadless acres have vegetation cover types that are characteristic of Fire Regime V, which is very infrequent fires. However, according to page 131, 24 percent of roadless acreage is covered by the spruce-fir type, which typically has a very long fire return interval, i.e., one that should fit into Fire Regime V. (Preservation/Conservation, Denver, CO - #789.53.43100.330)

TO INCLUDE PROTECTION OF WILDLIFE AND WILDLIFE HABITAT IN THE LIST OF ISSUES ON PAGE 7

Page 7, [DEIS] although the governor in his cover letter and petition strongly emphasized wildlife values, in the DEIS on page 7 under "Issues," (anticipated effects of the Proposed Rule on the environment and for evaluating alternatives) specifically mentions "insects or disease," "fuel accumulation and wildfire hazards," "access to coal reserves," "utility and water," [and] "boundaries," but there is no specific mention of wildlife. Not specifically mentioning wildlife and wildlife habitat seems odd; however, perhaps they are captured under the general umbrella of biological resource values. (Individual - #1029.23.41100.002)

TO INCLUDE WILDLIFE AND WILDLIFE HABITAT IN THE LIST OF ISSUES IDENTIFIED BY THE PUBLIC

Page 8, [DEIS] although the DEIS states that some public comments presented issues that are outside the scope of the Proposed Colorado Roadless Rule, to me it seems inconsistent with the deliberations of the Task Force (e.g., livestock grazing, motorized vehicles, discussion of Wilderness protection or recommendations, energy alternatives for conventional [energy sources], etc.) Once again, wildlife and habitat are not mentioned in this section—of course, perhaps the presumption is that it is included by reference under ecological integrity and biological resource values. "Ecological integrity and biological resource values" ... this is as close as you get to seeing the word "wildlife" and/or "fish," although words such as "soil," "water quality," "recreation," "oil and gas," "coal resources," "transport oil and gas," [and] "road construction and associated development" are all listed. (Individual - #1029.24.41000.002)

TO ACCURATELY REFLECT THE OCCURRENCE OF SPECIAL-STATUS SPECIES

I spot checked two Roadless Areas in Appendix F [of the DEIS] that I am intimately familiar with. I was surprised to find that the Bennet Mountain SA [Summit Area] (RGNF [Rio Grande National Forest]) was not indicated as having lynx as a species known or likely to occur in the area. The DEIS preparers should consult the following report: Shenk, T. 2006. Lynx (*Lynx Canadensis*) Use of the Wolf Creek Pass Area along Highway 160, Mineral County, Southwestern Colorado. The Colorado Division of Wildlife. This report clearly shows that the Bennett Peak area was used for substantial periods by lynx YK00F3 and has been used occasionally by other individual lynx. Based on its location, it is likely that lynx will continue to use the area, assuming that proposed and current Forest Service timber activities, including the Rock Creek and Burro/Blowout sales, are not as damaging as they appear to be. Finding a significant error like this when doing a "spot check" of such lengthy document does not foster confidence in the accuracy of the DEIS. The special-status species should be checked and revised where needed for each of the Roadless Areas. (Individual, Evergreen, CO - #1050.10.41110.355)

TO STATE IN TABLE 47 ON PAGE 232 THAT OIL AND GAS OPERATIONS WOULD CONTINUE IN SOME PORTIONS OF THE ROADLESS AREA IN THE MANTI-LA SAL NATIONAL FOREST

On pages 229 and 232 [of the DEIS] in the table stating effects on aquatic species and habitat for Alternative 2, it says that oil and gas operations would continue in some portions of the Roadless Area on the Manti-La Sal National Forest. However, this statement is not in the corresponding table for Alternative 3, even though Alternative 3 is at least as permissive for oil and gas operations as Alternative 2. (Preservation/Conservation, Denver, CO - #789.54.41120.421)

4-137 Public Concern: The Forest Service should continue to use "threat" instead of "imminent threat" as proposed in Section 294.33(4) of the Proposed Rule.

We [Colorado Timber Industry Association] concur with using "threat" instead of "imminent threat" as proposed in this Section [294.33(4) of the Proposed Rule]. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.19.43000.001)

4B. MINING AND MINERAL EXPLORATION

General Considerations

4-138 Public Concern: The Forest Service should affirm that forest plans and lower-level Records of Decisions would be consistent with and complement Colorado Division of Wildlife management plans and objectives.

TO AFFIRM THAT THE FOREST SERVICE AND THE STATE OF COLORADO ARE WORKING TOGETHER AS COOPERATING AGENCIES

The Colorado Rule currently identifies that where the Colorado Rule is more restrictive than a forest plan that the Colorado Rule applies, and where the forest plan is more restrictive than the Colorado Rule that the forest plan applies. However, the Colorado Rule does not address how forest plans and Records of Decisions (RODs) should complement state wildlife agency management plans and objectives.

Therefore, specific to commodity development and extraction, the Colorado Rule should affirm that, at a minimum, USFS Forest Service Plans and lower-level RODs should be consistent with and complementary to CDOW [Colorado Division of Wildlife] management plans and objectives.

This would identify up front and affirm that the USFS and the State of Colorado are truly cooperating with each other as mutually cooperating agencies and partners in managing Colorado's natural resources. (Individual - #1029.41. 22000.180)

4-139 Public Concern: The Forest Service should ensure that the estimates of oil and gas potential are accurate.

BECAUSE THE METHODS USED SIGNIFICANTLY UNDERESTIMATE THAT POTENTIAL

Gas and oil potential was underestimated in all three alternatives of the DEIS analyses because arbitrary parameters not associated with geology or science were used to limit the potential natural gas resources. For example, natural gas potential in areas that are currently un-leased was assumed to have no oil or gas potential. Furthermore, if the leases were granted after a given date based on court cases or a Roadless Rule date, they were assumed to have no oil or gas potential. Additionally if leases were granted with a stipulation like "No Surface Occupancy" they were assumed to have no oil or gas potential. Finally, an arbitrary time period of "high potential for development of natural gas resources in the next 15 years" (page 105) was applied. Why only 15 years, will the Roadless Rule expire in 15 years? Natural gas and oil potential in the ground, and the reserves that can be developed, should be based on science and geology, not arbitrary parameters like court cases, federal stipulations, or Roadless Rule dates that have no bearing on oil or gas resources.

Even though the DEIS appears to underestimate oil and gas potential by using arbitrary means, the same consideration is not applied to environmental resources like plants, wildlife, and aquatic life. Several statements point to this fact. For example in the DEIS [on] page 44 "There are 44 sensitive plans species known or likely to occur in the Roadless Area in Colorado." On page 177, "Evaluations conducted for this EIS found that of the ten T&E [Threatened and Endangered] animal species known to occur in Colorado, there are six that occur or are likely to occur on NFS [National Forest System] land within one or more Roadless Areas...." Again on page 177 [of the DEIS], "The table displays key habitat requirements for each T&E species and the number of Roadless Areas where they occur or have suitable habitat."

Finally on page 214 [of the DEIS] "There is one T&E fish species that is known or likely to occur in the Roadless Areas." Therefore it appears that quantifying environmental resources like plants, wildlife, and aquatic life received [more] favorable treatment than quantifying natural resources such as oil and gas.

The Mamm Peak and Battlement Mesa IRAs could be excluded from Roadless Rules until a full and proper DEIS be conducted using science and geology to evaluate the full oil and gas potential and that these resources be quantified in a similar manner to environmental resources such as plants, wildlife, and aquatic life.

It is unfortunate that the DEIS significantly underestimated the natural gas potential by 4.7 trillion cubic feet (TCF) in just the Mamm Peak and Battlement Mesa IRAs by using arbitrary data instead of sound science. Fair and wise land use decisions, without this important information, cannot be made for the benefit of all United States citizens. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #270.3-4.44000.002)

4-140 Public Concern: The Forest Service should recognize that oil and gas resources available for practical extraction from all Colorado Roadless Areas are relatively miniscule.

BECAUSE, CUMULATIVELY, THEY WOULD PROVIDE ONLY HOURS OR DAYS OF ENERGY INDEPENDENCE

The amount of oil and gas that could be practically taken from all Colorado's National Forest Roadless Areas represents a drop in the bucket of the country's energy needs. Analyzing recent U.S. Geological Service data, The Wilderness Society found that, at current energy consumption rates, the economically recoverable natural gas in all of Colorado's Roadless Areas could meet total U.S. gas consumption for

only 10 to 17 days. Similarly, economically recoverable oil in the state's Roadless Areas would fuel less than 12 hours of total U.S. oil consumption. (Preservation/Conservation - #799.46.44200.800)

4-141 Public Concern: The Forest Service should acknowledge that economically recoverable gas and oil in all of Colorado Roadless Areas would not help the current energy crisis.

BECAUSE THE ENERGY RESOURCES AVAILABLE ARE INSUFFICIENT AND DO NOT JUSTIFY THE ENVIRONMENTAL COSTS

I do not support any changes to the current 2001 Roadless Rule.

The provisions within the proposed legislation to facilitate the recovery of oil and gas resources would be of little help to the current energy crisis. According to a recent analysis of Federal government data by the Wilderness Society, economically recoverable gas in all of Colorado's Roadless Areas could only meet total U.S. natural gas consumption for 10–17 days. Similarly, economically recoverable oil in Colorado's Roadless Areas would fuel less than 12 hours of total U.S. oil consumption.

Such limited energy resources do not justify building roads (although temporary) in already Roadless Areas. The adverse environmental impacts of roadbuilding and the other changes within the proposed ruling are not worth the miniscule energy reserves. I support no change, and that Colorado continues to manage its Roadless Areas under the 2001 legislation. (Individual, Maitland, FL - #21.1. 44200.800)

4-142 Public Concern: The Forest Service should acknowledge that opening up more land to drilling for energy would not result in lower energy prices.

BECAUSE ANALYSES AND THE GOVERNMENT'S OWN U.S. GOVERNMENT ACCOUNTABILITY OFFICE REPORTS CONCUR

Anyone who believes or argues that opening up our last, most valuable natural landscapes to more drilling for energy will result in lower prices for consumers needs to acquaint themselves with the broadest set of analyses, including the government's own GAO [Government Accountability Office] reports. Because facts can be twisted, consider it a philosophical issue; Roadless Areas are like money in the bank. The conservative approach is to look at ways to reduce energy demand—not "freezing in the dark," as some polemicists would have it, but curbing the wasteful practices that would drive a country to devour its last natural heritage for another drive to the shopping mall. (Individual, Littleton, CO - #5.1.40000.800)

4-143 Public Concern: The Forest Service should establish a system that requires responsible commodity development and extraction that is compliant with fish, wildlife, and water resources maintenance.

BECAUSE DEVELOPMENT OPPORTUNITIES REQUIRE ADDITIONAL CLARIFICATION

Where commodity development and extraction is absolutely essential within Colorado Roadless Areas, then there must be a system established requiring responsible development and it should not become a dominant fixture but compliant with fish, wildlife and water resources maintenance. Development opportunities are a significant issue requiring additional clarification. [Footnote 7: Protection of Roadless Areas is important. One example is Bull Mountain. Other examples lead to fears and mistrust, for instance when the BLM [Bureau of Land Management] writes in the February 2007 DEIS for the Pinedale Resource Management Plan, "Wildlife habitat would generally only be protected if the mineral commodity is not present for extraction." Note: the BLM Pinedale, Wyoming field office is the agency entrusted with oversight of fish, wildlife, and multiple-use planning in that DEIS.] (Individual - #1029.39.40000.200)

4-144 Public Concern: The Forest Service should ensure that decommissioning expenses for temporary roads used in commodity development are recaptured via a dedicated funding source.

TO FURTHER CLARIFY AND ADEQUATELY ADDRESS THIS TOPIC

Commodity Development: This topic is not adequately addressed in the Colorado Rule. Additional clarifications are needed; additional elements need to be added to adequately address this topic. If roads for commodity development are allowed, then a recapture of the total actual expense to construct, maintain, and mitigate new permanent and/or temporary roads; and furthermore to capture decommissioning expenses of temporary roads, needs to be included in the Colorado Rule. Temporary and permanent roads for wood fiber, coal, oil and gas, and forage need to have an adequate dedicated funding source set aside and held in trust to offset the effects. (Individual - #1029.38.40000.800)

4-145 Public Concern: The Forest Service should establish the concept of a surcharge on fines to industries for violation of permits.

TO DETER FUTURE VIOLATIONS

The Colorado Rule should establish the concept of a surcharge on fines to industries for violation of permits to serve as a deterrent to future violations. This is “only fair.” This surcharge can be used to enhance Roadless Areas. (Individual - #1029.44.40000.800)

4-146 Public Concern: The Forest Service should tightly, appropriately regulate resource extraction and fuel reduction in Colorado Roadless Areas.

BECAUSE OIL, GAS, AND COAL EXTRACTION COULD DESTROY THESE ROADLESS AREAS

There will be an estimated 11 well pads ranging from 1 to 6 acres in size installed in CRAs [Colorado Roadless Areas] by the oil and gas industry. Expectations regarding coal mining are not quite as well spelled out, but include four exploration holes per 640-acre section, in addition to mine shafts, ventilation shafts, methane drainage wells, and other facilities required wherever the coal is actually extracted. It sounds as if coal exploration license[s] and coal leases and development plans will continue to be made into the future. The estimated coal reserves in the CRAs amount to 29,000 acres, according to the DEIS.

All of these activities will result in degradation of the roadless qualities of the CRAs over time. The types and causes of this degradation for roads are spelled out in the DEIS. I didn’t see detailed descriptions of the degradation caused by gas, oil, and coal extraction, but recent discussion and hearings by the Colorado Oil and Gas Conservation Commission make it clear that oil and gas extraction can be damaging to water quality, humans, and wildlife. Even underground coal mining has great potential for damage as well. And then there are the fuel reduction programs expected in CRAs and the roads associated with them.

My fear is that the degradation from all these sources and others that may be allowed and expanded over time will destroy the CRAs. Eventually “Roadless Area” could become a meaningless phrase, a tragic parody on what actually will exist then.

This isn’t inevitable, however. With tight, appropriate regulations on how CRAs are managed when industries extract resources and the USFS and their contractors reduce fuels, CRAs may retain their value as Roadless Areas for the foreseeable future. (Individual, Denver, CO - #488.3.44000.200)

Oil and Gas Leasing and Development

4-147 Public Concern: The Forest Service should support mineral development on National Forests.

We need to open up some of the land and authorize more oil drilling while imposing strict environmental regulations. (Individual, Durango, CO - #828.2.44200.001)

TO COMPLY WITH EXISTING MINERAL LAWS

You need to look at the following Acts: the Domestic Minerals Program Extension Act of 1953; the Mining and Minerals Policy Act of 1970; the Federal Land Policy and Management Act of 1976; the National Materials and Minerals Policy, Research and Development Act of 1980; the Energy Policy Act of 2005; and the Energy Independence and Security Act of 2007. Taken as a whole, these Acts are all basically saying the same thing when one digs though the legal jargon. The Federal government is to assist and foster mineral development on Federal lands. Making an end run around this by single-minded Federal employees that cannot seem to leave their opinions and feelings at the door when they walk through to go to work really upsets me. (Individual, Ogden, UT - #183.1. 44000.139)

TO INCREASE INDEPENDENCE FROM FOREIGN OIL

It is important for the overall health of the United States that we take advantage of the ability to be independent of foreign oil. The money to help protect our natural areas comes from an economically viable US. Not allowing drilling decreases the economic viability of the US and takes money away from protecting our natural resources. This is not an oxymoron. It is now possible to drill with minimal resource impact. It should be allowed, and the roads to do so should be allowed. Helicopters are not a viable solution. (Individual, Jordan, MN - #804.5.44200.800)

4-148 Public Concern: The Forest Service should prohibit oil and gas leasing within Roadless Areas.

In the event that further action is taken on the Colorado Proposed Rule, changes should be made to protect our natural interest. Provisions should be added to bar oil and gas leasing in all Roadless Areas. (Individual, Baltimore, MD - #500.5.44200.001)

BECAUSE PIPELINE CONSTRUCTION WILL SUBSTANTIALLY AFFECT THE ENVIRONMENT

If the goal of the Proposed Rule is to retain the integrity and natural beauty of the Roadless Areas, the provisions pertaining to oil and gas do not go far enough. The Proposed Rule, while disallowing new roads, still allows oil/gas leasing and the construction of pipelines to transport gas from within the area. There will still be workers throwing trash, scarring the ground for pipelines, and kicking up particulates with heavy equipment. It makes no difference if they have to be helicoptered in—many of the impacts will be similar. Banning new oil/gas leasing within the area is the only way to truly protect the land. A pipeline can have a substantial impact, albeit not as much as a road. (Individual - #129.1.44200.200)

BECAUSE SUFFICENT LANDS HAVE ALREADY BEEN LEASED AND ALTERNATIVE FUELS SHOULD BE PRIORITIZED

There is already enough leased land to keep the oil and gas companies busy for decades, and by then, if we're smart, we will have transitioned to clean, alternative fuels. Leave the Roadless Rule alone! (Individual, Whitewater, CO - #59.1. 44200.001)

4-149 Public Concern: The Forest Service should preserve the National Forests for public use.

I am saddened to see more and more of our public lands closed to the public and opened to the commercial raping of our once beautiful state by oil and gas companies. (Individual, Paonia, CO - #810.1.44200.001)

4-150 Public Concern: The Forest Service should retain the protections provided by the 2001 Roadless Rule, in regard to oil and gas leasing.

TO ALIGN THE PROPOSED RULE WITH GOVERNOR RITTER'S ORIGINAL INTENT

It appears that the USFS Roadless Team in this particular process, in some instances, did not adequately understand/interpret or follow the intent of the governor of Colorado, e.g., In the Petition cover letter Governor Ritter wrote the following "...I support protections provided by the 2001 Roadless Rule..." and "...I am therefore requesting a state specific rule-making to serve as Colorado's 'insurance policy' for

protection of our Roadless Areas....” Below are just two specific examples of where the “protections provided by the 2001 Rule” and the “insurance policy” breakdown: First, for leasable minerals: oil and gas – The Colorado Rule (preferred Alternative 2) liberally allows exceptions for nearly seven times more roads than the 2001 Rule (Alternative 1) without developing any constraints while the most liberal Forest Plan Rule (Alternative 3) allows exceptions for 10x more roads when compared to the 2001 Rule. This is contrary to Governor Ritter’s cover letter statements and does not seem to provide adequate “protection” or offer much of an “insurance policy” as compared to the 2001 Roadless Rule. Secondly, the same applies to leasable oil and gas wells. The Colorado Rule (preferred Alternative 2) liberally predicts 670 oil and gas wells. This is well over double and almost triple from the predicted 250 in 15 years under the 2001 Rule (Alternative 1) to the 670 under the “preferred Alternative 2” and under Alternative 3 the Forest Plan one should expect only 50 additional [wells] at 730. Again, if “the reasonable man test were applied,” then this too is not what a “reasonable man or woman” would consider as “protection” or much of an “insurance policy” or showing support for Governor Ritter’s direction of ... “I support protections provided by the 2001 Roadless Rule....” (Individual - #1029.7.44200.030)

4-151 Public Concern: The Forest Service should act on unused oil and gas leases before issuing new ones.

TO MAXIMIZE THE AMOUNT OF LAND PROTECTED FROM EXPLORATION AND DEVELOPMENT

The failure of BLM [Bureau of Land Management] and other Federal agencies to protect the Roan [Plateau] from over development and the sale of leases on this site to what turns out to be investment groups rather than real oil and gas companies is particularly upsetting.

We are very much in favor of maximizing the amount of lands protected as roadless in Colorado and reducing the amount of lands provided to business and corporate interests for real estate development and oil and gas exploration. Before more leases or land are sacrificed for oil and gas in our Roadless Areas, it is time for them to act upon the unused leases they are not developing first! (Individual, Arvada, CO - #310.1.44200.057)

4-152 Public Concern: The Forest Service should not issue new leases in a Roadless Area, once its EIS is finalized.

No new leases of any sort should be made in Roadless Areas once the area’s EIS is finalized. (Individual, Denver, CO - #488.10.44200.001)

4-153 Public Concern: The Forest Service should delete the language granting rights to oil and gas leases issued between 2001 and 2006.

BECAUSE THE LESSEES KNEW THE HAZARDS AND RISKS OF LEASING LANDS IN ROADLESS AREAS DURING THAT TIME

Language [regarding “long-term temporary” roads] is evidently included to give right of access to lessees who acquired [oil and gas] leases between 2001 and 2006, the time when the Bush administration was attempting to rescind the 2001 Roadless Rule. Such lessees knew the hazards and risks of leasing land in Roadless Areas at that time and we [The Audubon Society of Greater Denver] don’t believe they such warrant such special treatment. The language in Section 294.33(c)(5) should be deleted. (Preservation/Conservation, Littleton, CO - #919.8.44200.001)

4-154 Public Concern: The Forest Service should provide some protection for wildlife habitat on land leased for oil and gas development after 2001.

BECAUSE THE FEDERAL GOVERNMENT AND THE LESSEES KNEW OF THE LITIGATION AROUND THE 2001 ROADLESS RULE AND THE UNCERTAIN STATUS OF THE INVENTORIED ROADLESS AREA

The Draft [Rule] offers almost no protection from oil and gas development on land leased after the 2001 Rule. Since both the Federal government and the lessees knew that the current administration’s overturning of the 2001 Rule was in court, they were aware of the IRAs [Inventoried Roadless Areas]

uncertain status. Any new rule must afford these areas of prime wildlife habitat some protection. (Preservation/Conservation, Hotchkiss, CO - #925.3.44200.141)

4-155 Public Concern: The Forest Service should prohibit companies or individuals from leasing if their prior or existing record indicates poor performance.

The Colorado Rule should clearly identify that for Colorado Roadless Areas prohibitions need to expressly prohibit companies or individuals from leasing if their prior or existing record indicates blatant or chronic poor performance. (Individual - #1029.40.44200.200)

4-156 Public Concern: The Forest Service should clarify that oil and gas lessees may remove timber to develop existing leases.

BECAUSE TIMBER WILL NEED TO BE REMOVED TO BUILD ROADS AND IS ALLOWED UNDER THE CODE OF FEDERAL REGULATIONS

The Forest Service should clarify that oil and gas lessees may remove timber to develop existing leases.

The Proposed Rule allows for temporary or long-term road construction or reconstruction when needed in conjunction with an oil and gas lease, including the construction of infrastructure needed to transport oil or gas, on lands that are under lease by the Secretary of the Interior as of the effective date of the Proposed Rule. 36 CFR [Section] 294.33 (c)(5) (Colorado Proposed Rule). The Preamble interprets this section to allow access on and to Federal oil and gas leases that allow road construction and that were issued before the effective date of the Final Rule. 73 Fed. Reg. 43548.

The construction of roads and infrastructure will require timber removal, so the ability to remove timber to build a road or facility is implied in the Preamble and the Proposed Rule. That implication, however, is not stated clearly. The Forest Service should state that timber removal is allowed for development and operation of existing oil and gas leases. The Forest Service should state within the actual regulation, or in the FEIS and Preamble to the Final Rule, that timber removal in Colorado Roadless Areas is permissible if it is incidental to the development and operation of a Federal oil and gas lease that allows surface occupancy and that was issued before the effective date of this Rule.

This language makes it clear that timber removal is allowed on existing leases not just for road construction, but for the development and operation of the lease. Adding this language is consistent with, and clarifies, the “incidental to the implementation of a management activity” exception found in 36 CFR [Section] 294.34(b)(2) (Colorado Proposed Rule).

Timber removal for existing oil and gas leases is permissible under the incidental exception of Section 294.34(b)(2), as “incidental to a management activity not otherwise prohibited....” The Forest Service should state in the FEIS, that under 36 CFR [Section] 294.34(b)(2) (Colorado Proposed Rule), timber may be removed for leasehold development and operation if the lease was issued before the effective date of the Final Rule and the lease allows surface occupancy. 73 Fed. Reg. 43548; DEIS at 115. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Dallas, TX - #410.1-2.44200.261)

4-157 Public Concern: The Forest Service should establish the concept of a nomination fee for lease nominations in the Proposed Rule.

TO COVER THE ADMINISTRATIVE COSTS OF ENVIRONMENTAL AND STATE AGENCY REVIEWS

The Colorado Rule should establish the concept that a nomination fee for lease nominations will be imposed to cover the administrative costs of environmental review, and the additional reviews needed by state agencies. There are significant new unfunded costs associated with the implementation of a Colorado Rule. Those who directly benefit from commodity development need to pay their fair share of administrative costs, not hunters and fishermen and other sportsmen and women or the taxpayer. (Individual - #1029.43.44200.800)

Roads and Surface Occupancy/Disturbance

4-158 Public Concern: The Forest Service should avoid adding more roads to the National Forest System roads.

BECAUSE SUFFICIENT ROADS EXIST FOR EXTRACTIVE AND RECREATIONAL USES, AND TEMPORARY ROADS BECOME PERMANENT

Colorado is already criss-crossed with roads that provide more than adequate access for recreation. New roads that are proposed for mineral/oil and gas exploration and USFS administration should not be allowed in already Roadless Areas, unless they are specifically designated as temporary. My concern is that temporary roads, once established, become permanent as lessees (oil, gas, mineral, grazing, timber, utilities) and motorized recreation users continually find or invent reasons to extend the life of the road. The USFS should be encouraging alternatives to motorized access to USFS lands. Grazing permittees, for example, for decades used horses for travel and work, now they argue the need for roads for trucks and ATVs [all-terrain vehicles]. What has changed to warrant that? (Individual, Fruita, CO - #221.1.64000.002)

4-159 Public Concern: The Forest Service should be cautious when adding roads to support the extractive industries.

IN LIGHT OF THE NATION'S CURRENT PROBLEMS WITH FOSSIL FUELS

Any roads to satisfy the extractive industries should be looked at with caution considering our existing problems with fossil fuel. (Individual, Pueblo, CO - #15.4.64100.420)

4-160 Public Concern: The Forest Service should require offsite mitigation for surface disturbance in Roadless Areas.

During the period when a company, utility or other entity disturbs roadless surface area, the company should provide offsite mitigation. For example, if a coal operation displaces elk from an area they regularly use, the company should pay for some mitigating activities, which could include habitat enhancement at another location. Although the Forest Service regularly requires some type of offsite mitigation for projects, such as the recent Bull Mountain Pipeline, we would like to see a duty for offsite mitigation spelled out in the Colorado Rule. An excellent way to tie offsite mitigation to road construction would be to require offsite mitigation for any road in existence more than 3 years or some similar time span normally associated with temporary roads. (Preservation/Conservation - #928.8.41000.200)

4-161 Public Concern: The Forest Service should require up-front mitigation for the impacts from long-term temporary roads.

BECAUSE IT IS DOUBTFUL THAT THESE ROADS WILL BE RESTORED

The concept of "long-term temporary roads" as presented in this DEIS is confusing to the public, and there is significant doubt that these roads will eventually be restored. Will the Forest Service require bonds before construction? If so, how can we be assured that the value of the bonds will cover the actual costs in 20 or 40 years, given the likelihood that the cost of diesel fuel will be much higher than it is now? Since the public has low confidence that these "temporary" roads will ever be decommissioned, and because the roads have significant impact while in use, the Forest Service should consider requiring mitigation up front. For every mile of "temporary" road constructed there should be a mile of old road restored. (Individual, Evergreen, CO - #1050.11.64300.800)

4-162 Public Concern: The Forest Service should prohibit roadbuilding for oil and gas extraction.

As recommended by the Colorado Roadless Areas Review Task Force, any Roadless Rule applicable to Colorado Roadless Areas must explicitly clarify that no new roads will be allowed, in any circumstance,

for operations under future oil and gas leases. (Preservation/Conservation, Denver, CO - #1019.32.44200.680)

BECAUSE THE PERMANENT DAMAGE IS NOT WORTH THE SHORT-TERM BENEFITS

In the 1870s, roads were built to enable logging on the land I live on now. 140 years later, those roads are still there, although they have not been used in over a century. Because of its weaker provisions, and the timing of its proposed adoption, the Draft Colorado Rule would allow this travesty to be repeated for the sake of a few decades of oil and gas resource exploitation. If you allow roads into the Roadless Areas, they and the impacts they bring will constitute permanent damage not worth the short-term benefits. (Individual, Evergreen, CO - #252.2. 44200.200)

4-163 Public Concern: The Forest Service should prohibit road construction for coal, oil, and gas exploration and development.

BECAUSE FOSSIL FUELS WILL EXACERBATE CLIMATE CHANGE

In consideration of the very serious nature of climate change, roadbuilding to open up areas for coal, oil, and gas exploration/development should be absolutely forbidden. We must move away from fossil fuels for energy and toward renewables. Recent articles in Science (c.f., Vol.307, 25 May, 2007, pp. 1181–1184 and Vol. 321, 15 August, 2008, p. 909) strongly indicate that the American Southwest will experience a more arid climate (it has probably already begun) as well as increased variability of climate. The southern half of Colorado and probably the entire state falls within the area of concern. In view of this, it is ludicrous to continue to develop fossil fuels within the state. This is true in spades for coal and shale oil. I recognize that climate change is not yet part of the requirements for evaluation by an EIS, but I think it soon will be. Now is the time for forward thinking by the agency in charge of so much of our public (American people's) land. (Individual, Manitou Springs, CO - #175.4.44200.251)

4-164 Public Concern: The Forest Service should prohibit roadbuilding on oil and gas leases issued after 2001.

Any type of road construction and surface occupancy must be prohibited for oil and gas leases in Roadless Areas issued since the effective date of the 2001 Rule. Coal mining and associated roads for leases issued after the effective date of the 2001 Rule must not be allowed in Roadless Areas. Any such activity that does occur in Roadless Areas must be limited to areas adjacent to existing mines. (Individual, Durango, CO - #938.4.44000.680)

TO PROTECT ROADLESS AREAS

The Colorado Draft Rule allows for road construction for gas leases issued after the 2001 Rule became effective, as the Colorado Rule would only prohibit road construction on leases issued after the Draft Rule's effective date. This is extremely problematic, and we are asking the Forest Service to consider what measures can possibly be taken to keep roads out of Roadless Areas that were leased after 2001. Recognizing that the legal parameters need to be carefully researched, we believe that the Rule language can and should be changed to protect these landscapes from roadbuilding. (Recreation/Conservation Organization, Carbondale, CO - #838.3.44000.680)

TO PROTECT WILDLIFE HABITAT, WATERSHEDS, AND RECREATION AREAS

New roads could be built to access oil and gas leases that were sold after the 2001 Roadless Rule. These leases—which would provide, at most, about 2 weeks' worth of natural gas for the country—are currently blocked from roadbuilding, and new roads could irreparably harm important wildlife habitat, watersheds, and recreation areas. (Individual, Aspen, CO - #74.1.44200.002)

BECAUSE LEASES SOLD AFTER 2001 ARE IN VIOLATION OF THE 2001 ROADLESS RULE

The Proposed Colorado Rule allows for the construction of new temporary roads in conjunction with the exercise of oil and gas leases that are in place before the new Rule goes into effect. This measure reflects an allowance in the 2001 National Rule and thus, on its face, is appropriate. A significant flaw in the Proposed Rule arises, however, from the effective date of the allowance for oil and gas roads.

The 2001 National Rule makes it clear that new roads might be constructed for leases that were in effect before January12, 2001 (along with a requirement that those roads be built with minimum disturbance and be obliterated when no longer needed) [Section] 294.12(b)(7), and correspondingly, that any leases issued after that date must be exercised without the construction of new roads in Roadless Areas.

The Proposed Colorado Rule inappropriately (even if inadvertently) delays that roads/no roads threshold to the much later date of the new Rule's implementation. Since extensive roadless lands in Colorado have come under oil and gas leases in the interim, those roadless lands are threatened with the damage and fragmentation that comes with construction of new roads.

The construction of new roads in the exercise of those interim leases has now been enjoined by the court, noting that their issuance was ill-advised and confusing. The 2001 National Rule should be left in effect in Colorado in order to eliminate that confusion and to clearly protect the roadless characteristics of the areas affected. Exercise of both pre-2001 and interim oil and gas leases would thus be allowed, albeit without the addition of new roads in Roadless Areas. (Preservation/Conservation, Denver, CO - #1019.17. 44200.680)

The roadless lands on which oil and gas leases have been issued are inaccessible (being roadless). In most instances, the most efficient, economical, and likely means of accessing the leased oil and gas will be via directional drilling from outside the Roadless Area.

Oil and gas leases issued since May 12, 2001, must include prohibition on the construction of new roads in Roadless Areas, as provided by the 2001 National Rule. (Preservation/Conservation, Denver, CO - #1019.31.44200.002)

BECAUSE LEASES SOLD AFTER 2001 WITHOUT ROADBUILDING PROHIBITIONS ARE IN VIOLATION OF THE 2001 ROADLESS RULE

All oil and gas leases sold after January 12, 2001, should be subject to roadbuilding prohibitions in the Colorado Rule. Leases sold after that date without roadbuilding prohibitions were sold in violation of the 2001 Rule and should either be cancelled or brought into compliance with existing law and subject to roadbuilding constraints. This includes the 70,000 acres of leases sold since January 12, 2001 that are without the proper stipulations and in violation of the 2001 Rule. (Recreation/Conservation Organization, Missoula, MT - #836.14.44200.100)

BECAUSE LEASES SOLD AFTER 2001 ARE IN VIOLATION OF THE 2001 ROADLESS RULE AND FOREST SERVICE POLICY AND REGULATIONS

To the extent the Forest Service currently seeks specific comments on the pending Draft Colorado Rule, we resubmit for your consideration the attached comments on the Petition Form 2005 and 2006. WRA [Western Resource Advocates] stresses the obligation of the Forest Service to resolve the issue of "interim" oil and gas leases issued for many Inventoried Roadless Areas in Colorado between 2001 and the present. Most or all of these leases were issued in violation of the Roadless Area Conservation Rule itself, Forest Service Interim Directives with regard to the Rule, or other Federal law and Agency policy.

For example, the Interim Directives issued on July 27, 2001 (see ID [73 Fed. Reg.] 1920-2001-1) required an EIS for road construction activities in IRAs [Inventoried Roadless Areas] and assigned to the Regional Forester the responsibility to "review and agree to the purpose and need statements for the notice of intent to prepare an [EIS]." ID 1925.04b(3)-2001-1. For IRA leases issued during the effectiveness of this ID, the Agency and the Regional Forester abrogated their duty because the Directives required an EIS for proposals that could result in new road construction in IRAs.

These Interim Directives appear to have expired on June 14, 2003, and were subsequently reinstated on July 16, 2004, as ID 1920-2004-1. See 4069 FR 42648. In between, the full protections of the Roadless Rule were in effect, including on May 13, 2004, when BLM [Bureau of Land Management] offered leases including IRA lands on the White River National Forest [WRNF], including portions of the Thompson Creek and Reno Mountain IRAs.

The leases offered at that lease sale without adequate NSO [No Surface Occupancy] stipulations violated FS [Forest Service] policy and regulations barring any new roadbuilding associated with new oil and gas operations on IRAs.

WRA successfully appealed the leases for these WRNF IRA parcels to the Interior Board of Land Appeals [IBLA], and in December 2007, IBLA remanded the leases to BLM and the FS for other legal violations without reaching our Roadless Rule claims. This is just one example of how interim IRA leases violated both the letter of the law and the spirit of the Colorado Petition effort, as acknowledged by staff at the Colorado Department of Natural Resources.

Should the Draft Colorado Rule proceed, the interim leasing issue must be resolved. The attached comments dated August [See ATT 1] and September [July] [See ATT 2] 2006 alerted the State and the Forest Service to the urgency and importance of this issue.

The Agency needs to either (1) invalidate or rescind the interim leases; or (2) ensure that all IRAs within such leases are protected by No Surface Occupancy [NSO] stipulations that are (A) not subject to waiver, and (B) specifically imposed to fully protect roadless values and characteristics of IRA lands. Should the putative lessees of these IRA lands object to such NSO stipulations, they could be offered a refund of any payments submitted to the Federal government for the IRA lands in conjunction with the decision to invalidate those portions of the leases, or the entire leases should the lessee prefer.

Two of the primary flaws in the current Petition would be addressed by heeding the recommendations of the Colorado Division of Wildlife, as detailed in the attached comments [See ATT 2], and resolving the interim leasing issue, as set forth above. Now is the time to right past failures by making good on its commitment to assure interim protection of Colorado IRAs. The Forest Service must resolve the interim leasing issue consistent with the broad-based Colorado consensus that our remaining roadless forests urgently need protection. (Preservation/Conservation, Boulder, CO - #921.1-2.44200.100)

BECAUSE LEASES OCCURRING AFTER 2001 SHOULD BE SUBJECT TO THE SAME PROHIBITIONS AS THOSE SOLD AFTER THE PROPOSED RULE

We [Malinda Rogers and Bruce Barnhart] agree that the Colorado Rule's prohibitions against roads should be retroactive to the 2001 Rule's date, so that gas, coal, and other leases occurring after the 2001 Rule was enacted would be subject to the same prohibitions against roads as leases sold after the Colorado Rule is enacted. (Individual, Delta, CO - #1030.4.44000.680)

BECAUSE THERE IS NO JUSTIFICATION FOR ALLOWING "GAP LEASES" IN COLORADO'S BACKCOUNTRY

As currently drafted, we [Pitkin County Commissioners] find the following provision of the Proposed Rule particularly egregious and destructive of our National Forests' Roadless values.

The Proposed Rule would allow road construction for access on and to areas leased for oil and gas development after January 12, 2001 (the effective date of the 2001 Roadless Area Conservation Rule), but before a Colorado Roadless Rule becomes final. The potential impact to Colorado's Roadless Areas is significant. Some of these "gap leases" are located in our local Thompson Creek Roadless Area. There is no justification for opening the door to Colorado's backcountry for the energy industry in this manner. (Pitkin County Board of Commissioners, Aspen, CO - #324.1.44200.206)

BECAUSE ROADBUILDING FOR OIL AND GAS DEVELOPMENT OF POST-2001 LEASES WAS ENJOINED

The intent of the Proposed Rule is to replace the provisions of the nationwide 2001 Rule with a Colorado-specific regulatory structure. 73 Fed. Reg. 43563 at [Section] 294.36(h)(i). The Proposed Rule provides in [Section] 294.33(c)(5) that an exception to the ban on roads in Roadless Areas may exist when "a temporary or long-term temporary road is needed in conjunction with an oil and gas lease, including the construction of infrastructure necessary to transport the product, on lands that are under lease by the Secretary of the Interior as of the effective date of this rule." Assuming that the Proposed Rule, when and if finalized, is not itself challenged and enjoined in any relevant respect, its effect would be to allow road construction enabling oil and gas development both on those leases on which activity has been enjoined pursuant to the court's order reinstating the 2001 Rule in the Lockyer litigation, and on those leases issued by the BLM [Bureau of Land Management] after the court's order in 2006 containing stipulations "prohibiting roading as long as the 2001 Rule is in effect." DEIS at 110. [Footnote 29: The stipulation quoted in text does not have the form of an irrevocable NSO [No Surface Occupancy] stipulation; whether such a stipulation is permissible under the injunction in the Lockyer case is beyond the scope of this memorandum.] (Preservation/Conservation - #799.8.44200.141)

If the LaPorte ruling stands, the Colorado Rule should certainly recognize these leases [gas leases issued after 2001] as being issued illegally. (Recreation/Conservation Organization, Carbondale, CO - #838.4.44200.141)

The proposed Colorado rule, while consistent with the 2001 National Rule's provision of allowing roads for development of oil and gas leases only if those leases were issued before the date of implementation of the Rule, necessarily shifts the reference date for that pre-Rule threshold by at least 8 years. As a result, some 68,000 additional acres of roadless lands, concentrated primarily in two National Forests, would be opened to roadbuilding for oil and gas development. This is unacceptable and, according to the court, not allowed. On September 20, 2006, the Federal District Court for the Northern District of California reinstated the 2001 Roadless Area Conservation Rule (and set aside the State Petitions Rule of 2005). The Court subsequently clarified that actions taken in the interim since the 2001 Rule first went into effect must be subject to that rule.

Specifically, the District Court clarified that oil and gas leases issued after May 12, 2001 (the effective date of the 2001 rule) are subject to the 2001 Rule. Particulars of that clarification include: a) the 2001 Roadless Area Conservation Rule was promulgated in full compliance with existing laws; b) the State Petitions Rule of 2005, which purported to repeal the 2001 Rule, was adopted in violation of the National Environmental Policy Act and of the Endangered Species Act; and c) when the 2005 Rule was enjoined, the 2001 Rule was appropriately reinstated (with corresponding constraints on oil and gas leases issued after early 2001). Correspondingly, any oil and gas leases issued after May 2001 and allowing roadbuilding on such leases are illegal and must now be subject to surface-protecting stipulations.

This important decision and clarification must not be undone or undercut by any rulemaking. The Proposed Colorado Rule would do just that. The two-part combination of its provision that road construction or reconstruction would be allowed if "a temporary or long-term temporary road is needed in conjunction with an oil and gas lease, including the construction of infrastructure necessary to transport the product, on lands that are under lease by the Secretary of the Interior as of the effective date of this rule." [Section] 294.33(c)(5) and its declaration that "after [Final Rule effective date] the rule promulgated on January 12, 2001 (66 Fed. Reg. 3244) shall have no effect within the State of Colorado." [Section] 294.36(j) conspicuously leaves roadless lands under oil and gas leases issued since 2001 and under the roads prohibition of that rule (applied directly or through subsequent court ruling) without protection. This is not acceptable. (Preservation/Conservation, Denver, CO - #1019.29-30.44200.141)

BECAUSE ROADBUILDING FOR OIL AND GAS DEVELOPMENT OF POST-2001 LEASES WOULD BE A BREACH OF THE FOREST SERVICE'S COMMITMENT TO INTERIM PROTECTION

The most clearly deleterious effect of the Proposed Rule for wildlife habitat and Roadless Areas would be the construction of an additional 422 oil and gas wells and associated new roads on approximately 70,000 acres of National Forest System lands leased for oil and gas development subsequent to the 2001 Roadless Area Conservation Rule. 73 Fed. Reg. 43553, DEIS p. 117. Proposed Section 294.33(c)(5) would allow new road construction "in conjunction with an oil [and] gas lease, including the construction of infrastructure necessary to transport the product, on lands that are under lease by the Secretary of the Interior as of the effective date of this rule." This provision, contrary to the Forest Service's prior commitments to the State of Colorado would allow new road construction for post-2001 oil and gas leases. This very significant incursion on Roadless Areas would be contrary to the State of Colorado's stated intention to maintain the protections of the 2001 Roadless Rule pending resolution of its petition and this rulemaking, as well as the Forest Service's commitments to maintain those protections in the interim. Letter from Undersecretary Mark Rey to Governor Bill Ritter (April 27, 2007) (noting that, as of that date, the Forest Service was committed to comply with the reinstating [of] the 2001 Rule, and promising that should the 2001 Rule be modified pending the rulemaking, "no activity inconsistent with the 2001 Rule will be authorized without the state's endorsement during the time necessary to promulgate the Colorado rule.") A retroactive breach of this commitment, by allowing roadbuilding for new leases post-dating the 2001 Rule but pre-dating a Colorado Rule, is nevertheless a breach of this commitment to interim protection.

Any leases issued since the effective date of the 2001 Rule are subject to its terms. The Forest Service can and should honor its commitments to the State to provide interim protection, and enforce the terms

under which those leases were issued, by including non-waivable stipulations (see Proposed 36 CFR [Section] 294.33(c)(5) or conditions of approval prohibiting new road construction on all oil and gas leases issued subsequent to the 2001 Rule. (Preservation/Conservation, Denver, CO - #1037.2-3.44200.160)

4-165 Public Concern: The Forest Service should not allow long-term temporary roads for oil and gas lease holders.

BECAUSE THEY WOULD SERIOUSLY DAMAGE ROADLESS AREAS

I object to the provision allowing "long-term temporary" roads for oil and gas development, because it would do serious damage to Roadless Areas. The Forest Service has justified Section 294.33(c)(5) as an obligation to oil companies that acquired leases between 2001 and 2006, a period when the Bush administration attempted to rescind the 2001 Rule. The courts reinstated it in 2006. The lessees knew full well the Rule might be reimposed, and they have to live with the limitations. The Forest Service has no obligation to allow new roads, either temporary or "long-term." (Individual, Chesterfield, MO - #915.1.44200.680)

4-166 Public Concern: The Forest Service should not allow long-term temporary roads as a cost-reducing measure for oil and gas lease holders.

BECAUSE THESE LANDS BELONG TO THE PUBLIC

If some of the proposed "long-term temporary roads" would allow easier, less costly access to oil and gas (O/G) leases sold after the 2001 Roadless Protecting Rule, we citizens are now assuming that those leases carried an implied, non-public deal, a promise from the government that roadlessness would be attacked and weakened, that government would act to make lease development profitable. We have all noted how the public and even state and local leaders were surprised by the '05 Energy Bill's nearly hidden, undebated language to open national monuments, parks, and proposed wilderness to US Southwest energy transmission lines and wide corridors. Again, the public's forests are open to a slave-like sale as money savers for industry. Were the massive, sneaked surprise sales of all the O/G leases at once on the top of the Roan Plateau carried out with the same promises to industry? (Individual, Craig, CO - #255.2.44200.057)

4-167 Public Concern: The Forest Service should define "exploration" in regard to new roads for commercial energy operations.

TO PREVENT COMMERCIAL ENERGY OPERATIONS FROM EXPLORING WITHOUT LIMITATION

New roads for "exploration" is a word that is not defined, and given no limitations. It seems commercial operations could explore at will. (Individual, Durango, CO - #444.2.44000.680)

4-168 Public Concern: The Forest Service should ensure that road access exists for gas and oil inholdings.

TO AVOID NEGATIVELY AFFECTING ACCESS TO EXISTING LEASES

The Forest Service should ensure that road access exists for inholdings.

Carmony Exploration owns an interest in an oil and gas lease on fee lands and fee minerals within the Black Mountain Roadless Area in the Routt National Forest. The lease is on a private inholding within the Black Mountain Roadless Area in Township 10N, Range 89W, Sections 1 and 2 (Colorado Sixth Principal Meridian). In order to reach the lease, it is necessary to cross National Forest lands. The Proposed Rule has the potential to affect access to Petroleum Resource's lease.

The lease is located close to the Northern Edge of the Black Mountain Roadless Area. See DEIS Map Packet, Map 4 Colorado Roadless Areas; see also Blow-up of Map 4 attached as Exhibit 1[See ATT-1]. Both Map 3 (2001 Inventoried Roadless Areas), and Map 4 (Proposed Colorado Roadless Areas), show that in Township 10N, Range 89W, Section 2 (Colorado Sixth Principal Meridian), a narrow corridor of non-roadless land leads from the lease to the National Forest boundary. See DEIS Map Packet, Maps 3,

4. The Forest Service should ensure that this corridor does not become part of the Black Mountain Roadless Area in the FEIS and Final Rule, as it is the only way to access this valid, existing lease, located on a private inholding within the National Forest. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Lafayette, CO - #399.1.44200.630)

4-169 Public Concern: The Forest Service should state that road and pipeline construction or reconstruction and timber removal will be allowed across Roadless Areas to access existing leases.

BECAUSE SUCH CONSTRUCTION ACTIVITIES ARE ALLOWED FOR ACCESS TO LEASES ISSUED BEFORE THE FINAL RULE

The Forest Service should state that road and pipeline construction or reconstruction, and timber removal, will be allowed across Roadless Areas to access existing leases.

Road and pipeline construction or reconstruction is allowed for access on and to Federal oil and gas leases that were issued before the effective date of the Final Rule with lease stipulations that allow road construction. 73 Fed. Reg. 43548; DEIS at 115. Many leased areas within the intent of this provision may be landlocked by Roadless Areas that may not be leased. The Forest Service should specifically state in the Preamble to the Final Rule, and in the FEIS, that road and pipeline construction and reconstruction, and associated timber removal, will be allowed across unleased areas in the HD Mountains Roadless Area (and other Roadless Areas) to access existing oil and gas leases that allow for surface occupancy and road and other facility development. This will make the application of the Proposed Rule clear to readers and prevent future confusion. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Dallas, TX - #410.3.44200.600)

4-170 Public Concern: The Forest Service should specify in the Proposed Rule that roads built for the construction of oil or gas infrastructure in Roadless Areas must share the road and disturbance area used for the drilling itself.

TO CORRECT THIS FLAW IN THE PROPOSED RULE

A flaw in the Proposed Colorado Rule is the auxiliary provision that, in instances where gas drilling might occur within a Roadless Area, a road would be allowed for the construction of infrastructure necessary to transport the product, without specifying that such infrastructure must share the road and disturbance area used for the drilling itself. Language included in the Proposed Rule's provisions regarding coal mining is instructive: "All infrastructure needed for the capture of methane will be located within the road right-of-way of coal-related temporary and/or long-term temporary roads or within areas of surface disturbance for methane venting wells otherwise needed for coal mining purposes." [Section] 294.33(c)(6) (Preservation/Conservation, Denver, CO - #1019.33.44200.160)

4-171 Public Concern: The Forest Service should limit surface disturbance and water contamination from oil and gas leases.

TO ENSURE THAT THE EARTH, WORLD, AND FOREST REMAIN VITAL

Colorado has seen a huge increase in applications for oil and gas leases across the state. It is very important to limit the surface disturbance and water contamination by these companies. While the removal of natural resources is part of the defined use of the national forest, a close check needs to be maintained on these processes to ensure that our earth, world, and forest remain vital for eternity. (Individual, Steamboat Springs, CO - #1044.4.44200.200)

4-172 Public Concern: The Forest Service should prohibit surface disturbance on oil and gas leases issued after the 2001 Roadless Rule.

Any Colorado Rule must prevent surface disturbance from oil and gas leases issued in Roadless Areas after the 2001 Rule came into effect. (Individual, Santa Fe, NM - #202.2.44200.001)

This Forest Service draft should be changed to prevent surface disturbance from oil and gas leases issued in Roadless Areas after the implementation of the 2001 Rule. (Individual, Denver, CO - #746.1.44200.001)

The Draft Rule would potentially allow roadbuilding for development of roughly 100 oil and gas leases that were issued since 2001. The amount of recoverable oil and gas from leases, however, would be miniscule. (Individual, Washington, DC - #18.2.44200.800)

This new Colorado Rule must prevent surface disturbance from these oil and gas leases that have been issued after the 2001 Rule became effective. (Individual, Vail, CO - #806.2.44200.200)

BECAUSE THE ENVIRONMENTAL EFFECTS WOULD BE SIGNIFICANT

The biggest weakness in it [the Proposed Colorado Roadless Rule] is the whole issue of the status of mineral leases in the GMUG [Grand Mesa, Uncompahgre and Gunnison] and White River National Forest that came in after 2001. If the Colorado Rule is put into effect, it would go into effect in about 2009, and all the mineral leases that were accepted before that would be allowed to be developed. It would cause a lot of impact to some very pristine Roadless Areas on the GMUG and White River [National Forests]. (Individual, Crawford, CO - #960.2.44000.200)

BECAUSE WEAKER PROTECTIONS MUST BE REJECTED

As a Coloradan, I ask the Forest Service to fully protect all of Colorado's Roadless Areas according to the 2001 Roadless Rule. The weaker protections specific to the Roadless Areas in Colorado must be rejected. Roads, well pads, and pipelines would be built for oil and gas leases issued after the date of the 2001 Rule but before a Colorado Roadless Rule becomes effective. (Individual, Evergreen, CO - #1.5.44200.600)

BECAUSE DIRECTIONAL DRILLING WOULD ELIMINATE THE NEED FOR ROADS

The Proposed Rules contain numerous loopholes. Oil and Gas Leasing: The 2001 Rule does not affect valid existing rights, meaning that leases pre-dating the 2001 Rule were not affected by the Rule's prohibitions on road construction or tree-cutting. Further, the 2001 Rule does not prohibit roadless leasing, but simply requires that any post-[20]01 leases in Roadless Areas be developed without building roads or cutting trees. In contrast, the USFS's proposed Colorado Roadless Rule lifts those restrictions on leases sold in the gap between 2001 and the date that the Colorado Rule is finalized. This eliminates roadless protections for over 100 of these so-called "gap leases," many of which are in the beloved Thompson Creek Roadless Area just outside of Carbondale and in the Crystal River Valley watershed. The destructive roads that would be built on these gap leases are unnecessary; they could be avoided through directional drilling techniques. (Pitkin County Board of Commissioners, Aspen, CO - #172.6.44200.200)

The State's efforts to prevent new roads on 70,000 acres of oil and gas leases sold since January 12, 2001, are commendable. These areas are more appropriately developed through directional drilling, and the Colorado Roadless Rule should not allow roadbuilding in Roadless Areas to access these leases. (Individual, Washington, DC - #441.5.44200.001)

BECAUSE PRE-EMPTIVE ENERGY LEASING UNDERMINES THE PUBLIC COMMENT PROCESS

Most importantly, all post-2001 leases should have strict no surface disturbance or occupancy stipulations. The pre-emptive energy leasing of USFS lands during the height of the roadless committee's work is an affront to the process and an insult to the thousands of citizens who participated—in good faith—in the roadless committee's process. The loopholes for these so-called "gap leases" most directly affect the Thompson Creek Roadless Areas, Carbondale's backyard and watershed. From any perspective of fairness, it must be eliminated. (Individual, Aspen, CO - #187.4.44200.720)

BECAUSE THE LESSEES HAVE NO SUCH PERTINENT LEGAL RIGHTS

Provisions in Section 294.33(c)(5) allowing long-term temporary roads for the "window" oil/gas leases issued between 2001 and 2006 should be deleted. We [George and Frances Alderson] believe the Forest Service has been poorly advised as to the legal rights of the lessees. Those lessees knew what they were

getting into when they bought leases in controversial Roadless Areas that were the subject of litigation, and they undoubtedly paid less for their leases than if they had been in noncontroversial areas. They have no rights against the government for the building of roads, either temporary or long term. (Individual, Baltimore, MD - #500.6. 44200.057)

4-173 Public Concern: The Forest Service should prohibit roadbuilding and surface occupancy for oil and gas leases issued after 2001.

TO PROVIDE SUFFICIENT PROTECTION UNDER THE PROPOSED RULE

The overwhelming consensus of Colorado citizens for meaningful RA [Roadless Area] protection has been ignored by the generous roadbuilding provisions in the Draft Rule allowing for oil and gas development, providing even less protection than the 2001 Rule. Under the Rule, 674 wells on 143 well pads could be built in Colorado RAs in the next 15 years, along with 135 miles of roads—almost as if there were no rule at all! RMRI [Rocky Mountain Recreation Initiative] recommends that any type of road construction and surface occupancy must be prohibited for oil and gas leases in Roadless Areas issued since the effective date of the 2001 Rule. (Recreation/Conservation Organization, Nederland, CO - #823.4.44200.680)

4-174 Public Concern: The Forest Service should prohibit roadbuilding and surface occupancy in the 2001 Inventoried Roadless Areas and the 2008 Colorado Roadless Areas.

Oil and gas leases, either prior to 2001 or after, in IRAs: there should be absolutely No Surface Occupancy or roads in any of the 2001 IRAs [Inventoried Roadless Areas] or 2008 CRAs [Colorado Roadless Areas]. (Individual, Durango, CO - #26.2.44200.001)

4-175 Public Concern: The Forest Service should state that No Surface Occupancy would be allowed under the Proposed Rule.

BECAUSE STATING NO NEW ROADS IS NOT SUFFICIENTLY COMPREHENSIVE

Merely stating no new roads is not comprehensive enough to include other methods of exploitation, such as airborne exploration. The wording would be better if the term “No Surface Occupancy” were used. We would like to see commercial operations use the best of technology to minimize impacts, such as slant drilling by energy companies. (Individual, Durango, CO - #444.3.44200.200)

TO ENCOURAGE THE ENERGY INDUSTRY TO IMPROVE NO SURFACE OCCUPANCY TECHNOLOGIES

Apply non-revocable “No Surface Occupancy [NSO]” restrictions to all gap and future gas and oil leases on CRAs [Colorado Roadless Areas], thus encouraging the energy industry to move in the desired and ecologically necessary direction of using and improving such NSO technologies as slant drilling, while eliminating the possibility of such messy wildlife-stressing options as helicopter-based operations. (Recreation/Conservation Organization, Colorado Springs, CO - #759.5.44200.200)

4-176 Public Concern: The Forest Service should clarify whether the Proposed Rule would require “obliteration” of roads no longer needed.

BECAUSE IT CURRENTLY CALLS ONLY FOR THE AFFECTED LANDSCAPE TO BE RESTORED

Under the 2001 Rule, road construction and reconstruction is allowed for the continuation, extension, or renewal of a mineral lease on lands under lease as of January 12, 2001 or for a new lease issued immediately upon expiration of an existing lease. 66 Fed. Reg. 3272–73 at [Section] 294.12(7). Under this provision, roads no longer needed must be “obliterated.” Id.

The Proposed Rule allows construction of temporary or long-term temporary roads in conjunction with mineral leases, including the construction of infrastructure necessary to transport the product. 73 Fed. Reg. 43562 at [Section] 294.33(c)(5). See also III.A. of this memorandum, above. Notably, this provision applies to lands under lease as of the effective date of the Colorado Rule. Thus, leases issued between the effective date of the 2001 Rule and the implementation of the Colorado Rule would have

authorization to construct roads under this provision, barring the existence of a non-waivable NSO [No Surface Occupancy] or other stipulation.

The Proposed Rule contains different language than the 2001 Rule regarding the removal of roads that are no longer needed. While the 2001 Rule requires that such roads be "obliterated," the Proposed Rule states that they "shall be decommissioned and the affected landscape restored." 73 Fed. Reg. 43562 at [Section] 294.33(c)(2). It is implied, but not clear, that this difference in language will lead to less protective results on the ground. (Preservation/Conservation - #799.21.44200.680)

Pipeline Construction and Maintenance

4-177 Public Concern: The Forest Service should support pipeline construction on new and existing leases in Roadless Areas.

BECAUSE TO NOT WOULD BE AN ARBITARY DECISION AND COUNTER TO LEGAL PRECEDENT

Unlike the 2001 Clinton Roadless Rule, under the RACR [Colorado Roadless Rule], pipelines may not be constructed in Roadless Areas for the purpose of transporting oil and/or gas from leases located exclusively outside of Roadless Areas. [Section] 294.35. The RACR states that it "would not restrict the construction of oil and gas pipelines in Colorado Roadless Areas where the construction of a pipeline is necessary to transport the product of an oil and gas lease within a CRA [Colorado Roadless Area] that are under lease by the Secretary of the Interior as of the effective date of the Final Rule." [Section] 294.35. In this regard, the Colorado Roadless Rule is more strict with respect to oil and gas pipelines than the 2001 Clinton Roadless Rule, and COGA [Colorado Oil & Gas Association] objects to this arbitrary Proposed Rule.

The Colorado Rule prohibits pipeline construction on new leases in CRAs after the Colorado Rule becomes effective, but would continue to allow pipelines to be built in CRAs to existing oil and gas leases. [Footnote 1: As the Forest Service is aware, the Tenth Circuit Court of Appeals recently upheld the Forest Service's interpretation of the 2001 Clinton Roadless Rule that authorized construction of a natural gas pipeline through three IRAs [Inventoried Roadless Areas]. See Wilderness Workshop v. U.S. Forest Service, 531 F3d 1220 (10th Cir. 2008).] COGA supports the provision that allows pipelines to be built to access leases existing as of the date of this rule, but this provision should be expanded to new leases in CRAs as well.

The construction of pipelines does not require construction of roads, and the impacts to CRAs would be identical regardless of when the lease was issued. COGA suggests that RACR allow for pipelines to be constructed to transport oil and gas on new leases issued in CRAs, because pipelines do not require construction of roads. As the Tenth Circuit Court of Appeals determined, the construction of pipelines in Roadless Areas does not violate the 2001 Clinton Rule. The Colorado Roadless Rule should not contain a provision prohibiting pipelines solely based on the lease issuance date. Likewise, as explained above, temporary roads must be allowed in order to develop leases that are issued with NSO [No Surface Occupancy] lease stipulations. It is completely impracticable to propose that oil and gas development and production be completed using helicopters. [Section] 294.35. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #946.6-7.44200.600)

4-178 Public Concern: The Forest Service should recognize that Roadless and Wilderness Areas will increase costs for taxpayers.

BECAUSE NATURAL GAS AND OIL PIPELINES WILL NEED TO BE DIVERTED AROUND THESE AREAS

Natural gas and oil pipelines will have to run around the Roadless and Wilderness Areas. They will have to cost us a lot more. (Individual, Grand Junction, CO - #188.1.41200.800)

4-179 Public Concern: The Forest Service should recognize that, under Alternative 1, restricting oil and gas development on existing leases will increase costs and disturbance, and limit the feasibility of development.

BECAUSE THE RESTRICTIONS WOULD MODIFY PIPELINE SITING AND ROUTING

Though there are no prohibitions on oil or gas pipelines through Inventoried Roadless Areas under Alternative 1, restriction of oil and gas development on existing oil and gas leases within roadless management areas would modify gas pipeline siting and routing, with a likely potential for increased costs, additional non-Roadless Area disturbance, and limited feasibility of pipeline development in some areas. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #814.5.44200.002)

4-180 Public Concern: The Forest Service should clarify that, under reasonable circumstances, pipeline construction would be allowed through a Colorado Roadless Area that does not originate in that Roadless Area.

BECAUSE THE INTENT AND PURPOSE OF THE PROVISION PROHIBITING SAME

We [Noble Energy, Inc.] recommend the following clarifications be incorporated into the proposed language before it is finalized:

Pipelines between Colorado Roadless Areas (CRAs) – Section 294.35 – We [Noble Energy, Inc.] are unclear as to the intent and purpose of the provision which specifically states that a pipeline is prohibited through a CRA which does not originate in a CRA. It would appear that this is an attempt to derail efforts to build pipelines through CRAs merely out of convenience, but it also leaves other valid circumstances hanging in the wind; such as when there is an existing right of way (ROW) through a CRA that could be utilized, or if it makes reasonable sense to cross a CRA with a pipeline which exists between valid leases for less overall surface disturbance, or if the source originates within a lease that is adjacent to, or surrounded by CRAs, leaving no other alternative route to build a pipeline.

Why a conveyance for existing and future utility and water structures but not natural gas? - Section 294.33(b)(6): Water lines are typically buried with oil and gas pipelines, they create the same surface disturbance and they use the same size ROW, so why are they granted a conveyance but oil and gas pipelines are not? If there are mitigating circumstances for oil and gas pipelines, then they should have their own conveyance. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #469.2.44200.640)

4-181 Public Concern: The Forest Service should eliminate the restriction on construction of pipelines originating outside of and crossing Roadless Areas, under Alternative 2.

BECAUSE THE AGENCY HAS NOT PROVIDED ADEQUATE REASONING FOR THE RESTRICTION

The USFS has not provided adequate explanation as to why oil and gas pipelines originating outside of and crossing Roadless Areas would be prohibited under Alternative 2. In the DEIS, the USFS has not provided adequate reasoning as to why this specific oil and gas pipeline restriction has been included in Alternative 2; therefore, it should be dropped from further consideration. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #814.8.44200.640)

BECAUSE THE RESTRICTION CREATES AN UNNECESSARY BARRIER TO DEVELOPMENT

With regard to gas pipelines being constructed through CRAs [Colorado Roadless Areas], Alternative 2 creates an unnecessary barrier to development. If development of oil and gas leases occurs adjacent to a CRA boundary so that some wells are in the CRA on existing leases and some wells are outside the CRA, and the best alternative to transport the gas is to build a pipeline through the CRA, then wells drilled within the CRA are eligible to access the pipeline but wells drilled on the outside of the boundary of the CRA would not be eligible to transport gas through the pipeline. This situation would result in reducing the value of oil and gas leases and mineral rights outside of CRAs which could only be developed by transporting gas through a CRA. This could also prevent gas wells located outside of a CRA from being connected to an existing pipeline within a CRA. Again, the prohibitions in

Alternative 2 fail to fully disclose all situations which may arise that present a barrier to oil and gas development or preclude oil and gas resources from getting to a market. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Houston, TX - #811.2.44200.800)

BECAUSE THE RESTRICTION WILL AFFECT EFFORTS TO INCREASE PIPELINE CAPACITY AND WILL PREVENT DEVELOPMENT

Under Alternative 2, there are prohibitions on oil or gas pipelines, whether permanent or temporary, through IRAs [Inventoried Roadless Areas] from sources outside IRAs. This will substantially affect efforts to increase pipeline capacity in the future by requiring longer routes or preventing development altogether. This prohibition would have significant economic consequences to surface and mineral owners. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #814.9.44200.850)

4-182 Public Concern: The Forest Service should allow gathering line and collector pipeline construction to connect to existing infrastructure within Inventoried Roadless Areas.

Section 294.35 Oil and Gas Pipelines of the Proposed Rule specifically prohibits the construction of pipelines which will transport gas from a source or sources located exclusively outside of a Colorado Roadless Area. 73 Fed. Reg. 43544, 43536 (July 25, 2008) to be codified at 36 CFR [Section] 294.35. There are numerous valid existing oil and gas leases which straddle IRA [Inventoried Roadless Area] boundaries or are immediately adjacent to IRA boundaries. As currently drafted, the Rule would not allow gas produced from an area of a lease outside of an IRA to be transported to a pipeline within the IRA on that very same lease. Below are examples of currently valid leases which are located within and outside of IRAs.

Examples of single leases within multiple IRAs include:

- COC 058839 exists in Reno Mt., Baldy Mt., and East Willow IRAs
- COC 0015294 exists in Reno Mt. and Baldy Mt. IRAs
- COC 0141697 exists in Hightower and Reno IRAs
- COC 0015294 exists in Reno Mt. and Baldy Mt. IRAs

Examples of leases that straddle an IRA boundary include:

- COC 030465 is both within and outside of Clear Creek IRA
- COC 05887 is both within and outside Baldy Mt. IRA
- COC 066708 is both within and outside East Divide/Four Mile Park IRA
- COC 058841 is both within and outside Baldy Mt. IRA

(Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #504.3.44200.640)

TO REDUCE UNNECESSARY AND SIGNIFICANT NEW DISTURBANCE AND POTENTIAL ENVIRONMENTAL IMPACTS

The Proposed Rule would not allow for new gathering lines or collector pipelines from outside IRAs [Inventoried Roadless Areas] to connect to already existing infrastructure within IRAs such as roads, pipelines, and utility corridors even when doing so would serve to reduce or minimize environmental impacts. For example, numerous valid oil and gas leases exist today within and adjacent to IRAs in the GMUG [Grand Mesa, Uncompahgre and Gunnison] and White River National Forests. These same IRAs currently have existing infrastructure, including roads and pipelines. The Proposed Rule would force the operator to route infrastructure, in some cases for several miles, around IRAs rather than utilizing the existing infrastructure which is already within the IRA. This will result in unnecessary and significant new disturbance and potential environmental impacts. A specific example of this is as follows:

Federal lease COC 70360 is adjacent to the Clear Creek IRA. The Clear Creek IRA contains multiple gas wells, a natural gas pipeline and gathering system, compressor station, and miles of roads. GEC [Gunnison Energy Corporation] plans to drill a well on lease COC 70360. The gas gathering line for this well could travel a short quarter mile along an existing road and tie into the existing pipeline and gathering system within the Clear Creek IRA. There would be no new surface disturbance within the IRA, and the only new surface disturbance outside of the IRA would be for the new drilling location. If the Colorado Rule will not allow utilization of this existing infrastructure, then a new pipeline would

have to be constructed outside of the IRA. As the attached map indicates, the distance that the new pipeline would travel is much greater, resulting in much more significant surface disturbance and associated impacts.

There are at least three solutions to this problem. The first is to add the following language to paragraph 294.35: "Notwithstanding the above, to the extent which a pipeline or gathering line currently exists within a CRA [Colorado Roadless Area], crosses a CRA, or is adjacent to a CRA, new gathering lines or pipelines may be connected to such existing gathering lines or pipelines from sources either inside or outside of CRAs if necessary for the continuation or extension of leases existing as of the date of this rule, regardless of whether said leases are located within a CRA."

The second is to distinguish between "transmission" type pipelines from smaller "gathering" or "collector" type pipelines. This could be accomplished by defining each type of pipeline by size or by limitation as to "gathering" from a single field or limited number of leases.

The third is to allow gathering lines and pipelines which carry gas from sources outside Roadless Areas to be considered for approval by the Forest Service after consultation with the State on a case-by-case basis. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #504.4-5.44200.200)

4-183 Public Concern: The Forest Service should ensure that, after access roads are closed, resources are removed by pipeline or other non-disruptive modes of conveyance from Roadless Areas.

Resources moved out of the CRA [Colorado Roadless Area] after roads are closed shall be moved by pipelines or other modes of conveyance that minimize noise, dust, air pollution, and other disturbances. (Individual, Denver, CO - #488.9.44000.250)

4-184 Public Concern: The Forest Service should apply the same restrictions on new oil and gas leases as on existing leases.

TO ALLOW ACCESS TO LEASES WHERE NO ADVERSE EFFECTS WOULD ACCRUE

The RACR [Colorado Roadless Rule] allows for temporary roads and pipeline construction to existing leases. COGA [Colorado Oil & Gas Association] recommends placing the same restrictions that apply to existing oil and gas leases (as well as those issued between 2001 and 2006) on new oil and gas leases in CRAs [Colorado Roadless Areas]. For example, if new leases can be accessed by existing roads (with minimal new temporary roads), they should not be burdened with non-waivable No Surface Occupancy (NSO) stipulations for protection of the Roadless Area. Moreover, as explained below, these lease stipulations should be subject to Forest Service discretion because future changes in land status and surface conditions may allow access without impacts to CRAs. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #946.4.44200.200)

4-185 Public Concern: The Forest Service should prohibit oil and gas pipelines in Roadless Areas.

Oil and gas pipelines should not cross Roadless Areas. (Individual, Grand Junction, CO - #223.2.44200.001)

Prohibitions on construction of oil and gas pipelines through CRAs [Colorado Roadless Areas] under the Proposed Rule are to be supported. (Recreational, Boulder, CO - #911.12.44200.001)

4-186 Public Concern: The Forest Service should not allow construction of an oil and gas pipeline based on a single lease.

BECAUSE THE INVESTMENT CANNOT BE JUSTIFIED BY A SINGLE LEASE

Alternative 2 for oil and gas pipelines doesn't make sense. An investment in an oil and gas pipeline is not justified by a single oil and gas lease (that may or may not be a prospect or part of a proven tract) that is within a certain tract. Pipelines require a huge monetary and time investment that relies on an

entire tract of oil and gas leases. So to say that a pipeline cannot be constructed through an IRA [Inventoried Roadless Area] unless it is associated with a lease within the IRA isn't justifiable. A pipeline investment is dependent on the development from many leases (Federal and private) and often includes reserves developed by more than one operator. As such, a single larger pipeline could serve to minimize the impact (construction and disturbance) of several operators trying to get their gas to the same point. (Individual, Hotchkiss, CO - #228.3.44200.850)

Waivers, Modifications, Exceptions, and Restrictions

4-187 Public Concern: The Forest Service should revise the Proposed Rule to allow waivers, modifications, and exceptions to oil and gas lease stipulations.

TO ALLOW FOR CORRECTION OF ERRORS AND FAULTY ASSESSMENTS

Currently, the USFS has the ability to grant exceptions and waivers to a stipulation of a valid and existing mineral lease that may not reflect the true nature of the ground characteristics. It is unclear if under this new language that ability has been taken away and IPAMS [Independent Petroleum Association of Mountain States] would like the language to clearly state that the local USFS representatives retain the ability to make a common sense decision regarding an "on-the-ground" assessment and not be subject to an arbitrary line made outside of the local forest. Mapping mistakes, data entry errors, or even boundaries made for convenience rather than true assessments need to be allowed to be addressed if necessary. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #950.3.44200.023)

4-188 Public Concern: The Forest Service should revise the Proposed Rule to allow waivers, modifications, and exceptions to oil and gas lease stipulations that prohibit roadbuilding.

TO ALLOW HOLDERS OF EXISTING LEASES TO ACCESS AND DEVELOP THEIR LEASES

The Proposed Rule purports to respect valid existing rights. See 73 Fed. Reg. 42 546. However, the Proposed Rule at [Section] 294.33 specifically provides that the Forest Service shall not agree to waive, except, modify, or otherwise remove any oil and gas lease stipulation that prohibits or restricts roadbuilding or otherwise prohibits surface occupancy within any designated Colorado Roadless Area. If adopted, this Rule would prevent Puckett [Puckett Companies] from realizing its reasonable, investment-backed expectations for development of its oil and gas leases. Leases COC-68800 and 68801 were sold at a public competitive lease sale on August 11, 2005, at a time when the 2001 Roadless Rule was enjoined by Order of the U.S. District Court for the District of Wyoming. Therefore, when Puckett purchased these leases, it did so with a reasonable expectation that road construction or reconstruction would be permitted to access the leases.

Puckett expected that, as a result of the rescission of the 2001 Roadless Rule and the publication of the State Petitions Rule, waivers, modifications or exceptions to the roadless stipulation would be granted in conformance with the land use plan as provided in 36 CFR [Section] 228.104. However, the Proposed Rule unilaterally alters that scheme which was in effect at the time that Puckett purchased the leases. Therefore, Puckett's valid existing rights under these oil and gas leases will not be protected under the terms of the Proposed Rule. We believe that the Rule should authorize the Forest Service and the Bureau of Land Management to modify lease stipulations, particularly if the State concurs with the exception and modification. This flexibility is essential because no rule can be written to contemplate and properly address each and every specific factual situation that may arise now or 20 years in the future. It is also essential in order to protect Puckett's valid existing rights. Puckett's leases are surrounded by significant development and offset in some areas by private lands which could drain Puckett's leases. Under the Proposed Rule, Puckett would have no opportunity to protect the lease premises from drainage. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable) - #793.1-2.44200.600)

FOR LEASES PURCHASED AFTER THE 2001 ROADLESS RULE WAS ENJOINED AND WHEN MODIFICATIONS WERE ALLOWED

At a minimum, the Proposed Rule should be modified to allow waivers, exceptions, and modifications to existing leases within Inventoried Roadless Areas so as to authorize reasonable development opportunities of those leases. This modification is essential given the fact that the Forest Service (through the Bureau of Land Management) invited public bids on the lands at a time when the application of the 2001 Roadless Rule had been enjoined and the governing legal scheme authorized waivers, exceptions, and modifications in accordance with the regulations and the land use plan. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable) - #793.4.44200.023)

BECAUSE IT IS UNLAWFUL FOR THE FOREST SERVICE TO MODIFY EXISTING LEASE STIPULATIONS

Section 294.33(c)(5) states that the Forest Service will not agree to grant oil and gas lease stipulation exceptions, modifications, and waivers that prohibit road construction in CRAs [Colorado Roadless Areas]. COGA [Colorado Oil & Gas Association] objects to the Proposed Rule that Forest Service is not authorized to allow the Bureau of Land Management (BLM) to grant exception, modification, or waivers of the NSO [No Surface Occupancy] stipulations on existing or future leases in Roadless Areas. The Department of the Interior, through BLM, issues oil and gas leases on behalf of the Federal government. BLM is the department authorized to grant or modify lease stipulations. 43 CFR [Section] 3101.1-4 and 3000.0-5 (definition of Authorized Officer as employee of BLM); see BLM Manual H-1601-1 at Appendix C-24; see also 1991 Colorado Oil and Gas Leasing and Development FEIS at E-1. The Forest Service may not restrict BLM's authority to grant lease stipulation exceptions, modifications, and waivers in the protection of natural resources. See id. The Forest Service should include a more flexible alternative to allow local land managers to assess the status of the land at the time it must make a 70409546.2 3 decision. This flexibility is needed for the Forest Service to allow it to protect additional resources and public lands in the event on-the-ground conditions change after the implementation of the Proposed Rule.

If an existing lease authorized exceptions or waivers to surface disturbance stipulations, the Forest Service's Proposed Rule ([Section] 294.33(c)(5)) prohibiting exceptions and waivers is an unlawful attempt to modify a lease stipulation on existing leases. COGA recommends that this rule be changed to allow for lease stipulation exceptions, modifications, and waivers so that Forest Service and BLM land managers are given flexibility to adapt to changes in land conditions. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #946.5.44200.020)

4-189 Public Concern: The Forest Service should clearly state that local National Forest representatives retain the authority to grant exceptions and waivers to existing lease stipulations.

TO ALLOW COMMON SENSE DECISIONS REGARDING ON-THE-GROUND ASSESSMENTS

We [Noble Energy, Inc.] recommend the following clarifications be incorporated into the proposed language before it is finalized:

Exceptions & Waivers – Currently, the USFS has the ability to grant exceptions and waivers to a stipulation of a valid and existing mineral lease that may not reflect the true nature of the ground characteristics. It is unclear if, under this new language, that ability has been taken away and we at Noble Energy, Inc. would like the language to clearly state that the local [National] Forest representatives retain the ability to make a common sense decision regarding an "on-the-ground" assessment and not be subject to an arbitrary line made outside of the local [National] Forest. Mapping mistakes, data entry errors, or even boundaries made for convenience, rather than true assessments, need to be allowed to be addressed if necessary. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #469.3.44000.160)

4-190 Public Concern: The Forest Service should ensure that the Proposed Rule grants the Agency the authority to waive Rule provisions, and the Agency and the Bureau of Land Management the authority to modify lease stipulations.

BECAUSE NO RULE CAN CONTEMPLATE AND ADDRESS ALL FUTURE SITUATIONS

As currently drafted, the Rule would not allow the Forest Service or BLM [Bureau of Land Management] to waive or modify lease stipulations. Further, the regulations as currently drafted do not allow for exceptions to the Colorado Roadless Rule itself. GEC [Gunnison Energy Corporation] believes that the Rule should provide for the Forest Service the authority to waive provisions of the Rule and to authorize the Forest Service and BLM to modify lease stipulations, particularly if the State concurs with the exception or modification. This flexibility is essential since no rule can be written to contemplate and properly address each and every specific factual situation that may arise now or 20 years in the future. This flexibility is needed to avoid the Colorado Roadless Rule requiring actions which will cause greater wildlife impacts, [and] greater surface disturbance or greater impacts to IRAs [Inventoried Roadless Areas] or areas adjacent to IRAs to occur because exceptions cannot be made. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #504.2.44200.020)

4-191 Public Concern: The Forest Service should support exceptions for new temporary roads.

TO ACCESS OIL AND GAS LEASES WHERE NATURAL RESOURCES, WILDLIFE, AND ROADLESS AREAS WILL NOT BE ADVERSELY AFFECTED

COGA [Colorado Oil & Gas Association] supports the RACR [Colorado Roadless Rule] exceptions when roads are authorized in CRAs [Colorado Roadless Areas], but encourages the Forest Service to add additional exceptions. The RACR should allow for 70409546.2 2 additional temporary roads to access oil and gas leases in situations where natural resources, wildlife, and Roadless Areas will be not be adversely affected. For example, in areas that are already under lease and where such leases pre-date the Colorado Rule, access to new leases should not be precluded from adjacent leases or when the new leases would use the same access roads and pipelines. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #946.1.44200.200)

4-192 Public Concern: The Forest Service should extend the same exceptions that allow for construction and maintenance of roads for future utility and water conveyance structures to new oil and gas pipelines.

BECAUSE THE NATURE OF THE IMPACTS ARE NEARLY IDENTICAL

COGA [Colorado Oil & Gas Association] supports the exceptions that allow for the construction and maintenance of roads for existing and future utility and water conveyance structures. [Section] 294.33(b)(6). COGA suggests that this exception be extended to oil and gas pipelines because the nature of the impacts from utility and water structures are nearly identical to those of oil and gas pipelines. COGA further supports the classification of roads to existing oil and gas leases (those existing at the time of the Colorado Rule) as temporary or long-term temporary roads. [Section] 294.33(c)(4). The use of “temporary roads” would allow the Forest Service to continue to lease in CRAs [Colorado Roadless Areas] where the impacts to Roadless Areas can be mitigated and would not alter the overall character of the landscape. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #946.2.44200.640)

4-193 Public Concern: The Forest Service should not support onerous restrictions on new oil and gas leases in Colorado Roadless Areas.

BECAUSE THEY ARE UNREALISTIC AND PLACE ALL UNLEASED ROADLESS AREAS OFF LIMITS TO OIL AND GAS DEVELOPMENT

The RACR [Colorado Roadless Rule] allows for the Forest Service to issue new oil and gas leases, but future lessees are prohibited from road construction and reconstruction. [Section] 294.33. The Proposed Rule allows oil and gas drilling; however, access roads for drilling and production are not allowed. Id.

The Proposed Rule suggests development by helicopter access or by directional drilling from areas outside of the Roadless Areas. COGA [Colorado Oil & Gas Association] objects to the onerous restrictions placed on new oil and gas leases issued in CRAs [Colorado Roadless Areas]. These restrictions on oil and gas development are unrealistic and in effect, place all unleased CRAs off limits to oil and gas. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #946.3.44200.600)

Site-Specific Comments

4-194 Public Concern: The Forest Service should allow mineral leasing in the Mamm Peak and Battlement Mesa Inventoried Roadless Areas.

BECAUSE OF THE SIGNIFICANT NATURAL GAS POTENTIAL IN THOSE AREAS

Based on the significant natural gas potential in the Mamm Peak and Battlement Mesa IRAs [Inventoried Roadless Areas], we [Black Diamond Minerals, LLC] recommend allowing leasing of minerals in the Mamm Peak and Battlement Mesa IRAs and apply lease stipulations that would allow "temporary roads" and pipelines. Stipulations could be placed on oil and gas leases to mitigate impacts on environmental resources, which is already done in environmentally sensitive areas, but still allow oil and gas development (mostly natural gas). (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #270.5.44200.200)

4-195 Public Concern: The Forest Service should not allow mineral leasing in the Mamm Peak Inventoried Roadless Area.

BECAUSE IT IS A HIGH-PRIORITY HABITAT FOR MANY SPECIES AND A MIGRATION CORRIDOR

Battlement Mesa, a 20-mile-long ridge dividing Plateau Creek from the Colorado River, contains the Mamm Peak Roadless Area, including the rugged peaks of Sugarloaf and Haystack Mountains.

Because of its varied topography and vegetation, the Mamm Peak Roadless Area has been identified by the Colorado Division of Wildlife as high-priority habitat for mule deer, elk, bear, wild turkey, and cutthroat trout. [Footnote 23: www.roadless.org/p-mamm-peak-164.html]

Straddling a long wildland corridor from De Beque to Thompson Creek, it serves as a seasonal transit zone and calving area for big game. Now development of private lands to the north of Battlement Mesa and natural gas development throughout the region is forcing wildlife to use this Roadless Area for migration, underscoring the importance of maintaining the ecological integrity of these roadless acres by protecting them from further development. (Preservation/Conservation - #799.53.44200.330)

4-196 Public Concern: The Forest Service should prohibit development of oil and gas leases issued after 2001 on the Clear Forks Divide.

TO PROTECT ONE OF COLORADO'S LARGEST TRACTS OF INTACT BACKCOUNTRY

Covering more than 94,000 acres, Clear Forks Divide, south and west of Carbondale, represents one of Colorado's largest tracts of intact backcountry. It is also considered by many to be under the greatest threat from new oil and gas leases.

Clear Forks Divide splits three watersheds, and its six sprawling forests include rugged canyons, aspen-covered rolling hills and mature spruce stands. Much of Clear Forks is within the Grand Mesa, Uncompaghre and Gunnison National Forest and White River National Forest, which, according to the Forest Service, draws more outdoor enthusiasts than any other National Forest in the Nation. It also serves as an important migration corridor for elk and contains some of the state's best black bear habitat. Its rivers and streams host cutthroat trout, which in Colorado are under threat from loss of habitat and water diversion. [Footnote 22: http://www.tu.org/atf/cf/%7BED0023C4-EA23-4396-9371-8509DC5B4953%7D/Roadless_CO_fi nal.pdf] Visitors are attracted by the lure of unparalleled ice and rock climbing, spectacular hiking, prized fishing and world-class big-game hunting.

Although these areas were protected from development by the 2001 Roadless Rule, 45 leases have been proposed by the administration since 2001, which would allow nearly 31,000 acres—one third of this magnificent backcountry—to be developed for oil and gas drilling.

Oil and gas development here could quickly and permanently change the landscape, threatening hiking and climbing along Thompson Creek, a popular destination, providing excellent hiking, climbing and boasting great views of Mount Sopris and the Roaring Fork Valley. (Preservation/Conservation - #799.52.44200.002)

4-197 Public Concern: The Forest Service should recognize that oil and gas development in the HD Mountains Roadless Area is authorized.

BECAUSE THE FOREST SERVICE ANTICIPATES 158 NEW WELLS OVER THE NEXT 5 YEARS IN THE SAN JUAN NATIONAL FOREST

The Forest Service should recognize that oil and gas development in the HD Mountains Roadless Area is authorized.

The DEIS states that leases in the San Juan Sag (i.e., geologic area) of the San Juan National Forest "are considered to have low potential for development in the next 15 years…." DEIS at 105. This is not correct, and overlooks decisions made by the Forest Service that authorize oil and gas development in this area. The Forest Service recently issued the FEIS and Record of Decision for the Northern San Juan Basin Coalbed Methane Project. See Notice of Availability of the FEIS for the Northern San Juan Basin Coalbed Methane Project, 71 Fed. Reg. 45845 (2006). The Forest Service anticipates that 158 wells will be drilled within the San Juan National Forest over the next 5 years on leases subject to the EIS. See FEIS for the Northern San Juan Basin Coalbed Methane Project, Vol. I at 2-7. A number of those wells will be on existing leases within the HD Mountains Roadless Area. See id., Vol. II at Fig 3-48. The Forest Service should revise the FEIS to state that existing leases in the HD Mountains Roadless Area, and elsewhere in the San Juan National Forest, will likely be developed in the near future. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Dallas, TX - #410.4.44200.160)

4-198 Public Concern: The Forest Service should prohibit development of oil and gas leases issued after 2001 on the HD Mountains.

TO PROTECT THE REGION'S OLD-GROWTH PONDEROSAS AND OTHER ENVIRONMENTAL AND CULTURAL RESOURCES

The administration's proposal would allow development of oil and gas leases issued since the adoption of the 2001 Roadless Rule, permitting industry to drill in much of the last wild landscape of the HD Mountains.

This region contains the most magnificent of the few old-growth ponderosa pine forests remaining in the state, where 250-year old trees often exceed 3 feet in diameter. Visitors enjoy the opportunity to horseback ride through the rugged country year-round. Streams in the HDs incise deep valleys, its mountains span the big game migration corridor for elk and mule deer, and its canyons are home to hundreds of 1,000-year-old archeological sites. These prized backcountry lands were protected from development under the 2001 Roadless Rule. (Preservation/Conservation - #799.54.44200.002)

Environmental Impacts

4-199 Public Concern: The Forest Service should support site-specific analyses to protect Roadless Areas.

BECAUSE "GAP LEASES" HAVE LEFT ABOUT 57,000 ACRES IN LIMBO

I think that this particular proposed action is not necessarily going to affect our forest that much, the Rio Grande National Forest. But I know that, because of the gap leases that have occurred, specifically in the GMUG [Grand Mesa, Uncompahgre and Gunnison] and White River National Forest[s] between the 2001 Roadless Rule and this Proposed Colorado Rule, that we're dealing with about 57,000 acres that

are in limbo regarding oil and gas leases and temporary long-term roads that are going to be built. So I have a problem with that concept.

And I understand it was a way to kind of help define how we were going to deal with this issue of oil and gas leases and also mitigation that's occurring around communities. But I feel that we really need to work on site-specific ways to protect these Roadless Areas for the future. (Individual, Crestone, CO - #976.2.44200.200)

4-200 Public Concern: The Forest Service should hold oil and gas developers to standards that protect public health.

BECAUSE POLLUTION FROM OIL AND GAS DEVELOPMENT COMPROMISES WILDLIFE AND HUMAN HEALTH AND LOCAL ECONOMIES

It is time for us to hold oil and gas developers to standards that protect public health and quality of life in Colorado. Oil and gas developers have created tremendous pollution of air, groundwater, and surface water, destroying wildlife habitat and creating subtle but long-lasting health problems for the communities near the drilling sites. This threatens industries including tourism, ranching, farming, and outdoor recreation such as hiking, fishing, and hunting (see http://www.alandoutoftime.com/).

At least 65 chemicals used by natural gas companies in Colorado are listed as hazardous under six major federal laws designed to protect Americans from toxic substances (see http://www.ewg.org/reports/injection). Further, 430 million gallons of chemical-laced fluids have been injected into more than 9,000 oil and gas wells in Colorado, mostly along the northern Front Range and the Western Slope (see http://www.endocrinedisruption.com/).

In Colorado, accidental leaks and deliberate releases inject more than 5.6 million tons of methane and carbon dioxide into the air every year. Requiring the use of the latest technologies to prevent the escape of approximately half the natural gas in a deposit during drilling, because of intentional venting and flaring, would preserve the environment, benefit consumers, and benefit gas companies. British Petroleum has changed its procedures for gas well completions. Previously, natural gas was vented into the atmosphere, releasing 100 million to 200 million cubic feet of natural gas per day for approximately 3 days. Now the company captures that gas and sells it. Williams Companies similarly reported high returns of $9 back for every $1 it spends (see eryngable.com). Other developers complain that these technologies are too expensive, yet they stand to gain in the long term by investing in the methane-capturing technology. It's time for oil and gas developers to use some of their record-breaking profits to clean up their act. (Individual, Del Norte, CO - #264.1.44200.201)

4-201 Public Concern: The Forest Service should fully address potential impacts of precluding oil and gas development under Alternatives 1 and 2.

BECAUSE THE DEIS IS LIKELY TO FAIL ON NEPA IMPACTS ANALYSIS

Alternative 1 is wholly based on the 2001 Roadless Rule and Alternative 2 is a variation of the 2001 Roadless Rule. On August 12, 2008, the United States District Court for the District of Wyoming again found that the Forest Service promulgated the Roadless Rule in violation of the National Environmental Policy Act (NEPA) and the Wilderness Act. Alternatives 1 and 2 in the DEIS for the proposed Colorado Rule are likely to fail the NEPA test again for failure to disclose the full impacts of prohibiting development for oil and gas as well as other resources.

The DEIS does not disclose how much oil and gas reserves will be precluded from development under Alternatives 1 or 2. Until such reserves are known, the DEIS is deficient in disclosing the full impacts of precluding oil and gas development under Alternatives 1 and 2. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Houston, TX - #811.1.44200.131)

4-202 Public Concern: The Forest Service should fully address potential impacts of oil and gas activities, time frames, the "cradle-to-grave" approach to roads, and how costs will be borne under the Proposed Rule.

BECAUSE OF THE POTENTIAL LARGE NUMBER OF WELLS, THEIR LONG-LIVED NATURE, AND THE NEW TECHNOLOGIES INVOLVED IN RESOURCE EXTRACTION

The Proposed Rule allows over 250 percent the number of oil and gas wells the 2001 Rule would allow in CRAs [Colorado's Roadless Areas]. This number of wells may not be as much a concern to roadless values as the locations of those wells and the roads necessary to construct and sustain them. We [American Mountain Guides Association] are learning that oil and particularly gas fields/wells are able to produce for decades. New technologies and decreasing costs for directional drilling make reserves located beneath Roadless Areas more retrievable without impacting roadless values. The Proposed Rule does not adequately address oil and gas impacts, the timeframes involved, the cradle-to-grave approach to roads, and how costs will be borne. (Recreational, Boulder, CO - #911.13.44200.002)

4-203 Public Concern: The Forest Service should support regulation of the "fracking" process used in natural gas extraction.

BECAUSE IT MAY AFFECT GROUNDWATER WELLS

I'd love to know what you know about "fracking" and how this nasty chemical process might be affecting my groundwater! I'm in Weld County where there is an awful lot of natural gas drilling. Where can I take or send samples of my water to be tested for benzene? Why isn't this process regulated? (Individual, Erie, CO - #498.1.44200.243)

4-204 Public Concern: The Forest Service should monitor water quality in Roadless Areas to ensure that water used in resource exploration and extraction meets water quality standards.

BECAUSE INDUSTRIAL PROCESSES MUST CEASE UNTIL THE CONTAMINATION SOURCE IS FOUND AND ELIMINATED

Before being released into a stream, pond, or body of water in the CRA [Colorado Roadless Area], water used in resource exploration and extraction or other industrial processes must be determined to meet standards based on water in streams and ponds in the CRA unaffected by contamination. CRA water quality should be monitored on a regular basis by parties not related to the industrial users of the CRA. When water contamination likely related to resource-related activities is discovered, industrial processes in the CRA must stop until the contamination source is found. The offending operation must not become active again until the source of contamination is eliminated. (Individual, Denver, CO - #488.5.44000.243)

4-205 Public Concern: The Forest Service should ensure that drilling waste, product water, and other associated waste is managed in compliance with the Resource Conservation Recovery Act.

The Colorado Rule should reemphasize that drilling waste, product water, and other associated waste must be managed and must comply with the provisions of the Resource Conservation Recovery Act. (Individual - #1029.49.44200.139)

4-206 Public Concern: The Forest Service should require mining concerns to pay reconstruction funds up front.

BECAUSE TOO MANY MINING CONCERNS HAVE POSTED RECONSTRUCTION FUNDS AND THEN JUST MOVED ON

If resource exploration is allowed with its destruction of habitat, then funds for returning the land to its natural state must be paid up front. Too many mining operations have been allowed to destroy the land

after posting minimal reconstruction funds and then just moving on. (Individual, Boulder, CO - #385.1.44000.800)

4-207 Public Concern: The Forest Service should suspend rulemaking until the impacts of oil and gas development in Colorado's pristine backcountry have been thoroughly assessed.

TO ENSURE A BALANCED APPROACH TO ENERGY DEVELOPMENT

The Federal government's plan to develop oil and gas projects in Colorado's most pristine backcountry has not been thoroughly assessed for its impact on clean water, valuable fish and wildlife habitat, and recreational opportunities. Moreover, it has not weighed the potential threat that the drilling could pose to these remarkable landscapes against the energy that could be generated from the development. Until Colorado and the nation know more, the Bush administration should not press forward.

Governor Ritter can best serve Colorado and the nation by calling on the Bush administration to suspend its new rulemaking until the full impact of the approximately 100 new oil and gas leases on water quality, valuable fish and wildlife [habitat], outdoor recreation, and the state's economic future can be thoroughly assessed. This prudent and precautionary step is essential to a balanced approach to energy development in the state. It also will ensure that Colorado's last pristine forests will be preserved for future generations. (Preservation/Conservation - #799.56.44200.002)

4-208 Public Concern: The Forest Service should ensure that the estimates of oil and gas potential are accurate.

TO ACCOUNT FOR LEASES ISSUED AFTER THE PROPOSED RULE WAS WRITTEN UNTIL THE DATE IT IS FINALIZED

If the Proposed Rule is finalized, Colorado Roadless Areas would become subject to what the Proposed Rule characterizes as "much more opportunity for oil and natural gas development and production than the 2001 Rule and slightly less than the [forest plans]." Id. [73 Fed. Reg.] at 43553 Table 2. The DEIS, Proposed Rule, and sworn testimony by the Forest Service in litigation over the 2005 Rule are inconsistent on the precise number of leases and acreage within Roadless Areas that would be subject to oil and gas development. The DEIS puts this at just under 70,000 acres. [Footnote 27: DEIS at 117 ("57,500 CRA acres that were issued between January 12, 2001 and September 19, 2006, and that do not have lease stipulations prohibiting surface occupancy or road construction would be allowed to establish road access to their leases"; plus "10,100 CRA [Colorado Roadless Area] acres that were issued since September 20, 2006, and that have road prohibitions in stipulations directly linked to the 2001 Rule...").] The Forest Service's testimony in 2006 also listed approximately 70,000 leased acres in Inventoried Roadless Areas not subject to No-Surface Occupancy stipulations (NSOs). [Footnote 28: Declaration of Tracy Parker, Lockyer, filed November 1, 2006. Ms. Parker's sworn declaration attached a table of oil and gas leases in Inventoried Roadless Areas. In Colorado, this acreage totaled just over 83,400 acres. The acres in Colorado Inventoried Roadless Areas with No Surface Occupancy stipulations totaled approximately 12, 400 acres.]

Neither of these accounts for any additional acres leased after the date it was written through the date the Proposed Rule is finalized, however, which would increase the total acreage potentially subject to oil and gas development and associated roads. The Proposed Rule authorizes roads to access leases issued up until its effective date, see 73 Fed. Reg. 43562 at [Section] 294.33(c)(5), meaning that ongoing lease sales through the effective date will continue to increase the total affected acreage unless they are subject to irrevocable NSO stipulations. (Preservation/Conservation - #799.6-7.44200.200)

4-209 Public Concern: The Forest Service should analyze what potential future energy resources may be present and possibly foregone in Colorado Roadless Areas.

TO INCLUDE THE POTENTIAL EFFECT OF LOST OPPORTUNITIES FOR EXPLORATION AND PRODUCTION

As the United States faces and increasing energy crisis, future energy production possibilities, as a result of implementation of the alternatives, needs to be expanded to include what is beyond that currently under lease in areas being considered for inclusion in the CRAs [Colorado Roadless Areas]. The discussion of the future leasable minerals: oil and gas, needs to be expanded to describe what energy resources may be present and possibly foregone. Table 20. Leases in Roadless Areas (IRAs [Inventoried Roadless Areas]) with a high potential for development of natural gas resources contradicts the description on page 117, second bullet which states "The potential for future oil and gas leases and production in unleased CRAs acres cannot be reasonable quantified at this time." Table 20 subjectively describes the potential for natural gas production as high yet in describing effects of implementing Alternative 2, minimizes this potential because specific quantities cannot be identified [and] dismisses what resources can be economically recovered and contributed to the national energy need. Once the recognition of the potential resource is stated, the Forest Service needs to include in this EIS the effect of the lost opportunities for exploration and production from these areas as it can be expected to help meet the national demand for these products as a result of not offering these areas for lease or so restricting the surface occupancy that the resource becomes unavailable. This is often stated as "poor conservation" or leaving economically recoverable minerals in the ground, in this situation, a result of limited access. (Individual, Commerce City, CO - #1045.9.44200.800)

4-210 Public Concern: The Forest Service should state that the Proposed Rule is not intended to alter the standards applicable to, or reduce the effects of, oil and gas development.

BECAUSE THOSE STANDARDS AND EFFECTS ARE DETERMINED BY FOREST PLANS AND LEASE TERMS

The Forest Service should state in the Preamble to the Final Rule and in the FEIS that the Proposed Rule is not intended to alter the standards applicable to, nor reduce the effects of, oil and gas development on existing leases. Those standard and development effects are determined by the forest plans, other agency guidance, and lease terms. Given that the existing oil and gas leases are valid, existing rights, the Proposed Rule cannot unreasonably restrict the development of those leases. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Dallas, TX - #410.6.44200.160)

4-211 Public Concern: The Forest Service should revise the Regulatory Impact Analysis and Cost-Benefit Analysis.

BECAUSE EXISTING ERRORS DIMINISH THE APARENT FISCAL IMPACT OF THE PROPOSED RULE

The Proposed Rule requests comment on the assumptions and conclusions used in the Regulatory Impact Analysis and Cost-Benefit Analysis. Table 3 [Table E3 of the Proposed Rule] incorrectly shows statewide tax and mineral revenue sharing for Alternative 3 (manage under land use plans) of only $26,825 compared to $6,146,000 for the 2001 Rule and $24,481,000 for the Proposed Rule. This error obviously skews the cost-benefit analysis away from Alternative 3. In addition, Table 2 [Table E2 of the Proposed Rule] assumes that Alternative 3 would provide access to "1.023.6 bcfg" [billion cubic feet of gas] over a 15-year period (presumably should read 1023.6), while Alternative 2 would allow access to 1005.6 bcfg over the same period, for a difference of only 18 bcfg over the 15-year period. However, Table 3 assumes 26.2 bcfg per year could be produced under the Proposed Rule and 29.8 bcfg per year under Alternative 3, or 54 bcfg over the 15-year period ([29.8 - 26.2] x 15 = 54). If the assumptions used in Table 3 are correct, then Table 2 should reflect a much higher amount of gas available under Alternative 3. The combination of these errors has the effect of diminishing the apparent fiscal impact of the Proposed Rule. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable) - #793.3.44200.850)

Coal Mining

4-212 Public Concern: The Forest Service should support the roadbuilding necessary for exploration and mining of coal reserves.

BECAUSE OF THE IMPACT ON LOCAL ECONOMIES AND THE NATIONAL ENERGY SUPPLY

The Proposed Rule (Alternative 2) and the Forest Management Plans (Alternative 3) both allow for roads necessary to support exploration and mining of these coal reserves. Without the ability to construct and maintain temporary roads in this area, coal mining will cease within the next decade. Communities would lose jobs and tax base, and the nation would lose the source of affordable and reliable electricity. (Individual, Crawford, CO - #771.3.44500.800)

Coal mining has occurred in this area [North Fork Valley] for over a century and continues to contribute to the economic well-being of communities in the North Fork Valley through high-paying jobs, community contributions, royalties, and taxes which help support Colorado and local governments.

The Proposed Rule (Alternative 2) and the Forest Management Plans (Alternative 3) both allow for roads necessary to support exploration and mining of these coal reserves. Without the ability to construct and maintain temporary roads in this area, coal mining will cease within the next decade. Communities would lose jobs and tax base, and the nation would lose the source of affordable and reliable electricity. (Individual - #772.2.44500.800)

4-213 Public Concern: The Forest Service should support temporary exemption for coal mines in Roadless Areas adjacent to existing mining operations.

WITH THE REQUIREMENT THAT ANY DISTURBED SURFACES BE RESTORED TO NATURAL CONDITIONS

We [Malinda Rogers and Bruce Barnhart] wholeheartedly support Western Slope Energy Resource Council's, (WSERC's) position for temporary exemption for coal mines in Roadless Areas adjacent to existing mining operations, provided that any disturbed surfaces are ultimately restored to natural conditions. We also support the concept of a North Fork Coal Mining Area within which coal mines would be allowed to conduct surface activities followed by restoration. (Individual, Delta, CO - #1030.3.44500.201)

4-214 Public Concern: The Forest Service should allow new roads for coal leases only if they are immediately adjacent to existing leases.

New roads for coal leases should not be allowed in Roadless Areas unless they occur immediately adjacent to existing leases. (Individual, Montrose, CO - #922.3.44200.001)

TO ELIMINATE THE NEED FOR NEW MINE ENTRANCES

Any new roads allowed for coal mining in Roadless Areas should be restricted to areas adjacent to the three existing coal mines in the North Fork area. This restriction would eliminate the need for new mine entrances, which require substantial development and would severely affect Roadless Area characteristics and fish and wildlife habitat. (Recreation/Conservation Organization, Missoula, MT - #836.17.44500.002)

TO AVOID THE CREATION OF NEW MINING OPERATIONS IN ROADLESS AREAS

We [Western Slope Environmental Resource Council] cannot support inclusion of areas that are not adjacent to existing mining operations in the North Fork Coal Mining Area. Inclusion of such areas would allow creation of entirely new mining operations in Roadless Areas, and such operations would require extreme amounts of long-term surface disturbance in the form of new portals, electric transmission lines, buildings, and railway lines, and/or permanent roads for trucking of coal.

Therefore, the North Fork Coal Area should be restricted to only the proposed sections of Pilot Knob, Flat Iron, and Sunset, and should not include the proposed areas in Current Creek and Flattop/Elk Park. (Preservation/Conservation - #928.6.44200.600)

4-215 Public Concern: The Forest Service should explain the need for any roadbuilding in support of coal mining and methane capture, and define necessary exceptions in narrow terms.

TO ALLOW NORTH FORK COAL MINES TO MEET OPERATIONAL AND SAFETY NEEDS, WHILE PROTECTING HIGH-QUALITY ROADLESS AREAS

Proposed 36 CFR [Section] 294.33(c)(6), allowing road construction within CRAs [Colorado Roadless Areas] "in the North Fork coal mining area," is overly broad. To the extent that there exists a need for road construction to support certain existing coal mining and methane capture activities in the North Fork Valley, such a need should be explained and an exception, if needed, defined in narrow terms corresponding to the scope of the identified need. The proposed paragraph (c)(6) appears to remove approximately 30,000 acres, DEIS p. 118, from the otherwise applicable prohibition on road construction and reconstruction. While we appreciate the safeguards in proposed paragraph (c)(6) limiting methane capture to existing rights-of-way and surface disturbance, the Proposed Rule remains overly broad to meet its ostensible purpose of ensuring safety for existing operations. A more narrowly tailored approach could read, "A temporary road is needed to facilitate underground coal mining operations that are extensions of existing underground coal mining operations." Such an approach would allow North Fork coal mines to meet necessary operational and safety needs for continued operation, without sacrificing high-quality Roadless Areas (and wildlife habitat) such as the (currently unleased) Sunset and Flatirons Roadless Areas. (Preservation/Conservation, Boulder, CO - #1037.4.44500.002)

4-216 Public Concern: The Forest Service should prohibit roadbuilding in support of coal mining.

BECAUSE THE ROADBUILDING PROVISONS ARE NOT NEEDED

The Proposed Rules contain numerous loopholes. Coal Mining: The 2001 Roadless Rule does not impair coal mining within existing leases. Nevertheless, the USFS Proposal for Colorado would allow new roads to help the industry. (Pitkin County Board of Commissioners, Aspen, CO - #172.9.64100.422)

TO PROTECT ROADLESS FISH AND WILDLIFE HABITAT

Wording that allows new road construction for coal mining exploration should be eliminated from the Roadless Protection Rule because all such gifts to industry come at the cost of currently road-free fish and wildlife habitat. (Individual, Broomfield, CO - #144.3.44500.330)

TO PROTECT BIG GAME RANGE AND FISH HABITAT

While existing development rights must be respected, roadbuilding should not be allowed to access new coal leases. As drafted, the Colorado Rule allows new leases and roadbuilding in the backcountry, potentially affecting valuable big game range and fish habitat in places such as Current Creek and the Flat Irons Roadless Areas. This language must be modified in the Final Rule. (Individual, Washington, DC - #441.6. 44500.330)

TO PROTECT GRAND MESA, UNCOMPAHGRE AND GUNNISON NATIONAL FOREST ROADLESS AREAS

The Draft Colorado Rule allows for roadbuilding for coal mining in 30,000 acres of the Grand Mesa, Uncompahgre and Gunnison NF [National Forest]. This acreage includes large portions of two different Roadless Areas where mining is not currently occurring, begging the question of whether future road-building is warranted. We [Colorado Mountain Club] would like to see the language in the Colorado Rule changed to keep roads from being built in these roadless landscapes. (Recreation/Conservation Organization, Carbondale, CO - #838.5.44500.680)

4-217 Public Concern: The Forest Service should prohibit roadbuilding for coal leases issued after the 2001 Roadless Rule.

TO LIMIT SUCH ACTIVITY TO AREAS ADJACENT TO EXISTING MINES

Roads for coal mining must be banned in Roadless Areas for leases issued after the effective date of the 2001 Rule. The only roadbuilding occurring in Roadless Areas should be limited to areas adjacent to existing mines. (Recreation/Conservation Organization, Nederland, CO - #823.5.44500.001)

TO PROTECT CRUCIAL FISH AND WILDLIFE HABITAT

While lease holders have the right to access valid existing rights sold prior to January 12, 2001, roadbuilding should not be allowed to access leases sold after this date, especially in crucial habitats identified by the DOW [Colorado Division of Wildlife]. We recommend that the planning team review DOW crucial habitat maps and the DOW Inventoried Roadless Areas Report (http://wildlife.state.co.us/LandWater/Roadless/) and apply no roadbuilding stipulations to new leases in all areas proposed for coal development in the DEIS that are identified as having crucial fish and wildlife habitat. (Recreation/Conservation Organization, Missoula, MT - #836.16.44200.330)

4-218 Public Concern: The Forest Service should prohibit the building of long-term temporary roads for coal leases issued after the 2001 Roadless Rule.

BECAUSE LESSEES KNOWINGLY ACCEPTED THE UNCERTAINTY REGARDING RIGHTS

We [Jim and Liz Robinson] object to Section 294.33(c)(5), which allows “long-term temporary roads” for coal leases that were issued during the years when the 2001 Rule was inactivated by a court decision. The lessees knew very well that the 2001 Rule was controversial and could be reinstated by another judge, which did happen. They knowingly accepted the uncertainty about the rights they would be able to enjoy. The government has no obligation to let them build roads. (Individual, Phoenix, OR - #1047.1.44500.680)

4-219 Public Concern: The Forest Service should limit new road construction for coal exploration.

TO AVOID A DANGEROUSLY OPEN-ENDED AND FUNCTIONALLY UNNECESSARY GIVE-AWAY

Eliminate the dangerously open-ended and functionally unnecessary “new roads for exploration” give-away in the N[orth] Fork Gunnison coal mines section, while preserving “necessary new temporary roads for operational safety purposes” (primarily methane venting) language. (Recreation/Conservation Organization, Colorado Springs, CO - #759.3.44500.680)

TO AVOID THE BUILDING OF A WEB OF HAPHAZARD ROADWAYS

Trout Unlimited wishes to thank Governor Ritter and DNR [Colorado Department of Natural Resources] for deleting (via the Governor’s April 2007 letter to USDA [U.S. Department of Agriculture]) the original Owens Petition exclusion that released all leased coal lands from IRA [Inventoried Roadless Area] status and protections during the long lifetimes of mining operations. Even so, significant problems remain. The Draft Rule provides the North Fork Gunnison coal-mining industry with road-related benefits they’ve previously never enjoyed and clearly have prospered without. Specifically, the current wording allows unrestricted new road construction for exploration over approximately 57,000 acres, rather than only for essential safety and maintenance needs for existing and future mines as they are developed. This needless give-away predictably will lead to a spider-webbing of slap-dash roadways in currently unroaded areas, followed by an unstoppable OHV invasion.

Delete the “new roads for exploration” language and restrict new temporary road-building to active mines, as necessary for operational safety. (Recreation/Conservation Organization, Durango, CO - #770.6.44500.680)

Colorado Trout Unlimited wishes to thank Governor Ritter for eliminating (via the Governor’s April 2007 letter to USDA [U.S. Department of Agriculture]) the original Owens Petition exclusion that

released all leased coal lands from IRA [Inventoried Roadless Area] status and protections during the long lifetimes of mining operations. Even so, significant problems remain. As it does with grazing and utility/water language, the language of the Draft Rule provides the North Fork Gunnison coal-mining industry with road-related benefits they've previously never enjoyed and previously have prospered without, and for which there is no justification beyond increasing private profits at the expense of public lands. Specifically, the current wording allows unrestricted new road construction for exploration over approximately 57,000 acres, rather than only for necessary safety and maintenance needs for existing and future mines as they are developed. This needless give-away predictably will lead to a spider-webbing of slap-dash roadways in currently unroaded areas, accompanied by the inevitable off-highway vehicle invasion. We therefore recommend that you delete the "new roads for exploration" language and restrict new temporary roadbuilding to active mines as necessary for operational safety. (Recreation/Conservation Organization, Boulder, CO - #1002.8.44500.680)

4-220 Public Concern: The Forest Service should require an EIS for road construction associated with coal development.

AND ENSURE THAT ROADLESS AREA CHARACTERISTICS ARE RESTORED WHEN ROADS ARE REMOVED

Any roadbuilding associated with coal development should require an EIS and a guarantee that the roads will be obliterated upon completion of the project. Such obliteration should include requirements for the restoration of the affected area so Roadless Area characteristics will be restored to a level that removes evidence of previous development. (Recreation/Conservation Organization, Missoula, MT - #836.19. 64100.200)

4-221 Public Concern: The Forest Service should prohibit roadbuilding and surface occupancy for coal leases issued after the 2001 Roadless Rule.

TO PROTECT ROADLESS AREA CHARACTERISTICS

Additional coal mining and associated roads should not occur in Roadless Areas. Section 294.33(c)(6) would allow construction of temporary, or long-term temporary, roads for the purpose of accessing coal to be mined anywhere in the area identified on the North Fork coal mining map included with the DEIS. [Footnote 15: The map is actually entitled: "Existing Coal Leases and Colorado Roadless Areas, Grand Mesa-Uncompahgre-Gunnison National Forests: Alternative 2," hereafter "Alt. 2 coal mining map."] This could include up to 29,000 acres. 73 Fed. Reg. 43554. Ten to 20 drainage wells are constructed for each 640 acres (1 square mile) mined, with each well occupying approximately 0.33 acre. DEIS at 108. A road would be needed for each well. Thus a big network of roads would be needed for coal mining in Roadless Areas. Therefore, the road construction that could be done in the North Fork coal mining area would be very harmful to Roadless Area characteristics.

There should be no mining or road construction or surface occupancy or disturbance in Roadless Areas on any coal leases issued after the effective date of the 2001 Rule, or on any areas yet to be leased.

At a minimum, any roads allowed for coal mining, as well as actual mining, in Roadless Areas must be restricted to areas adjacent to the three existing mines in the greater North Fork area. This would eliminate a need for any new portals, i. e., mine entrances, which require a great deal of surface disturbance. It would also conserve the Currant Creek CRA [Colorado Roadless Area], which is not near any existing mining. This Roadless Area is remote, with difficult access and travel; is [an] important fawning and calving ground; has deer and elk winter range; and is highly utilized by black bears in fall. Profiles of Colorado Roadless Areas (DEIS Appendix) at 66–67.

About one-third of the area also has steep oak brush canyons, presenting a vegetation type that is not very prevalent in Colorado's Roadless Area. Id. and DEIS at 131.

Surely, this is an area worth protecting. [Footnote 16: Two oil-gas leases issued prior to the effective date of the 2001 Rule cover 792 acres, but most of this has a No Surface Occupancy stipulation. Profiles at 67.] Roads and coal mine facilities would fragment habitat and lead to a major degradation of roadless characteristics in this important, lower elevation Roadless Area.

Limiting mining and access roads to areas adjacent to existing mines would also conserve roadless land in the southern third of the Pilot Knob CRA and in the southeast corner of the Flattops/Elk Park CRA.

See Alt. 2 coal mining map. Most of the portions of these Roadless Areas within the North Fork coal mining area are not near any existing mines.

The Roadless Areas identified above are mostly or entirely not currently leased for coal, so prohibiting mining in them would not require termination or buy-out of leases. Again, see Alt. 2 coal mining map.

The area where coal mining and access roads will be allowed must not include the entire acreage of the Flatiron and Sunset CRAs, as would under the Draft Colorado Rule. (See Alt. 2 coal mining map.) Most of the land in these CRAs is not currently leased for coal. Allowing mining and road construction throughout these areas would completely eliminate these Roadless Areas. That is unacceptable. (Preservation/Conservation, Denver, CO - #789.28-29.44500.200)

4-222 Public Concern: The Forest Service should retain the 2001 Roadless Rule, in regard to coal mining.

BECAUSE THE PROVISIONS OF THE 2001 RULE ARE SUFFICIENT FOR THE NEEDS OF MINING

Public lands along the North Fork of the Gunnison River in western Colorado hold abundant supplies of low-sulphur, Clean Air Act-compliant coal, much of it under Inventoried Roadless Areas. The production of that coal remains an economic foundation for communities in that valley. While—indeed because—all of the mining there is conducted underground, no roads are needed in Roadless Areas for the direct mining or transportation of coal.

Underground operations do require, however, the construction and maintenance of shafts for the removal of methane gas from the mines beneath. While it is technically possible to install and maintain those shafts without the construction of new roads, mine operators and Forest Service personnel present a convincing case that proper operation and response for such a hazardous operation and occupation is, in some instances, better served with reliable roads access.

To a large extent, the 2001 National Rule addresses this situation. That Rule allows for the construction of new roads in Roadless Areas if needed to protect public health and safety [Section] 294.12(b)(1), or if "a road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty" [Section] 294.12(b)(3).

Much of the coal being mined and yet to be mined under Roadless Areas is already under lease (issued before January 2001), as allowed under Federal law. The construction of roads is therefore allowed for ventilation and other safety measures in those areas. For many years to come, the provisions of the 2001 National Rule are sufficient to the needs of mining.

At issue are coal leases issued under Roadless Areas since January 2001 and potential future leases that would be necessary to mine the full coal supply that lies under Roadless Areas.

One approach to this situation could be the development of new technologies for the removal of methane gas from mines. Possible examples include transport to and venting through shafts already in existence or allowed under leases in place before 2001, and directional drilling of ventilation shafts from sites outside Roadless Areas.

Another approach would be administrative guidance to clarify when the National Rule's exceptions, such as for protection of public health and safety, might apply to the unique circumstances in the North Fork Valley. Foundations for such clarifications may be found in the recommendations of the Colorado Roadless Areas Review Task Force and in the Proposed Colorado Rule, including closing ventilation access roads to public motor use, requiring obliteration of roads and restoration of the landscape when mining is completed, and restricting infrastructure associated with the possible capture and transportation of methane gas to the corridors used for ventilation access.

In addition, the construction of roads in Roadless Areas and portions of Roadless Areas not overlying coal supplies should not be allowed.

These provisions, if implemented, ought to be incorporated into the National Roadless Rule through administrative interpretation and guidance rather than through promulgation of a new Colorado-specific Rule. (Preservation/Conservation, Denver, CO - #1019.18-19.44500.680)

4-223 Public Concern: The Forest Service should allow coal mining in the North Fork Valley.

BECAUSE THOSE RESERVES ARE IMPORTANT FOR THE NATION'S ENERGY SECURITY

It is important that coal mining be allowed to continue in the North Fork Valley. These lands in the Grand Mesa, Uncompahgre and Gunnison National Forests contain valuable super-compliant coal reserves which are high in BTUs [British thermal units]; low in sulfur, mercury, and ash; and are important for our Nation's energy security. Because these coal reserves are so important, the Forest Service should correct roadless boundaries which overlie active mining operations and ensure that existing exploration licenses and leases are accurately reflected in its maps. (Individual, Arvada, CO - #782.1.44500.620)

BECAUSE THE INDUSTRY CONTRIBUTES TO THE WELL-BEING OF LOCAL ECONOMIES

Coal mining has occurred in this area [North Fork Valley] for over a century and continues to contribute to the economic well-being of communities in the North Fork Valley through high-paying jobs, community contributions, royalties, and taxes which help support Colorado and local governments. The Proposed Rule (Alternative 2) and the Forest Management Plans (Alternative 3) both allow for roads necessary to support exploration and mining of these coal reserves. Without the ability to construct and maintain temporary roads in this area, coal mining will cease within the next decade. Communities would lose jobs and tax base, and the nation would lose the source of affordable and reliable electricity. (Individual, Arvada, CO - #782.2.44500.800)

BECAUSE IMPACTS ON WILDLIFE ARE THOROUGHLY EVALUATED

There has been a significant amount of discussion surrounding the issue of wildlife, and specifically recommending additional wildlife evaluations. These comments discuss the significant level of review of wildlife issues relative to underground coal mines in the North Fork Valley using a specific example.

In September 2003, MCC [Mountain Coal Company] filed a Federal coal lease application with the Bureau of Land Management. This coal lease application, named the Dry Fork lease, is located on [the] GMUG [Grand Mesa, Uncompahgre and Gunnison] National Forest, so the Forest Service took the lead on NEPA [National Environmental Policy Act]. In this instance, the FS [Forest Service] decided to prepare an EIS. Included in both the DEIS and FEIS was a rigorous evaluation of any impacts to wildlife. These evaluations serve to frame any stipulations to the lease relative to wildlife protection.

In addition to the DEIS/FEIS process, the U.S. Fish and Wildlife Service does an independent review of wildlife issues by preparing a Biologic Assessment/Biologic Evaluation (BABE). The BABE is used to issue a Biologic Opinion (BO) regarding the action. The BO can lead to additional requirements/stipulations, if needed.

Once the Federal coal lease is issued, then the project must be permitted through the Colorado Department of Natural Resources. This is the agency that has primacy over the Federal mine permitting program. Once again, wildlife is addressed in the permitting process. This will be the same process that will be utilized with any subsequent leasing of Federal coal in the North Fork Valley (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Grand Junction, CO - #798.3.44500.100)

4-224 Public Concern: The Forest Service should support Alternative 2, as it relates to coal mining.

BECAUSE IT PRESERVES OPPORTUNITIES FOR RESPONSIBLE DEVELOPMENTOF COAL RESOURCES IN THE NORTH FORK VALLEY

I strongly support adoption of Alternative 2, as outlined in the DEIS, which reflects the input received by, and work of the Colorado Roadless Task Force. This alternative preserves opportunities for responsible development of the known coal resources in the North Fork (Gunnison River) Valley, while offering reasonable protection for other forest areas where road access may be limited. Provision for responsible management and development of our mineral resources is important to our national, state, and local economies and welfare.

It is important that responsible coal and mineral development be allowed to continue in the North Fork Valley. USFS lands in the GMUG (Grand Mesa, Uncompahgre and Gunnison) National Forests contain valuable high-quality coal reserves, for which continued development will contribute to our ability to increase our nation's energy security. Coal mining has occurred in this area for over a century, and continues to contribute to the economic well-being of communities in the North Fork Valley through high-paying jobs, community contributions, and purchases of goods and services, and to local, state, and Federal governments through royalty and tax payments. Without the ability to construct and maintain temporary roads in this area, coal mining will cease within the next decade. Local communities would lose jobs and tax base, government entities would lose a valuable revenue source, and the nation would forfeit a valuable source of affordable and reliable electricity. (Individual, Del Norte, CO - #834.1.44500.800)

TO PROVIDE JOBS AND ECONOMIC BENEFITS

While the Proposed Colorado Rule does not approve any individual coal exploration or mining project in Colorado Roadless Areas, it does provide the framework for further consideration and potential approval of such projects following NEPA [National Environmental Policy Act] review. According to the DEIS, the Proposed Colorado Rule (Alternative 2) could support 654 jobs, resulting in $47.6 million in labor income through continued coal production. (DEIS p. 314, Table 70) Adoption of the Proposed Colorado Rule could mean over $24 million in income realized to Colorado through property taxes on production of coal, oil, and gas; severance tax: Federal mineral payments, and Federal royalties. (DEIS p. 315, Table 71) Under the 2001 Rule (Alternative 1), coal production would cease in 2016 when coal reserves on existing leases with road access are exhausted, and both labor income to the region as well as tax and lease payments would cease. (Mining Industry/Association (locatable), Denver, CO - #839.9.44500.800)

4-225 Public Concern: The Forest Service should assure the community that the Proposed Rule (Alternative 2) would not result in long-term adverse environmental effects due to coal activities.

BECAUSE WILDLIFE IS PROTECTED UNDER EXISTING PERMITS AND EIS REQUIREMENTS FOR FUTURE ACTIVITIES

The wildlife community has expressed concern over adoption of any alternative other than Alternative 1, the 2001 Rule. The DEIS, however, states that while Alternative 2 offers less protection than Alternative 1 and more than Alternative 3, there would be no long-term adverse effects on sensitive species or MIS [Management Indicator Species] population trends or downstream threatened and endangered species, wetlands, or riparian areas. The DEIS indicated that there might be an increased risk of impact on individual populations. It must be kept in mind, however, that the Proposed Colorado Rule is only a framework for consideration of very limited future activities that may allow for temporary roads. Wildlife protection considerations are included under existing permit requirements for coal activities and, under the Petition, the Colorado Division of Wildlife would be offered cooperating agency status to participate in any future EIS related to proposed Federal coal activities within the North Fork Mining Area. Thus, it appears that wildlife has multiple layers of protection if Alternative 2 is adopted. (Mining Industry/Association (locatable), Denver, CO - #839.13.41000.160)

4-226 Public Concern: The Forest Service should support Alternative 2 or 3, as they relate to coal mining.

TO ALLOW ROAD ACCESS AND THUS SIGNIFICANT ECONOMIC BENEFITS

A Colorado Rule based on either Alternative 2 or Alternative 3 would provide significant positive economic impacts to the North Fork area and the State of Colorado. As pointed out in the Regulatory Impact Analysis (RIA), the Proposed Colorado Rule (Alternative 2) would extend the current life of two mines in the North Fork and provide for coal production until 2026 based on reserves adjacent to existing leases for which interest has been expressed. (RIA p. 46) The DEIS estimates that an additional total 29 years of production could result based on acreage of lands with coal reserves coincident to the Roadless Areas. (DEIS p. 118) The discrepancy between these two estimates does not entirely make sense. Colorado currently enjoys hundreds of millions of dollars from various taxes, royalties, and

personal income and benefits from coal production, in addition to another $363 million of supplies and services purchased by coal mines. Forty percent of the state's coal production generating these benefits is attributable to the North Fork Valley. Once the reserves in existing leases are exhausted, these benefits will stop to the extent that Federal coal resources are inaccessible because of roadless restrictions. As noted in the DEIS, "Few revenues are typically obtained when road access is not permitted... Conversely, road access can provide opportunities for larger revenues, such as when leasable minerals are present and recoverable." (DEIS p.312) (Mining Industry/Association (locatable), Denver, CO - #839.8.44500.800)

4-227 Public Concern: The Forest Service should remove from the new Roadless Area Inventory the acreage overlying active mining operations.

BECAUSE THE GRAND MESA, UNCOMPAHGRE AND GUNNISON FOREST PLAN REVISION DREW INVENTORY BOUNDARIES OVER ACTIVE MINES

Over the past 7 plus years, West Elk has been working with several different Roadless Area inventories in the area of the West Elk Mine. The first was the inventory on which the enjoined 2001 Roadless Area Conservation Rule was based. As of the date of this letter, this inventory has been permanently enjoined and is invalid. However, the Colorado Roadless Area Task Force used this inventory as the basis of their report and petition.

The Colorado Roadless Area Task Force requested that the North Fork Valley coal mining operators narrowly define those Roadless Areas that contained commercial quantities of coal. Based on the 2001 inventory, it was determined that approximately 80,000 acres of Roadless Areas contained coal. These are the lands submitted to and included by the Colorado Roadless Area Taskforce.

The 2001 Roadless Area boundaries is the basis for Alternative 1 in the DEIS. These Roadless Area boundaries have been permanently enjoined from being implemented unless subsequent litigation overturns the ruling of the Federal District Judge.

The second Roadless Area inventory is based on work that has been done under the GMUG [Grand Mesa, Uncompahgre and Gunnison] Forest Plan Revision that is currently pending. The end result is a redrawing of some Roadless Area boundaries in the vicinity of the West Elk Mine. Some of the "new" Roadless Areas overlie active mining operations, and as such should be removed from the Roadless Area inventory. Based on this "new" inventory, the Forest Service and Bureau of Land Management estimate that only about 29,000 acres of commercial quantities of coal are included in Colorado Roadless Areas in the North Fork Valley. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Grand Junction, CO - #798.1.44500.620)

The North Fork coal mining area is set forth on maps and described in the DEIS as containing 29,000 acres that contain recoverable high-quality coal. This represents more than a 50-percent reduction in lands previously identified by the Roadless Area Task Force as roadless, but under the Petition for rulemaking would allow for temporary roads to enable coal exploration and development. Based on the 2001 inventory, it was previously determined that approximately 80,000 acres of Inventoried Roadless Areas contained coal. Those were the lands submitted to and included by the Colorado Roadless Area Task Force and included in the petition forwarded to the Forest Service. Some of the reduction appears to [have] occurred during a reassessment of lands with "roadless characteristics" during a second Roadless Area inventory based on work that has been done under the current pending GMUG [Grand Mesa, Uncompahgre and Gunnison] Forest Plan Revision. The end result is a withdrawing of some Roadless Area boundaries in the vicinity of West Elk Mine. Some of the new Roadless Areas overlie active mining operation, and as such should be removed from the Roadless Area inventory. Based on this "new" inventory, the Forest Service and Bureau of Land Management estimate that only about 29,000 acres of commercial quantities of coal are included in Colorado Roadless Areas. (Mining Industry/Association (locatable), Denver, CO - #839.2.44500.620)

AND ENSURE THAT EXISTING EXPLORATION LICENSES AND LEASES ARE ACCURATELY REFLECTED IN THE MAPS

I believe that the United States of America (including Colorado) should protect our option to explore our future reserves and alternative energy sources. Rules, regulation, and litigation should be in place to protect our Public Land but closure should not be an option.

It is important that coal mining be allowed to continue in the North Fork Valley. These lands in the Grand Mesa, Uncompahgre and Gunnison National Forests contain valuable super-compliant coal reserves which are high in BTUs [British thermal units]; low in sulfur, mercury, and ash; and are important for our Nation's energy security. Because these coal reserves are so important, the Forest Service should correct roadless boundaries which overlie active mining operations and ensure that existing exploration licenses and leases are accurately reflected in its maps. (Individual - #772.1.44500.620)

4-228 Public Concern: The Forest Service should remove from the Roadless Area inventory the areas with potential for coal exploration and development.

INCLUDING PILOT KNOB #11, FLATIRONS #24, AND SUNSET #23

Given the importance of existing and future energy development activities within and adjacent to Delta County (North Fork Valley and Grand Mesa), the Board [Delta County Board of Commissioners] took an active role in the Forest Service's [Grand Mesa, Uncompahgre and Gunnison National F]orest Plan Revision process until it was interrupted due to Federal litigation and in the GMUG [Grand Mesa, Uncompahgre and Gunnison National Forest] 2005 Roadless Inventory. In both processes, the local Forest Service staff engaged the public in an extensive review of areas identified in the 1979 Roadless Area Review Evaluation (RARE II) and updated its inventories with new, more accurate information of what was actually "on the ground." The Board has long argued that areas around the North Fork coal mines should be Roadless Areas. In 2006, the Board recommended to Governor Owens its support of the GMUG Roadless Inventory minus Pilot Knob #11, Flatirons #24 and Sunset #23 areas in the North Fork Valley and still prefers that those areas with the potential for coal exploration and development be removed from the Roadless Area designation. (Delta County Board of Commissioners, Delta, CO - #942.1.44500.620)

4-229 Public Concern: The Forest Service should not allow coal mining in the North Fork Valley.

The Proposed Rule adds more exceptions [than the 2001 Rule]—among them the rule allows coal mining in the North Fork Valley of the Grand Mesa, Uncompahgre and Gunnison National Forests, involving six Roadless Areas. (Preservation/Conservation, Ellicott City, MD - #493.3.44500.001)

4-230 Public Concern: The Forest Service should assess the chemical spill plan for coal mining operations in the FEIS.

BECAUSE OF THE INCREASED RISK OF SEDIMENT AND CHEMICAL CONTAMINATION LEVELS AND ACCIDENTAL SPILLS

The majority of the new and temporary road construction is predicted to occur in the North Fork coal mining areas. The DEIS states that "there would be an increased risk of higher sediment and chemical contamination levels and/or accidental chemical spills in streams within the North Fork coal mining areas that are developed in CRAs [Colorado Roadless Areas]." EPA [U.S. Environmental Protection Agency] recommends [that] the FEIS discuss the chemical spill plan for mining operations, and assess its adequacy for reducing the impacts related to chemical spills that may result from coal mining operations. (U.S. Environmental Protection Agency, Washington, DC - #995.7.44500.206)

4-231 Public Concern: The Forest Service should include flexibility in the Proposed Rule for the capture and transport of coal mine methane.

IN THE EVENT THAT CAPTURE PROVES ECONOMICAL AND DESIRABLE

There has been much discussion about the issue of methane capture and utilization of methane associated with underground mines in the North Fork Valley. Methane ventilation of the underground mine is necessary to provide a safe work environment for our employees. The Forest Service, Bureau of Land Management, the State of Colorado, and ACI/MCC [Arch Coal Inc/Mountain Coal Company] have worked diligently to address the practical capture and utilization of the methane that is currently vented from the mine. Until recently, it was believed that the sale of a gas lease with proper stipulations would solve this issue. The Proposed Rule addressed this issue:

The Proposed Rule also provides the opportunity for an oil and gas lessee to use roads for the purpose of collecting and transporting coal mine methane rather than venting the methane into the atmosphere. These activities will remain within the authorized right-of-way for the long-term temporary roads; no additional roads or pipelines outside the right-of-way will be constructed Any roads constructed pursuant to a coal lease or exploration license and used for collection and transportation of coal mine methane under an oil and gas lease shall be decommissioned and the affected landscape restored when the road is no longer needed for coal mining purposes or coal mine methane collection, whichever is greater.

Flexibility is needed in the rule to allow for the capture and transport of coal mine methane in the event that capture is economical and desirable. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Grand Junction, CO - #798.5.44500.423)

4-232 Public Concern: The Forest Service should adopt a Colorado State Rule similar to that developed in Governor Owens' 2006 Petition.

TO ENSURE THAT LANDS ARE REMOVED FROM ROADLESS INVENTORY ONLY DURING COAL OPERATIONS

The Colorado Rule prepared under both the Governor Owens administration (2006 Petition), and the Governor Ritter administration (2007 Petition) contained specific provisions concerning the potential for coal exploration, coal leasing, temporary roadbuilding, and operations of future mining operations in the North Fork Valley. The Governor Owens 2006 Petition preferred a scenario where the areas permitted for coal exploration, coal leasing, temporary road construction, and mining operations would come out of any roadless inventory/applicability until required mining and reclamation activities were successfully completed and all extended liability bonding mechanisms were released. Under the Governor Owens 2006 Petition scenario, upon successful release of bonds, the areas could then be returned to the Roadless designation. The Governor Ritter 2007 Petition preferred that the coal activity areas always remain as Colorado Roadless designation/applicability and that the areas would be managed in a way that permits roads and other coal activities including exploration and development. Oxbow [Mining, LLC] is concerned that the approach advocated by Governor Ritter could lead to unnecessary confusion and potential limitations on development alternatives if the public or government agencies attempt to impose unreasonable limitations on coal operations in these so-called Roadless Areas. Simply removing lands encompassed by coal operations during the said operations as presented by the Governor Owens administration still remains a much cleaner, less confusing way to manage the designated areas during coal exploration, mining, and reclamation activities. In the event the Forest Service does not select Alternative 3, Oxbow encourages the Forest Service to adopt a Colorado State Rule similar to that developed in the Governor Owens 2006 Petition. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Somerset, CO - #427.2.44500.620)

4-233 Public Concern: The Forest Service should not confer cooperating agency status on the State of Colorado, as related to coal mining.

BECAUSE AN EIS WILL NOT BE REQUIRED FOR TEMPORARY ROADS BUILT FOR COAL EXPLORATION

(An identical provision exists in the 2001 Rule). The DEIS estimates that between 10 and 20 methane drainage well locations are required per 640-acre section at existing mines, and that vent well pads occupy approximately one-third of an acre. DEIS at 108. Approximately 390 methane drainage wells involving the clearing of about 200 acres in Roadless Areas are projected in the North Fork mining area over a 15-year period. DEIS at 118.

Governor Ritter's 2007 letter to Mark Rey transmitting the 2007 Colorado Petition expressed concern about the deleterious effects coal mining activity could have in Roadless Areas if not closely monitored. [Footnote 32: Letter from Gov. Bill Ritter to Mark Rey, April 11, 2007 at p. 3.] The Governor requested that the Colorado Department of Natural Resources or Division of Wildlife be provided cooperating agency status with the Forest Service to evaluate "all future environmental analysis documents accompanying plans and any permitting activity relating to coal exploration and development" in the North Fork area [Footnote 33: Id.] The Proposed Rule does require the Forest Service to offer cooperating agency status to the State of Colorado for all proposed projects and planning activities to be implemented on Colorado Roadless Areas, but this requirement will not result in a role for the State in all decisions about coal leasing, coal exploration, or roads constructed for coal activity in the North Fork area. Under the Proposed Rule, the state gets cooperating agency status only when the Forest Service, rather th[an] BLM [Bureau of Land Management], is the lead Agency. [Footnote 34: "When the Forest Service is the lead Agency, the Forest Service will offer cooperating Agency status to the State of Colorado, pursuant to [the CEQ [Council on Environmental Quality] regulations]. 73 Fed. Reg. 43563 at [Section] 294.36(e).]

But leases and most permits for coal mining activity are issued by the BLM rather than the Forest Service; hence, the Forest Service will not often have lead agency status for coal-related projects in the North Fork area, and BLM is under no obligation to make Colorado a cooperating agency. [Footnote 35: See 30 USC [Section] 201(a) (coal leases issued by Secretary of Interior) and [Section] 201(b) (coal exploration licenses issued by the Secretary of Interior).]

Moreover, in practice, it in uncommon to designate a cooperating agency when only an EA [Environmental Assessment] is being done. The CEQ regulations cited in the Proposed Rule contemplate a role for cooperating agencies only when an agency is preparing an EIS. 40 CFR [Section] 1501.6. CEQ regulations "do not explicitly discuss cooperating agencies in the context of Environmental Assessments (EAs) because of the expectation that EAs will normally be brief, concise documents that would not warrant use of formal cooperating agency status." [Footnote 36: Memorandum for the Heads of Federal Agencies from James L. Connaughton, "Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act," (January 30, 2002), available at http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagenciesmemorandum.html] Occasionally, when an unusually lengthy or complex EA is being prepared, the lead agency may provide a role for a cooperating agency, but this is the exception rather than the rule. Id. [40 CFR [Section] 1501.6]

Therefore, in those instances that the Forest Service is the lead agency on some proposed coal activity in the North Fork area, if it decides that only an EA is required (or when a categorical exclusion is invoked), the State is unlikely to be granted cooperating agency status. As discussed in Section III.G.4 of this memorandum, below, proposals for the temporary roads to be built for coal exploration will not require that an EIS be conducted. The State, therefore, cannot expect to have cooperating agency status for many of the roads that are constructed or any of the development activities authorized by BLM in the North Fork area. (Preservation/Conservation - #799.13-15.44500.030)

Private Lands and Private Minerals

4-234 Public Concern: The Forest Service should extend the exception in 36 CFR Part 294.33(c)(5) to private lands and private minerals that are surrounded by Roadless Areas, including in-holdings with fee minerals and fee lease rights.

BECAUSE THE AMOUNT OF IN-HOLDINGS IS LIMITED AND ACCESS IS REQUIRED BY FEDERAL LAW

The Forest Service must provide for access to private in-holdings within National Forests under Federal law. United States v. Jenks, 22 F.3d 1513, 1516 (10th Cir. 1994); 16 USC [Section] 3210(a).

The Forest Service should ensure that all private in-holdings and private minerals have access across Roadless Areas. The Proposed Rule allows for temporary or long-term road construction or reconstruction when needed in conjunction with a Federal oil and gas lease that exists as of the effective date of the Proposed Rule. 36 CFR [Section] 294.33(c)(5) (Colorado Proposed Rule). Private in-holdings with fee minerals or fee lease rights are valid, existing rights—just like existing Federal oil and gas leases. The Forest Service should, at a minimum, protect private leases and fee minerals the same way it protects existing Federal oil and gas leases.

The Forest Service should extend the exception in 36 CFR Part 294.33(c)(5) to private lands and private minerals which are surrounded by Roadless Areas. In-holdings are limited enough that this exception will have limited application. The access to fee leases and fee minerals provided by this exception is required by Federal law, United States v. Jenks, 22 F.3d 1513, 1516 (10th Cir. 1994); 16 USC [Section] 3210(a), and should be provided for in the preamble to the Final Rule and in the Final EIS. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Lafayette, CO - #399.2.60100.420)

4-235 Public Concern: The Forest Service should resolve the private property and trespass issues on the Starlight Claim (#16857-A).

I trust that in the process of the Roadless Area investigations, the Rio Grande National Forest will equitably resolve the issues pertaining to their destruction of private property, the obliteration of numerous old growth trees, and trespass on and across the Starlight Claim Mineral Survey #16857-A Conejos County, Colorado. The Location of this trespass is near the location where FSR [Forest Service Road] 380 crosses Iron Creek. (Individual, Enid, OK - #8.1.60000.002)

4-236 Public Concern: The Forest Service should ensure that the Proposed Rule will not restrict access to private lands.

TO COMPLY WITH THE HOMESTEAD ACT

The Roadless Rule might be meant to help preserve the forest (I agree with this rule for that reason), but it will also prevent private land owners from having access to their property. The private land that I own falls under the Homestead Act; therefore, the State of Colorado granted the land to me before the National Forest Service was created, but there have been many cases that I have heard of where land that was granted to someone through the Homestead Act, the National Forest Service would not grant them access to their private property.

I want to make sure that the Roadless Rule Act will not prevent me from driving on a Forest Service/county road to a new driveway that I create that is on my property to access my land. (Can new driveways adjoin existing county roads?) (Individual - #90.1. 60100.630)

Alternative Energy

4-237 Public Concern: The Forest Service should support geothermal and other alternative energy development.

BECAUSE SUCH DEVELOPMENT SHOULD NOT RELY ON ADOPTION OF THE LAND MANAGEMENT PLAN

[From page 8 of USDA Forest Service Regulatory Impact Analysis and Cost-Benefit Analysis, July 16, 2008] "The land management plan alternative would have the highest potential for geothermal resource development in Roadless Areas because most land management plans do not prohibit roading in the Roadless Areas for such development. Geothermal development would not occur in Roadless Areas under the 2001 rule or the Proposed Rule because of prohibitions on road construction for this purpose. There are no current leases or lease applications for geothermal development on NFS [National Forest System] lands in Colorado. A programmatic environmental impact statement (EIS) is underway to address the potential for geothermal resources on NFS land in Colorado."

[Response to above quote:] We believe that geothermal resources on FS [Forest Service] land should be allowed under any adopted plan and should not be restricted as a potential use only if the land management plan were adopted. We support the USFS work to complete a programmatic EIS statement for geothermal resources on NFS [lands] in Colorado. Further, we implore[the] USFS to proceed in like fashion for the development of Wind and Solar on NFS lands in Colorado. (Utility Group, Georgetown, CO - #837.8.44210.001)

4-238 Public Concern: The Forest Service should support an exemption for geothermal energy resource drilling and natural gas.

BECAUSE BOTH ARE CLEAN ENERGY RESOURCES THAT THE COUNTRY NEEDS

The "Proposed Rule-Colorado" does not have an exemption for geothermal energy resource drilling or natural gas. Both are clean air resources and the Country desperately needs them to become energy independent. (Motorized Recreation - #778.3.44200.002)

4-239 Public Concern: The Forest Service should support exploration for, and development of, alternative energy sources using existing lease pads and access roads.

TO REDUCE THE NATION'S DEPENDENCE ON FOSSIL FUELS

Can other leasable minerals be explored for using an existing lease pad and access road? I was thinking specifically of geothermal, but other mineral leases may be applicable. If an entire lease could be developed from an existing location/pad [with] little or no additional impacts, then it would seem logical to go ahead and lease those minerals. Geothermal could be viewed as a permanent lease. In trying to reduce our dependence on fossil fuels, it seems only prudent to allow for geothermal leases, as well as any other minerals that may be needed to develop alternative [energy] resources. (Individual - #797.1.44000.200)

4-240 Public Concern: The Forest Service should anticipate an increase in interest in locatable minerals in National Forests.

BECAUSE LOCATABLE MINERALS WILL PLAY AN IMPORTANT ROLE IN ALTERNATIVE ENERGY PLANS

We can anticipate a dramatic increase in interest [in] National Forest locatable minerals. Whether it be from alternative energy (wind and solar, nuclear, geothermal, water, biofuels) or traditional fossil fuels, we can expect National Forests to help provide the bulk of the materials necessary to make the products needed to pull off these alternative plans. All of the materials for wind and solar are mined, and most of the minerals are on the National Forests. Even the forests are being eyed for biofuels. Most of the uranium deposits are on public lands throughout the Western U.S. Even a modest trend toward

alternative energy will increase interest in National Forest System lands in Colorado and throughout the West. (Individual - #797.4.44000.800)

The Proposed Rule and the Alternatives

4-241 Public Concern: The Forest Service should retain the 2001 Roadless Rule.

TO PROVIDE A BALANCED APPROACH TO ENERGY DEVELOPMENT

A little-known loophole in the new policy would legalize roughly 100 new oil and gas projects in Colorado's Roadless Areas. The 2001 Roadless Area Conservation Rule is a balanced environmental measure that protects some of our most cherished places from damaging industrial development and ensures a balanced approach to energy development. As development increases, especially in the West where so many of our imperiled wildlife lives, we owe it to future generations of Americans to do everything in our power to protect the truly wild places we have left. (Individual, West Hollywood, CA - #428.3.44000.740)

TO PROVIDE A LEVEL OF PROTECTION THAT WILL PRESERVE THE QUALITY OF ROADLESS AREAS

The Rule allows for many miles of road to be constructed in the next 15 years; this development will corrupt the quality [of] Roadless Areas. The difference in road construction allowed in Alternative 2 of the DEIS is only minimally smaller than if there was no Roadless Rule at all (DEIS at 123). This alternative is minimally more restrictive on acreage allowable for coal reserves and for oil and gas wells than if there was no Roadless Rule. Id. On the other hand, the 2001 Rule (here Alternative 1), is significantly more restrictive, allowing about one-third as many oil and gas wells as Alternative 2, and one-ninth as many acres for coal production. Id. (Preservation/Conservation, Portland, OR - #924.1.44000.160)

TO AVOID LONG-LASTING AND COSTLY ENVIRONMENTAL CHALLENGES

After examining the DEIS on the Colorado Proposed ruling, we [the University of Colorado Wilderness Study Group] found that the 2001 Ruling is the best alternative on the issues that are most important to us with regard to our public lands [such as]: The Proposed Colorado Rule allows for significantly more oil, gas, and coal development in Roadless Areas: Oil and gas development present long-lasting and costly environmental challenges. (Preservation/Conservation, Boulder, CO - #505.11.44200.201)

TO LIMIT THE MILES OF POTENTIAL NEW ROADS

After examining the DEIS on the Colorado Proposed ruling, we [the University of Colorado Wilderness Study Group] found that the 2001 Ruling is the best alternative on the issues that are most important to us with regards to our public lands [such as]: The Colorado Rule will allow for nine times as many miles of road construction for coal-related activities. These roads will expressly benefit the corporations extracting coal, not the majority of citizens in Colorado. (Preservation/Conservation, Boulder, CO - #505.12.44500.840)

4-242 Public Concern: The Forest Service should support Alternative 1.

TO LIMIT ROADBUILDING AND SURFACE OCCUPANCY

A large mileage of roads could be constructed in Roadless Areas under the Draft Colorado Rule. The DEIS makes very clear that Alternative 2 (the Draft Colorado Rule) would allow construction of a great network of roads in Colorado Roadless Areas—up to 136.5 miles in the next 15 years—for oil, gas, and coal. DEIS at 123. Notably, the Draft Rule (Alternative 2) would not provide much more protection than would occur with no Roadless Area protection rule (Alternative 3 – Forest Plans), as under the latter, 140 miles of road could be built in Roadless Areas in the same time period. Id. In other words, the Draft Colorado Rule would result in a mere 3.5 miles of road, or 2.5 percent, not being built for mineral development in the next 15 years compared to management under existing forest plans!

There would also be nearly as much surface occupancy for oil and gas wells under the Draft Rule (674 wells on 570.5 acres) compared to Alternative 3 (731 wells on 617 acres [Footnote 3: There would be more well pads in Roadless Areas in the next 15 years under Alternative 2 (143), than Alternative 3

(132). Id.]). Id. By contrast, Alternative 1 (2001 Roadless Rule) would allow 54 miles of road to construct 252 wells on 209 acres. Id. See additional discussion in Section B 4 below.

Similarly, coal production would not be much different under Alternatives 2 and 3, with 1 billion tons under the former, requiring 45 miles of road, and 1.1 billion tons under the latter, requiring 66 miles of road. DEIS at 124. [Footnote 4: Why 19 miles of additional road[s] in Roadless Areas would be needed to access a relatively small additional amount of coal under Alternative 3 is not explained.] Note that the area of "road-accessible coal reserves in Roadless Areas" is 29,000 acres for Alternative 2 and 31,000 acres for Alternative 3. Id. By contrast, Alternative 1 would allow only 6.5 miles of road construction in Roadless Areas to access 135 million tons of coal on 3,700 acres. Id.

For fuel reduction treatments under the Draft Colorado Rule, 88 miles of road would be constructed in Roadless Areas and 14 miles reconstructed over the next 15 years. DEIS at 150. For Alternative 3, 118 miles would be constructed and 14 miles reconstructed. Id. at 151. Under the 2001 Rule, there would be no road construction or reconstruction for fuel reduction, as this is not allowed under that Rule. (Preservation/Conservation, Denver, CO - #789.10-11.44200.680)

The Draft Rule would allow road construction on many roadless acres in oil and gas leases, including some leases issued after the effective date of the 2001 Rule. The Draft Rule would only prevent road construction on oil and gas leases for those leases issued after the effective date of the Colorado Rule. In other words, road construction would be allowed on any leases issued prior to that effective date that do not have stipulations preventing this activity. Section 294.33(c)(5). [Footnote 13: The DEIS incorrectly states that under Alternative 2, temporary roads can be built "[w]here... needed in conjunction with the continuation, extension or renewal of an oil and gas lease." DEIS at 49. This is language is from the 2001 Rule. The Draft Colorado Rule language merely state that a temporary or long-term temporary road can be built if "needed in conjunction with an oil and gas lease." Section 294.33(c)(5).]

According to the DEIS, 152,459 acres of Colorado Roadless Areas are leased for oil and gas, and road construction would be allowed on 129,238 of these acres under Alternative 2. DEIS at 116. [Footnote: 14: These figures likely understate the impact slightly, as the analysis only covers Roadless Areas where at least 640 acres are leased. EIS at 115.] Road access and surface occupancy would be allowed on approximately 57,500 acres of roadless lands leased after the effective date of the 2001 Rule (January 12, 2001) that do not have stipulations prohibiting surface occupancy. DEIS at 117. If the 2001 Rule is finally declared to no longer be in effect, leases on an additional 10,100 acres, which have road prohibitions directly linked to the 2001 Rule, could have road construction. Id. Thus, it is clear that the Draft Colorado Rule provides much less protection against road construction for oil and gas leases than does the 2001 Rule, which would prohibit road construction on leases issued after its effective date (January 12, 2001).

In total, establishment of 674 wells on 143 well pads with construction of 136.5 miles of access roads could occur in Roadless Areas in the next 15 years under the Draft Colorado Rule. DEIS, id. Note that this does not provide much more protection than no roadless protection rule (Alternative 3), under which 731 wells on 132 well pads could be established, with 140 miles of road. DEIS at 121. The DEIS states that the Draft Colorado Rule (Alternative 2) "would result in approximately the same amount of oil and gas infrastructure development as Alternative 3." DEIS at 116. Note the contrast with what would likely occur under the 2001 Rule (Alternative 1): 252 wells on 59 well pads, with 54 miles of road. DEIS at 113. (Preservation/Conservation, Denver, CO - #789.24-25.44200.680)

4-243 Public Concern: The Forest Service should not support Alternative 1.

BECAUSE IT WOULD NOT PROVIDE CLARITY AND WOULD CONTINUE TO LEAD TO UNTIMELY AND ARBITRARY DECISIONS

ETC Canyon does not support incorporation of Alternative 1. Continuation of roadless management under the 2001 Roadless Rule would not provide clarification to the USFS for the assessment of existing and proposed gas pipeline infrastructure on relevant National Forest lands. Acceptance of Alternative 1 would continue the "status quo," where important decisions on pipeline routing and siting are untimely and at times arbitrary. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #814.2.44200.600)

BECAUSE ROADBUILDING IS PROHIBITED UNDER ALTERNATIVE 1

Road construction is prohibited under Alternative 1; any roads developed would likely be used primarily for forest management projects and are not for public use. This would likely limit access to explorations areas and cause increased transportation costs associated with exploration access and pipeline delivery. Access to mineral leases would be restricted to leases offered after the effective date of the Rule. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #814.4.44200.680)

BECAUSE IT WOULD DECREASE THE ECONOMIC FEASIBILITY OF OIL AND GAS DELIVERY

Alternative 1, No Action, would continue the current management condition for Inventoried Roadless Areas, maintaining the 2001 Roadless Rule upon relevant National Forest lands. Alternative 1 would decrease the economic feasibility of development of a gas pipeline delivery system within Colorado and surrounding states. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #814.1.44200.850)

4-244 Public Concern: The Forest Service should state that Alternative 2 will not change the environmental effects of oil and gas development on existing leases.

BECAUSE THE PROPOSED RULE GRANDFATHERS EXISTING LEASES FROM PROHIBITIONS ON ROADBUILDING AND TIMBER CUTTING

The Proposed Rule will not change the environmental impacts of oil and gas development on existing leases.

The Forest Service should state in the FEIS that Alternative 2 will not change the environmental effects of oil and gas development on existing leases in Colorado. See DEIS at 115. If adopted with the clarifications suggested in these comments, the Proposed Rule (Alternative 2) should neither limit—nor increase—the effects of oil and gas development on existing leases that were issued before the effective date of the Final Colorado Roadless Rule. That is because the Proposed Rule grandfathers existing leases from the prohibitions on roadbuilding and timber cutting in the same manner that the 2001 Roadless Rule (Alternative 1) grandfathered oil and gas development on existing leases. 36 CFR [Section] 294.33(c)(5) (Colorado Proposed Rule); 36 CFR [Section] 294.12(b)(7) (2001). For this reason, there should be no significant difference in environmental effects for the development of existing leases under Alternative 1 and Alternative 2. Both alternatives allow road construction and timber removal to develop existing leases. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Dallas, TX - #410.5.44200.200)

4-245 Public Concern: The Forest Service should revise the Proposed Rule to ensure that energy resource producers maximize production.

TO AVOID UNNECESSARILY LONG LIFESPANS FOR LONG-TERM TEMPORARY ROADS

We [Western Slope Environmental Resource Council] are concerned that the lifetime of long-term temporary roads could be unnecessarily extended by producers that slow down production. For example, if a gas producer slows or stops production whenever gas prices drop, this could substantially increase the time over which the wells are productive, thereby increasing the length of time a long-term temporary road is needed. There should be a mechanism in the Colorado Rule to ensure that producers maximize production throughout the life of a well or mine so as to shorten the life-span of any long-term temporary roads so they can be decommissioned and restored as soon as possible. (Preservation/Conservation - #928.9.64300.850)

4-246 Public Concern: The Forest Service should not support Alternative 2.

BECAUSE IT PLACES AN UNJUSTIFIED PLANNING AND ECONOMIC HARDSHIP ON PIPELINE DEVELOPMENT

ETC Canyon does not support selection of Alternative 2. As proposed, Alternative 2 creates undue financial impact, making it virtually impossible to create economically feasible pipeline projects within and adjacent to Roadless Areas. Since prohibition of gas pipeline development through Roadless Areas was specifically incorporated into this alternative, our position is that Alternative 2 places an unjustified

planning and economic hardship on pipeline support to the energy industry within the State of Colorado. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #814.7.44200.850)

4-247 Public Concern: The Forest Service should support Alternative 3.

TO ALLOW GEOTHERMAL AND OIL AND GAS DEVELOPMENT

The Rule [Colorado Roadless Rule] does not have an exemption for geothermal energy resources drilling. The Rule does not have exemption for natural gas resources drilling. Both are clean air resources and we need them to become energy independent. I cannot support this rule because it prohibits construction of oil and gas pipelines in CRAs [Colorado Roadless Areas], and we need more oil and gas so we cannot be blackmailed by foreign countries. I support Alternative 3. (Individual - #404.1.44200.800)

TO APPLY CASE-BY-CASE DECISIONMAKING, BASED ON INDIVIDUAL FOREST MANAGEMENT PLANS

Alternative 3 is the alternative supported by our company. All projected development would be examined on a case-by-case basis by the appropriate National Forest(s) in Colorado and held to the standards outlined in the individual forest management plans. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #814.11.44200.162)

TO PROVIDE THE GREATEST OPPORTUNITY FOR FUTURE DEVELOPMENT OF OIL AND GAS RESOURCES

Alternative 3 provides the greatest opportunity to develop future oil and natural gas resources than the other two alternatives. Access to mineral leases would be granted on a case-by-case basis, through consultations with the USFS. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #814.12.44200.162)

Each of the three alternatives would have significant impacts to future ETC Canyon gas pipeline corridor planning and route placement on and adjacent to relevant USFS lands in Colorado (and surrounding states), regardless of the alternative chosen for future roadless management. Selection of Alternative 3 for future roadless management would minimize resource and planning constraints in support of delivery for the oil and gas industry and energy transmission needs within and surrounding Colorado, while providing for adequate planning and infrastructure development opportunities for ETC Canyon. Alternative 3 would also provide adequate and efficient National Forest-specific roadless management oversight. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #814.14.44200.680)

4-248 Public Concern: The Forest Service should correct its conclusion that Alternative 2 will provide greater opportunity for oil and gas development than Alternative 1.

BECAUSE ACCESS TO LEASES WOULD BE LIMITED TO THOSE OFFERED BEFORE THE PROPOSED RULE'S EFFECTIVE DATE AND PIPELINES WOULD NOT BE ALLOWED THROUGH ROADLESS AREAS

The DEIS indicates that Alternative 2 provides slightly more opportunity than Alternative 1 to develop oil and gas resources in Roadless Areas; however, access to mineral leases would be restricted to leases offered before the effective date of the rule and construction of pipelines through Roadless Areas would not be allowed under this alternative. Therefore, it is our position that the USFS's conclusion that this alternative would provide more opportunity for oil and gas development than Alternative 1 is erroneous. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #814.10.44200.001)

The DEIS and the Proposed Rule: Specific Corrections and Revisions

4-249 Public Concern: The Forest Service should correct the Supplementary Information provided with the Proposed Rule suggesting that future oil and gas leases stipulate no road construction.

BECAUSE SECTION 294.33(C)(3) DOES NOT CONTAIN THIS REQUIREMENT

The Supplementary Information provided along with the Proposed Rule suggests that "The Proposed Rule (Section 294.33(c)(3)) would require future leases within CRAs [Colorado Roadless Areas] include stipulations that prohibit road construction." 73 Fed. Reg. 43548 [at] Section 294.33(c)(3) does not contain this requirement, however. The portions of the Proposed Rule on oil and gas development are not consistent with this representation in the Proposal, which creates needless confusion as well as public expectations that will not be met by the Forest Service. (Preservation/Conservation - #799.10.44200.680)

4-250 Public Concern: The Forest Service should correct the Supplementary Information provided with the Proposed Rule in regard to the pipeline exception.

In addition to opening a minimum of 70,000 acres of Roadless Areas to oil and gas development, the Proposed Rule would also permit the construction of pipelines or related infrastructure necessary to transport oil or gas from land under lease within a Roadless Area as of the effective date of the Final Rule. 73 Fed. Reg. 43562 at [Section] 294.33(c)(5). The Supplementary Information provided in the text preceding the Proposed Rule confirms this exception but mistakenly attributes it to Section 294.33(c)(3). See 73 Fed. Reg. 43548. (Preservation/Conservation - #799.9.44200.160)

4-251 Public Concern: The Forest Service should correct the DEIS to reflect that there are some coal exploration licenses in Colorado Roadless Areas.

INCLUDING ONE IN THE PILOT KNOB CRA

[In Chapter 3, page 107 of the DEIS,] the third paragraph states incorrectly that "There are currently no existing coal exploration licenses in any Roadless Areas in Colorado (as of March 2008)." Oxbow Mining, LLC has exploration license COC-67643 located in the Pilot Knob #11 CRA [Colorado Roadless Area]. This section should be corrected. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Somerset, CO - #427.4.44500.001)

4-252 Public Concern: The Forest Service should correct the DEIS to acknowledge that some coal-related roads have been reclaimed.

[In] Chapter 3, page 108 [of the DEIS,] the fourth paragraph states there has been about 70 miles of coal-related road construction in Roadless Areas. To correctly characterize the situation, the text should also acknowledge that many of these roads have been reclaimed. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Somerset, CO - #427.5.44500.680)

4-253 Public Concern: The Forest Service should correct the DEIS to reflect that counties other than Gunnison also have coal reserves.

INCLUDING DELTA COUNTY

[In] Chapter 3, page 308 [of the DEIS,] the second paragraph states incorrectly that only Gunnison County has coal reserves in Roadless Areas. Delta County has CRAs [Colorado Roadless Areas] Currant Creek #06 and a small portion of Flattops/Elk Park #07 contain coal reserves. This section should be corrected. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Somerset, CO - #427.6.44500.001)

4-254 Public Concern: The Forest Service should correct the description of the Currant Creek #06 CRA.

TO INCLUDE REFERENCE TO COAL DEVELOPMENT

Profiles of Grand Mesa, Uncompahgre and Gunnison National Forest Roadless Areas, July 23, 2008, page 18, Currant Creek #06. The Currant Creek #06 CRA [Colorado Roadless Area] description should reference the potential for coal development as part of the Colorado Roadless Rule, North Fork coal mining area. This would be consistent with the Map 14 – Existing Coal Leases and Colorado Roadless Areas, Alternative 2. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Somerset, CO - #427.7.44500.001)

4C. MANAGEMENT OF PHYSICAL RESOURCES

4-255 Public Concern: The Forest Service should preserve Roadless Areas.

TO PROTECT A VARIETY OF NATURAL RESOURCES

The forests in Roadless Areas are so crucial to modulate the climate. They are necessary for tree roots to stabilize the soil, even on rocky mountainsides. They hang on to life-giving moisture, keeping snow from melting too quickly during early spring runoff, and lengthening the time for water to fill the streams. (Individual, Carbondale, CO - #237.2. 45000.220)

BECAUSE COLORADO'S NATIONAL FORESTS ARE ALREADY EXTENSIVELY ROADED

The Lands Council, with members across the West, opposes the administration's attempts to repeal the landmark Roadless Area Conservation Rule so that new logging, mining, drilling, and roadbuilding is allowed in Colorado's best backcountry forests. Colorado is already hatched with roads on National Forests, from mining, logging, and recreation—the Colorado Rule would open this up even more. Even now, there are no watersheds in Colorado where one can travel over 7 miles from the top without hitting a road—we believe enough is enough! (Preservation/Conservation, Spokane, WA - #402.1.40000.680)

TO PROTECT THE HEALTH OF LOCAL COMMUNITIES

Oil and gas development fail to preserve our natur[al] beauty, air, and water. The profit taken is not worth the permanent destruction resultant in these uses. Air pollution alone is devastating the health of the communities of Parachute, Rifle, and neighboring areas. Talk to our citizens living in those areas (not the employees of oil/gas interests). (Individual, Vail, CO - #806.1.45000.850)

Air Quality

4-256 Public Concern: The Forest Service should cite the data by which it predicted that no significant difference would exist among air quality impacts for all alternatives.

TO INCLUDE THE REFERENCES IN THE FEIS OR ON THE FOREST SERVICE WEBSITE

On page 97, the DEIS predicts that there is no significant difference in the impact to air quality from actions taken under all the alternatives. The FEIS should cite the data on which these predictions are based and/or make these references available on the website [of the USFS]. (Office of Federal Activities, Washington, DC - #995.10.45000.001)

4-257 Public Concern: The Forest Service should establish dust standards and control methods for roads in Colorado Roadless Areas.

TO PRESERVE PLANT COMMUNITIES

Standards shall be established for the amount of dust from roads in a CRA [Colorado Roadless Area] and methods determined that will meet these standards. The standard shall preserve the plant communities adjacent to the road. (Individual, Denver, CO - #488.7.45000.353)

4-258 Public Concern: The Forest Service should ensure that air quality will be monitored and that air and noise standards are met.

TO PRESERVE THE AIR AND NOISE VALUES OF ROADLESS AREAS

Air quality should be constantly monitored and mines, drilling rigs, etc., shut down immediately when appropriate standards are not met. The standard shall require the lowest possible levels of pollution from such sources as diesel and other engines. Noise from resource-related activities must be minimized so that someone a half-mile from the industrial activities experiences the quiet that is a primary value of Roadless Areas. (Individual, Denver, CO - #488.6.45000.400)

Climate Change

4-259 Public Concern: The Forest Service should acknowledge that global warming and drought are contributing to epidemics of beetles and aspen die-back.

The advancement of global warming and drought in Colorado, as you must know, has already drastically altered the region. Epidemics of beetles and old-stand aspen die-back are creating more disturbances than the usual human development intervention. (Individual, Gunnison, CO - #763.1.45000.330)

4-260 Public Concern: The Forest Service should be aware that development of Roadless Areas will not improve global warming problems.

AS WILL BE ARGUED BY DEVELOPMENT INTERESTS

I feel like that there is a lot of corporate brainwashing going on. And Wall Street works to commodify global heating, which is what Wall Street is working very hard to do.

We are going to be hearing more and more from timber, mining, drilling, cattle, roadbuilding, subdivision, and various other development interests trying to make claims to the American people and other people around the world that development of such areas will somehow, some way, help the climate issue. It absolutely will not. (Individual, Denver, CO - #957.2.45000.800)

Water Resources

4-261 Public Concern: The Forest Service should protect watersheds in Roadless Areas.

TO PROTECT DOMESTIC AND AGRICULTURAL WATER SOURCES

The roadless public lands which are a part of the Uncompahgre National Forest include important watershed areas for domestic and agricultural water sources, including Beaver Creek, the Town of Ridgway's only source of potable water. (Board of Ouray County Commissioners, Ouray, CO - #466.1. 46100.061)

These public lands [Uncompahgre National Forest in Ouray County] include important watershed areas for domestic and agricultural water sources, including Beaver Creek, the Town of Ridgway's only source of potable water. (Town of Ridgway, CO - #467.1.46100.061)

BECAUSE HIGH-ELEVATION ROADLESS AREAS ARE "WATER STORAGE VATS"

All roadless Forest Service areas in Colorado should be protected. The majority of these parcels are in high-elevation, low-productive areas. Their primary value is water production. The forests, that in some areas, take 200 years to grow a 10-inch tree, are more valuable serving as "water storage vats." As the vast, vast majority of productive lands in this country are urbanized, under the plow or cattle hooves or paved over, these high-elevation lands will not save us from ourselves. We can't breed, consume, or exhaust our way out of our current dilemma. (Individual, Blue River, OR - #398.1.46120.201)

BECAUSE THE CLEAN WATER ACT MANDATES SUCH PROTECTION

The current proposal does not seem to adequately protect water quality, as required by the Clean Water Act. (Individual, Moscow, ID - #452.1.46110.137)

4-262 Public Concern: The Forest Service should protect watersheds and water as a commodity.

Water is now, and will increasingly become, our scarcest and most valuable commodity—not timber, oil, gas, or other minerals. Maximum protection of our watershed is absolutely mandatory. Roadless Areas are the best mechanism to perform this function. (Individual, Ridgway, CO - #41.4.46100.200)

4-263 Public Concern: The Forest Service should address potential adverse impacts to water quality from construction of low-grade, temporary roads.

BECAUSE INFORMATION PRESENTED IN THE DEIS AND PROPOSED RULE WARRANTS THIS DISCUSSION IN THE FEIS

Based on the information presented in the DEIS and the Proposed Rule, we [the U.S. Environmental Protection Agency] have identified the following concerns that should be addressed in the FEIS and Final Rule: potential adverse impacts to water quality from the construction and use of miles of low-grade, temporary roads. (Office of Federal Activities, Washington, DC - #995.2.46110.680)

4-264 Public Concern: The Forest Service should protect the Rio Grande watershed from vehicular pollution.

BECAUSE THE RIO GRANDE ALREADY IS AN OVER-APPORTIONED RIVER

The Rio Grande watershed is a limited and valuable commodity. The Rio Grande is already an over-apportioned river, and we need to make sure the water flowing out of our forests is as clean as possible. More roads and thus in turn more vehicles and vehicular use would make clean, pristine water a far greater challenge. Roadless Areas safeguard the purity of watersheds and the functioning of healthy ecosystems. (Individual, South Fork, CO - #827.2.46110.680)

4-265 Public Concern: The Forest Service should adopt the best permutation of all alternatives to protect Roadless Areas while ensuring access to and use of existing water resources.

TO PRESERVE THE TOWN OF RIDGEWAY'S WATER SUPPLY

[The Ouray County Commissioners recommend] that the USFS consider all of the various permutations of the three alternatives described in the DEIS and proceed with adoption of a Final Roadless Rule that will provide the best possible protection of the natural characteristics and values of those Roadless Areas within Ouray County, Colorado as identified in Alternative 2, with [this] specific criterion being of critical importance, protection of access to, and use of, existing water resources within the Preferred Roadless Boundary, such as that utilized by the Town of Ridgway. The Board recognizes the need for the USFS to promulgate a state-specific rule to manage roadless values and characteristics that will be

responsive to the need to balance local, state, and national interests in providing management direction for such lands in Colorado. (Board of Ouray County Commissioners, Ouray, CO - #466.3.46100.621)

4-266 Public Concern: The Forest Service should clarify whether the Proposed Rule will affect conditional water rights and existing and future water development projects.

TO PROTECT THESE PROPERTY RIGHTS

The proposed Colorado Roadless Rule is not intended to affect existing permits, contracts, or other legal instruments issued prior to the effective date of the rule. It is unclear from this statement whether or not conditional water rights held by municipalities, like Aurora, are protected by these provisions. There needs to be clear language added that protects these property rights. (Utility Group, Aurora, CO - #947.3.46100.100)

Under the proposed Colorado Roadless Rule DEIS, regardless of the alternative, the Rule provides the provision to "maintain existing rights and permitted uses, including those provided by statute, treaty, and other legal instruments, for occupancy and use of NFS [National Forest System] lands." Under this provision, will all decreed conditional water rights, permits, storage rights, and/or right-of-ways be recognized and accepted for development based on their "pre-existing" status prior to the promulgation of a Final Colorado Roadless Ruling? (Utility Group - #949.2.46100.100)

All proposed Colorado Roadless Areas should be reviewed for proximity of existing water rights for water storage, including an evaluation of reasonable access for the development of those rights. (Conservation District - #1038.3.46100.640)

Section 294.36(f) provides: "Nothing in this rule shall be construed as expressly or implicitly affecting the current or future management of existing trails or existing roads in Colorado Roadless Areas (CRA[s]). Decisions concerning the future management and/or status of existing roads or trails within CRAs under this rule shall be made during the applicable forest travel management processes."

However, the narrative preceding the Proposed Rule states: "The definition [of the category of purposes for which roads may be constructed or maintained] does not include road construction or reconstruction for the construction or maintenance needed for reservoirs," 73 Fed. Reg. 144 at 43547.

Further, Section 294.33(b) of the Proposed Rule states: "Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in a CRA if the responsible official determines that one of the following circumstances exists:," and Subsection (b)(6) describes the circumstances where a road may be constructed or reconstructed as "Consistent with applicable land management plan, a road is needed to allow for construction, reconstruction, or maintenance of existing or future authorized utility and water conveyance structures as defined by this rule in Section 294.31."

And finally, Section 294.31 defines "Utility and Water Conveyance Structures" as: "Facilities associated with the transmission and distribution of utilities and water across National Forest System lands. For purposes of this rule, utilities are existing and future transmission lines used for electrical power and water conveyance structures are existing and future diversion structures, headgates, pipelines, ditches, canals, and tunnels (but shall not include reservoirs)."

Our concern is these sections will be interpreted to prohibit the construction, maintenance, or reconstruction of roads required for existing reservoirs. The Proposed Rule must be amended to remove any ambiguity regarding the status of roads for existing reservoirs. (Conservation District - #1038.4.46120.680) (Conservation District - #1038.5.46100.680)

TO INCLUDE ASSURANCE THAT THE RULE WILL NOT REVOKE, SUSPEND, OR MODIFY EXISING WATER RIGHTS

The scope and applicability of the Proposed Rule does not "affect land use permits, contracts, or other legal instruments issued prior to the effective date of a rule." The Rule should clearly state that it will not

"revoke, suspend, or modify" decreed conditional water rights, storage rights, and right-of-ways associated with existing special use authorizations. (Utility Group, Denver, CO - #951.4.46100.100)

TO ALLOW FOR FUTURE WATER SUPPLY PROJECTS TO MEET FUTURE NEEDS

The Proposed Colorado Roadless Rule is supposed to strike a balance between maintaining roadless characteristics and addressing the specific needs of Colorado and its citizens. Existing and future water supply, water storage, and conveyance are crucial to the State of Colorado. Protection of watersheds, as well as the ability to operate and maintain existing water infrastructure and develop new water supply projects, are absolutely necessary for the health, safety, and welfare of Colorado citizens. Drought, climate change, increasing populations, the need to maintain agriculture, and flows for environmental and recreational uses will all require additional storage projects and conveyance facilities within Colorado. The Roadless Rules should not eliminate water supply alternatives or create roadblocks to the maintenance and development of existing and conditional water rights and storage. (Utility Group, Aurora, CO - #947.1.46100.200)

The DEIS recognizes that, as water needs increase and drought cycles continue, there will be a need to expand existing facilities or construct new reservoirs and water conveyance systems. Some of these projects will involve National Forest System (NFS) lands. The Colorado State Water Supply Initiative has identified a water supply shortfall for Colorado in the not too distant future. At the same time, a 2008 report by the Western Water Assessment (CU-NOAA [University of Colorado – National Oceanic and Atmosphere Administration]) for the Colorado Water Conservation Board, "Climate Change in Colorado," states that, "Climate change will affect Colorado's use and distribution of water... Specific challenges... may be further exacerbated by projected climate changes." All of these factors support the need for a roadless plan that allows flexibility for development, expansion, operation, and maintenance of existing and future water supply facilities on NFS lands. (Utility Group, Denver, CO - #951.1.46100.251)

In general, Northern Water [Northern Colorado Water Conservancy District] and the MS-NCWCD [Municipal Sub-District of the Northern Colorado Water Conservancy District] support Roadless Areas that coincide and overlap with watersheds that provide water supplies for the many water users within our districts. Roadless Areas can contribute to the quality and quantity of public and private water supplies that originate within these watersheds. However, Northern Water and the MS-NCWCD are concerned that this Proposed Rule (Draft Colorado Rule – preferred alternative) may adversely affect our ability and the ability of water providers within our districts to meet some of their future water supply challenges.

Northern Water operates and maintains the water features of the Colorado-Big Thompson Project that annually supplies approximately 220,000 acre-feet of supplemental water to 750,000 residents and to 700,000 acres of irrigated farmland in northeastern Colorado. The MS-NCWCD owns, operates, and maintains the Windy Gap Project that provides additional water supplies to municipal water providers and industry along the northern front range of Colorado. Many of these water users also own and operate their own water supply projects located in and nearby National Forests. Some have plans to develop additional supplies and projects located in or nearby some the proposed Roadless Areas.

Any Roadless Rule alternative must allow for these future projects. In some cases, conditional water rights may already exist. In other instances, reservoir expansion plans are being evaluated. These potential future projects are critical to the State of Colorado, its economy, and its citizens. (Conservation District - #994.1.46100.002)

TO COMPLY WITH STATE LAW

A roadless rule alternative must take into consideration Denver Water's need and ability to exercise entitlements under its absolute and conditional water rights. These water rights are decreed pursuant to State law. The alternative must not foreclose flexibility in Denver Water's operations or preclude development of needed future water supplies. Denver Water has diligently protected these property interests, which were acquired many years ago. (Utility Group, Denver, CO - #951.2.46100.180)

TO COMPLY WITH LOCAL, STATE, AND FEDERAL POLICY AND TO PROTECT VALUABLE PROPERTY RIGHTS

The Colorado Water Congress is primarily concerned with the delineation of the Roadless Areas and its inclusion of both existing water storage facilities and the presence of conditional water rights for water storage within the proposed Roadless Areas. Water rights, both perfected (currently developed) and conditional (planned for development and decreed by Colorado's water courts) are property rights under Colorado law. The elimination or preclusion of these rights by Federal rule is deeply troubling to the Colorado Water Congress. Additionally, it is contrary to local, state, and Federal environmental policy to minimize environmental impacts on public or private lands. To meet present and future municipal, industrial, and agricultural demand for water in Colorado, expansion and rehabilitation of existing water storage facilities is both the most cost-effective and the most environmentally benign.

Mapping of the proposed Roadless Areas and the location of storage-related water rights indicates conflicts in every major river basin in the state. Acknowledging that many of these rights are close to roadless boundaries and therefore may be subject to spatial error, the Ute Water Conservancy District has mapped three of its storage rights that are currently under environmental review and is certain of their location inside roadless boundaries. Simple proximity of a proposed water storage facility to a roadless boundary will inevitably raise public concerns during permitting that may result in the loss of these valuable property rights. (Other or unidentified organization, Denver, CO - #1039.1.46100.620)

4-267 Public Concern: The Forest Service should modify the Roadless Rule to allow access to future water storage and water conveyance facilities.

TO RETAIN FLEXIBILITY FOR NEW WATER SUPPLY DEVELOPMENT

Alternative 2, the Colorado Roadless Rule, is intended to provide additional flexibility as compared to the 2001 Roadless Rules. The Colorado Roadless Rule proposes to allow "access to future utility and water conveyances while continuing to conserve Roadless Area values and characteristics." Water conveyance facilities are integrated with the development of water rights and storage facilities. The addition of storage facilities to water conveyance is necessary to adequately address the flexibility required by Colorado water providers, including Aurora Water. Without this addition, the Proposed Rules may prevent the water right holders from developing their legally obtained property rights. (Utility Group, Aurora, CO - #947.2.46100.640)

4-268 Public Concern: The Forest Service should modify the DEIS to ensure that impacts to future water storage and conveyance facilities are identified.

TO RETAIN FLEXIBILITY FOR NEW WATER SUPPLY DEVELOPMENT

The Colorado Roadless Rule DEIS is legally deficient because it fails to identify and analyze the impact of the loss of reservoir sites on future water supply needs in Colorado. Chapter 3 of the Colorado Roadless Rule DEIS, at page 81, recognizes the importance of the management of National Forest lands for public water supply purposes and concedes that the Forest Service "is required to manage those public supply watersheds for multiple uses while recognizing the domestic water supply needs, and to use only proven techniques in managing these watersheds (Forest Service Manual 2542)." However, the Colorado Roadless Rule is devoid of any meaningful discussion of the future demands for water supply in Colorado.

The State of Colorado's studies conclude that the demand for water supply in Colorado will increase by 630,000 acre-feet by 2030, and that even if all currently planned projects are completed, there will be a shortfall of 118,200 acre-feet in 2030. Water diversion and storage at high elevations is preferred by many municipal water providers for both water supply and water quality reasons. The nature and location of likely future water diversion and storage facilities can be identified through a review of existing conditional water rights, as inventoried by the Colorado State Engineer. The Colorado Roadless Rule DEIS must identify and analyze the impact of the Proposed Rule on these water supply facilities. (Conservation District - #1038.6.46100.640)

4-269 Public Concern: The Forest Service should recommend to Congress that provisions of the 2005 Energy Policy Act be amended.

TO ENSURE THAT PROVISIONS OF THE CLEAN WATER ACT AND THE SAFE DRINKING WATER ACT APPLY TO COLORADO ROADLESS AREAS

The Colorado Rule should specifically identify the loophole in the 2005 Energy Policy Act that repeals the Clean Water Act and Safe Drinking Water Act exemption and request that at least on these 4+ million acres that all environmental and public health laws that protect our water quality be reinstated. I presume this will not happen, nevertheless, request that Congress eliminate the loophole in the 2005 Energy Policy Act that allows for the use of a categorical exclusion in Colorado Roadless Areas would be helpful in maintaining the quality of these areas. (Individual - #1029.48.46110.137)

Utilities and Water Conveyances

4-270 Public Concern: The Forest Service should not allow new powerlines, water conveyances, or access for their construction in Roadless Areas.

As a Coloradan, I ask the Forest Service to fully protect all of Colorado's Roadless Areas according to the 2001 Roadless Rule. The weaker protections specific to the Roadless Areas in Colorado must be rejected. New electrical transmission lines and water pipelines could be constructed in Roadless Areas, along with roads to access construction sites. (Individual, Evergreen, CO - #1.4.61000.200)

BECAUSE THE ASSOCIATED ROAD CONSTRUCTION WOULD FACILITATE DEVELOPMENT OF THESE UTILITY CORRIDORS

The Proposed Rule allows for the construction of new electrical transmission lines and water pipelines in Roadless Areas, permitting associated road construction to facilitate development of these utility corridors. There should be no new exceptions for utilities. (Preservation/Conservation - #186.4.61000.001)

BECAUSE IT IS AN OFFENSE TO THE CONCEPT OF ROADLESSNESS

The exception for new electrical transmission lines and water pipelines with all the associated road construction is an offense to the concept of roadlessness and must be deleted. (Individual, Aspen, CO - #187.3.61000.206)

BECAUSE NEW FACILITIES WOULD DEGRADE ROADLESS VALUES AND TRANSMISSION LINES WOULD MAR SCENERY AND POTENTIALLY ADVSERSELY AFFECT AVIAN SPECIES

The Draft Rule would inappropriately allow permanent road construction for new, as well as existing, water conveyances and utilities. Section 294.33(b)(6) would allow construction of new, permanent roads for access to construct new facilities in Roadless Areas as well as maintenance of existing facilities. The types of facilities allowed are defined as follows:

> Utilities are existing and future transmission lines used for electrical power and water conveyance structures are existing and future diversion structures, headgates, pipelines, ditches, canals, and tunnels (but shall not include reservoirs). Section 294.31.

Construction of new facilities for these types in Roadless Areas would degrade roadless values. The presence of electrical transmission lines would mar scenery and might have adverse effects for avian species of wildlife. Constructing towers for overhead lines would first require linear clearcuts, if the lines traversed forested areas. That would fragment wildlife habitat. (Preservation/Conservation, Denver, CO - #789.26.61000.200)

BECAUSE GROUND-DISTURBING ACTIVITIES ASSOCIATED WITH WATER CONVEYANCES WOULD LEAD TO WEED INFESTATION, AND THE PRESENCE OF THESE FACILITIES WOULD DEGRADE OR ELIMINATE ROADLESS CHARACTERISTICS

Water conveyances such as pipelines and ditches and the roads necessary to construct them would require considerable earth movement, which could lead to weed infestation and spread in remote areas that currently have no weeds. The same would be true if underground electrical lines were installed. Any

water conveyance or utility would require maintenance of a road for the life of the facility, diminishing roadless characteristics in that portion of an affected Roadless Area.

Allowing road construction for new facilities in Roadless Areas is, in essence, an open invitation for water and utility companies to apply for permits to build such facilities in Roadless Areas. New facilities in these areas are absolutely inappropriate, as their presence and the associated roads would degrade or eliminate roadless characteristics in remote portions of some of Colorado's Roadless Areas. Utilities and water conveyances can more properly be located outside of Roadless Areas. (Preservation/Conservation, Denver, CO - #789.27.61000.206)

TO AVOID CREATING AN ECONOMIC INCENTIVE TO CONSTRUCT NEW FACILITIES

In the "utilities and water conveyances" wording, eliminate wording that would allow for new roads to service new conveyances and facilities. As with grazing and mining, a meaningful and fair Colorado Rule will maintain the status quo of multiple-users—in this case, allowing for maintenance of existing facilities without providing an economic bonus and stimulation for new facilities and further roading of [Colorado Roadless Areas]. (Recreation/Conservation Organization, Durango, CO - #759.6.61000.680)

TO AVOID CREATING THE POSSIBILITY OF FUTURE RESERVOIR CONSTRUCTION

Eliminate the "new" wording in the utility and water conveyance section, which would facilitate the construction of new roads used to build and maintain new conveyances across currently unspoiled CRA [Colorado Roadless Area] lands, which, in the case of water, would in turn open the door to building new reservoirs in CRA backcountry. As with all other "new" provisions in the Draft Rule, this exception would weaken rather than strengthen roadless characteristics without historical precedent or demonstration of dire need. (Recreation/Conservation Organization, Colorado Springs, CO - #759.9.61000.206)

TO COMPLY WITH THE RECOMMENDATION OF THE ROADLESS AREA CONSERVATION NATIONAL ADVISORY COMMITTEE

Please note that 3b of the original RACNAC [Roadless Area Conservation National Advisory Committee] recommendations suggests that Petition/Rule language should be changed to read: "with respect to future utility corridors and water conveyance structures, roads would be allowed for repair or replacement," rather than the current, "construction, or replacement of structures." We [Trout Unlimited/Public Lands Initiative] echo that recommendation and also feel that no "new" allowances should be made for utility corridors or water conveyances.

Remove language that would allow and facilitate new roads for existing or future utility corridors or water conveyances. (Recreation/Conservation Organization, Durango, CO - #770.5.61000.001)

WHERE THERE ARE NO VALID EXISTING RIGHTS

The Proposed Colorado Rule includes broad exceptions allowing new permanent roads for power line corridors, water projects, and grazing roads in all of Colorado's 4.4 million acres of backcountry. This loophole needs to be closed. I respect existing rights, and utility and water conveyance roads should be allowed for areas under permits issued prior to the national Roadless Rule in 2001. However, new roads for future rights should be prohibited in the Colorado Rule. New roads for grazing allotments are not needed and should be prohibited, as well. (Individual, Washington, DC - #441.4.61000.001)

TO PRESERVE HIGH-QUALITY HABITAT

I further understand that you [the U.S. Forest Service] are moving forward to remove roadless protections for these areas, such as the pipeline project up in that area which would create a 100-yard-wide ROAD, no matter what name you call it by. The Colorado Division of Wildlife (DOW) has recommended that these Roadless Areas be protected because of the high-quality habitat. (Individual - #78.1.60000.330)

Within the [Proposed] Rule, [Section] 294.33 (b)(6) allows potential roadbuilding for water and utility conveyances in all 4.4 million acres of CRAs [Colorado Roadless Areas]. This loophole opens the door to excessive impacts on key fish and wildlife habitat and should be removed from the Colorado Roadless Rule. (Recreation/Conservation Organization, Missoula, MT - #836.11.61000.330)

TO AVOID IMPACTS ON SPECIAL-STATUS SPECIES

The Proposed Rule adds more exceptions [than the 2001 Rule], among them the Draft EIS discussed birds listed under the Endangered Species Act associated with Colorado Roadless Areas. The DEIS (page 176) says "virtually all the Roadless Areas (except two or three) have a threatened, endangered, or sensitive species or habitat in them...". Table 38 lists Southwestern Willow Flycatcher associated with nine IRAs, Mexican Spotted Owl with 34 IRAs. Table 39 lists 19 "Forest Service sensitive species" of birds associated with IRAs [Inventoried Roadless Areas]. The proposal allows new roads for construction of future "utility and water conveyance structures," apparently meaning new electric power transmission lines and water canals or pipelines. These changes alone could lead to major environmental impacts degrading natural wildlife habitat in many places in Colorado. (Preservation/Conservation, Ellicott City, MD - #493.5.61000.330)

BECAUSE PROJECT PROPONENTS SHOULD BE ENCOURAGED TO DEVELOP ALIGNMENTS OVER LESS SENSITIVE LANDS

As currently drafted, we [Pitkin County Commissioners] find the following provision of the Proposed Rule particularly egregious and destructive of our National Forests' roadless values.

Roads needed for construction, reconstruction, or maintenance of both existing and future utilities and water conveyance structures, including pipelines and tunnels for water diversions, are permitted under the Proposed Rule. This practically invites proponents of new projects to use Federal Roadless Areas for their projects, as opposed to bearing the expense of seeking and obtaining routes over less sensitive lands. (Pitkin County Board of Commissioners, Aspen, CO - #324.3.61000.200)

BECAUSE THE 2001 RULE OFFERS SUFFICIENT EXEMPTIONS FOR UTILTITY CONSTRUCTION

Alternative 2 would provide a broader exception for road access to future water conveyance and utility powerlines. The 2001 Rule allows road construction and reconstruction for water conveyances and utility powerlines under a permit issued before the 2001 Rule. Alternative 2 would expand this exception to cover future permits as well. Roadless Areas should be kept roadless to the extent feasible. While the 2001 Rule necessarily exempts then-existing permits, Alternative 2 would unnecessarily open up Roadless Areas to an unlimited number of future projects that would undermine their roadless characteristics and values. (Civic Group, Ridgway, CO - #769.5.61000.200)

We [The Audubon Society of Greater Denver] don't believe that these structures—power lines, water pipelines, and other conveyance structures—should be built in Roadless Areas, unless there is an urgent need to protect public health and safety. The 2001 Rule is flexible enough to accommodate such situations. Therefore, such structures and the roads to aid their construction and maintenance should not be allowed. (Preservation/Conservation, Littleton, CO - #919.10.61000.790)

The exception for utility and water conveyance structure maintenance, proposed 36 CFR 294.33(b)(7), should be limited to existing, not future, structures. To extend this exception to future utility and water conveyance structures increases the risk that roadless values will be impaired by the siting of new such structures within Roadless Areas. Such an outcome contradicts the Proposed Rule's laudable improvement on the 2001 Rule in Section 294.35, providing that oil and gas pipelines are prohibited from crossing CRAs [Colorado Roadless Areas] to transport oil or gas from sources located outside the CRA. If the Forest Service can identify a compelling need for roads to maintain future utility or water conveyances, which it does not appear to have done in the DEIS, the exception should, at a minimum, be limited by a provision analogous to the oil and gas pipeline rule—that new conveyances should not be permitted to cross CRAs to transport water or utilities from a source or sources outside the CRA. (Preservation/Conservation, Boulder, CO - #1037.5.61000.206)

BECAUSE ONLY ACCESS TO EXISTING STRUCTURES SHOULD BE PERMITTED

Please note that 3b of the original RACNAC [Roadless Area Conservation National Advisory Committee] recommendations suggests that petition/Rule language should be changed to read: "with respect to future utility corridors and water conveyance structures, roads would be allowed for repair or replacement," rather than the current "construction or replacement of structures." We echo that recommendation and also feel that, as with ranching language, no "new" allowances should be made for

utility corridors or water conveyances. The purpose of an exemption should be to accommodate existing facilities, not to open up the door to new utility corridors or water facilities routed through CRAs [Colorado Roadless Areas]—including new construction for development of existing conditional water rights. Even for existing facilities, roadbuilding should only be authorized where other lower-impact options are not practicable, and the road should be constructed so as to minimize effects on surface resources—as is required for temporary roads under Section 294.33(c)(2) of the Draft Rule. We [Colorado Trout Unlimited] therefore recommend removal of all language that would facilitate roadbuilding for new utility corridors or water conveyances, and addition of language limiting such roadbuilding to situations where alternatives are not practicable and with any road required to be designed and maintained to minimize its impacts on CRA resources. (Recreation/Conservation Organization, Boulder, CO - #1002.7.61000.680)

UNLESS CRITERIA RELATED TO EXISTING FACILITIES ARE MET

New roads should be allowed only for utility and water conveyances under the following circumstances: where authorized facilities currently exist and where access to these facilities is needed to ensure safe operation, a utility company may pursue necessary authorizations pursuant to the terms of the existing permit or contract; and a road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event. (Recreation/Conservation Organization, Missoula, MT - #836.12.61000.790)

4-271 Public Concern: The Forest Service should expand the definition of "utility and water conveyance structures."

TO INCLUDE OIL AND NATURAL GAS PIPELINES

GEC [Gunnison Energy Corporation] believes that the definition of "utility and water conveyance structures" should be modified to include oil and natural gas pipelines. Section 294.31 Definitions includes the proposed definition for "Utility and water conveyance structures: Facilities associated with the transmission and distribution of utilities and water across National Forest System lands. "For the purposes of this rule, utilities are existing and future transmission lines used for electrical power and water conveyance structures are existing and future diversion structures, headgates, pipelines, ditches, canals, and tunnels (but shall not include reservoirs)." 73 Fed. Reg. 43544, 43561 (July 25, 2008) (to be codified at 36 CFR [Section] 294.31).

This definition specifically excludes oil and natural gas pipelines despite the fact these lines commonly exist with or are parallel to other utility lines throughout the United States. Oil and gas pipelines would not disturb any more surface than water conveyance pipelines. In fact, the construction techniques for both utilities are nearly identical. Following reclamation, an oil and gas line would be no more visible or prone to maintenance than are overhead power lines or water structures. It seems logical that oil and gas pipelines should be included as a utility line because they are considered a utility in most other regulatory situations. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #504.1.61000.421)

There appears to be an arbitrary and capricious decision in reference to the permitting of pipelines by the product they contain and where that product originates as stated in the Rulemaking for Colorado Roadless Areas DEIS. Table 8. Alternative 2, page 49, Roads, 6th bullet, which states "Where a road is needed to allow for construction, reconstruction or maintenance of existing or future authorized utility and water conveyance structures, if consistent with the applicable forest plan." Then in Table 11, Features That Differ Between Alternatives – Road Construction and Reconstruction, page 60, Roads for utility and water facilities, Alternative 2 – Proposed Action Colorado Roadless Rule. The first bullet states "Road construction or reconstruction related to utility and water conveyance is allowed in support of existing as well as future permits other than where forest plan direction prohibits roading." The second bullet states "Utilities are defined as existing and future powerlines. Water conveyances are defined as existing and future diversion structures, headgates, pipelines, ditches, canals, and tunnels." On page 62, Table 11, Other Requirements for Management of Roadless Areas in Colorado, Oil and gas pipelines which states "Prohibits construction of oil and gas pipelines through CRAs [Colorado Roadless Area] from sources outside the CRAs." The impacts and effects from construction, operation, and

maintenance of pipelines are essentially identical regardless of the product they are designed to carry or where they originate. The limiting of the point of origination of the product the pipelines are designed to be used for transport should be the same for all products. The prohibition of roads to access future oil or gas wells within the boundaries of the CRAs yet allowing roads for the construction, reconstruction, or maintenance of existing or future authorized utility and water conveyance structures is also arbitrary and capricious.

A road is a road. The reasoning for the allowance of occupancy for roads for utility and water conveyance structures, yet denying the opportunity for road access to oil and gas wellpads when the impacts and effect of each [are essentially identical] have not been demonstrated in the DEIS. (Individual, Commerce City, CO - #1045.6-7.61000.421)

TO INCLUDE WATER STORAGE FACILITIES

In Alternative 2, the Proposed Action, the Colorado Roadless Rule applies to CRAs [Colorado Roadless Areas] in Colorado and allows roadbuilding for future water conveyance systems, not including reservoirs or stream gages. As stated in the DEIS, the prohibition on road construction for water supply reservoirs would necessitate locating new facilities outside of CRAs, potentially resulting in greater ground disturbance, more adverse effects to the environment, increased costs, and reduced public service. Although Alternative 2 allows for more flexibility compared to Alternative 1 (No Action), the restrictions associated with Alternative 2 could make it more difficult for Denver Water and other water suppliers to develop much-needed water supplies.

The Proposed Action should be revised to include greater flexibility to consider reservoirs, stream gages, and other critical water infrastructure appurtenances on a case-by-case basis. Such specific requests would be subject to the applicable terms and conditions of special use authorizations, including detailed environmental analyses. This provision would allow the U.S. Forest Service greater management flexibility to consider compelling municipal water supply needs, while continuing to conserve roadless values. (Utility Group, Denver, CO - #951.3.61000.242)

Given the close association and need for reservoir storage with the development of water conveyance systems in Colorado, could not reservoir construction be allowed in authorized [cases] under Alternative 2 with limitations to operations and maintenance access to be consistent with the Rule? (Utility Group - #949.5.61000.242)

The Colorado Roadless Rule DEIS is legally deficient because there is no rational basis for, or explanation of, the exclusion of new reservoirs from the category of utilities for which new roads may be constructed. Section 294.31 of the Proposed Rule excludes the construction of new or enlarged reservoirs from the definition of “Utility and Water Conveyance Structures” that are allowed within a Roadless Area pursuant to [Section] 249.33(b)(6). There is no rational basis for this exclusion, and neither the Proposed Rule nor the Colorado Roadless Rule DEIS explains this exclusion. (Conservation District - #1038.7.61000.242)

4-272 Public Concern: The Forest Service should ensure that the Final Rule allows for reevaluation of future water storage and conveyance facilities in Roadless Areas.

TO RETAIN FLEXIBILITY FOR DEVELOPMENT OF NEW WATER SUPPLY

Pending the promulgation of the final ruling designated at a No Action or Alternative 2, will the ruling provide the opportunity or a process to reevaluate the construction of a new water conveyance systems and or reservoir(s) where the best alternatives (economically and environmentally) lie within a defined Roadless Area? (Utility Group - #949.4. 43000.240)

Soils

4-273 Public Concern: The Forest Service should continue the efforts and intent of the 2001 Roadless Rule.

TO LIMIT THE CAUSES AND EFFECTS OF EROSION

One of the most crucial things that I see, both professionally and personally, is the destruction that is wrought by erosion across land, due to a variety of causes, but the most frequent and pervasive one is vegetation destruction over thin or shallow soils (as is also common around Austin, [Texas]). This damage, in turn, creates preferential pathways for water, which leads to massive erosion problems, which result in siltation of streams, unsightly erosion, and loss of precious soils. These conditions are exacerbated as the slope becomes steeper, and the ground cover more sparse—similar to the conditions in Wilderness Areas.

I therefore feel it is of the utmost importance to continue the ban on roads in certain areas, and leave them as they are. I therefore ask you to continue the efforts and intent of the 2001 Roadless Area Conservation Rule, and indeed would ask that you take an even greater position in this regard, and do away with some of the existing roads in other areas. (Individual, Austin, TX - #482.1.46300.680)

4-274 Public Concern: The Forest Service should avoid adding more roads to the National Forest System roads.

TO AVOID EROSION AND TOXIC SEDIMENTATION

Roadwork encourages erosion, carrying downhill and likely [carrying] to vital streams seasonal sediments and any crossover of industry toxics, including the lists of toxics industry is exempt from naming or reporting. (Individual, Craig, CO - #255.4.64000.220)

4-275 Public Concern: The Forest Service should discuss avoiding or reducing future impacts from selenium.

BECAUSE OF THE POTENTIAL FOR LAND DISTURBANCE OF HIGH SELENIUM SOILS

The EIS discusses the potential for increased land disturbance where there are high selenium soils that could further impact already impaired streams in the North Fork Coal mining areas. EPA [U.S. Environmental Protection Agency] recommends the FEIS include a discussion of avoiding or reducing future impacts from selenium. In addition, we suggest the FEIS include a list of in-progress and completed total maximum daily loads (TMDLs) for [Section] 303(d)-listed stream miles in the CRAs [Colorado Roadless Areas]. (Office of Federal Activities, Washington, DC - #995.8.44500.220)

Renewable Energy

4-276 Public Concern: The Forest Service should include wind and solar among the utilities that will be supported by the Proposed Rule.

TO BE CONSISTENT WITH FOREST SERVICE DIRECTION

Due consideration is given to utilities and ski areas for special land use authorizations, but there is no mention of Wind or Solar authorizations. Further, the definition of “utilities” in the proposals does not indicate an inclusion of Wind and Solar resources. On July 11, 2006, Sally Collins, Associate Chief, Forest Service, U.S. Department of Agriculture, testified before the Committee on Energy and Natural Resources, United States Senate, with respect to Renewable Energy on Federal Lands. During this speech, Ms. Collins stated that, “The Forest Service is firmly committed to the development of renewable energy resources on National Forest System lands.” Ms. Collins also stated that, “Energy facilities qualify as one of the potential uses of National Forest System lands” (Mining and Minerals Policy Act and Forest Service Manual 2802). The omission of any Wind and Solar allowances in the

proposed roadless policies seems to negate Ms. Collins statements and appears to ignore the Mining and Minerals Policy Act and Forest Service Manual 2802. (Utility Group, Georgetown, CO - #837.10-11.61000.100)

BECAUSE WIND AND SOLAR HAVE FEWER IMPACTS

None of the proposed alternatives specifically allow for Wind or Solar development in Roadless Areas but do include specific concessions for gas, oil, and coal. Wind and Solar development on USFS land would have far less impact on the land than gas, oil, or coal development. (Utility Group, Georgetown, CO - #837.4.61000.200)

BECAUSE WIND AND SOLAR RESULT IN FEWER MOTORIZED TRIPS

[From page 7 of USDA Forest Service Regulatory Impact Analysis and Cost-Benefit Analysis, July 16, 2008] "Mineral and energy resources (oil and gas, coal, geothermal) from Roadless Areas can be of substantial value, and road access for exploration and development can affect future development of these resources. Under the 2001 Rule, roading would be allow[ed] in IRAs on oil and gas leases that were issued (became effective) before January 12, 2001, and those leases allowed for road construction; foreseeable development and production would be limited to 68,400 leased acres on 18 IRAs on the Grand Mesa, Uncompahgre and Gunnison (GMUG) [National Forest]…".

[Response to above quote:] This section outlines the many concessions made for oil and gas, coal and geothermal, but again, there is no mention of the Forest Service's cleanest energy resources, Wind and Solar. Not only is the Wind and Solar development of national value, it can be harnessed with far less scarring and impact of our nation's public lands. Further, motorized trips to a Wind or Solar site are inconsequential given the maintenance and traffic required of gas, oil, or coal development. The public will benefit from Wind and Solar on NFS [National Forest System] lands and as such, the potential should not be excluded from the roadless proposals. (Utility Group, Georgetown, CO - #837.7.61000.200)

BECAUSE INCLUSION IS SUPPORTED BY THE FOREST SERVICE'S OWN STUDY

[From page 6 of USDA Forest Service Regulatory Impact Analysis and Cost-Benefit Analysis, July 16, 2008] "Distributional effects or economic impacts, in terms of jobs and labor income, are quantified for the oil and gas and the coal sectors for an economic area consisting of five Colorado counties (Delta, Garfield, Mesa, Montrose, and Rio Blanco) using a regional impact model. Fiscal impacts (i.e., mineral lease payments) are estimated for counties where changes in mineral activity are expected to be physically located (Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin). The distributional effects associated with reducing wildfire hazard are characterized by estimating the number and values of at-risk communities expecting to benefit from fuel treatments in Roadless Areas. Distributional effects or economic impacts are not evaluated for other economic sectors (e.g., timber harvest, recreation) due to evidence presented in respective resource sections suggesting that the extent or magnitude of changes in output or services are not sufficient to cause significant changes in distributional effects."

[Response to above quote:] Again, there is no mention of the potential Wind or Solar distributional or economic impacts—a serious omission given the results of the USFS's own wind potential resource study (Assessing the Potential for Renewable Energy on National Forest System Lands, http://www.nrel.gov/wind/pdfs/36759.pdf) completed with the National Renewable Energy Laboratory in 2005, in which Clear Creek County's Arapaho and Roosevelt [National] Forest Lands show "Excellent" wind power potential. As stated in the study, "This assessment report provides USFS with information needed to include in its land and resource management decisions for consideration of the potential for solar and wind energy development on NFS [National Forest System] lands"; however, the study was not considered when the proposed Roadless Areas were defined. The NFS renewable energy resource study should be used to incorporate access for Wind and Solar development on NFS lands. (Utility Group, Georgetown, CO - #837.5-6.61000.800)

4-277 Public Concern: The Forest Service should include renewable energy in its analysis.

BECAUSE WIND AND SOLAR ARE NEEDED TO MEET LOCAL, STATE, AND FEDERAL DIRECTIVES

Despite the proclamation of the USFS to vary according to market conditions, consumer preferences, and other factors, none of the proposed plans give due consideration to Wind or Solar development on these specific fronts. The roadless plans are devoid of the assessment of today's renewable energy market conditions, the nation's energy crisis, and the undeniable support of Wind and Solar projects to meet both the State of Colorado's Climate Action Plan, Clear Creek County Renewable Energy goals, and Executive Order 13212 (please see pages 10–13). (Utility Group, Georgetown, CO - #837.3.61000.100)

4-278 Public Concern: The Forest Service should allow for development of renewable energy sources in the Proposed Rule.

TO FACILITATE ACHIEVEMENT OF CLEAR CREEK COUNTY'S RENEWABLE ENERGY GOALS

Clear Creek County is located 35 miles west of Denver on I-70, is a part of the Congressional 2nd District, and currently has a population of 9,322. The Clear Creek County commissioners adopted Resolution R-08-34 in which a County Wide Renewable Energy Development Goal of the creation of 1,000 megawatts of energy through solar, wind, hydro, biomass, and geothermal projects would be met by the year 2018. Clear Creek County consists of over 70 percent [National] Forest Service land. None of the three roadless proposals include consideration or allowances for renewable energy development within the designated Roadless Areas. Therefore, it will be difficult for Clear Creek County to meet their renewable energy goals. (Utility Group, Georgetown, CO - #837.1.61000.190)

Scenic Quality

4-279 Public Concern: The Forest Service should address increased visibility impairment in Class I areas in the FEIS and Final Rule.

FROM INCREASED PRESCRIBED BURNS AND DEVELOPMENT

Based on the information presented in the DEIS and the Proposed Rule we [the U.S. Environmental Protection Agency] have identified the following concerns that should be addressed in the FEIS and Final Rule: increased visibility impairment, especially in Class I areas from increased prescribed burns and development. (U.S. Environmental Protection Agency, Washington, DC - #995.3.48000.002)

BECAUSE THE PROPOSED RULE IS LIKELY TO INCREASE ROADBUILDING AND PRESCRIBED BURNS

There are 11 Class I areas located within 10 miles of the Colorado Roadless Areas, all of which currently have visibility impairment. We [the U.S. Environmental Protection Agency] are concerned that adverse impacts from actions taken under the Proposed Rule will increase road construction and prescribed burning, which could exacerbate the current level of visibility impairment. The FEIS should include additional detail on the current level of visibility impairment, and future trends and goals for the Class I areas. (U.S. Environmental Protection Agency, Washington, DC - #995.9.48000.002)

Chapter 5. Recreation

General Considerations

5-1 Public Concern: The Forest Service should protect Roadless Areas for backcountry recreation.

BECAUSE COLORADO'S ROADLESS AREAS ARE NATIONALLY SIGNIFICANT

The backcountry forests of Colorado contain over 4 million acres of National Forest Roadless Areas that provide outstanding backcountry recreation. Government management that eliminates or damages the natural character of these places adversely impacts my ability to enjoy them. The National Forests of Colorado are a nationally significant destination for the human-powered outdoor community.

Compared to wilderness areas, backcountry Roadless Areas are easier to get to and recreational activities are less restricted; relative to front-country roaded areas, backcountry roadless areas are truly wild. These areas offer a rare opportunity to experience natural forests and landscapes free of impacts from logging, mining, or roadbuilding. I place a high value on these experiences and these places. (Individual, Shafer, MN - #274.1.50000.206)

Colorado's backcountry provides some of our nation's most spectacular destinations for outdoor enthusiasts, including mountain biking through incredible alpine vistas, carpets of wildflowers on the cherished 401 Trail outside Crested Butte, the headwaters of our nation's most iconic southwestern rivers flowing from 14,000-foot peaks toward 13 states and Mexico, and the challenging terrain and incredible snow of the popular front-range destination for backcountry skiers of Berthoud Pass. These areas, and many other outstanding natural and recreational assets in Colorado, are at risk by the U.S. Forest Service Proposed Rule. (Recreational - #499.1.52000.160)

In Colorado, as in most Western states, much climbing takes place on roadless National Forest land. The captivating terrain in Colorado's backcountry provides high-quality climbing opportunities throughout the year. Many Coloradoans may not think of these areas as roadless, but we know them for their spectacular alpine settings, subject to the whims of the mountain environment, solitude, and accessibility for quick weekend outings.

Included in these Roadless Area climbing gems are the Ophir Wall outside of Telluride; Greyrock's granite peak in the Front Range Mountains northwest of Fort Collins; the South Platte's Big Rock Candy Mountain, an immense granite crag perched above the South Platte River that offers Colorado's longest slab routes on its 1,500-foot central buttress; and the hidden granite boulders and walls in the dense aspen groves of Independence Pass. A big part of these climbing experiences are their settings, which lie in the heart of Forest System Roadless Areas. Roadless Areas are not quite wilderness, but they feel that way; they also tend to be more accessible and open to a variety of sustainable recreational pursuits. (Recreational - #499.2.54000.002)

5-2 Public Concern: The Forest Service should manage Wilderness, Roadless, and other designated areas in combination with one another.

TO PROVIDE FOR CONTIGUOUS BACKCOUNTRY AND RECREATIONAL VALUES

As recreation managers and recreationists, we cannot afford to rely solely on Wilderness to protect and provide the multitude of values Coloradoans and people across this nation equate with roadless and backcountry venues. We cannot afford to rely on what are increasingly becoming islands of wilderness surrounded by development, developed recreation, and impacts from extractive uses.

To protect recreational values and opportunities; to protect biodiversity, wildlife and wildlife habitat; to protect valuable air, water, and view sheds serving dozens of western and mid-western states, we must utilize all the land designation and preservation tools available to the Forest Service to identify, preserve

and manage ecosystems, drainages, habitats and backcountry venues. Roadless designations play a critical role in the concept of contiguous backcountry. Wilderness, roadless, pristine, primitive, and other designations must be combined, must be connected in concentric circles to provide for this full spectrum of values. (Recreational, Boulder, CO - #911.1.50000.002)

TO PROTECT THE HERITAGE OF HUNTING AND FISHING

Access to public land to hunt and fish is an important part of our nation's history and heritage. Roadless Areas contain some incredible and irreplaceable natural beauty. It is my hope new projects in Colorado will maintain and/or improve Roadless Areas for hunting and fishing. For those of us who love to be outdoors, enjoying it in its natural condition and beauty is very special.

Yours is a difficult and thankless job; balancing the needs, wants, and desires of so many different lifestyles and objectives.

Colorado has more mule deer and elk than any other state in the country, and is one of the few remaining states to sell over-the-counter elk tags to nonresidents. Colorado also has some of the finest coldwater fishing in the world, with excellent opportunities to fish for native trout as well as big browns and rainbows. Developing a thorough and effective Colorado Roadless Rule is important for sustaining our outdoor heritage. (Individual, Washington, DC - #441.8.54100.200)

As a resident of Michigan who loves to come out west, Colorado is one of the few [states] offering the ability to plan a hunting/fishing trip on large tracts of public land without having to draw a tag. It is my hope this ability will continue to be available. (Individual, Trenton, MI - #446.1.54100.200)

Roadless Areas are important to big game and Colorado big game hunters. For example, 41 percent of all land in the state that yields the highest number of trophy mule deer bucks is roadless, while the most hunted lands for the state's prized elk are roadless. Drilling and other development would result in roads, well pads, and collection pipes—all of which bisect game habitat and present potential problems to fish habitat thanks to erosion and pollution. [Footnote 21: ibid.] (Preservation/Conservation - #799.51.54100.330)

Hunting has long been recognized as a traditional and appropriate use of our National Forests. Providing opportunities for high-quality recreational hunting and wildlife viewing should be of top priority during the development and implementation of the Colorado Roadless Rule. (Recreation/Conservation Organization - #948.2.54000.160)

INCLUDING HABITAT FOR WILDLIFE

These stretches of unspoiled wilderness are precious to hikers, hunters, conservationists, and anglers from near and far who cherish the wildness of the Rockies. Moving forward with this rulemaking could jeopardize these natural assets and cause irreversible damage to some of America's most pristine areas and most vulnerable wildlife. According to a recent study, all three of Colorado's native cutthroat trout species depend heavily on Roadless Areas for habitat and survival. Roadless Areas are of equal importance to mule deer, elk, and other big game species—and the people who hunt them for sport. (Individual, West Hollywood, CA - #428.2.50000.300)

5-3 Public Concern: The Forest Service should support the outdoor recreation industry.

BECAUSE IT IS RENEWABLE AND SUSTAINABLE

Outdoor recreation is a large industry in this area, one that already exists, and our pristine backcountry is the economic vehicle for this industry. It is a renewable and sustainable industry, unlike coal, oil, timber, or gas. (Individual - #78.2.50000.870)

BECAUSE RECREATIONAL ACTIVITIES PROVIDE MORE REVENUE THAN EXTRACTIVE INDUSTRIES

After examining the DEIS on the Colorado Proposed ruling, we [the University of Colorado Wilderness Study Group] found that the 2001 Ruling is the best alternative on the issues that are most important to us with regard to our public lands [such as]: The Proposed Colorado Rule allows for significantly more oil, gas, and coal development in Roadless Areas: Recreational activities provide three times the amount of revenue and five times the amount of jobs of extractive industries, according to a prior Forest Service study (3). [Footnote 3: "The Value of Roadless Areas." Colorado's Forest Legacy. http://roadless.net/sections/background/background.htm] (Preservation/Conservation, Boulder, CO - #505.10.50000.870)

5-4 Public Concern: The Forest Service should give greater consideration to public recreational use.

BECAUSE ECONOMIC CONSIDERATIONS HAVE BEEN GIVEN TOO MUCH WEIGHT

I believe that each of the alternatives puts a high priority on the economic aspect of the decisions to be made and puts precious little, if any, consideration on the general public use of the forests as we have known them to be. While economic ventures such as ski resorts and energy development are addressed and protected throughout these alternatives, minimal efforts have been placed to protect the recreational user of the forest unless a payment is received by one of the protected groups. Ski resorts, guides and outfitters, energy companies, mining, utility companies, and municipalities seem to have nothing but gains at public expense from any of these alternatives. (Individual, Reeds Spring, MO - #240.1.50000.800)

5-5 Public Concern: The Forest Service should recognize and manage for the full spectrum of uses of Roadless Areas.

INCLUDING EDUCATIONAL PURPOSES

Outward Bound, many other youth/education organizations, and members of the outdoor industry rely on the isolation, risk, and adventure inherent to wilderness, roadless, and backcountry areas. Increasingly, and particularly in Colorado, Outward Bound cannot rely on Designated Wilderness as our primary classroom.

The Agency must recognize and manage for the vast spectrum of values available in Roadless Areas. While the occasional road, gas well, or pipeline may not dramatically impact the typical hiker, biker, or hunter, the impacts may be greater for those utilizing the forest for educational purposes and our students. (Special Use Permittee, Golden, CO - #832.15.52100.200)

5-6 Public Concern: The Forest Service should acknowledge that recreational uses and their effects could be eliminated.

BECAUSE THE AGENCY IS NOT REQUIRED BY LAW TO PROVIDE FOR RECREATION USES

Recreation is the one resource that is not required to be provided for by law (see [ATT-1]). This resource could be totally eliminated without violating any law. Admittedly, there might be full-scale riots, but there would not be a violation of law; thus, all affects associated with these activities could be eliminated. (Individual - #797.5.50000.100)

5-7 Public Concern: The Forest Service should include additional information in the EIS on recreational uses in specific Roadless Areas.

BECAUSE THE DISCLOSURE OF RECREATIONAL USES IN THE DEIS IS NOT ADEQUATE OR ACCURATE

The DEIS's disclosure of recreational uses occurring in Colorado's Roadless Areas is not adequate or accurate. Additional Roadless Area-specific information regarding recreational uses, including a brief discussion of ongoing travel management, should be incorporated into the Final Rule. (Recreation/Conservation Organization, Pocatello, ID - #930.3.52000.160)

5-8 Public Concern: The Forest Service should revise the analysis in the EIS of recreational uses.

BECAUSE IT IS NOT ADEQUATE

The DEIS' disclosure of recreational uses occurring in Colorado's Roadless Areas is not adequate or correct. Additional Roadless Area-specific information regarding recreational uses, including a brief discussion of ongoing travel management, should be incorporated into the Final Rule. Specifically, there are no road maps included in the DEIS. Thus it is all but impossible for the public to find out why there are over 1,000 fewer miles of open roads in the Preferred Alternative. (Motorized Recreation, Placerville, CA - #1000.2.64000.500)

5-9 Public Concern: The Forest Service should more fully discuss the impacts to recreational uses from eliminating ski areas from Roadless Areas.

INCLUDING EVALUATIONS OF SITE-SPECIFIC IMPACTS

Recreation other than hunting, fishing, and viewing, (e.g., ski[ing], OHVs [off-highway vehicles], etc.): This topic is not adequately addressed in the Colorado Rule. Additional clarifications are needed, [and] additional elements need to be added to adequately address this topic. Although the governor endorsed the Task Force recommendation to remove those Inventoried Roadless Areas where permitted or allocated permit ski areas overlap, neither the Task Force nor the governor said it should happen unconditionally. Actually, it was/is quite the opposite... "Critical that site specific wildlife evaluations occur prior to any approval or activities to ensure that the impacts to the environment resulting from any proposed activity within these areas are minimized." The Colorado Rule should specifically address these areas! (Individual - #1029.32.50000.350)

Recreation Access

5-10 Public Concern: The Forest Service should assess each area and use individually to best provide recreation access.

TO KEEP THE FOREST AS NATURAL AND HEALTHY AS POSSIBLE WHILE NOT RESTRICTING ACCESS TO NATURAL RESOURCES

Many people, both with and without disabilities, are physically unable to see and use these areas [the National Forest]. Each area and use should be individually considered in order to keep the forest as natural and healthy as possible without losing access to natural resources. (Individual, Newcastle, OK - #939.4.52000.200)

Non-Motorized Access

5-11 Public Concern: The Forest Service should manage Colorado's Roadless Areas for non-motorized recreation.

BECAUSE HUMAN-POWERED RECREATION BENEFITS THE PUBLIC AND LOCAL ECONOMIES

I am writing to urge you to preserve Colorado's Roadless Areas in a way that allows responsible human-powered recreation.

I live on the East Coast, but twice each year I travel to Colorado: in the winter to go backcountry skiing, and in summer to go mountain biking in Crested Butte and near Monarch Pass.

I enjoy spending time in the outdoors like this. I enjoy spending money in Colorado's small towns to do so. If the areas I use are declared Wilderness, fewer people like me will have access to those areas. If they are opened to mining and logging and other development, God forbid, they will lose their recreational value completely.

Therefore, I urge you to protect these areas as roadless, with nonmotorized recreation—such as mountain biking, an important contributor to Colorado's outdoor tourism economy—still permitted, as a win-win compromise. (Individual, Mount Gretna, PA - #417.1.52100.870)

5-12 Public Concern: The Forest Service should keep Roadless Areas intact.

TO PRESERVE NON-MOTORIZED RECREATION OPPORTUNITIES

Sustaining Roadless Areas, via a meaningful and sustainable designation, is critical to continued foot and hoof and bicycle based access to areas that are undamaged by industry. Preserving this land status is critical to our various forms of recreation, which are all fundamentally based upon connecting with a generally wild landscape.

We need active and clear designation of these areas to maintain limited access and their status in as wild of a state as possible. (Individual, Colorado Springs, CO - #322.1.63000.540)

5-13 Public Concern: The Forest Service should ensure that current trails remain open and new trails are developed.

TO PRESERVE COLORADO'S QUALITY OF LIFE AND BENEFIT LOCAL ECONOMIES

I understand this Rule is up for new debate and may cause some of our best resources in Colorado—our trails—to be impacted. I request that, as rules are revised and new rules are created, we work to ensure that the trails stay open that already exist; and I would like to see the continued development of new trails for all outdoor enthusiasts to enjoy.

The trail network is really important to keep Colorado as the wonderful place to live that it is today. In addition, I believe that these resources benefit the local economy as I continue to use the trails and spend money in the local communities before and after rides, not to mention all the people that come from out of state to check out what we have. Many of those people decide it's so great to be here that they move here to experience it more often and that also helps our local economy. I did just that 11 years ago now.

Please keep our trails intact and protect the lands that house them. (Individual, Lakewood, CO - #317.1.52000.800)

5-14 Public Concern: The Forest Service should allow mountain biking in the Colorado backcountry.

BECAUSE MOUNTAIN BIKING IS A WHOLESOME, LOW-IMPACT ACTIVITY

I've been fortunate enough to hike, run, and ride the Colorado Trail. It is one of the most precious trail experiences in the United States. No matter if I was on foot or bike, I never encountered any sort of negative behavior between trail users. Please do not arbitrarily ban bikes from the Colorado backcountry. Bikes are a fantastic, wholesome, low-impact way to experience the backcountry. (Individual, Nederland, CO - #458.1.51000.540)

5-15 Public Concern: The Forest Service should continue to protect Roadless Areas.

BECAUSE NON-MOTORIZED TRAILS ARE OPEN TO MOUNTAIN BIKES

What we [COPMOBA - Colorado Plateau Mountain Bike Trail Association] like about the Colorado Roadless Rule: Although the Colorado Rule would protect a few hundred thousand acres less than the 2001 Roadless Rule, it actually identifies truly Roadless Areas. Some of those Roadless Areas weren't on the Forest Service's list, and are on the Uncompahgre Plateau. One of the reasons COPMOBA supports roadless protection is many of the Roadless Areas contain quality non-motorized trails that are open to mountain bikes. (Mechanized Recreation, Grand Junction, CO - #487.2.63000.530)

BECAUSE MOUNTAIN BIKES ARE PROHIBITED IN WILDERNESS AREAS

Why does COPMOBA [Colorado Plateau Mountain Bike Trail Association] support the protection of Roadless Areas? Roadless Areas are generally undisturbed, so are great sources of clean water, diverse

plant and animal communities, threatened and endangered species, and high-quality scenery. Many mountain bikers seek out trails that travel through natural, unspoiled landscapes found in Roadless Areas. Protecting those landscapes from development would preserve the primitive and semi-primitive non-motorized recreation opportunities found in those areas, but not necessarily prohibit mountain bikes as Wilderness Areas do. Local trails in Roadless Areas include Flowing Park Trail on the Grand Mesa and Atkinson Bench and Blue Creek on the Uncompahgre Plateau. (Mechanized Recreation, Grand Junction, CO - #487.4.52100.200)

5-16 Public Concern: The Forest Service should provide adequate parking for horse trailers near trailheads.

I do enjoy riding my horse in non-motorized places. It is safer, quieter, less dusty, [and] generally more peaceful. I drive a full-size pickup and 16' trailer to get there. Quite often there is no parking or camping, and we are forced to pull off the road. We hope it is within reasonable distance from the trailhead; often it is not. Please realize and plan for recreational access for all types of non-motorized users, not just the 4WD [four-wheel drive] SUV [sport utility vehicle] set. (Individual, Elizabeth, CO - #38.1.55000.540)

5-17 Public Concern: The Forest Service should take no action that would decrease hunting opportunities.

TO KEEP ANIMAL POPULATIONS AT SUSTAINABLE LEVELS

If hunting decreases, animal populations will go up. How friendly are we to let animal population[s] get so out of control that they die of disease or starve during harsh winters? Have you ever seen a deer die slowly on a fence because it didn't have the strength to jump the fence? I have and that's not humane! (Individual - #248.4.54100.350)

5-18 Public Concern: The Forest Service should avoid adding more roads to the National Forest System roads.

BECAUSE ROADS WILL BE USED BY DESTRUCTIVE OFF-ROAD VEHICLES

Once a road is built, it will be used by off-road vehicles (ORVs) whether or not it is allowed by the rules. First, there simply is not enough enforcement to keep it from happening. Second, the convoluted rules now existing would allow ORV users to challenge such prohibitions in court and they would probably win. The destruction by ORVs is rapid and profound. One has to go no further than Jones Park or Frosty Park in Pike National Forest near Colorado Springs to see the damage. Besides, ORV users do not stick to established roads. Once in an area, they start making their own roads that further degrade the area. Once again, Jones Park and Frosty Park are excellent examples of this. (Individual, Manitou Springs, CO - #175.5.64100.530)

BECAUSE SUFFICIENT ROADS EXIST FOR EXTRACTIVE AND RECREATIONAL USES

I am an ultra-runner and thus have used the trails in the RGNF [Rio Grande National Forest] to train for six 100-mile running races—so I have seen a great majority of the trails here. There are many roads on which I have never seen any vehicles and that obviously have not been driven on in years—there is new grass growth sprouting in the old tire tread marks and untrammeled mud patches. Thus I conclude from years of personal experience and observation that there are more than enough roads available in the National Forests to maintain the integrity and diversity of our forests and allow use by all, recreationalists as well as extraction industries. (Individual, South Fork, CO - #827.1.64100.002)

Motorized Access

Support for Motorized Access

5-19 Public Concern: The Forest Service should provide greater support for motorized recreation.

TO AVOID DISCRIMINATING AGAINST MOTORIZED RECREATION USERS

The Roadless Plan prevents me from enjoying my US Forest because my form of travel is motorized. Why is the Forest Service causing this prejudice or continuing the prejudice that comes to you? It is as if the US Forest Service is helping this type of conflict. All motorized trails are open to everybody; Roadless and Wilderness are not, which screams prejudice. Basically, I cannot drink from the same water fountain as other Americans, doesn't [that] sound like the early 1900s?

If you have never put your life on the line for your country, please don't tell me that I can walk these trails.

I am asking that if you continue with this type of non-motorized prejudice that you change the name to "Privileged Forest Service." Please remember that my taxes also pay for all the forest[s].

If not, then I would like all Wilderness to be closed to all, so that all Americans are treated fairly. If not, then I would like the Wilderness or Roadless users to pay for the costs associated with uses, searches, and any costs that they inflict onto this area. The motorized community already pays an additional permit tax for their use, and there are still no additional charges for anyone else.

As you can tell, I am very disgusted with the way this Roadless and Wilderness management has taken place. (Individual - #157.1.52200.780)

I oppose the roadless designation of millions of acres of our public lands in Colorado. In many ways, this rule is de facto Wilderness designation and seems like a sneaky and underhanded way to further limit access to the average citizen. If you want to eliminate the public from public lands, then you should go through the process of designating the land as Wilderness and not be able to sidestep the process with this Roadless Rule. Why do we need more public lands that are off limits to the average citizen? Don't we already have millions of acres of Wilderness that basically sit idle, with very little use already? By "average citizen," I'm talking about the vast majority of people who do not use foot power to access the further reaches of our public lands. I know there is a small segment of our population that does access these lands on foot, and more power to them, but they are the minority. So why are these lands being put off limits to the majority of people? I think I know why. Because the vast majority of citizens have little interest in accessing the further reaches of our backcountry by foot or vehicle, so they voice no opinion on the matter. What we are left with is a small segment made up of foot users and vehicle users that actively follow these issues. I'm not sure what the numbers breakdown is on these two groups, but I'd guess the vehicle-use proponents could outnumber the foot-use-only proponents. Because they think their type of use is more valid and incompatible with vehicle use, the foot users have an axe to grind with the vehicle users, while the vehicle users have no similar issue with foot use. So, no surprise, the squeakiest wheel is the foot-use-only group, and you don't hear from the huge number of recreationists that access the backcountry by vehicle. I don't know if this is on track, perhaps it's simply that the Forest Service is staffed by foot-use proponents and vehicle users will never get a fair shake from them.

I hate to say that, but I am an ecologist myself and know what type of people this profession draws. Nothing wrong with those people, but they tend to be more on the side of the foot-use-only proponents, and hence, biased against vehicular use. (Individual, Livermore, CO - #378.1-2.51000.530)

5-20 Public Concern: The Forest Service should avoid designating more Wilderness.

TO ALLOW FOR NATIONAL FORESTS TO BE MANAGED FOR SNOWMOBILE USE

If land becomes wilderness it can no longer be managed. I look at our National Forests as a valuable resource that requires some management. As a snowmobiler our snowmobiles have gotten quieter and cleaner. And continue to become cleaner and quieter. They are having less and less effect on the environment. (Individual, Greeley, CO - #259.1.52200.650)

5-21 Public Concern: The Forest Service should allow new roads in Roadless Areas.

TO AVOID BEING DISCRIMINATORY

We need more roads in our forests so people can enjoy them. The Roadless Initiative is discriminatory against low-income people, disabled people, and older people who are not ambulatory. The Roadless Areas can only be enjoyed by healthy hikers who are not disabled, horseback riders, and people who have airplanes. This leaves most people out. (Individual, Alamosa, CO - #464.1.52000.780)

TO OPEN IN A RESPONSIBLE WAY THE BACKCOUNTRY FOR THOSE WHO MUST RELY ON MOTORIZED ACCESS

I favor responsible development of backcountry roads that open the backcountry to people that need motorized transportation to enjoy their public lands. I am opposed to the “Colorado Roadless Rule” that reserves the backcountry for mountain bikers and hikers by prohibiting backcountry roads. (Individual - #1006.1.52200.001)

5-22 Public Concern: The Forest Service should continue to address the management of trails and roads separately.

BECAUSE TRAILS ARE NOT RELATED TO MOST EXCEPTIONS APPLIED TO ROADS

Management of trails over or under 50” have no place in a Rule related to new road construction for resource extraction purposes and other identified exceptions and we [Colorado Off-Highway Vehicle Coalition] applaud this approach and urge you to continue to not mix trails with roads. Trails are not related to most of the exceptions for roads, as trails provide for entirely different objectives and have far less effect on the environment. (Motorized Recreation, Brighton, CO - #1032.1.52000.680)

5-23 Public Concern: The Forest Service should not restrict motorized recreation access.

I am against any roadless designation in the state. I need to have access to the backcountry via four-wheel drive, snowmobile, or trail bike as I cannot walk the distances involved in getting to areas that I may want to recreate in. (Individual, Longmont, CO - #285.1.52200.620)

5-24 Public Concern: The Forest Service should not restrict motorized recreation access from new road construction.

BECAUSE SUCH RESTRICTION COULD CAUSE GREATER DAMAGE

This [Colorado Roadless Rule] prohibits any new road construction for motorized travel. This will force motorized [travel] into smaller areas and actually could cause more damage. (Individual - #404.4.52200.200)

BECAUSE VEHICULAR USE CAN BE MANAGED AND ITS IMPACTS MITIGATED

A lot of the rhetoric from the foot users regarding the damage caused by vehicles is simply a smoke screen for a more selfish agenda. Vehicular use can be managed and its impacts mitigated with proper management. The real issue here is that a bunch of people don’t want to share the playground with people they consider repugnant. A blunt and coarse way to put it, but that’s the root of the problem. The

foot–use-only proponents disguise their real motivations and have invented some slick propaganda that touts they are just trying to save the environment. As an ecologist and expert in the field, this kind of fact manipulation is deplorable, and it angers me to think that fellow ecologists in the FS [Forest Service] would not see to the heart of the matter with clarity and objectivity. I have serious doubts about the ability of the FS to objectively address the issue.

I know that a segment of motorized users act irresponsibly with their machines. I'm sure a segment of the four-wheeler OHV [off-highway vehicle]/dirt bike crowd has caused you fits with creating new trails and cross country riding; and I, too, oppose off trail riding in most situations. Do I think that off-trail riding is particularly harmful to the environment? If it was dispersed and rotated to new areas, giving the vegetation time to recover, similar to how military maneuvers are managed, then no, I don't think it is harmful in the long-term. Vehicular use in the backcountry will leave some scars that many people find offensive (including me), but most will heal with time, and what's left is a relatively small footprint in our vast backcountry lands. I'm confident the earth and her environments will survive this small torment imposed by four-wheelers and dirt bikes. I'm sorry for the foot-use-only proponents that we can't give them all of our quality backcountry public lands for their exclusive use, but I believe we already have enough Wilderness for just that purpose.

Please don't close any more of our quality backcountry to those of us who choose to drive to it, simply because a small group of very loud people don't embrace the multiple-use values the majority of us live by. (Individual, Livermore, CO - #378.3-4.51000.055)

TO FACILITATE RECREATION ACCESS FOR SENIORS

For many of us older persons (I'm 62), the only way to enjoy the forest is to travel by ATV [all-terrain vehicle] and then hike short distances. I've seen wildlife continue to graze or walk on their way totally undisturbed by [an] ATV. (Individual - #1027.2.52200.350)

5-25 Public Concern: The Forest Service should provide recreation access for disabled users.

As a disabled sportsman who needs roads to participate in outdoor activities, I am concerned about the trend by states to limit access [to] the beauty of our national heritage. I care about the future of hunting and fishing in Colorado. (Individual, Davison, MI - #442.1.52200.560)

TO AVOID DISCRIMINATION

Our disabled citizens would no longer have access to many great areas of hunting and fishing. Isn't fair access required by [the] Americans with Disabilities Act? Without roads, we're denying those citizens the ability to enjoy all that Colorado has to offer. We shouldn't discriminate against the disabled in this manner. (Individual - #248.3.52000.132)

TO ALLOW DISABLED RECREATION USERS AND THEIR CHILDREN TO ENJOY WILDLIFE AND NATURE

We're here to comment on shutting down more access and making more Wilderness and Roadless Areas.

As my husband sits in a wheelchair, it's difficult for us to access [the National Forest] without having roads. We can't camp. We can't four-wheel. We can't take the kids and go as a family if it's all wilderness and we can't go in by four-wheeler or motorcycle.

Every time we go out, it just seems like they've shut down more and more of the access to the forest areas. And we enjoy going out as a family and camping, and enjoying wildlife and enjoying nature. Without access, we can't do that. (Individual, Fowler, CO - #978.1.52200.132)

Well, please don't shut the roads down because, if you do, me, my mom, and my sister and my dad can't go camping because my dad can't get there. And I love to go fishing and ride my motorcycle. He can't go because he's in a wheelchair. (Individual, Fowler, CO - #977.1.52200.132)

TO ALLOW DISABLED RECREATION USERS AND THEIR CHILDREN TO ENJOY FOREST SERVICE AND BLM LANDS

I am very concerned with reduction in accessibility to Forest Service and BLM [Bureau of Land Management] lands. Since I was a kid 47 years ago, massive areas have been shut down. My kids will never be able to enjoy them because I can't take them there because I do sit in a wheelchair, and access is very limited anymore. I just wanted my kids to enjoy what I enjoyed as a kid living in Colorado [all] my life. There's a lot to see and do. I want my kids to experience it also. (Individual, Fowler, CO - #979.1.50000.132)

5-26 Public Concern: The Forest Service should clarify how they would provide access for people with disabilities, seniors, and small children.

What concession do you have for access for people with disabilities? (Individual - #408.1.60000.132)

BECAUSE NO INFORMATION IS PROVIDED IN THE DEIS ABOUT SUCH ACCESS

No mention is made in the DEIS about how those who are unable to make the day hike into an area will now be able to enjoy the forests. I cannot find any information that addresses consideration being given to access by the disabled, aged, or small children. (Individual, Reeds Spring, MO - #240.3.52000.001)

5-27 Public Concern: The Forest Service should ensure that the Final Rule is impartial regarding preferred recreational uses.

TO ENSURE THAT THE RULE WILL NOT BE USED TO DENY MOTORIZED ACCESS

We [the BlueRibbon Coalition] caution against any amendments to the Final Rule (or the supporting documents) that would argue against recognition of existing recreational access to Colorado Roadless Areas in ongoing travel management. The "Colorado Roadless Rule" must be truly "neutral" regarding recreational use, and the absence of recreation-specific analysis shall not be used by the Agency [USFS] or preservationist interests as "evidence" against designation of wheeled vehicle routes or snowmobile use in future recreation and travel planning. (Recreation/Conservation Organization, Pocatello, ID - #930.2.52200.160)

We caution against any amendments to the Final Rule (or the supporting documents) that would dispute the recognition of the existing recreational access to Colorado Roadless Areas in ongoing travel management. The "Colorado Roadless Rule" must be impartial regarding preferred recreational uses. Any absence of recreation-specific analysis must not be used by the Agency [USFS] or other interest groups as confirmation of a public resistance to the designation of motorized routes in future recreation and travel planning efforts. (Motorized Recreation, Placerville, CA - #1000.1.52200.160)

5-28 Public Concern: The Forest Service should fairly, objectively, and adequately disclose and discuss motorized recreation in the FEIS.

BECAUSE MOTORIZED RECREATION IS A LEGAL, VALID, AND RECOGNIZED USE OF ROADLESS AREAS

[The] BRC [BlueRibbon Coalition] emphasizes that motorized vehicle-based recreation is appropriate in many Roadless Areas and does not substantially degrade Roadless Area values and characteristics. Preservationist interests and wilderness advocacy groups actually "defended" motorized access to Roadless Areas in their strong opposition to the intervention of [the] BRC in California ex rel Lockyer et al. v. U.S.D.A., Case No. 05-3508 (N.D.Cal.). That case, consolidated with a similar action brought by wilderness advocacy groups led by The Wilderness Society (TWS), sought to challenge the 2005 State Petitions Rule. The California Association of 4 Wheel Drive Clubs, United Four Wheel Drive Associations, American Council of Snowmobile Associations, and BlueRibbon Coalition moved to intervene. The plaintiffs opposed, stating even if the [2001] Roadless Rule is reinstated by this Court as plaintiffs request, it will not prohibit a single person's off-road vehicle use or close a single off-road vehicle trail as alleged by the Off-Road Vehicle Groups' declarants. The TWS repl[ied] saying the "Roadless Rule does not close any existing vehicular routes (ORV [off-road vehicle] or otherwise) in

any National Forest roadless areas." Plaintiffs' Surreply in Opposition to Intervention (Doc. No. 100) at [paragraph] 1, Case Nos. 05-3508 and 05-4038 (N.D.Cal.) (March 24, 2006).

Motorized recreation is a legal, valid, and recognized use of roadless lands and should be fairly, objectively, and adequately disclosed and discussed in the FEIS. (Recreation/Conservation Organization, Pocatello, ID - #930.6.52200.200)

5-29 Public Concern: The Forest Service should provide signage indicating roads where off-highway vehicles are allowed.

TO HELP LICENSED, PLATED OFF-HIGHWAY VEHICLE USERS AVOID CONFLICT WITH OTHER USERS

We [Jeff and Sharon Stackhouse] believe signage—especially on county roads—needs to specify OHV [off-highway vehicle], as we have encountered conflict when a sign indicates no motorcycles [and] doesn't clarify that licensed plated vehicles are allowed. This is a concern for a proposed closure to OHVs on Homestake Road as we ride our licensed, plated motorcycles on that road and do not want to have conflicts with other forest users. We have had similar issues on Cottonwood Pass and O'Haver Lake near Marshall Pass. (Individual - #934.4.55000.530)

5-30 Public Concern: The Forest Service should allow off-highway vehicle use of new roads constructed under the Colorado Roadless Rule.

BECAUSE ROADS SHOULD SERVE AS MANY USES AS IS FEASIBLE

On the "Level of Access" for roads: Why close roads constructed under the Colorado Rule to OHVs [off-highway vehicles]? If the road serves a purpose and/or is superior to an existing road, then it should serve as many uses as is feasible. Should we restrict horses? They poop on the road and leave foreign seeds. Should we restrict two-wheel drive vehicles? They are more likely to tear up the surface. Should we restrict heavy trucks? They are hard on bridges and culverts. Although silly—should we restrict riding mowers, dirt bikes, pogo sticks, track vehicles, utility terrain vehicles, and so on? They each can cause a certain harm. (Individual, Grand Junction, CO - #236.1.60000.530)

5-31 Public Concern: The Forest Service should not allow off-road vehicle recreationists to carry guns.

BECAUSE SOME NOW POSE DANGER TO OTHER USERS

Some of the riders [in off-road vehicles] are pretty unpleasant to meet and deal with—if we point out that they don't belong there, or ask them to change slightly their path. Now that they can carry guns, they are going to be dangerous to children and teens in particular. (Individual, Plainfield, NJ - #306.2.52200.790)

5-32 Public Concern: The Forest Service should ensure that roads remain open to motorized recreation.

BECAUSE TOO MANY ROADS HAVE ALREADY BEEN CLOSED

My main concern is that we keep roads open that are existing and don't start closing people out of the forests. I use vehicles up in the mountains. I have been a motorcyclist for years. I grew up in this country, and I find trails closed all the time that used to be open. I don't want to see that happen anymore. My main focus is allowing access to motorized vehicles and not shutting out any more trails and the possibility of even extending some trails to make it more accessible, I guess. Loops, in other words, instead of dead end trails. (Individual, Alamosa, CO - #973.1. 52000.530)

Opposition and Limits to Motorized Access

5-33 Public Concern: The Forest Service should fully protect wilderness and remote areas for greater safety.

BECAUSE MOTORIZED VEHICLES ARE DANGEROUS

I wish there was even more protection of the wilderness and remote areas than there is now. I'm very concerned about safety first. Right now, we have many of these vehicles driving on the county road where it's illegal, and [they] have come within inches of running over snow machines and ATVs [all-terrain vehicles], including little children driving both without helmets. (Individual, Aspen, CO - #991.2.52200.790)

5-34 Public Concern: The Forest Service should protect Roadless Areas from damage caused by motorized recreation users.

BECAUSE EXCESSIVE MOTORIZED USE CAUSES LONG-TERM ENVIRONMENTAL DAMAGE

Colorado's back country and wilderness are under siege. "Maintaining roadless/wilderness areas in their present state..." is a decidedly good catch-phrase but if these words aren't backed by strict enforcement the words are empty. Much of Colorado's back country is under siege—from ATV [all-terrain vehicle] and dirt-bike enthusiasts who have no appreciation or concern over the long-term damage they are doing. If we have "roadless" areas but fail to enforce them aggressively, we will lose Colorado, and our grandchildren will be left to learn of Colorado's lost beauty from photos or stories. One needs only to visit the Taylor Park area (near Taylor Park Reservoir) on a summer weekend. The Forest Service supervisor (several years ago) put in an ATV trail, which is an ugly scar visible from the entire valley. I complained about this only to hear from some bureaucrat and [Senator] Allard that the road was put in for erosion control! The supervisor supposedly did this extensive work on his time off and with borrowed equipment. "Erosion control," complete with "whoopee" jumps, 100 percent of which are juxtaposed perfectly on the trail so as to provide enjoyment to the ATV drivers. Dirt bikers are in a run-amok frenzy every weekend and are cutting new trails through the wilderness area as they are free from any enforcement. This area is ground zero for any new regulation. (Individual, Littleton, CO - #341.1.52200.165)

BECAUSE ABUSE AND OVERUSE HAVE DESTROYED MOUNTAIN AREAS AND MADE THEM LESS SAFE

The change, the abuse, the overuse, the destruction of the beloved mountain areas here in the White River National Forest is most devastating. Trails I use frequently have been torn up by motorized vehicles, wildlife is no longer as visible, the noise is horrendous, and—because of the intrusion of dirt bikes and trucks—I no longer feel as safe as I used to. I am 67 and want to continue to enjoy walks with my dog on safe paths, not those torn up by abuse. (Individual, Carbondale, CO - #916.1.52200.200)

5-35 Public Concern: The Forest Service should not allow new roads in Roadless Areas.

BECAUSE PLENTY OF AREAS ARE OPEN TO MOTORIZED RECREATION ACCESS

I would ask that any new rules or changes to existing rules effecting Roadless Areas of Colorado comes down squarely on the side of no new roads. I don't want to see any new roads in the National Forests or the wilderness areas. Heck, if you can get rid of some roads that's even better. If visitors to or citizens of Colorado want to enjoy the backcountry, they're going to have to work for it, not drive to it. There are plenty of frontcountry sites for Ford Excursions filled with kids, dogs, coolers, and camp gadgets. Americans are overweight as it is and spoon fed everything. Don't make Wilderness [areas] this way too. (Individual, Denver, CO - #376.1.52000.700)

BECAUSE THERE IS INSUFFICIENT BUDGET TO ENFORCE FOREST RULES

It is already painfully obvious that the USFS has no money for enforcing forest rules, and allowing even one road into these areas allows (by lack of supervision and law enforcement) ORVs [off-road vehicles]

to overrun otherwise protected areas by creating spontaneous roads and trails, further degrading our last forest strongholds. (Individual - #801.1.58000.800)

5-36 Public Concern: The Forest Service should limit motorized access to existing roads.

BECAUSE OFF-ROAD MOTORIZED ACCESS DAMAGES TRAILS

I do not believe any motorized vehicles belong off road for recreational purposes. There are many miles of existing road that motorized vehicles do far less damage to than they cause on trails. (Individual, Steamboat Springs, CO - #323.4.52200.200)

5-37 Public Concern: The Forest Service should limit the use of all types of vehicles in Roadless Areas.

TO LESSEN ASSOCIATED EFFECTS AND PROTECT QUIET RECREATION

The population of the United States in increasing, and the amount of land available for peaceful recreation in our National Forests is limited. I have hiked many trails where vehicles are allowed and picked up various pieces of their detritus. Last weekend, I picked up a mud flap and a trailer hitch. Where vehicles go, all hope of quiet recreation is lost.

Please protect Colorado's Roadless Areas and limit the use of all types of vehicles. (Individual, Ridgway, CO - #790.1.51000.530)

5-38 Public Concern: The Forest Service should prohibit all off-road vehicles except horses and mules.

BECAUSE OF THE PRICE OF GASOLINE AND ENJOYMENT OF SCENERY

With the price of gasoline, etc. the only "off-road vehicles" allowed should be horses and mules. [Besides they allow one more time to enjoy the scenery.] (Individual, Machesney Park, IL - #109.1.51000.800)

5-39 Public Concern: The Forest Service should restrict the use of off-highway vehicles.

BECAUSE OFF-HIGHWAY VEHICLES DAMAGE THE FORESTS AND EXISTING ROADS

As owner/operator of a State-certified tree farm in Larimer County and a participant in the State's Habitat Partnership Program, I have become increasingly concerned and deeply dismayed by the damage being done to our forests from the misuse and overuse of ATVs [all-terrain vehicles] and other OHVs [off-highway vehicles]. My property is bordered by the Roosevelt National Forest and the noise, dust, and road damage on already existing roads is absolutely appalling. (Individual - #176.1.64100.530)

BECAUSE OFF-HIGHWAY VEHICLES DISOBEY RESTRICTIONS AND CREATE NEW ROADS

Anytime I feel a road is allowed to be built or opened, it will be used by ATVs [all-terrain vehicles], and it will be used by snow machines even if it's gated because these machines find a way to go around it and then build their own new roads. (Individual, Aspen, CO - #991.1.64100.530)

5-40 Public Concern: The Forest Service should limit development and motorized vehicle use on public property.

BECAUSE MOTORIZED VEHICLES DESTROY THE PRISTINE OUTDOOR RECREATIONAL EXPERIENCE

I would like to strongly urge you to limit development and motorized vehicle use on public property. Colorado has always been a destination for outdoor activities in areas that have not been destroyed by motorized vehicles. Tourists bring thousands of their dollars to visit here to enjoy the pristine outdoors and that will be destroyed by developing roads or allowing vehicles to enter its National Forests with motorcycles, ATVs [all-terrain vehicles], and other off-road motorized vehicles. The sound alone

crushes the peace and tranquility of our forests and it terrifies the animals, pushing them into the depths of the forests. Not to mention the abuse that the tires make on the paths, and it is evident that their use is not limited to the path areas if you have ever hiked in the interior areas. If they can get far into the forest with their vehicles, they will inevitably go off path and destroy un-authorized vehicle areas as they do now with the more accessible off-limit paths. (Individual, Durango, CO - #828.1.52200.002)

5-41 Public Concern: The Forest Service should prohibit off-road vehicles in Roadless Areas and close and rehabilitate existing user-created routes.

TO PREVENT EROSION AND PROTECT FISH AND WILDLIFE HABITAT

Provisions should be added to bar off-road vehicles from IRAs [Inventoried Roadless Areas] and to close and rehabilitate existing unauthorized user-created ORV [off-road vehicle] routes. ORVs have already caused erosion and degradation of fish and wildlife habitat in Roadless Areas. If this Rule is going to allow the impacts of roads, timber-cutting, ski areas, coal mining, and utility projects as described in the proposal, those impacts should be counterbalanced by adding secure protection against the impacts of off-road vehicles. It is not enough to say that the route designation process will take care of that. That would mean piecemeal decisions by Forest Supervisors, and it would give ORV groups more time to build pressure for routes that would degrade the public values of Roadless Areas. (Individual, Baltimore, MD - #500.7.52200.002)

Ski Areas

5-42 Public Concern: The Forest Service should support permitted ski areas.

BECAUSE THEY PROVIDE MANAGED WINTER AND SUMMER RECREATION

Ski areas provide significant opportunity for managed winter and summer recreation on a relatively small amount of land. Nationally, ski areas occupy less than 1/10th of 1 percent of NFS [National Forest System] lands yet accommodate over 30 million visits annually. (Recreational - #920.22.56000.600)

BECAUSE THEY PROVIDE MANAGED PUBLIC RECREATION, WHILE PRESERVING THE ENVIRONMENT

Roadless Areas and other Federal public lands inside the permit boundaries of CBMR [Crested Butte Mountain Resort] and other Colorado ski areas provide significant amounts of high-quality managed winter and summer recreation on a relatively small amount of land. At CBMR, the Forest Service has placed 4,350 acres within CBMR's special use permit. That area represents only about 1/10th of 1 percent of the 2,967,476-acre GMUG [Grand Mesa, Uncompahgre and Gunnison] National Forest. That relatively small area plays a positive role in accommodating and managing recreation on public lands. For example, between October 2002 and October 2003, the Forest Service estimates that there were 3,385,000 recreation visits of all types to the GMUG National Forest. There were 342,416 skier and snowboarder visits to CBMR during this same period, and even more visits during the summer season. That means that over 10 percent of the total recreation visits to the GMUG National Forest over that period in 2002 and 2003 occurred on about 1/10th of 1 percent of the total land area under managed conditions that protect the environment. Ski area development on Roadless Areas inside existing ski area permits is in the public interest because CBMR and other Colorado ski areas help the Forest Service provide outstanding public winter and summer managed recreation on public lands while still preserving the pristine nature in the rest of the GMUG National Forest. (Special Use Permittee, Crested Butte, CO - #266.16.56000.520)

5-43 Public Concern: The Forest Service should retain the 2001 Roadless Rule in regard to ski areas.

BECAUSE IT IS A VERY WORKABLE DOCUMENT

While the existing Roadless Act may have some inconsistencies, it has many attributes and is still a very workable document. It allows some discretion to forest decision makers, and, importantly to WCSA

[Wolf Creek Ski Area], [and] allows (as done by Arapahoe Basin) for developed winter recreation and some incidental timber removal. (Special Use Permittee, Pagosa Springs, CO - #943.2.56000.261)

BECAUSE IT PROVIDES SIGNIFICANT FLEXIBILITY FOR TIMBER HARVESTING RELATED TO SKI AREA EXPANSION

The 2001 National Rule provides significant flexibility for timber cutting in conjunction with ski area expansion, as demonstrated by a recent Federal court decision over expansion of the White Pass Ski Area in Washington State. Hogback Basin Preservation Association v. United States Forest Service, No. C07-1913JLR (Sept. 10. 2008). In that case, the district court held that clearing of trees for a downhill ski slope was permitted under the National Rule's exception for timber cutting that is "incidental to the implementation of a management activity not otherwise prohibited" by the Rule. The Forest Service must reevaluate the Proposed Colorado Rule in light of this court interpretation of the 2001 National Rule's impact on ski area development.

The key points here are that appropriate levels of development in ski area permit and prescription areas (a) can proceed under the provisions of the 2001 National Rule; and (b) would be implemented in a manner consistent with the overriding values and characteristics of Roadless Areas. The 2001 National Rule specifies that the Rule "…does not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land issued prior to January 12, 2001. 294.14(a) (Preservation/Conservation, Denver, CO - #1019.8.56000.141)

5-44 Public Concern: The Forest Service should support Alternative 2: the Proposed Rule, in regard to ski areas.

BECAUSE THE RULE RECOGNIZES THE IMPORTANCE OF DEVELOPED RECREATION AT SKI AREAS

Intrawest supports Alternative 2 because it recognizes the importance of developed recreation at ski areas. Public skiing on public lands is in the public interest. Ski areas provide significant amounts of public land. For example, Copper Mountain and the 11 other ski areas on the White River National Forest occupy only about 2.2 percent of the 2,270,000-acre National Forest, but provide over 40 percent of all recreation visitor days on the National Forest. See WRNF EIS [White River National Forest Environmental Impact Statement] at 3-435, 3-444. The three Intrawest Colorado ski areas accommodate large numbers of visitors on a proportionately small amount of land. Alternative 2 is good policy because it seeks to accommodate current and future demand for skiing. (Special Use Permittee, Frisco, CO - #833.3.56000.520)

BECAUSE THE RULE WOULD RESOLVE CONFUSION ABOUT ROADLESS AREA OVERLAYS IN SKI AREAS

Alternative 2 will resolve confusion about Roadless Areas and ski areas. Retaining a roadless designation for lands inside a ski area permit is confusing. If the land is inside the permit, the Forest Service has decided to dedicate it to developed skiing. But placing a roadless overlay on that land suggests that the Forest Service does not intend to allow skiing inside the ski area permit. This misleads people to believe that a roadless designation within a ski area permit means that that land cannot be used for skiing. That is incorrect. Under the 2001 Roadless Rule, a Roadless Area can be developed for skiing, and timber can be removed for ski lifts, ski runs, and ski ways, so long as it does not require the construction or reconstruction of a road. See Arapahoe Basin Ski Area, Montezuma Bowl ROD [Record of Decision], White River National Forest at 13–14 (2006), Exhibit A [see ATT-1], 66 Fed. Reg. 3258 (2001), Exhibit E [see ATT-5], Forest Service Roadless Questions and Answers, [Footnote 1: http://roadless.fs.fed.us/documents/rule/qa/re.shtml] Exhibit B [see ATT-2] at 10, Hogback Basin Pres. Ass'n v. U.S. Forest Serv., 2008 WL 4186849 at *10 (W.D. Wash. Sept., 10 2008), Exhibit C [ATT-3]. Alternative 2 would eliminate confusion about Roadless Areas and ski areas by removing lands inside special use permits from roadless status. (Special Use Permittee, Frisco, CO - #833.5.56000.620)

The Proposed Rule eliminates the confusion of having Roadless Areas inside ski areas. Under the Proposed Rule, land already contained within ski area permit boundaries is removed from the inventory of Roadless Areas. This is good policy because at ski areas such as CBMR [Crested Butte Mountain

Resort], the Forest Service has already decided to allow lifts and ski runs. (Individual - #965.1.56000.620)

BECAUSE ALTERNATIVE 2 AND THE SKI AREA RULE ARE PRODUCTS OF A STATEWIDE PUBLIC PROCESS

There are many good reasons to support Alternative 2. Alternative 2 and the Ski Area Rule are both products of an extensive public process. The extensive statewide public process that preceded both the Task Force recommendation and the Proposed Rule weigh in favor of the Ski Area Rule. (Special Use Permittee, Broomfield, CO - #796.20.56000.060)

BECAUSE THE RULE IS SUBJECT TO THE FULL ARRAY OF STATE AND FEDERAL ENVIRONMENTAL LAWS

There are many good reasons to support Alternative 2. The Ski Area Rule will result in significant public benefits with only minor environmental effects. Recreation at ski areas, including within a Roadless Area, proceeds only after application of the full array of state and Federal environmental laws. Adverse impacts are avoided, minimized, and mitigated. Ski area development is subject to extensive public environmental review under the National Environmental Policy Act. Any development in an area subject to the Ski Area Rule will require analysis and mitigation under other laws, including the applicable forest plan, the National Forest Management Act, the Endangered Species Act, the Clean Water Act, and other state and Federal laws. The Forest Service and other agencies with oversight authority work collectively to ensure that the recreation occurs under conditions that avoid, minimize, and mitigate adverse environmental impacts. Those agencies include the United States Fish and Wildlife Service, the United States Environmental Protection Agency, the United States Army Corps of Engineers, the Colorado Department of Natural Resources, and the Colorado Division of Wildlife. The Ski Area Rule is good policy because Roadless Areas inside ski areas or allocated to skiing in forest plans will yield outstanding recreation opportunities with minimal environmental effects for citizens who choose to enjoy their public lands by skiing and snowboarding. (Special Use Permittee, Broomfield, CO - #796.23.56000.100)

Ski area development is subject to the full spectrum of state and Federal environmental laws. This ensures that adverse impacts are avoided, minimized, and mitigated. Any development in an area subject to the Ski Area Provision will be subject to appropriate analysis and mitigation under other laws, including the applicable forest plan, the National Forest Management Act, the Endangered Species Act, the Clean Water Act, and other state and Federal laws. The Forest Service and other agencies with oversight authority will work collectively to ensure that the developed recreation within a ski area permit occurs under conditions that avoid, minimize, and mitigate adverse environmental impacts. Those agencies include the United States Fish and Wildlife Service, the United States Environmental Protection Agency, the United States Army Corps of Engineers, the Colorado Department of Natural Resources, and the Colorado Division of Wildlife. (Recreational - #920.23.56000.130)

5-45 Public Concern: The Forest Service should carefully prescribe forest treatments and roads, including the cradle-to-grave approach in ski areas.

BECAUSE THE NEED FOR WILDFIRE, DISEASE, AND INSECT TREATMENTS MAY BE GREATER IN ROADLESS AREAS AFFECTED BY SKIING

Ski areas occupy a unique niche in the roadless debate. First, the number of roadless acres impacted by ski areas is small. Second, ski areas represent unique and increasingly important values on Forest Service lands in Colorado. Ski areas provide important viewshed, watershed, and habitat protections. Beyond winter recreation, ski areas provide year-round recreation and a form of developed recreation on the forests whereby these areas are able to handle types and levels of outdoor recreation that may not be desirable or sustainable on surrounding forests and Roadless Areas.

As reflected in the Proposed Rule, the need for wildfire, disease, and insect treatments may be greater and provide greater return on Roadless Areas impacted by skiing.

The Proposed Rule is correct in recognizing the relationship between ski and Roadless Areas. However, the need for forest treatments and roads should be carefully prescribed and include the cradle-to-grave approach to all roads. (Special Use Permittee, Golden, CO - #832.12.56000.002)

The Ski Area Provision

5-46 Public Concern: The Forest Service should support the Ski Area Provision.

The Ski Area Rule is good policy. See DEIS at 46. Removing the Roadless designation for land allocated for ski area development will avoid confusion in the future when those areas are developed to meet rising demand for winter recreation. That action is appropriate, and carries out settled public expectations, because the Forest Service has allocated those Roadless Areas to skiing in a public environmental review process under the National Environmental Policy Act. The proposed Colorado Rule and the Ski Area Rule are consistent with, rather than contrary to, years of forest Service decisions about the use of lands inside ski area permit boundaries. (Special Use Permittee, Broomfield, CO - #796.2.56000.160)

BECAUSE THE ACREAGE INVOLVED IS RELATIVELY SMALL

Ski area lands should be removed from roadless designation because the area impacted would be relatively small. Despite accommodating over 30 million skier/snowboarder visits on public lands annually, ski areas occupy less than 1/10th of 1 percent of National Forest System lands. The amount of ski area special uses lands that would be removed from roadless designation in Colorado is extremely small—less than 2/10ths of 1 percent of Colorado roadless acres. (Recreational - #920.5.56000.620)

BECAUSE THE ACREAGE INVOLVED IS RELATIVELY SMALL AND THE DECISION WAS MADE WITH FULL PUBLIC INVOLVEMENT

Alternative 2 will result in the conservation of the overwhelming majority of the 4,433,000 acres of Colorado Roadless Areas. The area affected by the Ski Area Provision is relatively small, and the decision to add those areas to ski area permits was made by the Forest Service with full public involvement. The Ski Area Provision affects approximately 8,000 acres of Inventoried Roadless Areas at 12 Colorado ski areas. 73 Fed. Reg. 43547. That area is less than 2/10ths of 1 percent of the 4,433,000 acres of Roadless Areas in Colorado. In its forest plan-level decisions, the Forest Service has determined that those 8,000 acres are critical to meeting the demand for high-quality managed winter and summer recreation on public lands in the future. Those forest plan decisions were made in a public process, based on an EIS, with full review under the National Environmental Policy Act. (Special Use Permittee, Crested Butte, CO - #266.15.56000.500)

BECAUSE THE SKI AREA PROVISION WILL ELIMINATE CONFUSION AND UNNECESSARY CONTROVERSY

The Ski Area Provision will eliminate confusion about Roadless Area regulation and ski areas. Retaining a Roadless Area overlay within a ski area permit or within a ski area management designation is misleading. It confuses people. Some people mistakenly believe that a roadless designation within a ski area permit means that the Roadless Area cannot be used for skiing, or that lifts and timber removal cannot occur there. That is incorrect. Even under the 2001 Roadless Area regulations, a Roadless Area can be developed for skiing so long as it does not require the construction or reconstruction of a road and any tree-cutting is incidental to approved ski area development use. See Arapahoe Basin Ski Area, Montezuma Bowl Record of Decision, White River National Forest at 13-14 (2006), Exhibit C; Hogback Basin Pres. Ass'n v. U.S. Forest Serv., No. 48, slip op. at 20-21, 2008 WL 4186849 at *10-11 (W.D. Wash. filed Sept., 10 2008), Exhibit E. Although the Forest Service has made that determination, the existence of inventoried Roadless Areas inside ski areas is confusing, misleads the public, and even invites disputes. The Forest Service should adopt the Ski Area Provision because it would eliminate that unnecessary controversy. (Special Use Permittee, Crested Butte, CO - #266.18.56000.620)

BECAUSE THE SKI AREA PROVISION WILL ELIMINATE CONFUSION AND POTENTIAL LITIGATION

All lands which are permitted to ski areas, allocated in a forest plan for ski area development, or will be allocated to ski area development in a forest plan revision currently underway should be removed from CRAs [Colorado Roadless Area]. Similar to the Colorado Petition, the Final Rule should add Wolf

Creek Ski Area's acreage (roughly 2,000 acres) to the package of ski area acres being removed from CRAs pending the outcome of the San Juan Forest Plan Revision. All ski area lands should be removed from CRAs because a roadless designation on any ski area lands creates confusion and invites litigation. Additionally, demographic trends and projections on future demand for skiing and boarding on Forest Service land clearly justify this removal from roadless designation. (Recreational - #920.6.56000.620)

Keeping ski area lands within a roadless designation is confusing and invites unnecessary and costly litigation. Under the 2001 Roadless Rule, for example, development of ski areas in Roadless Areas is not prohibited. Ski areas may construct lifts and trails and facilities, and remove timber to do so. The only prohibition is that ski areas not build roads. Despite this fact, the Forest Service has been sued three times by environmental groups for approving ski area projects in Roadless Areas. These lawsuits waste the Forest Service's limited resources, not to mention [those of the] resorts, and unnecessarily hamstring and delay ski area expansion projects. Removing ski area lands from CRAs [Colorado Roadless Areas] is the only way to provide clear direction on permissible ski area development and thereby reduce needless litigation. Make no mistake, ski area development projects will still be subject to substantial environmental review and analysis under NEPA, NFMA [National Forest Management Act], the ESA [Endangered Species Act], and the CWA [Clean Water Act]. However, once removed from CRAs, they will not be judged through an ill-fitting "roadless lens" in the future. (Recreational - #920.2.56000.620)

BECAUSE SKI AREA DEVELOPMENT IS SUBJECT TO FULL ENVIRONMENTAL REVIEW

Proposed projects at ski areas undergo extensive NEPA analysis and review, and are subject to extensive public involvement and comment. Impacts to wildlife, water resources, visual resources, and other impacts are analyzed in detail. The Forest Service has the authority to authorize ski area activities, decline to authorize ski area activities, or condition ski area activities on the implementation of appropriate measures—all determined on a site-specific basis—to mitigate resource impacts. A roadless designation is not the only mechanism available for protecting natural resources at ski areas. For this reason, CSCUSA [Colorado Ski Country USA] opposes the suggestion put forward by some that ski area permitted and/or allocated lands should not be removed from [the] inventory because there may be wildlife "issues" with roadbuilding in those areas. Any future ski area proposal will be scrutinized under NEPA and, at that time, when the specifics of the ski area proposal are known, a proper NEPA analysis of the impacts of that proposal can and will be done to address wildlife issues. (Recreational, Denver, CO - #996.5.56000.131)

CSCUSA [Colorado Ski Country USA] in particular supports the Ski Area Provision of the Proposed Colorado Rule—the provision that removes approximately 8,200 acres from Colorado Roadless Areas [CRAs] and provides for their future management under forest plan direction. The Ski Area Provision provides neither authorization nor direction for ski areas to expand their operations within or outside their existing permit boundaries. Future ski area expansion proposals will be evaluated by the Forest Service and subject to rigorous environmental analysis under the National Environmental Policy Act (NEPA). The boundary adjustments to CRAs recommended by the Colorado Rule for ski areas are on the edges of specific roadless areas, do not "Swiss cheese" Roadless Areas, and generally are located nearby or adjacent to existing ski area development. (Recreational, Denver, CO - #996.2.56000.620)

BECAUSE SKI AREA DEVELOPMENT IS SUBJECT TO FULL ENVIRONMENTAL REVIEW AND WOULD PROVIDE OUTSTANDING RECREATION OPPORTUNITIES

The Ski Area Adjustment does not mean that Roadless Areas inside ski area permits have less environmental protection. Recreation at ski areas is subject to the full array of state and Federal environmental laws. Ski area development is subject to extensive public environmental review under the National Environmental Policy Act and mitigation under Federal laws, such as substantive forest plan standards and guidelines. Adverse impacts are avoided, minimized, and mitigated. The Ski Area Adjustment is good policy because Roadless Areas inside ski areas or allocated to skiing in forest plans will yield outstanding recreational opportunities with minimal environmental effects for those who choose to enjoy their public lands by skiing and snowboarding. (Special Use Permittee, Frisco, CO - #833.4.56000.100)

BECAUSE SKI AREAS SUPPORT LOCAL ECONOMIES AND PROVIDE OUTSTANDING RECREATION OPPORTUNITIES

The ski area provision is very important to a healthy future for the Colorado ski industry. The parcels of land that will be removed from inventory by the Colorado Rule have all been allocated by the Forest Service as the available terrain for future expansion to the 14 ski areas affected by the Colorado Roadless Rule. Colorado ski areas today account for approximately 12.5 million skier visits annually and for approximately $2.5 billion in skier spending each year. Sixty to seventy percent of skier spending takes place at businesses in Colorado other than ski areas, demonstrating that the ski industry supports vibrant local economies. Skier visits in Colorado have experienced a significant growth trend in the last 3 years, with skier visits nationally hitting an all-time high in 2007–2008. Colorado also is one of the fastest growing states. In-state visitation to Colorado ski areas accounts for approximately 40 percent of total visits. In short, Colorado ski areas provide world-class outdoor recreation opportunities on National Forest System lands in Colorado and contribute in a substantial way to the state's economy. Their ability to continue to accommodate demand for the recreation opportunities they provide is dependent on their ability to expand as the sport of skiing continues to grow. Colorado ski areas cannot pick up and relocate when they need more terrain for their guests. Their expansion opportunity is the land allocated to them by the Forest Service inside their ski area permit boundary or allocated by the Forest Service to ski area management by their forest plans. (Recreational, Denver, CO - #996.3.56000.870)

BECAUSE SKI AREAS AND ROADLESS AREAS HAVE FUNDAMENTALLY DIFFERENT CHARACTERISTICS

Ski areas and Roadless Areas have fundamentally different characteristics. Ski areas are highly developed and ski area facilities generally require removal of timber, surface disturbance for most lift installations and, in many cases, roads to provide access to lift terminals and ski area facilities. Ski areas may need to conduct forest treatments to address insect and disease issues in order to protect ski area assets. Roads to serve top lift terminals or other ski area facilities are not temporary roads, as ski areas operate under 40-year permits from the Agency. If one looks generally at the purpose of roadless inventory, it tries to capture and protect a series of characteristics that include remoteness, high-quality wildlife habitat, natural watershed characteristics, and the like. These are not the typical characteristics of a developed ski area, even one designed to have a "backcountry" feel to it. Ski areas have heavy machinery operating, explosives being detonated for avalanche control and public safety, and a great deal of human activity. In the case of the areas in the Colorado Rule that are proposed for removal from inventory, the Forest Service has made a public decision—after notice and extensive public comment during the forest planning process—that these approximately 8,200 acres dispersed around the state are where future developed recreation should take place. Roads and timber removal are part of the equation at ski areas. Leaving these areas in CRAs [Colorado Roadless Areas] would simply encourage divisive debate over and over again about a decision the Agency has already made about the locations for future ski area expansion. The Colorado Roadless Task Force, taking all of the above into account, voted unanimously to remove acreage under ski area permit in Colorado and those allocated by a current forest plan or one currently under revision from roadless inventory. The Proposed Colorado Rule includes substantially the same provision. (Recreational, Denver, CO - #996.4.56000.620)

There is an inherent conflict in the management of lands for ski area development and the management of lands to protect roadless characteristics. A ski area and a Roadless Area have fundamentally different characteristics. Forest Service management descriptions for ski areas call for "intensively managed outdoor recreation opportunities" in "highly developed settings." By contrast, the Forest Service characterizes Roadless Areas as containing "large, undisturbed areas of land" with "natural appearing landscapes" and supporting "primitive" and "semi-primitive" dispersed recreation. (See 2001 Roadless Rule.) Ski areas contain access roads, maintenance roads, ski lift corridors, ski trails, buildings, and winter and summer recreational programs. Ski areas are not "undisturbed," nor are they managed as "primitive" or "semi-primitive" areas. They are permit areas where large amounts of visitation are carefully managed and accommodated on relatively limited acreage. (Recreational - #920.1.56000.621)

BECAUSE SKI AREA VISITATION IS ON THE RISE

Removing unnecessary barriers to ski area improvement is helpful and justified for a number of reasons. The number of ski resorts in this country has shrunk over the past three decades from 700 in the 1970s to

roughly 400 today. New and enhanced skiing opportunities are being provided by the expansion of existing ski areas today, not through the development of new ski areas. Against this backdrop, the ski industry is growing, and flexibility is required to accommodate future growth for the recreating public. Last season, the ski industry hit an all time record for skier/snowboarder visits at 60.5 million (the FEIS should reflect this number as the DEIS cites 2006/2007 statistics). Ski areas nationwide have broken visitation records in six of the last seven seasons. The Agency's data on types of visitors (NVUM [National Visitor Use Monitoring]) show that more people visit National Forests to ski and ride than for any other activity that takes place on the National Forests. (Recreational - #920.3.56000.520)

BECAUSE THE SKI AREA PROVISION WOULD ACCOMMODATE LONG-TERM GROWTH AND GET "MORE KIDS IN THE WOODS"

It would be short sighted to take away ski areas' ability to accommodate the long-term growth that is projected for snow sports in the future. Last year, more kids were born in the U.S. than in any other year in our nation's history. In light of the Agency's emphasis on getting "more kids in the woods," it should be of particular interest that twenty-eight (28) percent of skier/snowboarder visits are by kids under the age of 18. Chief Gail Kimbell has stressed the importance of bringing more kids into the woods "face to face with nature, up close and personal, experiencing the awe and wonder of the great outdoors, and hopefully forging a life-long connection to nature and to public lands." Developed recreation sites like ski areas provide millions of kids the chance to experience the woods each year. The Agency's management of Roadless Areas is directly tied to the Agency's ability to provide adequate developed recreation opportunities in the future. Developed recreation sites, which provide the most common access for kids, need flexibility to grow and accommodate increasing recreation visits in the future. (Recreational - #920.4.56000.700)

5-47 Public Concern: The Forest Service should support the Ski Area Provision and the Proposed Rule.

BECAUSE THEY ARE THE PRODUCT OF AN EXTENSIVE PUBLIC PROCESS

The Ski Area Provision and the overall Proposed Rule have merit because they are products of an extensive public process. The extensive statewide public process that preceded the Task Force recommendation and the Proposed Rule weigh in favor of the Ski Area Provision and the exclusion of land within ski area permit boundaries from the CRAs [Colorado Roadless Areas]. (Special Use Permittee, Crested Butte, CO - #266.14.56000.060)

BECAUSE THEY ALLOW THE REMOVAL OF IRA ACREAGE WITHIN SKI AREA BOUNDARIES

CBMR [Crested Butte Mountain Resort] supports Alternative 2, the Proposed Rule. The Forest Service proposes to remove from the roadless inventory all areas allocated to ski area special uses, including all areas inside ski area special use permit boundaries and all Roadless Areas allocated to skiing in forest plans. DEIS at 27; 73 Fed. Reg. 43545, Table 2. Throughout these comments, this proposal will be referred to as the "Ski Area Provision."

CBMR supports the Ski Area Provision. CBMR believes that the Forest Service should remove from the Roadless Area inventory any lands that are: (1) inside ski area special use permit boundaries; or (2) allocated to developed skiing in forest plans, such as lands designated Management Area 1B in the GMUG [Grand Mesa, Uncompahgre and Gunnison] Forest Plan, or designated [as] 8.1 in the Draft Revised GMUG Forest Plan. See DEIS at 27. The Forest Service should clarify that the Ski Area Provision will remove all lands within ski area permit boundaries from CRAs [Colorado Roadless Areas], including, but not limited to, the portion of the Gothic Roadless Area on Snodgrass Mountain and within [the] CBMR special use permit. (Special Use Permittee, Crested Butte, CO - #266.1.56000.620)

BECAUSE THEY WILL HELP MEET DEMAND FOR HIGH-QUALITY MANAGED WINTER AND SUMMER RECREATION

The Colorado Roadless Rule is good for Colorado because it will protect over 4 million acres of Colorado Roadless Areas from roadbuilding, while accommodating recreation, the most popular use of public lands. The Proposed Rule accommodates present and future managed recreation at Colorado ski areas by removing from roadless status lands within ski area special use permits or allocated to skiing in

forest plans. 73 Fed. Reg. 43547. The acreage subject to this provision is relatively small and is referenced in these comments as the Ski Area Adjustment. The Ski Area Adjustment involves about 8,000 acres of Inventoried Roadless Areas at 12 Colorado ski areas, which is less than 2/10ths of 1 percent of the 4,433,000 acres of Inventoried Roadless Areas in Colorado. That relatively small amount of land will help meet demand for high-quality managed winter and summer recreation on public lands in the future. (Special Use Permittee, Frisco, CO - #833.2.56000.520)

BECAUSE THEY ARE CONSISTENT WITH PRIOR FOREST SERVICE DECISIONS AND MEET PUBLIC EXPECTATIONS

As part of Alternative 2, the Forest Service proposed to remove from the roadless inventory all areas inside ski area special use permit boundaries, and all Roadless Areas allocated to skiing in forest plans. DEIS at 27; 73 Fed. Reg. 43545, Table 2. Intrawest supports the Ski Area Adjustment and Alternative 2. After making the clarifications identified in these comments, the Forest Service should adopt Alternative 2. The Forest Service should remove from the Roadless Area inventory any lands that are inside ski area special use permit boundaries, or allocated to developed skiing in forest plans. See 73 Fed. Reg. 43547.

The Ski Area Adjustment is good policy. See DEIS at 46. Removing the roadless designation for land inside present special use permit boundaries and allocated for ski area development will avoid confusion in the future. Future development within a ski area permit boundary is appropriate and carries out settled public expectations, because the Forest Service has allocated those Roadless Areas to skiing in public environmental review processes under the National Environmental Policy Act and the National Forest Management Act. The Colorado Roadless Rule and the Ski Area Adjustment are consistent with years of Forest Service decisions about the use of lands inside ski area permit boundaries. (Special Use Permittee, Frisco, CO - #833.12.56000.620)

BECAUSE THE SMALL AMOUNT OF ACREAGE INVOLVED IS SUBJECT TO FULL NEPA REVIEW

It [the Proposed Rule] would remove 8,200 acres from within existing ski area permits. That is less than 2/10ths of 1 percent of the Roadless Areas ID'd [identified] in 2001. Vail Resorts believes this is very good policy as the lands within these ski area permit boundaries have been previously identified as appropriate ski area development. They're within permit boundaries.

Any development that happens on that land that hasn't been previously developed has to go through a thorough National Environmental Policy [Act] review before anything can happen. (Individual, Vail, CO - #988.1.56000.131)

5-48 Public Concern: The Forest Service should expand the rationale for Alternative 2 and the Ski Area Provision.

CBMR [Crested Butte Mountain Resort] requests that the Forest Service expand the rationale for Alternative 2 and the Ski Area Provision in the FEIS, including in the discussion of the purpose and need for the proposed action. (Special Use Permittee, Crested Butte, CO - #266.13.56000.001)

5-49 Public Concern: The Forest Service should revisit its predicted need for ski area expansion.

BECAUSE SKI AREA VISITATION HAS NOT BEEN INCREASING

Given the lack of increase in ski area visitation, due to demographics and high lift ticket and transportation costs, the need for ski area expansion is questionable at best. We [23 various preservation organizations] believe the prediction, stated at DEIS p. 250, that ski area usage will regularly increase well into the future, is incorrect. (Preservation/Conservation, Denver, CO - #789.45.56000.800)

5-50 Public Concern: The Forest Service should clarify that removal of ski areas from designation as Colorado Roadless Areas is not subject to reconsideration.

The Forest Service should clarify in the Final Rule that ski area lands removed from Roadless designation pursuant to the Colorado Roadless Rule cannot be re-designated as or managed as roadless by virtue of a subsequent forest plan revision. Any such change in designation or management of these

removed areas could only be accomplished after notice and comment and a rulemaking under the Administrative Procedure Act. Section 294.36(d) of the Proposed Colorado Rule provides:

> The prohibitions and restrictions established in this subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land management plan amendments or revisions undertaken pursuant to 36 CFR Part 219.

In a mirror fashion, the Forest Service should add language to this subsection as follows:

> The removal of areas from Roadless designation established in this subpart is not subject to reconsideration, revision, or rescission in subsequent project decisions or land management plan amendments or revisions undertaken pursuant to 36 CFR Part 219. (Recreational - #920.7.63000.162)

5-51 Public Concern: The Forest Service should not withdraw Inventoried Roadless Area land to accommodate ski area expansion.

BECAUSE THIS WOULD BE AN UNWARRANTED GIFT TO THE SKI INDUSTRY

Roadless Areas that overlap with ski areas should not be withdrawn from the roadless inventory. This is effectively a land gift to the ski industry and it is not warranted by the reasonable operation of the areas for skiing. (Individual, Aspen, CO - #187.5.56000.620)

BECAUSE THE ECOLOGICAL COST DOES NOT WARRANT THE GIFT TO THE SKI INDUSTRY

As currently drafted, we [Pitkin County Commissioners] find the following provision of the Proposed Rule particularly egregious and destructive of our National Forests roadless values.

8,200 acres of Roadless Area subject to a ski-based management area prescription in forest plans would be removed from protection under the Proposed Rule. 1,700 of these acres are not even within current ski area permitted boundaries but simply adjoin operating ski areas. While the ski industry is an essential part of Pitkin County's and Western Colorado's economy, the ecological cost associated with further intrusion into Colorado's backcountry does not warrant this industry "give-away." (County Government Agency/Elected Official/Association, Aspen, CO - #324.5.56000.200)

The DEIS specifically notes that land allocated for ski area expansion from the roadless inventory would "result in removing three Roadless Areas from CRAs [Colorado Roadless Areas] that are of high importance for terrestrial wildlife." DEIS at 197

These CRAs include Bard Creek, which "is a critical connecting land bridge for large carnivores and other wide-ranging species like between the north and south ends of the state"; Porcupine Peak, which is "a [underlined] critical movement area [underlined] for wildlife and landscape linkage for lynx (Loveland Pass linkage)"; and Game Creek, which is "a lynx linkage area, deer migration corridor, and elk winter range." The portion removed from [a] CRA "is located in a [underlined] vital central position [underlined] in the Dowd Junction lynx linkage." DEIS at 198; emphasis added. For both the Porcupine Peak and Game Creek Roadless Areas, road construction and logging are "somewhat likely." DEIS at C-7.

We [The Wilderness Society] well recognize the importance of ski areas to Colorado's winter economy, and increasingly, to its summer economy as well. However, we feel strongly that important wildlife values, like landscape linkages and other movement corridors for wildlife must not be sacrificed to bolster the ski industry. This would be true even if expansion into the areas within CRAs [Colorado Roadless Areas] was considered necessary to meet future ski demand, but it is especially true given that such expansions are not likely to be so needed.

Removing ski area expansion locations from the Roadless Inventory would allow roads to be built in these areas for ski area expansion, even though "ski area development may occur without roads." DEIS at 251 (Preservation/Conservation, Denver, CO - #1019.7.56000.330)

BECAUSE THE ROADLESS AREA INVENTORY WAS CONDUCTED USING OBJECTIVE CRITERIA

We [the National/Colorado Wildlife Federation] disagree with the Proposed Rule's modification, to accommodate potential ski area development expansion, [of] the boundaries of an inventory that was conducted using objective criteria by the Forest Service. We are not aware of any evidence that Roadless

Areas within ski area permit boundaries or potentially prescribed for ski area expansion have lost the characteristics that make them valuable for their Roadless Area characteristics. It may be appropriate to consider boundary adjustments if evidence indicates that the Forest Service incorrectly applied its criteria and arrived at a faulty inventory boundary. It is not appropriate to arbitrarily shift a boundary to accommodate one speculative commercial interest. To the extent that the Forest Service elects to endorse a policy decision (one with which we would disagree) that the public interest in additional roads for ski area expansion outweighs the public interest in preserving the roadless characteristics of our remaining Roadless Areas, a more appropriate approach to addressing ski areas that overlap Roadless Areas would be to develop a specific provision for ski-area road construction no more expansive than necessary to meet an identified need. (Preservation/Conservation, Boulder, CO - #1037.7.56000.620)

BECAUSE ROADLESS AREAS ARE NOT ANY LESS VALUABLE FOR POTENTIALLY BEING DEVELOPED INTO SKI AREAS

Locations of possible ski area expansions must remain in the roadless inventory.

Under a recalculation of roadless acreage, 8,200 acres of land under existing ski area permits or in a ski area management prescription would be removed from the roadless inventory. Roadless Areas are not any less valuable just because they could be developed for ski facilities. (Individual, Florissant, CO - #917.14.56000.620)

Roadless Areas are not any less valuable just because they could be developed for ski facilities. (See our [23 various preservation organizations] ANPR [Advance Notice of Proposed Rulemaking] comments at pp. 13–16 for examples of possible ski area expansion locations containing resources and roadless characteristics that are valuable for other uses. [Footnote 23: Our ANPR comments describe the benefits of the Treasure Mountain Roadless Area, which could see an expansion of the Wolf Creek Ski Area on the San Juan National Forest (p. 16). The proposed action in the draft revised plan for the San Juan Public Lands Center did not include this possible expansion, but one other alternative did, the final revised plan could still do so.]) Indeed, ski area development triggers intense development on adjacent and nearby private land, making the retention of roadless characteristics and related wild values in such locations all the more important. (Preservation/Conservation, Denver, CO - #789.46.56000.610)

TO PROHIBIT ROADBUILDING

Removing ski area expansion locations from the roadless inventory would allow roads to be built in these areas for ski area expansion, even though “ski area development may occur without roads.” DEIS at 251. Any roads constructed and used for ski expansions could also be used for other purposes, such as commercial logging, that would be inappropriate in Roadless Areas and would degrade Roadless Area characteristics. Thus removing possible ski area lands from the inventory could cause additional degradation of Roadless Area integrity. (Preservation/Conservation, Denver, CO - #789.48.56000.261)

5-52 Public Concern: The Forest Service should work with the Colorado Division of Wildlife to evaluate ski area expansion recommendations.

TO ENSURE THAT CRITICAL HABITAT ZONES BE EXCLUDED FROM THE AREAS SET ASIDE FOR SKI AREA EXPANSION

As the rulemaking now stands, at least 8,200 acres of inventoried Roadless Areas adjoining ski areas in White River and other National Forests will be removed from roadless protection wholesale, to facilitate ski area expansion. Meanwhile, DOW [Colorado Division of Wildlife] is scrambling to identify specific areas of critical wildlife habitat concern within the proposed ski [area] give-aways. I urge Governor Ritter to demand that the Forest Service listen to DOW and withdraw those areas of critical concern from the ski “exclusions.” (Individual, Broomfield, CO - #144.6.56000.330)

While the ski industry has presented the Task Force and RACNAC [Roadless Area Conservation National Advisory Committee] with generally reasonable arguments to substantiate their request to have certain adjacent forest lands removed from IRA/CRA [Inventoried Roadless Area/Colorado Roadless Area] status to facilitate previously authorized expansion, the Draft Rule language amounts to a

wholesale and hasty give-away, openly ignoring the DOW's [Colorado Division of Wildlife] expressed concerns over the sensitivity of some portions of some of the 8,200 acres proposed to be removed from Roadless status. Notwithstanding the DOW's nominal participation as a cooperating agency in the rulemaking process, they were not active players in drafting either the Rule or the DEIS, and some of the information they did supply was ignored.

Immediately enlist the DOW to submit area-specific evaluations of each proposed ski expansion, with recommendations for specific high-importance wildlife habitat zones that should be "excepted from the exceptions." In an initial overview, DOW noted that, while some areas proposed for removal have no outstanding wildlife or watershed values, others have values of critical import. Apropos, the Final Rule should remove from CRA [Colorado Roadless Area] protections only those parcels which already are significantly compromised in year-round habitat value by ski development, and/or lack critical wildlife or watershed values. Meanwhile, DOW-specified ecologically significant parcels must remain fully protected to maintain roadless characteristic and wildlife habitat values. Please see the original RACNAC recommendations, which echo our concerns on this point. (Recreation/Conservation Organization, Durango, CO - #770.4.56000.330)

While the ski industry presented the Task Force with generally reasonable evidence to substantiate their request to have certain adjacent Forest lands removed from IRA [Inventoried Roadless Area] status to facilitate previously authorized expansion, the Draft Rule language amounts to a wholesale and hasty block give-away, openly ignoring the Division of Wildlife's expressed concerns over the sensitivity of some portions of some of the 8,200 acres proposed to be removed from CRA [Colorado Roadless Area] status. While some areas proposed for removal have no outstanding wildlife or watershed values, others have values of critical importance. As previously noted in our comments, one such location of special importance for fisheries is the Bard Creek Roadless Area, which supports a population of threatened greenback cutthroat trout. Because of the importance of at least some of these habitats, the ski area exemption areas should not be carved out from protection without additional careful review and consideration. We [Colorado Trout Unlimited] therefore recommend that the Forest Service immediately enlist the Division of Wildlife to submit area-specific evaluations of each proposed ski expansion, with recommendations for specific high-importance wildlife habitat zones that should retain roadless protections under the [Proposed] Rule. The Final Rule should remove from CRA status only those parcels that (a) already are significantly compromised by ski area development and/or (b) lack critical wildlife or watershed values. DOW [Colorado Division of Wildlife]-specified ecologically significant parcels should retain full CRA protection. Please see the original RACNAC [Roadless Area Conservation National Advisory Committee] recommendations, which echo our concerns on this point. (Recreation/Conservation Organization, Boulder, CO - #1002.6.56000.330)

TO REQUIRE THAT ONLY TEMPORARY ROADS BE ALLOWED FOR SKI AREA DEVELOPMENT AND PROTECT KEY WILDLIFE HABITAT

The DEIS and Proposed Colorado Rule should be modified to allow only temporary roads for ski area development, with the requirement that such temporary roads be obliterated and restored. Ski areas also should not be removed from the roadless inventory, as some of the 8,200 acres may never be developed by the ski industry. Additionally, the DOW [Colorado Division of Wildlife] Inventoried Roadless Areas Report (http://wildlife.state.co.us/LandWater/Roadless/) and crucial habitats map should be evaluated, and areas with key habitats within the designated 8,200 acres should be removed from areas allowable for ski area expansion (i.e. Game, Bard, and Porcupine Creek CRAs) [Colorado Roadless Areas]. Ski area expansion also should be consistent with forest plan direction. (Recreation/Conservation Organization, Missoula, MT - #836.15.56000.600)

5-53 Public Concern: The Forest Service should not remove critical wildlife habitat from Inventoried Roadless Areas to facilitate ski area expansion.

TO PROTECT ROADLESS CHARACTERISTICS

Retaining possible expansion areas in the roadless inventory would help conserve roadless characteristics if the adjacent ski area later expanded into the area, as mitigation measures would likely be much stricter under any roadless rule in Roadless Areas than outside of them, due to the need to

protect roadless characteristics. This could prevent some expansions, and for expansions that did occur, reduce the damage to wildlife habitat and connectivity and reduce moving the expansion areas within Roadless Areas toward the developed end of the recreation opportunity spectrum. See DEIS at 250. (Preservation/Conservation, Denver, CO - #789.49.56000.520)

TO PROTECT LANDSCAPE LINKAGES AND MIGRATION CORRIDORS

Locations of possible ski area expansions must remain in the roadless inventory. Several of these areas suggested for removal from the inventory are also described in the DEIS as important for wildlife: Bard Creek, which "is a critical connecting land bridge for large carnivores and other wide-ranging species like between the north and south ends of the state"; Porcupine Peak, which is "a critical movement area for wildlife and landscape linkage for lynx (Loveland Pass linkage)"; and Game Creek, which is "a lynx linkage area, deer migration corridor, and elk winter range." The portion removed from [a] CRA [Colorado Roadless Area] "is located in a vital central position in the Dowd Junction lynx linkage." (DEIS at 198). Ski areas are important to Colorado's economy; [however,] important wildlife values, like landscape linkages and other movement corridors for wildlife must not be sacrificed to bolster the ski industry. (Individual, Florissant, CO - #917.15.56000.331)

The DEIS states that land allocated for ski area expansion from the roadless inventory would "result in removing three Roadless Areas from CRAs [Colorado Roadless Areas] that are of high importance for terrestrial wildlife." [Footnote 24: Actually, portions of four Roadless Areas are described: Mt. Sniktau, Bard Creek, Porcupine Creek, and Game Creek]. DEIS at 197. These CRAs include Bard Creek, which "is a [underlined] critical connecting land bridge [underlined] for large carnivores and other wide-ranging species like between the north and south ends of the state"; Porcupine Peak, which is "a [underlined] critical movement area [underlined] for wildlife and landscape linkage for lynx (Loveland Pass linkage)"; [and] Game Creek, which is "a lynx linkage area, deer migration corridor, and elk winter range." The portion removed from [a] CRA [Colorado Roadless Area] "is located in a [underlined] vital central position [underlined] in the Dowd Junction lynx linkage." DEIS at 198; emphasis added. For both the Porcupine Peak and Game Creek Roadless Areas, road construction and logging are "somewhat likely." DEIS at C-7.

The undersigned well recognize the importance of ski areas to Colorado's winter economy, and increasingly, to its summer economy as well. However, we feel strongly that important wildlife values, like landscape linkages and other movement corridors for wildlife, must not be sacrificed to bolster the ski industry. This would be true even if expansion into the areas within CRAs was considered necessary to meet future ski demand, but it is especially true given that such expansions are not likely to be so needed. (Again see our ANPR [Advance Notice of Proposed Rulemaking] comments.) (Preservation/Conservation, Denver, CO - #789.47.56000.331)

TO PROTECT BIG GAME HABITAT, MIGRATION CORRIDORS, AND STREAMS

The 8,300 acres being weighed for possible ski resort expansion provide important habitat for fish and wildlife populations and should remain part of the roadless inventory. Ski area expansion should be allowed only in areas not identified as crucial big game habitat, critical migration corridors, and streams important to native cutthroat trout. (Individual, Washington, DC - #441.7.56000.330)

5-54 Public Concern: The Forest Service should require conditions and stipulations for removal of Roadless Area acreage for ski area expansion.

TO INCORPORATE NEPA ANALYSIS AND THE COLORADO DIVISION OF WILDLIFE RECOMMENDATIONS

The [Colorado] Task Force recommended and Governor Ritter approved removal of area for ski areas, but neither stated [that] it should be unconditional and without stipulations. As a matter of fact, the governor was explicit in stating that NEPA [National Environmental Policy Act] and CDOW [Colorado Division of Wildlife] involvement would be a requirement. Currently, it is my understanding that the CDOW field managers will ask (and I personally support their request) at a minimum (there may be more) for the following for removed areas from IRA/CRA [Inventoried Roadless Area/Colorado Roadless Area] status:

- -- Ski area development within IRAs, if allowed, should cater to the backcountry ski experience.
- -- Development within the IRA should still have to meet the roadless standards. [For] towers set with helicopters, no roads [would be] allowed to each tower. Roads should not be built as permanent fixtures; permanent access for maintenance should comply with the roadless standards. If a road is required to bring in terminals, then once the terminals are in place, the road should be reclaimed to meet roadless standards (under 50").
- -- Any new runs be flush cut and not graded.
- -- No mowing of any runs.
- -- No loss of riparian vegetation, this would include grooming that results in chopping or tilling the vegetation to get it below the snowpack or practices that would result in increasing snow density to the point that the willows would freeze and die.
- -- Any wetland or live water be avoided and buffered to prevent water quality issues and to maintain the habitat's integrity.
- -- No restaurants, warming huts within the IRA.
- -- No summer activities or trails developed in the IRA.
- -- No snowmaking.
- -- No commercial activities (i.e., championship ski races, snowshoe races, [or] filming).
- -- Seasonal closures generally from May 1 to July 1 to protect production periods for wildlife. This includes during [the] construction period.
- -- Maintenance periods planned to complete all maintenance activities within a set time frame, not all summer long.
- -- Inter-trail islands should be designed and constructed to prevent skiing or riding; this would include the planning and construction of necessary fencing or using slash to prevent the inter-trail island wildlife habitat from being degraded by skiing or riding.
- -- Any loss of lynx winter foraging habitat must be successfully mitigated before any construction or ski area activities take place. (Forest plan term and Condition #2 requires that there be no net loss of lynx winter foraging habitat).
- -- Any utilities are placed underground within the trail, lift line, or access prisms.
- -- Lifts should be planned and developed to be below tree level.
- -- Any lift line clearing should be kept to the required minimum width.
- -- Lift line and trail alignments should be designed to take advantage of natural clearings and meadows to reduce tree removal.
- -- Winter maintenance should be completed prior to 11:00 P.M.
- -- No compaction of snow, except as allowed in permit conditions and no compaction in IRA removed areas where wildlife can be detrimentally or negatively impacted unless specifically authorized in writing by the USFS with the concurrence in writing by the CDOW.
- -- Additional current or future ski area operations and practices that are determined to b e detrimental to any one or more of the following: fish, wildlife, wildlife habitat, water and water resources, soil and or air will be restricted through permit modification. (Individual - #1029.35-36.56000.200)

5-55 Public Concern: The Forest Service should revise the Risk Assessment to discuss risks to wildlife, landscape linkages, and lynx from removal of Roadless Area acreage to support ski area expansion.

The Risk Assessment does not discuss the risk to wildlife, landscape linkages, and lynx from removing from the Roadless Inventory Roadless Areas that could become part of ski areas. Clearly, such values would be at greater risk under Alternatives 2, which removes possible ski areas from the roadless inventory; and Alternative 3, which provides no specific protection for Roadless Areas; compared to

Alternative 1, under which possible ski areas would remain under roadless protection. See, e.g., DEIS at 198–199. (Preservation/Conservation, Denver, CO - #789.65.56000.620)

5-56 Public Concern: The Forest Service should require amending or revising forest plans before removing Roadless Area acreage for ski area expansion.

TO PROTECT IMPORTANT FISH, WILDLIFE, AND WATER RESOURCES

Consistent with the intent and recommendations of the Colorado Task Force and Governor Ritter's cover letter and petition, the Colorado Rule needs to reaffirm that changes in use and permit conditions in areas removed from Colorado Roadless Areas must not be allowed until forest plans (older than 6 months) have been amended or revised to remove Roadless Areas from ski permit boundaries and that protection of their important fish, wildlife and water resources is a priority an outlined in the conditions for removal. Specifics related to habitat modification and ski area activities in these areas need to be incorporated into the [Proposed] Rule to protect wildlife values. [see ATT 2]. It should be determined if both 2001 allocated acres vs. 2001 permitted acres apply to the removal. At Bard Creek, Mt Sniktau there are 1,620 acres that are allocated but not permitted under the 2001 Rule. (Individual - #1029.34.56000.620)

5-57 Public Concern: The Forest Service should revise the ski area exception language.

TO ESTABLISH AN EQUITABLE, ECOLOGICALLY SENSIBLE EVALUATION PROCESS

Revise the ski area exception language from the existing hasty and wholesale "you can have it all" give-away to establish a more equitable and ecologically sensible case-by-case evaluation driven by unrushed DOW [Colorado Division of Wildlife] analysis and recommendations. (Recreation/Conservation Organization, Colorado Springs, CO - #759.7.56000.030)

5-58 Public Concern: The Forest Service should establish a surcharge on any alteration for development of acreage permanently delisted from the Roadless Area Inventory for ski area expansion.

TO OFFSET THE LOSS FROM THE BASELINE

Since Bard Creek, Mt Sniktau, Gothic, San Miguel, Porcupine Peak, McFarlane, Meadow Mountain A and B, Tenmile, Burnt Mountain, Ptarmigan Hill, and Game Creek Roadless Areas are to be permanently delisted to potentially accommodate ski area expansion into these currently identified Roadless Areas where a permit is already issued, then a fish, wildlife, and water resources surcharge on any alteration for development, any timbering, any mowing or cutting or vegetation manipulation, any road created for any purpose, etc. should be established to offset the loss from baseline. (Individual - #1029.33.56000.800)

5-59 Public Concern: The Forest Service should clarify that Colorado Roadless Areas need not "directly adjoin" ski areas to fit under the Ski Area Provision.

TO ENSURE THAT THEPREAMBLE TO THE RULE IS CONSISTENT WITH THE DEIS

The Forest Service should clarify that CRAs [Colorado Roadless Areas] need not "directly adjoin" a Ski Area to fit within the Ski Area Provision. The Forest Service needs to consistently describe the Ski Area Provision. The Preamble to the Proposed Rule in the Federal Register incorrectly describes the substance of the Proposed Rule while the DEIS correctly describes the effect of the Proposed Rule. Compare 73 Fed. Reg. 43547 (areas must "directly adjoin" an existing ski area to be removed from the roadless inventory); with DEIS at 251–252, Table 49, Table 50 (900 acres that do not "directly adjoin" an existing ski area will be removed from the Gothic Roadless Area because they lie within a ski area permit boundary). The Forest Service should correct this inconsistency so that the effect of the Proposed Rule on ski areas is correctly described in the Federal Register and the FEIS.

The Forest Service's July 25, 2008, Federal Register notice described the Ski Area Provision as applying to lands that "directly adjoin current operating ski areas." See 73 Fed. Reg. 43547. The "directly adjoin" phrase is not correct. The Forest Service should strike this language because it is unintentionally narrow and in conflict with Alternative 2. See DEIS at 27, 46. The "directly adjoin" language is inappropriate because, if read literally, it would exclude Inventoried Roadless Areas within ski area permits and allocated to skiing in forest plans.

Snodgrass Mountain, and a portion of the Gothic Roadless Area, are both within CBMR's [Crested Butte Mountain Resort's] special use permit area, and allocated to Management Area 1B for skiing in the GMUG [Grand Mesa, Uncompahgre and Gunnison] Forest Plan. That same area lies at least a thousand feet or more from the existing Crested Butte Ski Area. It arguably does not "directly adjoin" the existing ski area. But the DEIS shows that the Forest Service intends the Ski Area Provision to remove that part of the Gothic Roadless Area within CBMR's permit from the roadless inventory. See DEIS at 27, 46, 251–252, Map 2. Table 49 shows that 900 acres of the Gothic Roadless are within CBMR's ski area permit. DEIS at 251. Table 50 shows that those same 900 acres will be excluded from the CRAs. DEIS at 252. Map 5, Crested Butte Ski Area, shows that the CRA boundary follows the ski area permit boundary for CBMR and does not include the southeastern tip of the Gothic Roadless Area within CBMR's special use permit. DEIS, Appendix H at H-6. Those 900 acres not included in the Gothic CRA do not "directly adjoin a current operating ski area." The Forest Service should correct the inconsistent language in the Preamble so that it is clear that all land within ski area permit boundaries and allocated to skiing in forest plans will be excluded from CRAs. 73 Fed. Reg. 43547.

The Forest Service should modify the Preamble on page 43547 so that the language on the Ski Area Provision is identical to that on page 27 of the DEIS: "[T]he proposed Colorado Roadless Rule would adjust Roadless Area boundaries by: ...(c) not including ski areas under permit or allocated to ski area development in the governing forest plans...".

DEIS at 27, 73 Fed. Reg. 43547. The Forest Service should modify the Preamble on page 43547 as follows: "This includes acres that are currently within [delete] the [delete] ski area [delete] permitted [delete] [underline] permit [underline] boundaries (6,500 acres) as well as acres that have been allocated in forest plans (current draft, 1,700 acres) to a ski-based management area prescription that are not currently within [delete] the permitted areas [delete] [underline] ski area permit boundaries [underline] [delete] but directly adjoin current operating ski areas [delete]." 73 Fed. Reg. 43547 (underlined text added). (Special Use Permittee, Crested Butte, CO - #266.3–5.56000.600)

BECAUSE THE PREAMBLE IN THE FEDERAL REGISTER AND THE DEIS ARE AT ODDS

The Final Colorado Rule should clarify that CRAs [Colorado Roadless Areas] need not "directly adjoin" a ski area to fit within the ski area removal from inventory provision of the Rule.

The Preamble for the Proposed Colorado Rule and the DEIS for the Proposed Colorado Rule inconsistently describe the location of ski area lands to be removed from inventory by the Colorado Rule. The Preamble to the Proposed Rule describes the lands to be removed as lands that "directly adjoin current operating ski areas." 73 Fed. Reg. 43547. The "directly adjoin" phrase is technically not correct and may cause serious confusion in the future. The DEIS correctly describes lands to be removed from inventory as part of the ski area provision as those "under permit or allocated to ski area development in the governing forest plans." DEIS at 27. The lands to be removed from inventory all relate to currently operating ski areas, but the acreage removed from inventory may not in all cases "directly adjoin" the current ski area operating boundary. Loose interchange of the terms "current operating ski areas" and "lands under permit" to a ski area will create confusion and uncertainty. CSCUSA [Colorado Ski Country USA] urges the Agency to drop the confusing and non-essential words "directly adjoin" and instead modify the Preamble to specify that "This includes acres that are currently within ski area permit boundaries (6,500 acres) as well as acres that have been allocated in forest plans (current draft 1,700 acres) to a ski-based management prescription that are not currently within ski area permit boundaries." (Recreational, Denver, CO - #996.7.56000.620)

The Forest Service needs to consistently describe the Ski Area Provision. The Preamble to the Proposed Rule in the Federal Register incorrectly describes the substance of the Proposed Rule. The notice describes the Ski Area Provision as applying to lands that "directly adjoin current operating ski areas."

See 73 Fed. Reg. 43547. The "directly adjoin" phrase is not correct. The Forest Service should strike this language because it is unintentionally narrow and in conflict with Alternative 2. See DEIS at 27, 46. The "directly adjoin" language is inappropriate because, if read literally, it would exclude Inventoried Roadless Areas within ski area permits and allocated to skiing in forest plans. The Forest Service should modify the Preamble on page 43547 so that the language on the Ski Area Provision is identical to that on page 27 of the DEIS: "[T]he Proposed Colorado Roadless Rule would adjust Roadless Area boundaries by:.(c) not including ski areas under permit or allocated to ski area development in the governing forest plans...". DEIS at 27, 73 Fed. Reg. 43547. The Forest Service should modify the Preamble on page 43547 as follows: "This includes acres that are currently within [delete] the [delete] ski area [delete] permitted [delete] [insert] permit [insert] boundaries (6,500 acres) as well as acres that have been allocated in forest plans (current draft, 1,700 acres) to a ski-based management area prescription that are not currently within [delete] the permitted areas [delete] [insert] ski area permit boundaries [insert] [delete] but directly adjoin current operating ski areas [delete]." 73 Fed. Reg. 43547 (Recreational - #920.11.56000.620)

5-60 Public Concern: The Forest Service should accurately describe the rules that apply to ski area expansions throughout the EIS.

TO ELIMINATE ANY POTENTIAL CONFUSION ABOUT TIMBER REMOVAL AS PART OF SKI AREA EXPANSION

The FEIS should correctly state the rules that apply to future ski area expansion in areas not removed from inventory by the Colorado Rule.

The Proposed Colorado Rule provides that trees may not be cut, sold, or removed in CRAs [Colorado Roadless Area] except as provided in the Rule. The Proposed Colorado Rule includes a list of exceptions to the tree-cutting prohibition that includes an exception where "[T]he cutting, sale or removal of trees is incidental to the implementation of a management activity not otherwise prohibited by this subpart." 73 Fed. Reg. 43563. This exception language is identical to that contained in the 2001 Rule. CSCUSA [Colorado Ski Country USA] supports the tree-cutting exceptions to the Colorado Rule and this exception in particular, as it is the provision that would allow all ski area development in CRAs (subject to the road-building prohibition of the Colorado Rule) in the event that such a proposal is put forward and accepted by the Forest Service in the future on lands not removed from inventory as part of the Colorado Rule. It is particularly critical that this exception language be precisely and correctly characterized throughout the FEIS, as this may be the only avenue available to Wolf Creek Ski Area (or other ski areas) for future ski area terrain. Some corrections and clarifications to the language concerning this exception in the DEIS are in order. The DEIS states (referring to ski area projects) that "proposed projects beyond existing permit boundaries or forest plan allocations into CRAs after the date of the Colorado Rule would not be allowed if the project or allocation would require roadbuilding or tree-cutting." DEIS at 251. This statement would be incorrect if one of the exceptions to the tree-cutting prohibition of the Colorado Rule applied. The DEIS correctly states that (one the Colorado Rule is adopted) a ski area could not build roads in a CRA outside permit boundaries or forest plan ski allocations.

Tree-cutting, however, is allowed so long as it is "incidental to a management activity not otherwise prohibited..." 73 Fed. Reg. 43563. Ski area management is not prohibited by any provision of the Colorado Rule. The FEIS should clearly reflect - to avoid confusion and litigation-that proposed ski area projects beyond existing permit boundaries for forest plan allocations into CRAs [Colorado Roadless Area] after the date of the Colorado Rule would not be allowed if the project or allocation would require roadbuilding. The DEIS also somewhat loosely and inconsistently addresses the exception to the tree removal prohibition of the Colorado Rule so long as the tree removal is "incidental to a management activity not otherwise prohibited," saying Alternative 2 allows for "incidental timber removal of limited scope." See DEIS at 250,253. The Agency has successfully argued to a Federal Court (in the context of the same exception in the 2001 Rule) that exception allows timber removal incidental to the management activity, rather than "incidental timber removal." See Hogback Basin Pres. Ass'n v. U.S. Forest Service, No. 48, slip op. at 20, 2008 WL 4186849 at *10 (W.D. Wash. Filed Sept. 10, 2008). There, the court agreed with the Forest Service's assertion that "incidental" meant secondary, or attendant to, an appropriate management activity. Id slip op. at 20-21, WL 4186849 at *10-11. The

exception prevents timber removal that is the primary purpose or that exceeds the management activity, but allows timber removal that is secondary to an approved activity such as ski area management. There is no reason for the Agency to take a different position here. CSCUSA [Colorado Ski Country USA] requests that the Forest Service revise the description of Alternative 2 on pages 250 and 253 of the DEIS to recognize that ski area development may occur in a CRA so long as no road construction or reconstruction is required.

Specifically, page 250 should state that tree-cutting is allowed under the 2001 Rule if it is "incidental to the implementation of a management activity not otherwise prohibited." On page 251, the Agency should state that tree-cutting is allowed under Alternative 2 if it meets one of the exceptions found in 36 C.F.R 293.34. (Recreational, Denver, CO - #996.8-10.56000.261)

The DEIS does not correctly describe the rules that apply to a ski area expansion outside ski area permits and forest plan ski allocations. The Forest Service does not accurately state the rules that apply to potential ski area expansions into CRAs [Colorado Roadless Areas] outside ski area permits and outside forest plan allocations in the future. (CMBR [Crested Butte Mountain Resort] has no plans to propose such an expansion, but the Forest Service should correctly describe the rules because the Colorado Roadless Rule will apply for a long time.) The DEIS states that "proposed projects beyond existing permit boundaries or forest plan allocations into CRAs after the date of the Colorado Rule would not be allowed if the project or allocation would require roadbuilding or tree-cutting." DEIS at 251. This is not correct.

The DEIS fails to recognize that tree removal in a Roadless Area is permissible for the construction of ski runs and ski lifts under 36 CFR [Section] 294.34(b)(2) (Proposed Colorado Rule).

The DEIS is correct that a ski area cannot build roads in a CRA outside permit boundaries or forest plan ski allocations. The DEIS is wrong in stating that no tree-cutting is allowed. Tree cutting is allowed as long as it "is incidental to the implementation of a management activity not otherwise prohibited ...." 36 CFR [Section] 294.34(b)(2) (Proposed Colorado Rule). Ski area construction and management is not prohibited by any provision of the Colorado Roadless Rule - 36 CFR Part 294, Subpart D.

The DEIS fails to recognize that the Proposed Rule's exception at [Section] 294.34(b)(2) to the prohibition on tree removal is identical to the exception in the 2001 Rule at [Section] 294.13(b)(2).

The DEIS is wrong because it does not recognize that the exception to the prohibition on timber removal set forth in 36 CFR [Section] 294.34(b)(2) (Proposed Colorado Rule) applies to expansions outside permit boundaries and outside forest plan ski allocations.…

The Forest Service should revise the DEIS to recognize that the Forest Service has officially determined that the exception at [Section] 294.34(b)(2) of the Proposed Rule allows timber removal for a ski area expansion in a Roadless Area.

Like the Proposed Rule, the 2001 Roadless Rule prohibits the cutting or removal of timber in inventoried Roadless Areas of the National Forest System except as provided in 35 CFR [Section] 294.13(a) (2001). One of the exceptions listed in [Section] 294.13 is when the Forest Supervisor determines that "the cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart." 36 CFR [Section] 294.13(a) (2001). Ski area development and operation is "a management activity" that is not prohibited by the 2001 Rule. In the Preamble to the final 2001 Rule, the Forest Service explained that "management actions that do not require the construction of new roads will still be allowed, including activities such as timber harvesting for clearly defined, limited purposes...". 66 Fed. Reg. 3250, Exhibit A. The Forest Service explained that timber cutting and removal may be authorized in Roadless Areas for trail construction, maintenance, and "other authorized activities such as ski runs...". 66 Fed. Reg. 3258, Exhibit A.

In a supporting document to the 2001 Rule titled "Roadless Area Conservation Final Rule Questions and Answers" the Forest Service answered the question, "[H]ow will the Final Rule affect the development or expansion of existing ski areas?" Questions and Answers [Footnote 1: (http://roadless.fs.fed.us/documents/rule/qa/re.shtml)], Exhibit B at 10. The Forest Service responded that "new ski areas or other activities outside of existing special use permit boundaries that do not require road construction, but require timber harvest, may be allowed in Inventoried Roadless Areas, if approved by the Responsible Official." Id. ….

The DEIS misinterprets the exception to the prohibition on timber removal in 36 CFR [Section] 294.13(b)(2) (2001 Rule) and in 36 CFR [Section] 294.34(b)(2) (Colorado Proposed Rule).

That exception provides for the removal of timber that "is incidental to the implementation of a management activity not otherwise prohibited by this subpart." 36 CFR [Section] 294.13(b)(2) (2001 Rule): accord 36 C.F.R [Section] 294.34(b)(2)(Colorado Proposed Rule). The exception covers timber removal that is "incidental" to "a management activity," not "incidental timber removal." The exception allows timber removal that is incidental to-associated with-a management activity, not incidental timber removal-small is quantity.

The DEIS wrongly interprets the 2001 Rule in Alternative 2 to allow for only "incidental" timber removal of limited scope. See DEIS at 250, 253. Elsewhere the Forest Service correctly interprets the regulation to allow timber removal that is incidental to the management activity. E.g., DEIS at 12, 49–50.

The Forest Service has successfully argued to a Federal Court that the exception allows timber removal that is incidental to the management activity, rather than incidental timber removal. See Hogback Basin Pres. Ass'n v. U.S. Forest Serv., No. 48, slip op. at 20, 2008 WL 4186849 at *10 (W.D. Wash. Filed Sept., 10 2008), Exhibit E. There, the court agreed with the Forest Service's assertion that "incidental" meant secondary, or attendant to, an appropriate management activity. Id. Slip op. at 20–21, WL 4186849 at *10-11, Exhibit E. The exception prevents timber removal that is the primary purpose or exceeds the management activity, but allows timber removal that is secondary to an approved activity-such as ski area management….

There is no reason for the Forest Service to take a different position here. The timber removal exception in the 2001 Rule is substantively identical to the timber removal exception in the Proposed Colorado Rule. The Forest Service should state in the Preamble to the Final Rule and in the FEIS that timber may be removed for ski area expansion under the exception in 36 CFR [Section] 294.34(b)(2) (Proposed Colorado Rule).

The Forest Service should revise the description of Alternative 2 (on pages 250 and 253 of the DEIS) to recognize that ski area development-including lifts and trails and timber removal incidental to that form of developed recreation may occur in an Inventoried Roadless Areas so long as no road construction or reconstruction is required. ….

The DEIS wrongly assumes on pages 250 and 253 that the January 12, 2001, effective date of the 2001 Roadless Rules determines whether a ski area expansion in a Roadless Area is permissible under the 2001 Roadless Rules. It does not. The effective date determines whether a ski area expansion is exempt entirely from the 2001 Roadless Rules. Ski area expansions into Roadless Areas authorized after January 12, 2001, may occur, but subject to the 2001 Roadless Rules (i.e., no roadbuilding and with timber cutting incidental to the management activity of developed skiing)….

The misconstruction of the Proposed Rule in the DEIS invites unnecessary confusion and conflict. CBMR asks the Forest Service to clarify that under the Colorado Roadless Rule, the clearing of timber and vegetation in Roadless Area outside a ski area permit boundary is permissible if it is incidental to an approved management activity, including the construction of skit runs and lifts.….Clarification is needed on pages 250 and 251 of the DEIS and in the Preamble to the Final Rule.

The Forest Service should make the following corrections:

Page 250 should state that tree-cutting is allowed under the 2001 Rule if it is [underline] incidental to the implementation of a management activity [underline].

Page 251 should state that tree-cutting is allowed under Alternative 2 if it meets one of the exceptions found in 36 CFR [Section] 294.34. (Special Use Permittee, Crested Butte, CO - #266.5–11.56000.261)

The FEIS should state that the Proposed Colorado Roadless Regulation (Alternative 2) and the 2001 Roadless Regulation (Alternative 1) allow timber removal for ski area operations in a Roadless Area. The DEIS does not correctly describe how the Colorado Roadless Rule and the 2001 Roadless Rule apply to timber removal for ski area expansions or operations in Roadless Areas outside existing special use permit boundaries. Intrawest does not have any current plans for such an expansion, but Alternatives 1 and 2 should be described correctly by the Forest Service in the FEIS and Preamble to the Final Rule.

In describing the Colorado Roadless Rule, Alternative 2, the DEIS states that "proposed [ski area] projects beyond existing permit boundaries or forest plan allocations into Colorado Roadless Areas after the date of the Colorado Rule would not be allowed if the project or allocation would require roadbuilding or tree-cutting." DEIS at 251. The DEIS at H-1 says that, under Alternative 1, the 2001 Roadless Rule, "roading in IRA [Inventoried Roadless Area] acres that were allocated to ski resorts in forest plans but were not included in a ski area permit prior to January 12, 2001 [would be allowed]." Both statements are wrong about timber removal for ski area expansions.

Under Alternative 2, a ski area cannot build roads in a CRA [Colorado Roadless Area] outside permit boundaries or forest plan ski allocations. DEIS at 251. And under Alternative 1, the 2001 Roadless Rule, a ski area cannot build roads in an Inventoried Roadless Area. DEIS at 250.

But the DEIS is wrong on page 251 and H-1 in stating that timber removal is prohibited for ski area expansions in Roadless Areas under Alternative 1 and 2. Both alternatives include a regulatory exception to the prohibition on tree removal that applies at ski areas. Tree removal is allowed under Alternative 2 as long as it "is incidental to the implementation of a management activity not otherwise prohibited..." 36 CFR [Section] 294.34(b)(2) (Proposed Rule). And Alternative 1 - the 2001 Roadless Rule - has a substantively identical exception in 36 CFR [Section 294.13(b)(2) (2001). (Special Use Permittee, Frisco, CO - #833.13-14.56000.261)

TO CORRECT STATEMENTS REGARDING EXEMPTION FROM THE 2001 ROADLESS RULE FOR SKI AREA EXPANSION

The DEIS states that the effective date of the 2001 Roadless Rule determines whether a ski area expansion in a roadless area is permissible. See DEIS at 250, 253, and H-1. The DEIS is mistaken.

The January 12, 2001 effective date of the 2001 Roadless Rule determines whether a ski area expansion is exempt entirely from the 2001 Roadless Rule. 36 CFR [Section] 294.14 (2001). Ski area expansions into Roadless Areas authorized after January 12, 2001, may occur under Alternative 1, but subject to the 2001 Roadless Rule (i.e., no roadbuilding and with timber removal limited to instances where it is incidental to the management activity of developed skiing). See Questions and Answers, Exhibit B [see ATT-2] at 10. This is confirmed by the Forest Service decisions authorizing expansions at Arapahoe Basin Ski Area, and at White Pass Ski Area. Both expansions were in Roadless Areas outside the ski area permits in existence on January 12, 2001, but were authorized under the 2001 Roadless Rule. See Arapahoe Basin 2006 ROD [Record of Decision] at 14, Exhibit A [see ATT-1]; Hogback Basin Pres. Ass'n v. U. S. Forest., 2008 WL 4186849 at *10-11 (W.D. Wash. Sept., I0 2008), Exhibit C [see ATT-3]. (Special Use Permittee, Frisco, CO - #833.27.56000.100)

TO INCLUDE LANGUAGE IN THE DEIS THAT ACCURATELY STATES THE REQUIREMENTS AND CONDITIONS FOR TREE REMOVAL

The Forest Service should correct mistakes in the DEIS about timber removal for ski area operations in roadless areas. The Forest Service should make the following corrections to the discussion of Alternatives 1 and 2, and the application of the timber removal exception and ski areas:

DEIS p. 250. What it says: The discussion of Alternatives 1 and 2 states that no "tree-cutting (other than incidental)" is allowed for a ski area expansion in a Roadless Area.

What it should say: The discussion of Alternatives I and 2 should recognize that each alternative allows for timber removal for a ski area expansion if it is incidental to the implementation of an authorized management activity. 36 CFR [Section] 294.13(b)(2) (2001); 36 CFR [Section] 294.34(b)(2) (Proposed Rule). (Special Use Permittee, Frisco, CO - #833.21.56000.261)

The Forest Service should correct mistakes in the DEIS about timber removal for ski area operations in roadless areas. The Forest Service should make the following corrections to the discussion of Alternatives 1 and 2, and the application of the timber removal exception and ski areas:

DEIS Table 9, p. 50. What it says: This table is misleading because only the word "incidental" is in bold, which suggests that the exception allows for "incidental timber removal" rather than timber removal that is "incidental to a management activity."

What it should say: The entire phrase "incidental to the implementation of a management activity not otherwise prohibited" should be in bold to accurately reflect the scope of the exception. 36 CFR

[Section] 294.13(b)(2) (2001); 36 CFR [Section] 294.34(b)(2) (Proposed Rule). (Special Use Permittee, Frisco, CO - #833.22.56000.261)

The Forest Service should correct mistakes in the DEIS about timber removal for ski area operations in roadless areas. The Forest Service should make the following corrections to the discussion of Alternatives 1 and 2, and the application of the timber removal exception and ski areas:

DEIS p. 251. What it says: In describing Alternative 2, the DEIS states that "[any] future ski area proposed projects beyond existing permit boundaries or forest plan allocations into CRAs after the date of the Colorado Rule would not be allowed if the project or allocation would require roadbuilding or tree-cutting."

What it should say: "Any future ski area proposed projects beyond existing permit boundaries or forest plan allocations into CRAs after the date of the Colorado Rule would not be allowed if the project or allocation would require roadbuilding. Tree cutting or removal would be allowed for ski area expansions beyond existing permit boundaries or forest plan allocations into CRAs after the date of the Colorado Rule if it is allowed under the forest plan and authorized by the Forest Supervisor." (Special Use Permittee, Frisco, CO - #833.23.56000.261)

The Forest Service should correct mistakes in the DEIS about timber removal for ski area operations in roadless areas. The Forest Service should make the following corrections to the discussion of Alternatives 1 and 2, and the application of the timber removal exception and ski areas:

DEIS pp. 250–253. What it says: Nowhere in this section does the DEIS recognize that Alternative 1 and Alternative 2 contain a provision that the Forest Service has determined allows timber removal for a ski area expansion in a Roadless Area.

What it should say: The DEIS, and the Preamble to the Final Rule, should expressly state that [Section] 294.13(b)(2) of the 2001 Roadless Rule, Alternative I, and [Section] 294.(b)(2) of the Colorado Rule, Alternative 2, allow timber removal in a Roadless Area if the timber removal is incidental to the implementation of a management activity authorized by the Forest Supervisor, including the development of ski runs, ski ways, and ski lifts. (Special Use Permittee, Frisco, CO - #833.24.56000.261)

The Forest Service should correct mistakes in the DEIS about timber removal for ski area operations in roadless areas. The Forest Service should make the following corrections to the discussion of Alternatives 1 and 2, and the application of the timber removal exception and ski areas:

DEIS p. 253. What it says: Under "Summary of Direct and Indirect Effects" the DEIS states that Alternative I allows only "incidental tree-cutting" in Roadless Areas for ski area expansions.

What it should say: The DEIS should state that Alternative I and 2 allow for tree-cutting if it is "incidental to an authorized management activity" rather than "incidental tree-cutting." (Special Use Permittee, Frisco, CO - #833.25.56000.261)

TO INCLUDE LANGUAGE IN THE DEIS, APPENDIX H, THAT ACCURATELY STATES THE REQUIREMENTS AND CONDITIONS FOR TREE REMOVAL

The Forest Service should correct mistakes in the DEIS about timber removal for ski area operations in roadless areas. The Forest Service should make the following corrections to the discussion of Alternatives 1 and 2, and the application of the timber removal exception and ski areas:

DEIS Appendix H at p. H-1. What it says: In describing Alternative 1, the DEIS provides that "roading and tree-cutting are prohibited in IRA [Inventoried Roadless Acres] that were allocated to ski resorts in forest plans but were not included in a ski area permit prior to January 12, 2001."

What it should say: "Roading is prohibited in IRA acres that were allocated to ski resorts in forest plans but were not included in a ski area permit prior to January 12, 2001. Tree-cutting is allowed if allowed under the forest plan and authorized by the Forest Supervisor." (Special Use Permittee, Frisco, CO - #833.26.56000.261)

Site-Specific Comments

5-61 Public Concern: The Forest Service should issue the required permits for the 90-acre expansion of Durango Mountain Resort.

TO BALANCE PROTECTION OF PUBLIC LANDS WITH MEASURED GROWTH

There's a balance to be struck between protection of these lands [Southwest Colorado] and measured growth, and I don't think many folks here [Durango, CO] have a problem with a 90-acre expansion at Durango Mountain Resort—I don't. The small parcel of land under consideration is directly adjacent to existing ski terrain and represents an extremely small incursion into what would remain as vast undeveloped lands immediately to the west and north of the ski area. The benefits to the ski area in improved traffic flows as well as the potential economic boost from adding new terrain would be immediate and at a minimal cost to the local environment. I hope you'll issue the required permits for the development. (Individual, Bayfield, CO - #65.1.56000.600)

5-62 Public Concern: The Forest Service should remove 180 acres of the Long Park Roadless Area inside Steamboat Ski Resort's special use permit area.

BECAUSE IT IS APPROPRIATELY PROPOSED UNDER ALTERNATIVE 2

Steamboat Ski Resort is located in the Routt National Forest, and experiences over 1 million ski and snowboard visits a year. Routt National Forest Plan ROD [Record of Decision] at 4. The present Steamboat Ski Resort special use permit area was designated as Management Area 8.22 for developed skiing in the 1998 Forest Plan. See Routt National Land Resource Management Plan at 2-53 to 2-54; forest plan EIS [Environmental Impact Statement], Map of Alternative C; Forest Plan ROD at 18. The Long Park Roadless Area surrounds Steamboat Ski Resort on the north, east, and west. Part of that Roadless Area—approximately 180 acres—is located inside the southern boundary of Steamboat's special use permit. DEIS, App. H at H-8.

The Forest Service allocated the roadless acreage to Steamboat's permit when it adopted the 1998 Routt National Forest Plan. That decision was made in a public environmental review process, with public comment, based on the forest plan EIS. Intrawest supports the Forest Service's proposal in Alternative 2 to remove the 180 acres of the Long Park Roadless Area inside Steamboat's permit from the official maps of Colorado Roadless Areas. See 73 Fed. Reg. 43545–46 and Table 2, 43547; DEIS at 27. (Special Use Permittee, Frisco, CO - #833.7.56000.620)

5-63 Public Concern: The Forest Service should remove 720 acres of the Ptarmigan Roadless Area B inside Copper Mountain Ski Resort's special use permit area.

BECAUSE IT IS APPROPRIATELY PROPOSED UNDER ALTERNATIVE 2

Copper Mountain is in the White River National Forest. 720 acres of the Ptarmigan Hill Roadless Area B lies within the southern and the southwestern corner of Copper Mountain's special use permit area. This area includes Jacques Peak and Jacques Bowl. The Forest Service included that Roadless Area acreage in Copper Mountain's permit in the 2002 White River Forest Plan Record of Decision [ROD]. See WRNF [White River National Forest] ROD at 42. That forest plan decision was made based upon an Environmental Impact Statement and was subject to considerable public process and opportunities for written and oral comment. The Regional Forester determined that the acreage included in Copper Mountain's permit was necessary to meet the present and foreseeable demand for high-quality winter and summer recreation. WRNF ROD at 8, 16, 25.

Intrawest supports Alternative 2 and the proposal to remove from the official map of Colorado Roadless Areas the 720 acres of the Ptarmigan Roadless Area B that are within Copper Mountain's special use permit. See 73 Fed. Reg. 43455–46 Table 2, 43547; DEIS at 27. (Special Use Permittee, Frisco, CO - #833.8.56000.620)

5-64 Public Concern: The Forest Service should add to the roadless inventory the large tract once slated to be added to the undeveloped Catamount Ski Area.

BECAUSE IT WOULD BE A POTENTIAL ADDITION TO THE SARVIS CREEK WILDERNESS

I'm interested in the addition of a large tract of land that was, at one time, going to the Catamount ski area. Catamount ski area is not going to happen. I have explored the area south of Highway 40 and west of Walton Peak and north of Sarvis Creek Wilderness. This area would be a prime example of Wilderness potential area. There are no roads. The terrain is unscarred by any type of human activity outside of a few carving spots.

It would be an excellent addition to the Sarvis Creek Wilderness since it's adjacent to Sarvis Creek Wilderness. It was originally left out for the potential of the Catamount ski area development. It's pretty much bordered by Highway 40 to the north, the lake Catamount development to the west, Sarvis Creek to the south and to the east, and Walton Peak roadless area to the east also.

I would like to have this area added to the roadless inventory for the potential of future Wilderness additions to Sarvis Creek Wilderness area. (Individual, Steamboat Springs, CO - #985.1.56000.620)

5-65 Public Concern: The Forest Service should remove the Pallavicini, Montezuma Bowl, and Beavers areas from the Porcupine Creek Roadless Area.

BECAUSE THESE AREAS DISPLAY CHARACTERISTICS OF DEVELOPED RECREATION AREAS

Relating specifically to Arapahoe Basin, portions of the Porcupine Peak Roadless Area (PPRA) are located within the Arapahoe Basin Special Use Permit (SUP) boundary. Management conflicts occur within three distinct areas that are included in both the SUP and PPRA . One, the 100-acre Pallavicini area has been in the ski area's permit boundary since 1946 and [a] lift [has] served since 1978. Two, the 400-acre Montezuma Bowl area was added to the ski area operational boundary after completing a Master Development Plan and Environmental Impact Statement. A quad chair was installed in 2007, and Montezuma Bowl is now a part of the operating ski area. And three, the 600-acre Beavers area has strong characteristics of a developed ski area and is being considered for future addition to our operational boundary in our latest Master Development Plan.

All three of these areas display the characteristics of developed recreation areas and none of the characteristics of Roadless Areas. Removing them from the PPRA would eliminate confusion regarding the management of Colorado Roadless Areas, provide for significant long-term protection of Roadless Areas in Colorado, and allow for future use of these limited areas for the high-quality winter recreation the public has come to enjoy at Colorado ski areas. (Special Use Permittee, Dillon, CO - #944.1.56000.620)

5-66 Public Concern: The Forest Service should retain the 401 Trail near Crested Butte in the Roadless Area Inventory.

TO PROTECT THE VERY CHARACTERISTICS THAT DEFINE IT

In Colorado, much of our mountain biking adventures take place on National Forest land—often in the Roadless Areas. Colorado's high peak backcountry offers mountain bikers some of the world's most sought after single-track that are chock full of amazing views, challenging climbs, and flowing descents. Many of the best trails take bicyclists deep into the forest, to lands untouched by roads and development. Included are epic trails like the Monarch Crest, Colorado, Kenosha Pass, Rabbit Ears Pass, and Hermosa Creek, just to name a few. Under the Proposed Plan, the 401 Trail near Crested Butte would be removed completely from Roadless Area protection, thus threatening the very characteristics that define it. (Preservation/Conservation, Washington, DC - #953.1.52100.660)

The DEIS and the Proposed Rule: Specific Corrections and Revisions

5-67 Public Concern: The Forest Service should clarify that the Colorado Roadless Rule does not require the closure of any existing roads.

TO ENSURE THAT EXISTING MOTORIZED ACCESS IS PRESERVED

The PCRR [Proposed Colorado Roadless Rule] shows 1,180 fewer miles of roads in Roadless Areas than the other two alternatives and the maps that accompany the DEIS have no GIS road layer to determine exactly what happened. So where did they go? The Region 2 office has assured COHVCO [Colorado Off-Highway Vehicle Coalition] that roads have not been closed but rather are the subject of boundary adjustments that have taken the 1,180 miles of missing roads and adjusted roadless boundaries to exclude them.

However, without comparable maps this is not a viewable element of the DEIS. The Purpose and Need (as stated in the DEIS and Proposed Rule) removes all existing open motor trails or roads from any type of status change. Thus, that is beyond the scope of the DEIS and the Proposed Rule. We therefore request that any road that may be closed intentional or eliminated by the implementation of the Colorado Rule (other than those remaining open per the PCRR), by immediately opened, and the closure reversed.

We expressly request that the FEIS include in the "Actions Common to all Alternatives" the following statement: "No local managing unit may close, or propose to close, or propose to change the designation of, any existing road or trail from motorized to nonmotorized under the color of, or using as the basis for closure, the Colorado Roadless Rule." (Motorized Recreation, Brighton, CO - #1032.4.63000.530)

5-68 Public Concern: The Forest Service should correct inconsistencies and errors related to the Ski Area Provision.

BECAUSE THE ERRORS INCORRECTLY STATE THE IMPACT OF THE PROVISION

The DEIS misstates the impact of the Proposed Rule in terms of the acres affected.

The Forest Service should correct minor inconsistencies and errors in the tables in the DEIS: Table B-7 states that the reduction in Roadless Areas in the GMUG [Grand Mesa, Uncompahgre and Gunnison National Forest] due to management for downhill skiing and winter sports (Management Area 1B) is 900 acres. This conflicts with the reduction of 943 acres found in Profiles of Grand Mesa, Uncompahgre and Gunnison National Forest Roadless Areas [Footnote 3: http://roadless.fs.fed.us/colorado.shtml] on the roadless web site. DEIS App. B at B-35.

Table B-3 states the total IRA acres as 6,200. This number should be 6,300. DEIS App. B at B-9.

Table B-4 states that the GMUG IRA [Inventoried Roadless Area] total is 1,060,000 [acres]. This number should be 6,500. DEIS App. B at B-24.

These small errors over- or understate the impact of the Ski Area Provision in terms of the amount of land affected. It is in the interest of all parties that the numbers accurately reflect the changes in Roadless Areas. Please correct these errors in the FEIS. (Special Use Permittee, Crested Butte, CO - #266.12.56000.600)

5-69 Public Concern: The Forest Service should correct the assertion in the DEIS that the Proposed Rule and the 2001 Roadless Rule do not allow timber removal in Roadless Areas for ski area expansions.

TO CLARIFY THE RELEVANT REGULATORY EXCEPTIONS OF BOTH RULES

The DEIS incorrectly states that the Proposed Colorado Roadless Regulation (Alternative 2) and the 2001 Roadless Regulation (Alternative 1) do not allow timber removal in a Roadless Area for future ski area expansions.

In describing Alternative 2, the DEIS states that "proposed [ski area] projects beyond existing permit boundaries or forest plan allocations into Colorado Roadless Areas after the date of the Colorado Rule would not be allowed if the project or allocation would require roadbuilding or tree-cutting." DEIS at 251. The DEIS at H-1 says that under Alternative 1, the 2001 Roadless Rule, "roading and tree-cutting are prohibited in IRA [Inventoried Roadless Areas] acres that were allocated to ski resorts in forest plans but were not included in a ski area permit prior to January 12, 2001." Both statements are wrong about timber removal for ski area expansions.

The DEIS is correct that, under Alternative 2, a ski area cannot build roads in a CRA [Colorado Roadless Area] outside permit boundaries or forest plan ski allocations. DEIS at 251. The DEIS is correct that under Alternative 1, the 2001 Roadless Rule, a ski area cannot build roads in an Inventoried Roadless Area. DEIS at 250.

The DEIS is wrong on pages 251 and H-1 in stating that timber removal is prohibited for ski area expansions in Roadless Areas under Alternatives 1 and 2. Both alternatives have an express regulatory exception to the prohibition on tree removal that applies at ski areas. Tree removal is allowed under Alternative 2 as long as it "is incidental to the implementation of a management activity not otherwise prohibited…". 36 CFR [Section] 294.34(b)(2) (Proposed Rule). Alternative 1 – the 2001 Roadless Rule – has a substantively identical exception in 36 CFR [Section] 294.13(b)(2) (2001). (Special Use Permittee, Broomfield, CO - #796.8.56000.261)

The Forest Service should make the following corrections about the application of the timber removal exception and ski areas:

Page 250 of the DEIS should state that tree removal is allowed under the 2001 Roadless Rule (Alternative 1) if it is incidental to the implementation of an authorized management activity.

Table 9 [third bullet] on page 50 of the DEIS is misleading because only the word "incidental" is in bold. The entire phrase "incidental to the implementation of a management activity not otherwise prohibited" should be in bold.

Page 251 of the DEIS should state that Alternative 2 allows timber removal in a Colorado Roadless Area outside ski area permit boundaries and outside ski area forest plan allocations if the timber removal meets one of the exceptions found in 36 CFR [Section] 294.34.

Pages 250 to 253 of the DEIS, and the Preamble to the Final Rule, should expressly state that [section] 294.(b)(2) of the Colorado Rule, Alternative 2, allows timber removal in a Colorado Roadless Area if the timber removal is incidental to the implementation of a management activity authorized by the Forest Supervisor, including the development of ski runs, ski ways, and ski lifts.

Pages 250 to 253 of the DEIS, and the Preamble to the Final Rule, should expressly state that under Alternative 1 and Alternative 2, ski runs, ski ways, and ski lifts are not "roads" within the meaning of the regulation, and that trees may be removed to create ski runs, ski ways, and ski lifts if authorized by the Forest Supervisor. This is the settled position of the Forest Service under the 2001 Roadless Rule at White Pass Ski Area (Exhibit C [see ATT 3]) and Arapahoe Basin (Exhibit D [see ATT 4]). There is no reason to interpret the substantively identical provision of the Colorado Roadless Rule to reach a different result.

Page 253 of the DEIS should state, under "Summary of Direct and Indirect Effects," that Alternative 1 allows timber removal for ski area expansions if it is "incidental" to the management activity, not "incidental tree-cutting." (Special Use Permittee, Broomfield, CO - #796.16-17.56000.261)

BECAUSE THE EXCEPTION TO THE PROHIBITION ON TIMBER REMOVAL IN ALTERNATIVE 2 IS SUBSTANTIALLY IDENTICAL TO THAT IN THE 2001 ROADLESS RULE

The Forest Service should explain that the exception to the prohibition on timber removal in [Section] 294.34(b)(2) in Alternative 2 is substantively identical to the exception in the 2001 Roadless Rule at [Section] 294.13(b)(2) in Alternative 1.

The DEIS fails to recognize that the exception to the prohibition on timber removal set forth in 36 CFR [Section] 294.34(b)(2) (Proposed Rule) allows timber removal in a Roadless Area for ski area expansions outside permit boundaries and outside forest plan ski allocations. The DEIS should be

modified to make clear that this timber removal exception in the Colorado Roadless Rule (Alternative 2) is substantively identical to the same timber removal exception in the 2001 Roadless Rule (Alternative 1). Compare 36 CFR [Section] 294.34(b)(2) (Alternative 2, Proposed Rule), with 36 CFR [Section] 294.13 (a) (2001) (Alternative 1).

The Forest Service should revise the FEIS and Preamble to the Final Rule to state that there is no substantive difference with respect to this exception between the 2001 Roadless Rule (Alternative 1) and the Proposed Rule (Alternative 2). The Forest Service has authorized two ski areas to remove timber in an Inventoried Roadless Area under this exception to the 2001 Roadless Rule – Arapahoe Basin Ski Area and White Pass Ski Area. Those examples show that [Section] 294.34(b)(2) of the Proposed Rule (Alternative 2) and [Section] 294.13(b)(2) of the 2001 Roadless Rule (Alternative 1) allow a ski area to remove timber for a ski area expansion in a CRA [Colorado Roadless Area] outside the current special use permit or forest plan ski allocation.

This exception to the prohibition on timber removal in the Colorado Roadless Rule is substantively identical to an exception in the 2001 Roadless Rule. The Colorado Roadless Rule states: "Notwithstanding the prohibition in paragraph (a) of this section, trees may be cut, sold, or removed in CRAs if the responsible official determines that...[t]he cutting, sale, or removal of trees is incidental to the implementation of a management activity not otherwise prohibited by this subpart...".

Table 7 (Alternative 1) and Table 9 (Alternative 2) [in the DEIS] recognize that tree-cutting or removal may be allowed in a Roadless Area where it is incidental to a management activity that is not otherwise prohibited. DEIS at pp. 45, 50. This is not enough. The Forest Service should explicitly state that both Alternative 1 and Alternative 2 allow the cutting, sale, or removal of timber in a Roadless Area where it is incidental to a management activity that is not otherwise prohibited by the regulations, including ski runs, ski ways, and ski lifts, even outside current ski area permits or forest plan ski allocations. (Special Use Permittee, Broomfield, CO - #796.9-10.56000.261)

5-70 Public Concern: The Forest Service should revise the DEIS.

TO CORRECT INACCURACIES REGARDING EXCEPTIONS TO TREE-CUTTING PROHIBITIONS UNDER THE PROPOSED RULE

The Forest Service should make the following corrections:

Page 250 should state that tree-cutting is allowed under the 2001 Rule if it is incidental to the implementation of a management activity.

Page 251 should state that tree-cutting is allowed under Alternative 2 if it meets one of the exceptions found in 36 CFR [Section] 294.34.

The Forest Service should state in the Preamble to the Final Rule that timber removal outside of a ski area permit, but within a CRA [Colorado Roadless Area], may be authorized if the removal is incidental to an approved management activity, such as the construction of ski lifts, runs, or facilities. (Recreational - #920.18.42000.521)

5-71 Public Concern: The Forest Service should review the DEIS for accuracy regarding the timber removal exception to ski area expansions.

BECAUSE THE DEIS DOES NOT RECOGNIZE THIS EXCEPTION ALTHOUGH THE PROPOSED RULE IS IDENTICAL TO THE 2001 RULE

The DEIS is wrong because it does not recognize that the exception to the prohibition on timber removal set forth in 36 CFR [Section] 294.34(b)(2) (Proposed Colorado Rule) applies to expansions outside permit boundaries and outside forest plan ski allocations. This language in the Colorado Roadless Rule is identical to the 2001 Rule. Compare 36 CFR [Section] 294.34(b)(2) (Proposed Colorado Rule), with 36 CFR [Section] 294.13(a) (2001).

This exception to the prohibitions on timber removal in the Colorado Roadless Rule is identical to the exception in the 2001 Rule. The Colorado Roadless Rule states:

Notwithstanding the prohibition in paragraph (a) of this section, trees may be cut, sold, or removed in CRAs [Colorado Roadless Area] if the responsible official determines that...

...The cutting, sale, or removal of trees is incidental to the implementation of a management activity not otherwise prohibited by this subpart... 36 CFR [Section] 294.34(b)(2) (Proposed Colorado Rule).

The 2001 Roadless Rule states:

Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in Inventoried Roadless Areas if the Responsible Official determines that...

...The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart...36 CFR [Section] 294.13(b)(2) (2001). (Recreational - #920.13.42000.001)

BECAUSE THE 2001 RULE, UNDER ALTERNATIVE 2, IS WRONGLY INTERPRETED TO ALLOW ONLY "INCIDENTAL TIMBER REMOVAL" RATHER THAN TIMBER REMOVAL THAT IS "INCIDENTAL TO A MANAGEMENT ACTIVITY"

The DEIS misinterprets the exception to the prohibition on timber removal in 36 CFR [Section] 294.13(b)(2) (2001 Rule) and in 36 CFR [Section] 294.34(b)(2) (Colorado Proposed Rule). That exception provides for the removal of timber that "is incidental to the implementation of a management activity not otherwise prohibited by this subpart." 36 CFR [Section] 294.13(b)(2) (2001 Rule); accord 36 CFR [Section] 294.34(b)(2) (Colorado Proposed Rule). The exception covers timber removal that is "incidental" to "a management activity," not "incidental timber removal." The exception allows timber removal that is incidental to - associated with - a management activity, not incidental timber removal - small in quantity. The DEIS wrongly interprets the 2001 Rule in Alternative 2 to allow for only "incidental" timber removal of limited scope. See DEIS at 250, 253. Elsewhere the Forest Service correctly interprets the regulation to allow timber removal that is incidental to the management activity. E.g., DEIS at 12, 49–50. The Forest Service has successfully argued to a Federal Court that the exception allows timber removal that is incidental to the management activity, rather than incidental timber removal. See Hogback Basin Pres. Ass'n v. U. S. Forest Serv., No. 48, slip op. at 20, 2008 WL 4186849 at *10 (W.D. Wash. filed Sept., 10 2008). There, the court agreed with the Forest Service's assertion that "incidental" meant secondary, or attendant to, an appropriate management activity Id. slip op. at 20-21, WL 4186849 at *10-11. The exception prevents timber removal that is the primary purpose or exceeds the management activity, but allows timber removal that is secondary to an approved activity—such as ski area management.

The court held that the Forest Service's decision to allow 21.5 acres of timber removal in a Roadless Area for the construction of ski lifts, ski runs, and a mid-mountain lodge was proper under 36 CFR [Section] 294.13(b)(2) (2001). Id. There is no reason for the Forest Service to take a different position here. The timber removal exception in the 2001 Rule is substantively identical to the timber removal exception in the Proposed Colorado Rule. The Forest Service should state in the Preamble to the Final Rule and in the FEIS that timber may be removed for ski area expansion under the exception in 36 CFR [Section] 294.34(b)(2) (Proposed Colorado Rule). The Forest Service should revise the description of Alternative 2 (on pages 250 and 253 of the DEIS and in the introduction to Appendix H of the DEIS) to recognize that ski area development—including lifts and trails and timber removal incidental to that form of developed recreation—may occur in an inventoried Roadless Areas so long as no road construction or reconstruction is required. The description of Alternative 2 on pages 250 and 253 is incorrect. (Recreational - #920.15-16.42000.521)

BECAUSE THE PROPOSED RULE ALLOWS TIMBER REMOVAL THAT IS SECONDARY TO AN APPROVED ACTIVITY, SUCH AS SKI AREA MANAGEMENT

The Forest Service does not accurately state in the DEIS the rules that apply to potential ski area expansions into CRAs [Colorado Roadless Areas] outside ski area permits and outside forest plan allocations in the future. The DEIS states that "proposed projects beyond existing permit boundaries or forest plan allocations into CRAs after the date of the Colorado Rule would not be allowed if the project or allocation would require roadbuilding or tree-cutting." DEIS at 251**.** This is not correct. First, tree removal in a Roadless Area is permissible for the construction of ski runs and lifts under 36 CFR [Section] 294.34(b)(2). Tree cutting is allowed as long as it "is incidental to the implementation of a management activity not otherwise prohibited..." 36 CFR [Section] 294.34(b)(2) (Proposed Colorado Rule). Ski area construction and management is not prohibited by any provision of the Colorado Roadless Rule - 36 CFR Part 294, Subpart D. The FEIS should also note that ski area roads may be

permitted pursuant to one of the exceptions provided in the Colorado Roadless Rule. (Recreational - #920.12.42000.521)

5-72 Public Concern: The Forest Service should state in the FEIS that temporary roadbuilding in Roadless Areas adjacent to ski areas is warranted by public health and safety to prevent loss of life.

TO ACCOMMODATE THE POTENTIAL ADDITION OF ZERO CREEK TO WINTER PARK RESORT

Zero Creek is a drainage inside the Vasquez Adjacent Roadless Area and is located south of the Winter Park permit boundary, east of the top of the Parsenn Bowl Chairlift. See Exhibit D [see ATT-4]. While Zero Creek is not inside Winter Park Resort's special use permit [boundary], the area is easily accessible to skiers and snowboarders from the top of the Panoramic Express chairlift through two Forest Service access gates. The area is steep, timbered, and prone to avalanches. In the past, Winter Park Resort has conducted rescue operations in Zero Creek to help injured skiers and snowboarders and will likely conduct similar operations in the future.

Including Zero Creek in Winter Park Resort's special use permit boundary was considered in a recent Environmental Assessment completed by the Forest Service in 2006 for the implementation of the Panoramic Express chairlift. This alternative was eliminated from detailed analysis because it was determined that the current boundary management plan, which reduces/discourages skiers and snowboarders from entering the Zero Creek drainage, was sufficient. However, over time, this plan may become ineffective and so that it becomes necessary to include the Zero Creek area within the Winter Park Resort permit primarily for the health and safety of the public. Avalanche control work, first aid, and search/rescue operations are all safety measures which could easily be completed by Winter Park Resort because it is directly adjacent to Zero Creek. It is reasonably foreseeable that timber removal, access, and egress will be required.

Intrawest requests the Forest Service to state in the FEIS and in the Preamble to the Final Rule that the provisions of the Colorado Roadless Rule, Alternative 2, that allow for temporary roadbuilding for "public health and safety" to prevent "loss of life," allow for temporary roadbuilding in Roadless Areas adjacent to ski areas such as Zero Creek at Winter Park Resort, if the public health and safety needs exist. See 36 CFR [Section] 294.33(c)(4) (Proposed Rule). Intrawest also requests the Forest Service to state in the FEIS and in the Preamble to the Final Rule that the provision of the Proposed Rule that allows for timber removal that is "incidental to the implementation of a management activity that is not otherwise prohibited" authorizes timber removal in Colorado Roadless Areas such as Zero Creek for authorized activities, such as promotion of public health, safety, and access and egress. See 36 CFR [Section] 294.34(b)(2). (Special Use Permittee, Frisco, CO - #833.10-11.56000.790)

5-73 Public Concern: The Forest Service should update Tables 49 and 50 in the DEIS and include a map of Winter Park Resort in Appendix H of the FEIS.

BECAUSE THE TABLES AND THE MAP OF ALTERNATIVE 2, ARAPAHOE-ROOSEVELT NATIONAL FOREST ARE INCORRECT

Winter Park Resort operates under special use authorization within the Arapahoe-Roosevelt National Forest. The Vasquez Adjacent Roadless Area is next to the Winter Park Resort special use permit boundary. See DEIS, Map of Alternative 2, Arapahoe-Roosevelt National Forest.

Error: The Map in the DEIS titled Map of Alternative 2, Arapahoe-Roosevelt National Forest, does not accurately depict the special use permit boundary of Winter Park Resort. Approximately 35 acres of the Vasquez Adjacent Roadless Area that is along the southern boundary of Winter Park Resort should be identified as inside the Winter Park Resort special use permit area. The Map in the DEIS of Alternative 2, Arapahoe-Roosevelt National Forest, mistakenly identifies that acreage as outside the Winter Park permit area. The acreage is identified on Exhibit D [see ATT-4]. Representatives of Winter Park Resort have communicated this information to Arapahoe-Roosevelt National Forest Staff. This high elevation area is above timberline, and is located near the top of Parsenn Bowl.

The approximately 35 acres of the Vasquez Adjacent Roadless Area identified on Exhibit D should be depicted in the FEIS as inside Winter Park Resort's special use permit [boundary]. That same acreage

should be subject to the Ski Area Adjustment of Alternative 2. That is, this acreage should be removed from the official maps of Colorado Roadless Areas. See 73 Fed. Reg. 43455–46 Table 2, 43547; DEIS at 27.

The Forest Service should update Tables 49 and 50, pages 251–252 of the DEIS, and include a map of Winter Park Resort in Appendix H of the FEIS, to indicate that approximately 35 acres of the Vasquez Adjacent Roadless Area are located within the Winter Park Resort special use permit [boundary], and will be removed from the Colorado Roadless Area inventory under Alternative 2. (Special Use Permittee, Frisco, CO - #833.9.56000.600)

The Final Colorado Rule should correct the mapping error depicting the Winter Park Resort special use permit boundary and add approximately 35 acres to the ski area permitted lands being removed from inventory for ski area purposes.

Winter Park Resort operates under special use authorization within the Arapahoe-Roosevelt National Forest. The map in the DEIS titled "Map of Alternative 2, Arapahoe-Roosevelt National Forest" does not accurately depict the special use permit boundary of Winter Park Resort. Approximately 35 acres of the Vasquez Adjacent Roadless Area that is along [the] southern boundary of Winter Park Resort should be identified as inside the Winter Park Resort special use permit boundary and should be removed from CRAs [Colorado Roadless Areas] under the Ski Area Provision of the Proposed Colorado Rule. See Comments of Copper Mountain Resort, Steamboat Ski Resort, and Winter Park Resort on Notice of Proposed Rule and DEIS at 4.

CSCUSA [Colorado Ski Country USA] urges the Forest Service to make this correction in the Final Colorado Rule and EIS—it appears to be a mapping error as there is no rationale put forward in the Proposed Colorado Rule or DEIS that would suggest otherwise. (Recreational, Denver, CO - #996.6.56000.620)

Chapter 6. Designations, Boundaries, and Inventories of Roadless Areas

Roadless Area Designation

6-1 Public Concern: The Forest Service should not have a designation of Roadless Area.

BECAUSE OTHER LAWS AND MANAGEMENT PRACTICES ALREADY PROTECT THEM

There should not be any blanket Roadless Areas in the national forest. There are already protections in place for these areas, such as the Clean Water Act, Clean Air Act, Endangered Species Act, reclamation acts, and many management practices before these. (Individual, Newcastle, OK - #939.1.63000.130)

6-2 Public Concern: The Forest Service should not increase the number of Roadless Areas.

TO ENSURE THAT THEY DO NOT BECOME THE FIRST STEP TOWARD WILDERNESS DESIGNATION

I do not want any more Wilderness [Areas]. I appreciate Wilderness but think we have plenty of it currently. Roadless Areas are different, I understand, but I don't want Roadless to become the "first step" to designate Wilderness, so I support more flexibility within the Roadless Rule. (Individual, Yampa, CO - #224.1.62000.650)

BECAUSE THEY SHOULD NOT BE MANAGED AS DE FACTO WILDERNESS AREAS

The original purpose of the Roadless Area Review and Evaluation (RARE) process that began about 30 years ago was to identify areas of 5,000 acres or more which have "Wilderness" characteristics, and that could possibly be congressionally designated as Wilderness Areas. While there may be a few remaining areas that contain unique or special features that need to be preserved, most of these areas should not be designated as Wilderness. We have plenty of designated Wilderness in Grand County and don't need any more wilderness areas! It is not necessary to have an area designated as Wilderness to be properly managed. I object to these Roadless Areas being managed as de facto Wilderness Areas without Congressional designation as such. (Individual, Grand Lake, CO - #933.5.62200.650)

6-3 Public Concern: The Forest Service should limit the ability to remove Roadless designations.

TO ENSURE PUBLIC PARTICIPATION AND DEVELOPMENT OF ENVIRONMENTAL MITIGATION

Please make sure that any new rules created for Roadless Areas preserve existing areas and limit government's ability to remove Roadless designations in favor of development. Any roadless changes should be with the agreement of the combined interests of the government and the citizens who enjoy these areas, and weight against the effect on our collective recreational assets. Such changes should also be made with a comprehensive plan to mitigate environmental impact. (Individual, Arvada, CO - #363.1.62000.010)

6-4 Public Concern: The Forest Service should not allow for the removal of Roadless designations based on "public need."

The process for changing Roadless Area designations should be more restrictive. Section 294.37 would allow the Chief to make "administrative corrections" and "modifications" to Roadless Area designations. A modification, which would be more than a minor adjustment of boundaries (see Id. at subsections [a] and [b]), could be made because of "changed circumstances or public need." Id. at [Section] 294.37(b). Why would "public need" be a reason for changing Roadless Area designations? An area either is roadless or it is not. If an area is roadless, it must be in the inventory.

Public need is not defined. Would it take a majority of people living in a geographically identified area expressing a need for change to constitute public need? In the extreme, the Chief could say that a public need exists to implement more commercial logging or allow industrial scale oil or gas development with roads, and thereby propose to delete all or parts of certain Roadless Area(s) from the inventory.

We [23 various preservation organizations] agree there needs to be a process for changing Roadless Area designations in any Roadless Rule. Indeed, we believe that many thousands of acres must be added to the inventory of Roadless Areas in Colorado. See Section III and Exhibits 1 and 2 [See ATT 1 and ATT 2] of these comments. However, "public need" should not be a reason for changing the roadless inventory. Therefore, we ask that this clause be deleted from any Colorado Roadless Rule. Provisions for public comment on any changes should be retained. (Preservation/Conservation, Denver, CO - #789.50.63000.060)

6-5 Public Concern: The Forest Service should not allow for the removal of Roadless designations based on "public need" or "changed circumstances."

BECAUSE THE PROVISIONS ALLOW THE FOREST SERVICE TOO MUCH DISCRETION

[From ATT 1] The Proposed Rule grants the Chief of the Forest Service discretion to "add to, remove from, or modify [Roadless Area designations] based on changed circumstances or public need." 73 Fed. Reg. 43563 at [Section] 294.37(b). The authority to amend Roadless Area designations is itself a considerable grant of discretion. Moreover, the limiting terms "changed circumstances" and "public need" are not defined in the Proposed Rule, making the interpretation and application of this provision even more subject to the Agency's discretion. The only requirement for changes is a 60-day public notice and comment period. Id. The 2001 Rule contained no such discretion, providing that "[t]he prohibitions and restrictions established in this [Rule] are not subject to reconsideration, revision, or rescission in subsequent project decisions or land and resource management plan amendments or revisions undertaken pursuant to 36 CFR Part 219." 66 Fed. Reg. 3273 at [Section] 294.14(e).

This is a significant difference between the two rules. The 2001 Rule clearly limits discretion to administratively change Roadless Area designations. Accordingly, the 2001 Rule is resilient to the varying and subjective policy goals and objectives of Forest Service officials. The Proposed Rule takes the opposite approach. The Proposed Rule offers considerably less stability and protection to Roadless Areas than the 2001 Rule because it grants Forest Service officials the discretion to modify, and potentially to remove, areas from roadless protection. (Preservation/Conservation - #799.29.63000.060)

Page 47 of the DEIS [states] that the Chief of the Forest Service may "add to, remove from, or modify CRAs [Colorado Roadless Areas], based on public need or changed circumstances." Although a significant change is supposed to require public involvement, this statement gives the Forest Service enormous leeway to change the CRAs. (Preservation/Conservation, Littleton, CO - #919.11.63000.060)

We [Gifford Pinchot Task Force] would like to see more restrictive qualifications for changing Roadless Area designations. Currently, the Rule states that Roadless Rule designations can be changed due to "changed circumstances or public need." [Section] 294.37(b). Public need is not defined in this section. This is a very broad term that could be used to strip protections from these exceptional habitats. (Preservation/Conservation, Portland, OR - #924.7.63000.127

6-6 Public Concern: The Forest Service should consider areas for Roadless designation only if they are to be recommended for Wilderness status.

TO ALLOW FOR REASONABLE ROAD CONSTRUCTING

I am a firm supporter of our Wilderness Areas within the United States, and of course those are and should remain roadless. I do not believe, however, that we should make the referenced adjoining area roadless unless they also are given Wilderness status. There are many different types of activities that might occur in these areas, some of which would be on some type of road. As a result, I do not support the Proposed Colorado Roadless Rule. (Individual, Woodland Park, CO - #295.1.62000.002)

6-7 Public Concern: The Forest Service should clearly state that Roadless Area designation does not constitute Wilderness designation or protection.

In the most recent Federal court case arguing this issue, there was still an argument that "Roadless" was synonymous with "Wilderness." We know much time and consideration has been devoted by many people to create a workable compromise between understanding and implementing the pre- and post-2001 Roadless Rules and the subsequent lawsuits still pending which try to clarify their legality and purpose, the Colorado Roadless Area Task Force efforts, the Governor's office and the many people involved with the DEIS, but our member companies strongly feel that it needs to be clearly stated that "Roadless Areas" are not "Wilderness Designations," nor have they ever been necessarily 100 percent free of "roads." Therefore, they are subject to land use modifications with respect to multiple-use. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #950.1.62000.100)

[There is] a fundamental problem with managing Inventoried Roadless Areas as a "stand-alone" management designation. Prior to the 2001 Roadless Rule, Inventoried Roadless Areas were just that: An inventory. It was the "first cut" in the Agency's [USFS'] mandated Wilderness inventory and review process. The statutory authority to create a "Roadless Area" management classification did not exist until 2001. This [Proposed] Rule will formally establish the "Roadless Area" management classification for the state of Colorado.

It may be difficult for the Agency or the State of Colorado to separate "Roadless Areas" from Wilderness. It is imperative to understand that when the U.S. Forest Service established the Inventoried Roadless Areas, [it] included many unclassified and un-maintained roads and [many] recreational uses that are not consistent with Wilderness designation. This is because the Agency's criteria for establishing an Inventoried Roadless Area are primarily concerned with the existence of developed and maintained roads. The existence of other, "non-conforming" uses that are not compatible with Wilderness designation was to be analyzed after the "first cut" inventory. Thus, we have Roadless Areas (first cut) and Recommended Wilderness Areas (final recommendation). "Roadless Areas" are often portrayed by the Agency and many Wilderness advocacy groups to be "pristine" and "last remaining undeveloped lands," often ignoring or downplaying the valid and legal non-conforming uses existing in these areas. The general public lacks a clear understanding of the actual character of these lands as well as the activities that are allowed there. This is why accurate disclosure of the "non-conforming" uses allowed in Roadless Areas is imperative in the FEIS and Final Rule. The U.S. Forest Service has created this "Roadless Area" construct, directly tied to its mandated Wilderness inventory and review, but allowed snowmobile, motorized, mountain bike, and a myriad of other "non-conforming" uses that are not allowed in Wilderness. That fact must be clearly disclosed in the analysis. (Recreation/Conservation Organization, Pocatello, ID - #930.4-5.62000.160)

6-8 Public Concern: The Forest Service should develop two designations for Roadless Areas.

TO PROVIDE MORE PROTECTION OF THE MOST SENSITIVE AREAS

A Colorado Rule supported by different interests must include compromises that benefit the conservation community, not just industry. One way to broker compromise is to create a category of land that applies higher conservation standards and few-to-no timber cutting and roadbuilding allowances for roughly one-third of the 4.4 million CRA [Colorado Roadless Areas] acres. CRAs with the highest roadless characteristics and fish and wildlife values already have been identified in forest plans and by the Colorado Division of Wildlife (DOW). However, these high-priority lands are assured of no increased protections under the Colorado Rule.

According to the DEIS, 1.26 million acres of CRAs have more restrictive management guidelines under their respective forest plans than are provided in the Proposed Colorado Rule. However, forest plans and their management are subject to revision (Appendix B). Also, there is an "Inventoried Roadless Areas Report" developed by the DOW (http://wildlife.state.co.us/LandWater/Roadless/) that evaluates every CRA for fish and wildlife values. These lands with more restrictive forest plan management and those identified as having the highest fish and wildlife values by DOW should be considered for placement in a "more protected" category under a modified alternative in the Final Colorado Roadless Rule. Assuring

stronger protections for roughly 1.35 million acres of CRAs will give the conservation community some of the compromise we need. (Recreation/Conservation Organization, Missoula, MT - #836.2.62300.350)

6-9 Public Concern: The Forest Service should not apply a blanket decision such as the Colorado Roadless Rule when creating Roadless and Wilderness Areas.

BECAUSE LOCAL FOREST SERVICE PROFESSIONALS MAKE BETTER DECISIONS ABOUT MANAGING LOCAL RESOURCES

A blanket decision such as the Colorado Roadless Rule or the Clinton Roadless Rule removes the decision-making process from the local biologists and foresters, and lumps the decisions together—regardless of what would be the best management for the resources of the area. Although I have frequently enjoyed the use of Wilderness Areas, I am very much opposed to the broadbrush approach to creating Roadless or Wilderness Areas while ignoring the other aspects of multiple-use management of our National Forests. The designation of such areas completely eliminates any opportunity to do vegetative management of our National Forests. The designation of such areas completely eliminates any opportunity to do vegetative management practices for forest health or to improve wildlife habitat. (Individual, Montrose, CO - #800.1.62000.200)

Roadless Area Boundaries

6-10 Public Concern: The Forest Service should retain the boundaries proposed in the Colorado Roadless Rule.

BECAUSE OF THE AMOUNT OF WORK THAT HAS GONE INTO DETERMINING THEM

Considering the amount of work that has gone into the 2008 Colorado Roadless Rule boundaries, I would suggest the boundaries (the 2008 Rule) remain the same. (Individual, Pueblo, CO - #15.2.63000.001)

6-11 Public Concern: The Forest Service should allow the public to scrutinize new boundaries for Roadless Areas adopted by the Colorado Rule.

While many of the IRAs [Inventoried Roadless Areas] seem to be well delineated, citizens and the USFS need an opportunity to comment on specific boundaries. GMUG NF [Grand Mesa, Uncompahgre and Gunnison National Forests] sure seems to have lost a lot of acres over recent inventories, and we need to be sure that all forests used correct IRA rules to delineate these areas. (Preservation/Conservation, Hotchkiss, CO - #925.5.63000.060)

6-12 Public Concern: The Forest Service should revise the process for modifying Roadless Area boundaries.

TO ALLOW FOR MORE PUBLIC INVOLVEMENT AND A MORE DELIBERATIVE PROCESS

Roadless Areas are a finite resource with very high value to Colorado state culture and economics. The Proposed Rule allows the Chief of the Forest Service, upon providing 60 days notice and an opportunity to comment, to “add to, remove from, or modify the [Roadless Area] designations... based on changed circumstance or public need.” This is unacceptable. The proposed process is far too abbreviated considering the nature of the resources at stake. The process to change Roadless Area designations must be careful, deliberate and designed to encourage robust public participation. (Individual, Shafer, MN - #274.4.63000.060)

TO ELIMINATE SECTION 294.37(B)

Outdoor Alliance believes that any boundary changes that would decrease Roadless Area boundaries or values should be deliberate, careful, and fully vetted with the public. Boundary changes that further and irreversibly shrink the finite amount of roadless lands are no small matter, and deserve great caution and careful consideration. We doubt that this can be reliably achieved through the process contemplated by

the Proposed Rule (60 days notice and the opportunity to comment). [Footnote 9: Id. [73 Fed. Reg. 43563] We think that this problem can be remedied by striking proposed Section 294.37(b) from the Proposed Rule. Without proposed 36 CFR [Section] 294.37(b), CRA [Colorado Roadless Area] could presumably be modified by way of a traditional rulemaking process, as is the case under the 2001 Roadless Rule. (Preservation/Conservation, Washington, DC - #953.9.63000.060)

TO LIMIT OPPORTUNITIES TO BUILD TEMPORARY ROADS

Preserving Roadless Area characteristics must be the Rule's express mandate. The starting point needs to be a simple recognition that Roadless Areas have intrinsic value because they lack roads and associated development. Taking into account the most liberal characterization of societal goals, there very well may be situations where temporary road construction may be justified. However, to provide these exceptions proper context and, more importantly, to give adequate guidance to the Forest Service in implementing the exceptions over the long term, the [Proposed] Rule must be grounded with language that recognizes, conserves, and protects the Roadless Areas in the state. Failure to do so creates an unacceptable level of risk because local and regional demands could incrementally reduce Inventoried Roadless Areas and their ecological characteristics and social values. These local and regional demands change over time so that there is a never-ending local/regional justification for reducing the acres and values. (Preservation/Conservation, Washington, DC - #953.3.63000.002)

6-13 Public Concern: The Forest Service should allow for boundary updates.

The 2001 Rule did not allow for needed boundary updates—perhaps the greatest weakness in this proposal. OB [Outward Bound] recognizes the need for and supports the boundary updates in the Proposed Rule. (Recreational, Boulder, CO - #911.8.63000.001)

Colorado Roadless Area Inventory

6-14 Public Concern: The Forest Service should remove areas with existing authorized roads from the inventory.

In Table 13 [on page 73 of the DEIS] there should be zero miles of existing authorized roads in Colorado Roadless Areas. We [Colorado Timber Industry Association] recommend that you remove areas with existing authorized roads from the inventory of Colorado Roadless Areas. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.10.63000.680)

It is unfortunate that, in the waning days of the Clinton administration, hasty efforts to establish the "Roadless Rule" resulted in delineation of significant areas as "Roadless" which, were in fact criss-crossed with numerous existing marked and designated USFS roads, as well as undesignated historic and recent roads utilized by both USFS lessees and recreational forest users. As part of the process of adopting and implementing the Colorado Roadless Rule, I urge the USFS to take the responsible management approach of reevaluating the current "roadless" designations, to accurately reflect the actual status of the designated lands, and to correct the erroneous designations that resulted from hasty and poorly implemented delineation efforts. (Individual - #794.2.63000.680)

6-15 Public Concern: The Forest Service should not include Roadless Areas of less than 5,000 acres.

TO ENSURE THE LEGALITY OF THE RULE

Of over 700 areas being considered in this [Colorado Roadless] Rule, 300 do not meet the 5,000 acres requirement. This is [an] example of this rule being illegal. (Individual - #404.5.63000.160)

6-16 Public Concern: The Forest Service should emphasis maximum retention of Roadless Areas.

AT ALL DECISIONMAKING LEVELS

The Colorado Rule should re-emphasize that objective decision makers need to have a default position for maximum retention of Roadless Areas and this needs to happen at all decisionmaking levels (Ranger, Supervisor, Forester). Each of these decision makers by force of "Rule" should err on maximum retention of Roadless Areas (opt-in) vs. removal (opt-out) when reviewing any Colorado Roadless Area's dynamic and changing values. "Significantly altered" need to meet both a new "radically" and "extensive" threshold too; otherwise, with all the currently allowable exceptions, Colorado will have "significantly diminished roadless acreage" in a relatively short period of time (e.g., 500,000 acres with just this latest review). Boundary line adjustment decisions should default and if needed err on the side of retention in inventory/roadless status, vs. deletion from inventory/roadless status since deletion is a one-way "road." Furthermore, it is important for the USFS to be totally open with the detailed information and make it readily available in the decisionmaking process. It is difficult for anyone with an opinion that may be contrary to the "removal decision" to verify information accuracy. (Individual - #1029.3.63000.160)

6-17 Public Concern: The Forest Service should ensure that areas removed from the inventory will be afforded significant protections.

INCLUDING TOTAL SURFACE OCCUPANCY LIMITS

Surface Disturbance: Reaffirm that total surface disturbance caps should be established [for areas removed from the roadless inventory] that protect the lands ability to provide for sustainable fish, wildlife, and water resources. Example: Unless an exigent circumstance exists then unless specifically authorized in writing, signed by both the USFS District Ranger and the CDOW [Colorado Division of Wildlife] District Wildlife Manager, (or their supervisors or managers) then the areas removed from the inventory will be afforded major protections to benefit wildlife, fish, native plants, soil, water, and water resources. (Individual - #1029.37.63000.200)

6-18 Public Concern: The Forest Service should reinstate areas excluded because they were "substantially altered."

BECAUSE THIS CLASSIFICATION WAS NOT INDEPENDENTLY REVIEWED

Personally, since "Substantially Altered" [page 4 of DEIS] removed tens of thousands of acres and it was not reviewed by independent outside organizations or by cooperating agencies such as DNR [Department of Natural Resources] and then CDOW [Colorado Division of Wildlife], I believe these Roadless Areas should be reinstated into CRA [Colorado Roadless Area] designation in totality until a complete review can be completed. This bold move would allow a thorough independent evaluation to validate each removal or allow additional additions on a case by case basis. (Individual - #1029.21.63000.010)

6-19 Public Concern: The Forest Service should include an updated inventory of Roadless Areas in Colorado.

TO ENSURE THAT FUTURE MANAGEMENT DECISIONS ARE APPROPRIATELY APPLIED

We [Colorado Timber Industry Association] believe the Proposed Colorado Roadless Rule as outlined in Alternative 2 contains important improvements to the 2001 Roadless Area Conservation Rule. In particular, we strongly support inclusion of an updated inventory of Roadless Areas on National Forest lands in Colorado in the Proposed Colorado Roadless Rule to ensure that future management designations and their application are appropriately applied across the landscape. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.1.63000.001)

6-20 Public Concern: The Forest Service should revise the inventory of Colorado Roadless Areas.

BECAUSE REDUCTIONS IN EXTENT FROM THE 2001 RULE HAVE NOT BEEN JUSTIFIED

The NWF [National Wildlife Federation] and the CWF [Colorado Wildlife Federation] are quite concerned that the U.S. Forest Service proposes to remove from [its] roadless inventory significant acreage, based upon an assertion of changed landscapes: road incursions and industrialization of the areas. Our review of a sample of Roadless Areas demonstrates that an assertion of these factors cannot be accepted at face value but requires scrutiny of Roadless Area by Roadless Area. Attached are two maps illustrating examples from within the Grand Mesa, Uncompaghre and Gunnison (GMUG) National Forests. These maps are extracted from the U.S. Forest Service roadless GIS shape files, coupled with mule deer and elk habitat overlays from the Colorado Division of Wildlife Natural Diversity Information System (NDIS) data. Example 1 [ATT 1] depicts the Mt. Lamborn Roadless Area (referred to as West Elk Roadless Area under the 2001 Rule). According [to] the Forest Service data, no roads are present in the Roadless Area that was covered under the 2001 Rule and excluded from significantly smaller area boundaries proposed for the Colorado Roadless Rule. As the map [ATT 1] illustrates, the area eliminated would significantly affect identified mule deer and elk winter range. Example 2 [ATT 2] illustrates the equivalent shape file for the Unaweep Roadless Area. It illustrates proposed elimination of a significant area of mule deer and elk severe winter range from the 2001 Roadless Area inventory. The DEIS does not provide sufficient information either to justify the elimination of approximately 500,000 acres of roadless lands based on allegedly changed circumstances, nor does it contain a detailed analysis of what this would mean for terrestrial and aquatic wildlife, save for the general concession that "[m]any of the IRA acres not included in CRAs [Colorado Roadless Areas] provide high wildlife value, as shown on the map in the map packet and in Appendix F." DEIS p. 196. (Preservation/Conservation, Boulder, CO - #1037.12.63000.002)

The Draft Proposal Alternative 2 provides inadequate protection of our Roadless Areas. It removes too many Inventoried Roadless Areas from the 2001 Rule based on a misinterpretation of the requirements for a Roadless Area. It seems a higher wilderness standard has been applied to disqualify many areas which otherwise meet the standard for management as roadless. (Individual, Montrose, CO - #922.1.63000.650)

While the 2001 Roadless Area Conservation Rule protected 4.4 million acres, the Draft Colorado Rule protects only about 4.1 million. Implementation of the Draft Colorado Rule would result in about 300,000 less acres meeting the official "roadless" definition, affording these lands no protection. We [Colorado Mountain Club] are concerned that many of these acres fully meet the qualifications for roadless protection, and that they should be included in the official inventory. As roadless lands continue to be threatened throughout the state, we should be aiming to protect as many acres as possible that meet the qualifications for Roadless designation. We would like to see the Colorado Rule altered to protect more than the 4 million acres that is currently included in the Rule. (Recreation/Conservation Organization, Carbondale, CO - #838.1.63000.200)

BECAUSE REMOVAL OF ACRES AS "SUBSTANTIALLY ALTERED" MAY BE INACCURATE, AND SUFFICIENT PUBLICLY AVAILABLE DOCUMENTATION WAS NOT PROVIDED TO SUPPORT THEIR REMOVAL

It appears that the USFS Roadless Team in this particular process did not adequately follow the intent of the majority of the residents and citizens of Colorado (which also closely align to Governor Ritter's position of protection as provided by the 2001 Rule). The overwhelming majority of citizens supported protections (and coincidentally supported the 2001 Rule). So when the final decision maker(s) (Supervisor/Regional Forester) and the Rule Making Team/Committee members accepted and removed nearly 500,000 acres (greater than 10 percent) from "inventory" due to items such as "substantially altered" [Footnote 2: and adds back in 309,000 (primar[il]y from items such as mapping errors, inaccurate prior evaluations)] without providing sufficient publicly available documentation is inappropriate. Note: The Profiles of Colorado Roadless Areas document (http://roadless.fs.fed.us/documents/colorado_roadless/deis/profiles/complete_profiles.pdf) is not sufficient documentation, and maps that do not contain sufficient detail and GIS layers (e.g., roads layer)

to corroborate also is unacceptable sufficient documentation. The Profiles statements are too concise, they are nebulous and unclear, and do not provide an easily locatable detailed objective reason for each removal. Because of this, the perception exists that that removal of areas may be inappropriate. (Individual - #1029.9.63000.060)

TO INCLUDE ALL STAND-ALONE AREAS OF 5,000 ACRES OR MORE AND ANY ROADLESS AREA ADJACENT TO CONGRESSIONALLY DESIGNATED AREAS

Improve the accuracy of the Colorado Roadless Areas (CRA) inventory.

It is important that [the] inventory include all the land that is in fact roadless. This includes all the acres that are roadless in and around existing inventoried areas and all stand-alone areas at least 5,000 acres in size, or of any size for areas which are adjacent to designated Wildernesses, wild or scenic rivers, National Parks, or other congressionally designated areas. The CRA inventory has not considered a number of stand-alone areas and logical inclusions. I have personally participated in citizen inventories of Roadless Areas on the Pike-San Isabel National Forest. The following are some [Citizen Roadless Areas] that should be included in the inventory [see ATT-I]. (Individual, Florissant, CO - #917.3.63000.001)

The accuracy of the Colorado Roadless Areas inventory must be improved. It is important that Colorado Roadless Areas include all the land that is roadless. This includes all the acres that are roadless in and around existing inventoried areas and all stand-alone areas at least 5,000 acres in size, or of any size for areas which are adjacent to designated Wildernesses, Wild or Scenic rivers, National Parks, or other Congressionally-designated areas. We [23 various preservation organizations] believe the CRA [Colorado Roadless Area] inventory has omitted or failed to consider as roadless numerous stand-alone areas and logical inclusions to areas that were considered. Many of these omissions and recommendations for correcting them are detailed in Exhibits 1 and 2 [See ATT 1 and ATT 2]. (Preservation/Conservation, Denver, CO - #789.6.63000.160)

TO INCLUDE SMALLER ROADLESS AREAS

We should really increase the amount of Roadless Areas and also perhaps lower the contingency to 3,000 acres instead of 5,000. (Individual, Carbondale, CO - #989.2.63000.001)

TO CORRECT INACCURACIES AND INCLUDE CITIZEN-INVENTORIED ROADLESS AREAS

The inventory of Roadless Areas is not accurate. Hundreds of thousands of acres of citizen-Inventoried Roadless Areas have been excluded from the Forest Service maps. A true and complete inventory of Roadless Areas must be developed in order for the Roadless Rule to be applied, and currently that accurate inventory is not present. (Individual, Conifer, CO - #822.1.63000.060)

TO NOT ELIMINATE ROADLESS AREAS THAT LINK WITH THOSE ON ADJACENT FOREST SERVICE FORESTS/DISTRICTS OR ON BLM-ADMINISTERED LANDS.

We [Malinda Rogers and Bruce Barnhart] have personal knowledge and experience with the Clear Fork CRA [Colorado Roadless Area]/Turner Creek CRA, Pilot Knob CRA, [and] Mount Lamborn CRA as well as areas that were dropped from inventories of Roadless Areas—including the Bear Creek area in the Ouray Ranger District, and 25 Mesa, Big Bucktail Creek, Big Dominguez Creek, and Escalante Forks on the Plateau. The Forest Service must recognize the connectivity of Roadless Areas as they link either with Roadless Areas in other USFS districts or with the BLM [Bureau of Land Management] lands. (Individual, Delta, CO - #1030.1.63000.331)

TO INCLUDE LANDS WITH ROADS AND DEVELOPMENTS THAT SHOULD BE CONSIDERED FOR REMOVAL

I definitely support the alternative, one that was in existence, and I want to see it made substantially larger when it comes to protecting wild lands. And I'm talking about removing roads, certain types of developments, you know, all these things could be done. No more new developments anyplace because the biggest part of the problem is that people seem to be concerned that mountain lions are going to eat their child. (Individual, Mancos, CO - #954.3.62000.002)

BECAUSE MANY AREAS WERE EXCLUDED THAT SHOULD NOT HAVE BEEN

[From ATT 1] The White River National Forest applied standards too strictly, resulting in the exclusion of some areas altogether and exclusion of many acres of roadless lands from areas that were inventoried. For many areas, roadless boundaries were determined by delineating only those areas that were believed to be defensible as Wilderness.

However, as noted above in subsection B under GMUG [Grand Mesa, Uncompahgre and Gunnison National Forest], the Agency's own policies (FSM [Forest Service Manual] 1909.12, Section 71.11) allow some non-conforming activities in Wilderness if they are not prominent. On the White River NF [National Forest], areas with motorized trails and snowmobile uses were excluded from the roadless inventory, even if they contained no roads. Such areas might be difficult to manage as Wilderness, but they should still be in the roadless inventory. In some cases, buffers around roads were unjustifiably large, excluding roadless acreage from the inventory.

The Forest Service must include all lands that are roadless in the inventory. We believe approximately 415,000 acres have been excluded. (Preservation/Conservation, Denver, CO - #1019.135.63000.530)

TO MAKE SURE THAT BOUNDARIES DO NOT OVERLAP ACTIVE MINING OPERATIONS

In order to address ongoing and future mineral development, it is also important that "roadless" boundaries for areas overlying active mining operations and existing exploration licenses and leases be corrected so that they are accurately reflected on any "roadless" maps. (Individual - #794.3.63000.400)

6-21 Public Concern: The Forest Service should revise the process for adjusting the inventory of Colorado Roadless Areas.

TO INCLUDE STANDARDS AND A PROCESS FOR EVALUATING POTENTIAL MODIFICATIONS

The Proposed Rule includes a vague and undefined process for adjusting the roadless inventory in Colorado. Section 294.37 would allow the Chief to make "administrative corrections" and "modifications" to Roadless Area designations, "…based on changed circumstances or public need." The phrase "public need" is not defined or constrained.

We [The Wilderness Society] agree that there needs to be a process in any Roadless Rule for changing Roadless Area designations. Indeed, we believe that many thousands of acres must be added to the inventory of Roadless Areas in Colorado. Standard Federal rulemaking procedure provides that amendments to Federal rule (in this case, the 2001 Roadless Area Conservation Rule) are to be considered in a manner similar in scope and approach to that used to implement the original Rule, affording corresponding opportunity for development and consideration of alternatives, environmental analysis, as well opportunities for public comment and review.

Even the recommendations of the Colorado Roadless Areas Review Task Force affirmed this principle when it proposed:

"The responsible official shall make additions to or deletions from the inventoried Roadless Areas as part of forest plan revisions, based on new information provided by the public, state agencies, or by the Forest Service, and based on sound research and accurate measurements.

Such inventory adjustments shall be made based upon objective standards as established in existing Forest Service policy as of the date of enactment of this rule. Such inventory adjustments shall be used only for the purposes of determining whether applicable lands meet the specifications of a Roadless Area, and the inventory shall not unto itself constitute or otherwise confer a management theme, designation, or prescription, except as provided in this rule...Any future amendment or other revision to the Colorado Rule shall be made only through a state-specific amendment to the Colorado Rule."

Although the Proposed Rule provides for public notice and opportunity to comment on modifications to the roadless inventory, the absence of a substantial and clear process for evaluating potential modifications and, again, the absence of standards (definition of "public need" or otherwise) render this a potentially empty provision. (Preservation/Conservation, Denver, CO - #1019.3-4.63000.160)

TO ENSURE THAT RESTORED AREAS CAN BE ADDED TO ROADLESS AREAS

WSERC [Western Slope Environmental Resource Council] would like to see the Draft Colorado Rule specify a process for adding land to Roadless Areas once it has been restored to natural conditions

following disturbance for mineral extraction or other purposes. For example, consider an area that is not now included in a Colorado Roadless Area (CRA) because there is substantial surface disturbance from gas drilling. Over decades, gas production may end and the land be restored. At that point, the land should be reviewed for possible inclusion in a CRA. (Preservation/Conservation - #928.7.63000.420)

6-22 Public Concern: The Forest Service should not base the Colorado Roadless Areas on the Roadless Area Review and Evaluation II inventories.

TO BE CONSISTENT WITH THE WILDERNESS ACT AND COURT RULINGS

Basing the CRAs [Colorado Roadless Areas] on the RARE II [Roadless Area Review and Evaluation II] inventories is unlawful. "[T]he fact that most, if not all, of the inventoried Roadless Areas [are] based on the RARE II inventories, which were designed to recommend wilderness areas to Congress, further evidences that the Forest Service [is usurping congressional authority]." Wyoming, 277 F.Supp.2d at 1236. "One stated purpose of the Wilderness Act was to assure that no future administrator could make wholesale designations of additional wilderness areas in which use could be limited." Id. Although Wyoming dealt directly with the 2001 Roadless Rule. the CRAs are based on the 2001 Roadless Rule. The conclusion of the Wyoming court that the 2001 Roadless Rule usurped congressional authority under the Wilderness Act is equally relevant in determining the validity of this Proposed Rulemaking. (Other or unidentified organization, Lakewood, CO - #913.6.63000.141)

6-23 Public Concern: The Forest Service should use current inventories of Roadless Areas.

TO ENSURE THAT ALL AREAS ARE INCLUDED

The analysis should use the best inventory of Roadless Areas that exists rather than outdated inventories. For example, in Ouray County, the 2001 Rule omits almost 11,000 acres of Roadless Areas—very important Roadless Areas, including the proposed Wilderness Area because it's based on an outdated inventory going back to 1970s, early 1980s. So it seems to me this: it's really kind of silly to use an outdated inventory when you're trying to prepare a plan for protection of Roadless Areas and you're not including them. (Individual, Ridgway, CO - #968.1.63000.160)

6-24 Public Concern: The Forest Service should clarify why all roads are not included in the inventory.

The Proposed Rule does not have all existing roads included in the inventory. The 2001 Roadless Rule shows 1,396 miles of existing roads compared to the Proposed [Rule which] only shows 216 miles of roads. What happened to the other 1,180 miles of roads? The website does not answer this question. (Individual - #404.3.63000.680)

TO AVOID THE APPEARANCE OF DECEPTION

The Proposed Rule only shows 216 miles of road. The 2001 Roadless Rule shows 1,396 miles of road. The new proposal must have errors, or is a deliberate attempt to lie to the public. (Individual - #491.1. 64000.001)

6-25 Public Concern: The Forest Service should retain all the Roadless Areas covered by the 2001 Rule in the Colorado Rule.

TO PROTECT THESE VALUABLE RECREATION AREAS FROM THE PUSH FOR OIL AND GAS EXPLORATION

The Draft Colorado Rule does not protect as much area as the 2001 Rule. The new rule would eliminate about 300,000 acres from "Roadless" Areas. With Colorado being hammered with oil and gas exploration, potential oil shale development, increases in population and increased tourism, I don't think that Colorado can afford to lose any additional acreage of Roadless Areas. (Individual, Denver, CO - #774.1.63000.200)

6-26 Public Concern: The Forest Service should clarify how the Proposed Rule will affect Inventoried Roadless Areas not designated as Colorado Roadless Areas.

The Final Colorado Rule should clarify how the term "CRAs" or Colorado Roadless Areas will interface with other laws and policies that apply to "IRAs" or Inventoried Roadless Areas. The Proposed Colorado Rule has renamed Inventoried Roadless Areas (IRAs) as Colorado Roadless Areas (CRAs) for purposes of the Colorado Rule, except for those lands removed from the CRAs, such as certain ski area lands. CSCUSA [Colorado Ski Country USA] requests that the Forest Service clarify in the Final Rule how other Federal laws that refer to IRAs, such as the Endangered Species Act, will interact with the CRA regime in Colorado—particularly with respect to ski area lands which are removed from CRAs, but appear to remain IRAs. (Recreational, Denver, CO - #996.13.63000.130)

6-27 Public Concern: The Forest Service should provide a detailed description of areas removed and added to the inventory.

Given the history of roadless litigations it seems that when 500,000 acres are removed from inventory/ roadless status and over 300,000 acres added, then an easily reviewable detailed format needs to be available to clearly, concisely, and with current state-of-the-art precision identify the specific areas of additions and deletions. It is not sufficient to rationalize that it makes no difference, because even "substantially altered" can be area still "protected under the forest plan." Protection under the forest plan seems to be an unsubstantiated defense especially when one looks at the tables in the DEIS (such as the one on pages 16–20). The forest plans do not necessarily protect areas as well as the 2001 Roadless Plan and unfortunately the Colorado Rule as written seems to protect them only marginally more than the forest plan. (Individual - #1029.13.63000.162)

6-28 Public Concern: The Forest Service should provide for periodic inventory assessment.

TO BE CONSISTENT WITH THE INTENT OF FOREST PLANS AND TO PROVIDE FOR MULTIPLE USE

We [Noble Energy, Inc.] recommend the following clarifications be incorporated into the proposed language before it is finalized:

Roadless Area Boundary Up-Date – The Federal Register table (Vol 73. No 144, July 25, 2008 pg. 43553) comparing the three alternatives says it provides a process for updating Roadless Area boundaries but does not clarify if that process "locks the inventory" once modified. The Land Management Plan (LMP) process was designed to take stock of the previous multiple uses, the ever-changing needs of US citizens for public lands and to responsibly design the future uses of public forests. Therefore, "locking" the roadless acres and boundaries "once revised" is contrary to the LMP intent, and the inventory should be subject to periodic assessment and allowed to change and/or be modified, as any other criteria of multiple uses of the [National] Forest. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #469.4.63000.160)

The Federal Register table (Vol 73. No 144, July 25, 2008, pg. 43553) comparing the three alternatives indicates that it provides a process for updating Roadless Area boundaries but does not clarify if that process "locks the inventory" once modified. The Land Management Plan (LMP) process was designed to take stock of the previous multiple uses, the ever-changing needs of US citizens for public lands, and to responsibly design the future uses of public forests. Therefore, "locking" the roadless acres and boundaries "once revised" is contrary to the LMP's intent, and the inventory should be subject to periodic assessment and allowed to change and/or be modified, as any other criteria of multiple use of the lands. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #950.4.63000.160)

Changes to the Inventory and Boundaries for Specific Roadless Areas

Arapaho-Roosevelt National Forest

6-29 Public Concern: The Forest Service should revisit the Colorado Roadless Area boundaries in the Arapaho-Roosevelt and Rio Grande National Forests.

TO ENSURE THAT BOUNDARIES ARE ACCURATE AND INCLUSIVE

[From ATT 1] Arapaho-Roosevelt National Forest and Rio Grande National Forest

In general, these National Forests did not seem to have area exclusion and inaccurate boundary problems as severely as the other National Forests. However, there were still some roadless lands excluded from inventories on these National Forests. We will try to conduct a review of the roadless boundaries and areas, and submit our recommendations later. (Preservation/Conservation, Denver, CO - #1019.237.63000.001)

6-30 Public Concern: The Forest Service should exclude the right-of-way for the Blue River-Gore Tap Transmission Line from the Copper Mountain Colorado Roadless Area.

TO ALLOW FOR MAINTENANCE AND OPERATION OF THIS UTILITY CORRIDOR

There are numerous electric transmission lines, communication sites, and related access to them owned and/or operated by the Western [Area Power Administration] occurring on National Forest System (NFS) lands in Colorado; however, only one of Western's overhead transmission lines is located within a Colorado Roadless Area (CRA). That line is known as the Blue River-Gore Tap 230-kilovolt [kV] Transmission Line and it traverses portions of the Copper Mountain Roadless Area in Grand County, Colorado. [Attached is] a map showing the alignment of Western's transmission line across the Copper Mountain Roadless Area [See ATT 1]. Access roads are also delineated on this map, and except for short spur roads, there is currently no access to the transmission line structures located within the CRA.

This transmission line was constructed in the late 1980s/early 1990s after an extensive environmental process. The US Forest Service authorized the construction of the transmission line, but where the line occurred in the Inventoried Roadless Area, no access was allowed. In those areas, construction and installation were completed using a helicopter. Following construction, Western submitted an application for the transmission line, then submitted an amended application to include access. Even though the environmental impact statement for the power line required the US Forest Service to issue either a permit or easement upon completion of the Blue River-Gore Tap Transmission Line, the agency has failed to process Western's application at any time during the past 15–18 years.

The Western [Area Power Administration] requests that the Forest Service determine that the NFS [National Forest System] lands occupied by the Blue River-Gore Tap Transmission Line right-of-way be outside the boundaries of the Copper Mountain Roadless Area. Western believes if the Forest Service makes this final determination it will be more likely to finally process Western's special use permit application and authorize the Blue River-Gore Tap 230-kV Transmission Line and related access roads to allow for the proper maintenance and operation of this important utility corridor. (Western Area Power Administration, Lakewood, CO - #1052.1-2.61000.001)

6-31 Public Concern: The Forest Service should allow emergency motorized access to the Blue River-Gore Tap Transmission Line, or redraw the Copper Mountain Roadless Area boundary.

TO ALLOW CONTINUED MAINTENANCE OF THE TRANSMISSION LINE CORRIDOR

The Western [Area Power Administration] would like to offer concerns [about] tree-cutting activities. Western maintains its facilities to mitigate the effects of fire risks on NFS [National Forest System]

lands. By taking on that role, Western patrols the transmission line, in part, to locate trees that have the potential to grow into or fall onto an energized conductor. In order to avoid regional consequences, Western will remove such trees to avoid threats to the overall power system reliability and minimize the risk of a wild fire. For the Blue River-Gore Tap Transmission Line, Western has already undertaken many projects to reduce the amount of vegetation occurring not only within the 200-foot right-of-way, but also within the surrounding utility corridor to a variable width as determined by fire science principles. A key component of these types of efforts involves timber extraction or mastication with motorized equipment. It is unclear to Western if the exemptions discussed in the Colorado Roadless Rule petition are broad enough to allow for this type of important maintenance project on the Blue River-Gore Tap Transmission Line where it crosses the Copper Mountain Roadless Area. Therefore, to allow for proper maintenance of the power line, the Forest Service will either need to allow for emergency motorized use within the CRA [Colorado Roadless Area] or redraw the Copper Mountain Roadless Area boundary to exclude the transmission line and authorize both the utility right-of-way and access to maintain the power line. (Western Area Power Administration, Lakewood, CO - #1052.5.43100.790)

6-32 Public Concern: The Forest Service should exclude the Green Ridge East and Green Ridge West Colorado Roadless Areas from the inventory.

BECAUSE IT IS NOT PRISTINE AND HAS BEEN LOGGED SEVERAL TIMES

I would like to bring to your attention one supposedly "Roadless" Area that really is not roadless. The area is named "Green Ridge East and Green Ridge West," located in the Arapaho-Roosevelt National Forest, Grand County, Colorado, and it is part of the Arapaho National Recreation Area (ANRA) managed by the U. S. Forest Service (USFS). Parts of this area have been logged several times in the last one hundred years. It is not pristine. The old roads constructed to remove timber still exist, although they are grown over in places. By definition, a "Roadless" Area just means there are no improved roads in an area. It does not mean there has never been a road or roads through it. (Individual, Grand Lake, CO - #933.1.63000.261)

Grand Mesa, Uncompahgre and Gunnison National Forests

6-33 Public Concern: The Forest Service should revisit the inventory of the Grand Mesa, Uncompahgre and Gunnison National Forests.

BECAUSE THE CRITERIA USED WERE TOO RESTRICTIVE

[From ATT 1] The 2005 re-inventory of roadless characteristics on the GMUG [Grand Mesa, Uncompahgre and Gunnison] National Forest decreased the total roadless acreage significantly. While significant acreage was added to the inventory, a much greater acreage was removed, resulting in a decrease of over 200,000 acres of roadless lands in the inventory. A partial explanation for this dramatic decrease in roadless acres may be the methodology employed by the Forest [Service]. Instead of relying on the definition of roadless found in the 2001 Roadless Area Conservation Rule and other agency guidance, the GMUG inventory used an inventory more oriented towards determining the capability and availability of roadless lands for Wilderness designation.

The result of this approach was that many quality Roadless Areas or parts of them were removed from the inventory because current uses such as motorized recreation would present obstacles to Wilderness designation. Certainly some areas of the GMUG now have Forest Service system roads that did not exist in either 1979 or 2001, and those areas should not remain in the inventory. However many areas removed from the inventory do not contain Forest Service system roads, and no roads are likely to be proposed for these areas. Because there is no reason for the removal of these acres, they should remain in the inventory and be managed accordingly.

The US Forest Service should carefully re-consider all aspects of its 2005 inventory for roadless acres that were incorrectly removed from the GMUG inventory. (Preservation/Conservation, Denver, CO - #1019.49.63000.160)

[From ATT 1] The rulemaking process is an opportunity to correct the GMUG [Grand Mesa, Uncompahgre and Gunnison National Forest] roadless inventory and meet the USFS mandate of maintaining an accurate inventory of roadless lands. In the 2005 re-inventory of roadless lands on the GMUG, the Forest [Service] applied incorrect standards in determining which lands were eligible for inclusion in the roadless inventory. Rather than using the criteria for potential wilderness areas as defined in the 2001 Roadless Rule FEIS, the GMUG used wilderness capability and availability standards to evaluate Roadless Areas.

The definition of Inventoried Roadless Area is Inventoried Roadless Areas are undeveloped areas typically exceeding 5,000 acres that met the minimum criteria for wilderness consideration under the Wilderness Act. These areas have been 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 Roadless Area Conservation, FEIS, Volume 2, dated November 2000, which are held at the National headquarters office of the Forest Service. Forest Service Roadless Area Conservation, FEIS, Volume 1, November 2000, at G-5. See also Preamble for 2001 Rule at 66 Fed Reg 3250, January 12, 2001.

In many instances, the 2005 GMUG roadless inventory identifies new road mileage, evidence of timber harvest or challenges for management as reasons for excluding portions of Roadless Areas found in the 2001 inventory. However, according to the USFS Handbook on Wilderness inventory:

Areas may qualify for the inventory of potential Wilderness even though they include the following types of areas or features:

1. Airstrips and heliports.
2. Cultural treatments involving plantations or plantings where the use of mechanical equipment is not evident.
3. Electronic installations, such as cell towers, television, radio, and telephone repeaters, and the like, provided their impact is minimal.
4. Areas with evidence of historic mining (50+ years ago). Do not include areas of significant current mineral activity, including prospecting with mechanical or motorized earthmoving equipment. The inventory may include areas where the only evidence of prospecting is holes that have been drilled without access roads to the site. Inventoried lands that may have potential for Wilderness recommendation also may include:
    a. Areas that otherwise meet inventory criteria if they are covered by mineral leases having a "No Surface Occupancy" stipulation.
    b. Areas covered by mineral leases that otherwise meet inventory criteria only if the lessee has not exercised development and occupancy rights. If and when these rights are exercised, remove the area, or portion affected, from the inventory unless it is possible to establish specific occupancy provisions that would maintain the area in a condition suitable for Wilderness.
6. Federal ownership of less than 70 percent if it is realistic to manage the Federal lands as Wilderness, independent of the private land.
7. Minor structural range improvements (FSM 2240.5), such as fences or water troughs Exclude areas where nonstructural range improvements are readily visible and apparent. Areas with spray or burning projects are permissible if there is little or no evidence of the project.
8. Recreation improvements such as occupancy spots or minor hunting or outfitter camps As a general rule, do not include developed sites. Areas with minor, easily removable recreation developments may be included.
9. Timber harvest areas where logging and prior road construction are not evident, except as provided in Section 71.12 for areas east of the 100th meridian. Examples include those areas containing early logging activities related to historic settlement of the vicinity, areas where stumps and skid trails or roads are substantially unrecognizable, or areas where clearcuts have regenerated to the degree that canopy closure is similar to surrounding uncut areas.
10. Ground-return telephone lines, electric lines, and powerlines if a right-of-way has not been cleared.
11. Watershed treatment areas if the use of mechanical equipment is not evident The inventory may include areas where minor watershed treatment has been accomplished manually such as small hand-constructed gully plugs.

FSH [Forest Service Handbook] 1909.12, Section 71.11.

Based on the US Forest Service Handbook direction above and the definitions contained in the 2001 Roadless Rule, many areas on the GMUG that were excluded from the inventory due to the presence of non-system roads and/or some evidence of past timber harvest should have been included in the 2005 inventory. While these lands may not rank high in capability of or availability for Wilderness designation, they do continue to meet the minimum criteria for Wilderness consideration and should be included in the current roadless inventory. Over 200,000 acres of roadless lands on the GMUG were incorrectly excluded from the 2005 GMUG roadless inventory. These omissions should be corrected prior to issuance of any Final Colorado Rule. (Preservation/Conservation, Denver, CO - #1019.50-52.63000.650)

6-34 Public Concern: The Forest Service should revise the boundaries of the American Flag Mountain Colorado Roadless Area.

TO INCLUDE THE AREA SOUTHWEST OF THE PROPOSED COLORADO ROADLESS AREA

[From ATT 1] American Flag Mountain CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Crested Butte

CRA Name: American Flag Mountain

CRA Acres: 9,500

2001 Name: Boston Peak

2001 Acres: portion of 46,600

2005 Name: American Flag Mountain

2005 Acres: 9,500

SRCA [Southern Rockies Conservation Alliance] Name: Cement Mountain

SRCA Acres: portion of 99,600

American Flag Mountain CRA [Colorado Roadless Area] is situated in an area that connects multiple Roadless Areas which in turn adjoin the Maroon Bells - Snowmass Wilderness. Large portions of the Boston IRA [Inventoried Roadless Area] have been removed from the inventory resulting in the currently proposed American Flag Mountain CRA. In particular, the area southwest of the proposed American Flag Mountain CRA above Spring Creek Reservoir was accurately included in the 2001 and SRCA [Southern Rockies Conservation Alliance] inventories, but has apparently been removed from the Colorado Roadless Rule proposal because of ATV [all-terrain vehicle] routes in the area. The area clearly retains its roadless characteristics and continues to provide recreation opportunities consistent with roadless management.

Additionally, the areas between American Flag Mountain and Granite Basin CRA retain their roadless character and should remain in the inventory as discussed above. The southern boundary of American Flag CRA should be extended south to the same boundary as Granite Basin CRA.

Like many areas in this region, continued roadless management of the areas incorrectly excluded from this inventory will provide habitat connectivity for wildlife species.

The 2001 Boston Peak IRA includes the American Flag Mountain and Granite Basin CRAs. (Preservation/Conservation, Denver, CO - #1019.64.63000.002)

6-35 Public Concern: The Forest Service should revise the boundaries of the Beaver/Steuben/East Elk Colorado Roadless Areas.

TO INCLUDE AREAS REMOVED IN THE RE-INVENTORY

[From ATT 1] Beaver/Steuben/East Elk CRAs [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Gunnison

CRA Name: Beaver/Steuben/East Elk

CRA Acres: 3,600; 3,500; 4,200

2001 Name: Beaver Castle

2001 Acres: 25,700 2005 Name: Beaver/Steuben/East Elk

2005 Acres: 3,600; 3,500; 4,200

SRCA [Southern Rockies Conservation Alliance] Name: Steuben Creek/ East Elk Creek

SRCA Acres: 32,100; 9,300

The Beaver, Steuben, and East Elk CRAs [Colorado Roadless Area] all adjoin the southeast portion of the West Elk Wilderness Area. They are in close proximity to the Soap Creek and Castle CRAs. Taken together, these areas provide premier hunting opportunities in the Gunnison Basin because of their proximity to the West Elk Wilderness and because of their relatively low elevation, rough terrain, and ready access to water. The 2005 GMUG [Grand Mesa, Uncompahgre and Gunnison] re-inventory eliminates large swaths of roadless lands in this region without sufficient supporting information. (Preservation/Conservation, Denver, CO - #1019.73.63000.560)

6-36 Public Concern: The Forest Service should revise the boundaries of the Castle Colorado Roadless Area.

BECAUSE THE CRITERIA USED WERE TOO RESTRICTIVE

[From ATT 1] Roadless acreage along the southern extent of the Castle CRA has been dropped from the inventory on the basis that vegetation treatments have made these areas unavailable for Wilderness designation. As previously discussed, vegetation treatments are consistent with the provisions of the Proposed Colorado Roadless Rule and should not be a criterion for the removal of roadless acreage from the inventory, especially where no system roads are created or designated. The areas along the southern boundary of the Castle CRA should remain in the inventory. (Preservation/Conservation, Denver, CO - #1019.77.63000.335)

TO INCLUDE FOREST ROADS 728, 728.A, 728.B, AND 728.C

[From ATT 1] Castle CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Gunnison

CRA Name: Castle

CRA Acres: 8,700

2001 Name: Beaver-Castle

2001 Acres: 25,700

2005 Name: Castle

2005 Acres: 8,700

SRCA [Southern Rockies Conservation Alliance] Name: Steuben Creek

SRCA Acres: 32,100

The Castle CRA [Colorado Roadless Area] is adjacent to the West Elk Wilderness Area and is in close proximity to the Beaver CRA. The size and boundaries of Castle CRA are largely consistent with the 2001 inventory and SRCA recommendations, with two exceptions. Forest Roads 728, 728.A, 728.B, and 728.C are not being proposed for inclusion in the Gunnison Travel Management Plan. The closure or re-designation of these routes for vehicle less than 50 inches wide would be consistent with Roadless Area management and the cherry stem excluded from previous inventories would be unnecessary. This area should be included in the Castle CRA. (Preservation/Conservation, Denver, CO - #1019.76.63000.680)

6-37 Public Concern: The Forest Service should include access Road 844 in the inventory for the Clear Fork Colorado Roadless Area.

BECAUSE THIS ROAD FITS THE DESCRIPTION OF A LONG-TERM TEMPORARY ROAD

[From ATT 1] The Clear Fork CRA [Colorado Roadless Area] has a lengthy portion of the administrative access Road 844 cherry stemmed out of the inventory. This road is restricted to administrative use, only for the Forest Service and permittee to access several gas wells in this area. The Proposed Colorado Roadless Rule contemplates such uses with "long-term temporary roads." See the Draft Rule at 36 CFR [Section] 294.33(c)(5). No matter the definition of such an access route, this area should not be removed from the roadless inventory, and the access should be rehabilitated following the end of gas production from these well sites. (Preservation/Conservation, Denver, CO - #1019.80.60000.421)

6-38 Public Concern: The Forest Service should revise the boundaries of the Clear Fork and Turner Creek Colorado Roadless Areas.

BECAUSE THE CRITERIA USED WERE TOO RESTRICTIVE

[From ATT 1] Both the Clear Fork CRA [Colorado Roadless Area] and the Turner Creek CRA have experienced reductions in roadless acreage where there is no justifiable basis for such decreases in size. The northwestern portions of the Turner Creek CRA were removed from the inventory with the GMUG [Grand Mesa, Uncompahgre and Gunnison] once again asserting that vegetation treatments made the area incompatible with Roadless Area management. As discussed above, this is not accurate. Forest Road 277 is proposed for continued use and management as a four wheel drive road and it can and should be cherry stemmed out of the inventory. The remainder of this area retains its roadless character and must remain in the inventory. (Preservation/Conservation, Denver, CO - #1019.79.63000.335)

TO REUNITE THESE AREAS

[From ATT 1] Clear Fork CRA/Turner Creek CRA [Colorado Roadless Area]

Ranger District: Paonia RD

Nearby towns or other landmarks: Paonia

CRA Name: Clear Fork; Turner Creek

CRA Acres: 24,200; 13,000

2001 Name: Clear Creek

2001 Acres: 41,400

2005 Name: Clear Fork; Turner Creek

2005 Acres: 24,200; 13,000

SRCA [Southern Rockies Conservation Alliance] Name: Clear Creek

SRCA Acres: 59,400

The Clear Creek IRA [Inventoried Roadless Area] (Clear Fork CRA [Colorado Roadless Area] and Tuner Creek CRA) is one of the most important habitat and landscape linkages on the GMUG [Grand Mesa, Uncompahgre and Gunnison] National Forest. This Roadless Area is a connection of roadless lands to the east and west, as well as a connection between the Grand Mesa and the West Elk range, and from there to the main stem of the Southern Rockies. The Clear Fork CRA and Turner Creek CRAs are in close proximity to several other Roadless Areas on both the GMUG and White River National Forests.

The division of the Clear Fork and Turner Creek CRAs in the 2005 GMUG re-inventory of roadless lands is inconsistent with Forest Service Roadless Area policy and management as well as recent arguments made by the U.S. Forest Service before the 10th Circuit Court of Appeals. The apparent basis for dividing these two Roadless Areas is the presence of a natural gas pipeline right-of-way, now containing the Bull Mountain Gas Pipeline. The U.S. Forest Service contended, in part, that the construction and presence of this pipeline were not incompatible with Roadless Area characteristics or management. Based on these arguments, the separation of the Clear Fork and Turner Creek CRA's is

unwarranted, and the area should remain one contiguous Roadless Area without a corridor in between. Continued efforts to separate these areas would undermine positions argued by the Forest Service in support of its own decisions. (Preservation/Conservation, Denver, CO - #1019.78.63000.640)

6-39 Public Concern: The Forest Service should revise the boundaries of the Cochetopa Creek Colorado Roadless Area.

BECAUSE THE CRITERIA USED TO DETERMINE BOUNDARIES WERE TOO RESTRICTIVE

[From ATT 1] Cochetopa Creek CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Sargents/Saguache

CRA Name: Cochetopa Creek

CRA Acres : 2,500 2001

Name: Middle Fork

2001 Acres: 11,200

2005 Name: Cochetopa Creek

2005 Acres: 2,500

SRCA Name: Middle Fork

SRCA Acres: 12,700

The Cochetopa Creek CRA [Colorado Roadless Area] (Middle Fork IRA [Inventoried Roadless Area]) is adjacent to the La Garita Wilderness Area and in close proximity to the Lake Fork and Killdeer Creek CRA's. The removal of acreage from this CRA is a prime example of the misapplication of wilderness capability and availability standards instead of roadless characteristics, as occurred when the GMUG [Grand Mesa, Uncompahgre and Gunnison National Forest] conducted its 2005 re-inventory.

Areas of the former Middle Fork IRA were excluded from the inventory primarily because of a determination that management of the roadless boundaries would be difficult. The GMUG also found that these areas were to be excluded from the roadless inventory because they did not have the remoteness, solitude, and recreation opportunities required for Wilderness designation. No particular mention is made of the fact that the Middle Fork IRA is an area greater than 5,000 acres in size, free of roads, and has a largely natural character. The connectivity afforded to wildlife by this area's location and its natural character make it appropriate for continued management as roadless. The Cochetopa Creek CRA boundaries should be expanded to match those of the former Middle Fork IRA. (Preservation/Conservation, Denver, CO - #1019.70.63000.331)

6-40 Public Concern: The Forest Service should revise the boundaries of the Cochetopa Hills Colorado Roadless Area.

BECAUSE THE CRITERIA USED TO DETERMINE BOUNDARIES WERE TOO RESTRICTIVE

[From ATT 1] Cochetopa Hills CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Sargents/Saguache

CRA Name: Cochetopa Hills

CRA Acres: 46,200

2001 Name: Cochetopa Hills

2001 Acres: 71,400

2005 Name: Cochetopa Hills

2005 Acres: 46,200

SRCA [Southern Rockies Conservation Alliance] Name: Cochetopa Hills/Seven Creek

SRCA Acres: 74,000

Cochetopa Hills is the largest remaining Roadless Area on the Gunnison National Forest. This area is located along the southern boundary of the Gunnison National Forest adjacent to the Rio Grande National Forest, Bureau of Land Management lands, and other Roadless Areas in close proximity. Cochetopa Hills is a natural continental divide - crossing point of many wildlife species. This area is clad in rolling mixed-conifer, aspen, and spruce-fir forests, and is an important wildlife corridor between the Rio Grande/San Juan Basin to the south and the Gunnison Basin to the north. It remains a critical stronghold for bear, mountain lion, and lynx, and supports large herds of both deer and elk. In addition, the area has been especially noted as a well-used trans-basin lynx crossing point in the USFS Region 2 2004 Lynx assessment.

In the 2005 re-inventory of lands, the GMUG [Grand Mesa, Uncompahgre and Gunnison National Forest] reduced the inventoried acreage of this area by nearly 20,000 acres to a total of only 46,230 roadless acres. Ongoing resource activities cited for the reduction in acreage included the presence of cattle allotments, ponderosa pine restoration projects, and single track motorized trails - all of which are permissible within Roadless Areas. In addition, detailed review of the GMUG 2005 roadless inventory document indicates that a substantial portion of the Cochetopa Hills was eliminated from the roadless inventory to enhance manageability, a criterion not found in the definition of Roadless Areas. The large, remote, and rugged character of the Cochetopa Hills is the essence of roadlessness (Preservation/Conservation, Denver, CO - #1019.71.63000.002)

6-41 Public Concern: The Forest Service should revise the boundaries of the Crystal Canyon Creek, Canyon Creek/Antero Colorado Roadless Areas.

TO INCLUDE THE AREAS ALONG THE WESTERN AND SOUTHWESTERN BOUNDARIES

[From ATT 1] Canyon Creek and Canyon Creek/Antero CRAs [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Ohio City

CRA Name: Canyon Creek, Canyon Creek/Antero

CRA Acres: 10,300; 1,700, respectively

2001 Name: Canyon Creek

2001 Acres: 12,600

2005 Name: Canyon Creek

2005 Acres: 10,300

SRCA [Southern Rockies Conservation Alliance] Name: Mount Antero North; Mt. Antero North

SRCA Acres: 20,900; 6,200

The Canyon Creek CRA [Colorado Roadless Area] is in close proximity to the Canyon Creek/Antero CRA, the Romley CRA and the Mt. Antero CRA. This region provides a critical connection for wildlife between the Gunnison Basin and the Cochetopa Hills. Both CRAs are discussed here due to their adjacency.

The Canyon Creek/Antero CRA is a sensible addition to the roadless inventory and should be carried forward. However, the Canyon Creek CRA has had significant acreage removed from its boundaries without sufficient justification.

Areas along the western and southwestern boundaries of the Canyon Creek CRA have been removed in the 2005 GMUG [Grand Mesa, Uncompahgre and Gunnison] re-inventory of roadless lands. These areas do not contain Forest Service system roads and no roads are being proposed through the Gunnison Travel Management Plan. The apparent basis for the removal of these areas is past vegetation treatments, but the 2005 re-inventory contains no specific justification of how the roadless character of these lands has been substantially altered, warranting their removal from the inventory. Given the values of these lands for wildlife habitat connectivity, they should remain in the Canyon Creek CRA. (Preservation/Conservation, Denver, CO - #1019.69.63000.330)

6-42 Public Concern: The Forest Service should revise the boundaries of the Deer Creek Colorado Roadless Area.

TO INCLUDE THE AREA BETWEEN FOREST ROAD 738.2C AND THE TEOCALLI RIDGE TRAIL

[From ATT 1] Deer Creek CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Crested Butte

CRA Name: Deer Creek

CRA Acres: 9,400

2001 Name: Elk Mountain - Collegiate

2001 Acres: portion of 54,300

2005 Name: Deer Creek

2005 Acres: 9,400

SRCA Name: Dry Basin/Teocalli Ridge

SRCA Acres: 10,600

The Deer Creek CRA is adjacent to the Maroon Bells - Snowmass Wilderness Area and is in close proximity to the Double Top and Gothic CRA's. One small addition should be made to this CRA to ensure that all Roadless Areas are accurately reflected in the inventory. The area between Forest Road 738.2C (West Brush Creek Rd) and the Teocalli Ridge Trail has been excluded for no apparent reason and without current roads or future road proposals is a strong candidate for inclusion in the inventory. As with many of the Roadless Areas in this region the Deer Creek CRA provides highly desired opportunities for dispersed recreation and habitat connectivity for wildlife.

The eastern part of the 2001 Elk Mountain - Collegiate IRA [Inventoried Roadless Area] is 54,300 acres and includes the Deer Creek, Double Top, and Italian Mountain CRAs. (Preservation/Conservation, Denver, CO - #1019.62.63000.002)

6-43 Public Concern: The Forest Service should exclude the Dominguez Colorado Roadless Area from designation.

BECAUSE INCLUSION WOULD NEGATIVELY IMPACT THE OPERATIONS OF THE ESCALANTE RANCH

The Escalante Ranch is located 25 miles south of Grand Junction and 12 miles northwest of Delta, Colorado. The Escalante Ranch covers approximately 6,000 deeded acres and over 100,000 acres of leased, private, U.S. Bureau of Land Management, and U.S. Forest Service (USFS) ground (located in part within the Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG).

Of particular concern to the Escalante Ranch is the Black Point Inventoried Roadless Area (IRA) (No. 34) (also known as the Dominguez Colorado Roadless Area (No. 50) or the Dominguez GMUG Profile Roadless Area (No. 65) (collectively the "Dominguez CRA" [Colorado Roadless Areas]). The Proposed Action, Alternative 2, would expand 2001 IRAs and would include the Dominguez CRA. The Escalante Ranch objects to this inclusion and respectfully requests the USFS exclude the Dominguez CRA from any Roadless designation.

The Dominguez CRA is criss-crossed with roads, many of which are important to the historic and continued operations of the Escalante Ranch. There should be zero miles of existing authorized roads in Colorado Roadless Areas. Areas with existing roads, like the Dominguez CRA, should be excluded from the inventory of Colorado Roadless Areas.

Moreover, the Proposed Rule should not include CRAs that are less than 5,000 acres. Escalante Ranch questions whether the Dominguez CRA meets this criterion. (Domestic Livestock Industry, Denver, CO - #912.1.63000.002)

6-44 Public Concern: The Forest Service should revise the boundaries of the Double Top and Italian Mountain Colorado Roadless Area.

TO ELIMINATE THE FRAGMENTATION OF THIS AREA

[From ATT 1] Double Top and Italian Mountain CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Crested Butte

CRA Name: Double Top and Italian Mountain

CRA Acres: 23,700 and 8,700

2001 Name: Elk Mountains-Collegiate IRA

2001 Acres: Portion of 54,300

2005 Name: Double Top and Italian Mountain

2005 Acres: 23,740 and 8,700

SRCA [Southern Rockies Conservation Alliance] Name: Cement Mountain

SRCA Acres: Portion of 99,600

The Double Top CRA [Colorado Roadless Area] is adjacent to Maroon Bells - Snowmass Wilderness Area as well as the Deer Creek and Italian Mountain CRAs. The 2001 Elk Mountains - Collegiate IRA [Inventoried Roadless Area] has been incorrectly fragmented in both the 2005 GMUG [Grand Mesa, Uncompahgre and Gunnison] re-inventory and the Colorado Roadless Rule inventory. The Double Top CRA should continue to include roadless lands southeast of its proposed boundary surrounding the existing Strand Hill Trail. Forest Roads 736 and 736.1A should serve as the southern boundary of this Roadless Area. Acreage has also been inappropriately removed from the northern portion of the Double Top and Italian Mountain CRA surrounding Star and Taylor Passes. Only a corridor surrounding Forest Road 742 should be removed from the inventory here. The eastern part of the 2001 Elk Mountain - Collegiate IRA is 54,300 acres and includes the Deer Creek, Double Top, and Italian Mountain CRAs. (Preservation/Conservation, Denver, CO - #1019.60.63000.001)

6-45 Public Concern: The Forest Service should revise the boundaries of the Flat Irons Colorado Roadless Area.

TO INCLUDE THE NORTHWESTERN PORTION INCLUDED IN THE 2001 INVENTORY

[From ATT 1] Flat Irons CRA [Colorado Roadless Area]

Ranger District: Paonia RD

Nearby towns or other landmarks: Paonia

CRA Name: Flat Irons

CRA Acres: 8,700

2001 Name: West Elk Additions

2001 Acres: 64,800

2005 Name: Flat Irons

2005 Acres: 8,700

SRCA [Southern Rockies Conservation Alliance] Name: West Elk Addition

SRCA Acres: 64,800

The Flat Irons CRA is adjacent to the Sunset CRA and is in close proximity to the West Elk and Mt. Lamborn CRAs. Although not contiguous with the West Elk Wilderness Area, it is connected to Roadless Areas that are. The northwestern portion of the Flat Irons CRA appears to have been removed from the inventory to accommodate routes that are not proposed to remain Forest Service system roads. Forest Roads 711.2A, B and C are all proposed for closure or reclassification to all-terrain vehicle [all-terrain vehicle] use only. These closures or changes in use would continue to allow a large Roadless

Area to remain in the inventory, thus this area should be added to the proposed Flat Irons CRA. (Preservation/Conservation, Denver, CO - #1019.83.63000.680)

6-46 Public Concern: The Forest Service should revise the boundaries of the Gothic Colorado Roadless Area.

TO INCLUDE THE AREAS EAST OF FOREST ROAD 371

[From ATT 1] Gothic CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Gothic Townsite; Crested Butte

CRA Name: Gothic

CRA Acres: 6,600

2001 Name: Gothic Mountain

2001 Acres: 5,000

2005 Name: Gothic Mountain

2005 Acres: 7,500

SRCA [Southern Rockies Conservation Alliance] Name: Gothic Mountain

SRCA Acres: 8,000

The 2001 and SRCA [Southern Rockies Conservation Alliance] Inventory areas are adjacent to the Maroon Bells - Snowmass Wilderness Area and the Gothic Mountain area is in close proximity to the Deer Creek and Poverty Gulch CRAs. All recent inventories of this area agree that there are more roadless acres in this region than had been included in prior inventories. The importance of the ecology of this area and increasing pressures on this particular drainage from recreation activities cannot be overstated. Rocky Mountain Biological Laboratory has been conducting critical scientific research in the region for many decades; roadless protection maintains the integrity of the ecosystems being studied. The Colorado Roadless Rule proposal eliminates nearly 1,500 roadless acres from the inventory without sufficient justification.

Areas to the east of Forest Road 371 should remain in the inventory to provide wildlife habitat connectivity and to maintain existing non-motorized and motorized recreation opportunities. Inclusion of these areas would significantly enhance habitat connectivity of habitat within and outside of the Maroon Bells - Snowmass Wilderness Area. The three short roads being proposed in the Gunnison Travel Management Plan can be appropriately cherry stemmed out of the inventory without any impacts to the manageability of the area. (Preservation/Conservation, Denver, CO - #1019.58.63000.002)

TO INCLUDE THE SOUTHERN PORTION NEAR SNODGRASS MOUNTAIN

[From ATT 1] The southern portion of the Gothic CRA near Snodgrass Mountain is being incorrectly and inappropriately proposed for removal from the roadless inventory to accommodate a possible ski area expansion for Crested Butte Mountain Resort. The broad exceptions of the Colorado Roadless Rule make clear that ski areas can be managed within Roadless Areas, and the removal of such areas from the inventory is inappropriate. (See Section V of the comments.) A great deal of public support exists for continuing to manage Snodgrass Mountain as roadless. Snodgrass Mountain must remain in the Gothic CRA. (Preservation/Conservation, Denver, CO - #1019.59.63000.521)

6-47 Public Concern: The Forest Service should revise the boundaries of the Granite Basin Colorado Roadless Area.

TO INCLUDE AREAS NEAR FLAG CREEK

[From ATT 1] Granite Basin CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Crested Butte

CRA Name: Granite Basin

CRA Acres: 25,450

2001 Name: Boston Peak

2001 Acres: portion of 46,600

2005 Name: Granite Basin

2005 Acres: 25,450

SRCA [Southern Rockies Conservation Alliance] Name: Cement Mountain

SRCA Acres: 99,600

Granite Basin CRA [Colorado Roadless Area] and the GMUG [Grand Mesa, Uncompahgre and Gunnison National Forest] 2005 re-inventory both incorrectly exclude existing roadless acres in the vicinity of Flag Creek near the northern boundary of the Granite Basin CRA. The proposed action for the Gunnison Travel Management Plan currently under development does not include many of the user created routes north and west of Spring Creek Reservoir. The boundaries of Granite Basin and American Flag Mountain CRAs should be adjusted to include all areas currently being used for non-motorized and motorized trail recreation. Only narrow corridors surrounding designated forest roads being contemplated for continued use under the travel management plan (such as Forest Roads 744 and 759.1E) should be excluded from the inventory.

Similar to the Double Top Area, the motorized and non-motorized trails between Cement Creek Road and Spring Creek Road provide highly prized recreation opportunities in Roadless Areas. Illegal user created routes may have been pioneered in a limited number of areas, but the roadless character of the area remains. The Granite Basin CRA boundary should be extended north to Forest Roads 744 and 759.1E.

The 2001 Boston Peak IRA [Inventoried Roadless Area] includes the American Flag Mountain and Granite Basin CRAs. (Preservation/Conservation, Denver, CO - #1019.63.63000.500)

6-48 Public Concern: The Forest Service should revise the boundaries of the Matchless Mountain Colorado Roadless Area.

TO INCLUDE THE ARE ALONG THE WESTERN BOUNDARY OF THE PROPOSED COLORADO ROADLESS AREA

[From ATT 1] Matchless Mountain CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Crested Butte

CRA Name: Matchless Mountain

CRA Acres: 22,400

2001 Name: Matchless Mountain

2001 Acres: 34,000

2005 Name: Matchless Mountain

2005 Acres: 22,400

SRCA Name: Matchless

SRCA Acres: 42,800

Matchless Mountain is adjacent to the Granite Basin CRA [Colorado Roadless Area] and sits approximately one mile northwest of the Fossil Ridge Wilderness Area. Large portions of the Matchless Mountain Roadless Area have been removed by the GMUG [Grand Mesa, Uncompahgre and Gunnison] 2005 re-inventory and these changes are carried forward in the Colorado Roadless Rule proposal.

One such area is along the western boundary of the proposed Matchless Mountain CRA. The removal of this area essentially creates an unnecessary and unsupported donut hole between the Matchless Mountain CRA and Granite Basin CRA. The trails stemming off of Forest Road 744 (Spring Creek Road) in this area are currently restricted to all-terrain vehicle use and are proposed to continue under such management in the Gunnison Travel Management Plan with the exception of Forest Road 550. Forest Road 550 could be appropriately cherry stemmed out to provide more contiguous roadless

management and significant benefits for dispersed motorized and nonmotorized recreation and wildlife. Large areas to the north of Matchless Mountain have been removed from the inventory. These areas remain largely unroaded and any current Forest Service System Road in this area could be excluded from the inventory without the large exclusions currently proposed. (Preservation/Conservation, Denver, CO - #1019.65.63000.002)

6-49 Public Concern: The Forest Service should revise the boundaries of the Matterhorn Colorado Roadless Area.

TO ELIMINATE THE HENSON CREEK AND MATTERHORN CREEK ROADS

[From ATT 1] Matterhorn CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Lake City

CRA Name: Matterhorn

CRA Acres: 3,600

2001 Name: El Paso Creek

2001 Acres: 1,700

2005 Name: Matterhorn Creek

2005 Acres: 3,600

SRCA [Southern Rockies Conservation Alliance] Name: Matterhorn Creek

SRCA Acres: 9,500

The Uncompahgre Wilderness Area adjoins the Matterhorn CRA [Colorado Roadless Area] on three sides. The BLM's American Flats WSA [Wilderness Study Area] sits to the south of the forest boundary.

The Matterhorn CRA, as re-inventoried by the GMUG [Grand Mesa, Uncompahgre and Gunnison] in 2005, is a sensible addition to the roadless inventory and a likely place for an addition to the Uncompahgre Wilderness. The El Paso Creek unit is adjacent to the BLM's American Flats WSA, and roadless management would be consistent across that boundary. The Henson Creek and Matterhorn Creek roads could be appropriately cherry stemmed out of the inventory without unnecessary loss of roadless acres. (Preservation/Conservation, Denver, CO - #1019.68.63000.001)

6-50 Public Concern: The Forest Service should revise the boundaries of the Mirror Lake Colorado Roadless Area.

TO INCLUDE PART OF THE FORMER ROMLEY INVENTORIED ROADLESS AREA

[Form ATT 1] Mirror Lake CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Pitkin

CRA Name: Mirror Lake

CRA Acres: 6,000

2001 Name: Romley

2001 Acres: 8,300

2005 Name: Mirror Lake

2005 Acres: 6,000

SRCA [Southern Rockies Conservation Alliance] Name: Romley

SRCA Acres: 12,400

Mirror Lake CRA [Colorado Roadless Area] is adjacent to Romley and Kreutzer-Princeton CRAs. A roadless portion of the former Romley IRA [Inventoried Roadless Area] appears to have been incorrectly removed from the Mirror Lake CRA. The large area northeast of the Town of Pitkin contains

no Forest Service system roads or routes of any type. The only conceivable reason this area might have been removed from the inventory would be to facilitate future timber harvest activities for wildfire risk reduction. However, as is explicitly clear under the Colorado Roadless Rule proposal, fuels reduction can be easily accomplished without removing acres from the inventory. [Footnote 1: As is explicitly stated in Section IV C of these comments, we [The Wilderness Society] do not agree with the provision of the Draft Rule allowing logging in Roadless Areas. But in any case, acreage must not be removed from the roadless inventory because of a possible future desire to reduce fuels]. These acres should remain in the Mirror Lake CRA. (Preservation/Conservation, Denver, CO - #1019.67.63000.260)

6-51 Public Concern: The Forest Service should revise the boundaries of the Mount Lamborn Colorado Roadless Area.

TO RETAIN THE AREAS IN THE ORIGINAL ROADLESS AREA BOUNDARIES

[From ATT 1] Mount Lamborn CRA [Colorado Roadless Area]

Ranger District: Paonia RD

Nearby towns or other landmarks: Paonia

CRA Name: Mount Lamborn

CRA Acres: 18,800

2001 Name: West Elk Additions

2001 Acres: 64,800

2005 Name: Mount Lamborn

2005 Acres: 18,800

SRCA [Southern Rockies Conservation Alliance] Name: West Elk Addition

SRCA Acres: 64,800

Mount Lamborn CRA [Colorado Roadless Area] is adjacent to the West Elk Wilderness Area and is in close proximity to the Mendicant, Sunset and Flatirons CRAs, all of which were parts of the former West Elk Additions IRA [Inventoried Roadless Area].

The entire Mt. Lamborn region is an iconic landscape on the western flanks of the West Elk mountains. The area is a prized hunting ground and a premier destination for dispersed recreation. The 2005 GMUG [Grand Mesa, Uncompahgre and Gunnison] re-inventory of roadless lands excluded roadless acreage from the Mt. Lamborn CRA for no apparent reason other than creating topographically based boundaries. While we are generally supportive of the concept of using topographic boundaries, in this case, the adjustment does little to enhance public understanding of the location of these boundaries. Instead, this adjustment orphans small slices of land between the forest boundary and the Roadless Area boundary.

The southwestern boundaries of the Mount Lamborn CRA should be extended to the forest boundary. The southeastern extent of the CRA should also be extended to include roadless acreage identified in the SRCA [Southern Rockies Conservation Alliance] inventory that is adjacent to the West Elk Wilderness Area and remains roadless.

Along the northeastern edge of the Mount Lamborn CRA, there is a sliver of lands inexplicably excluded from the 2005 GMUG re-inventory south of Forest Road 876. This area should also remain in the inventory. (Preservation/Conservation, Denver, CO - #1019.82.63000.001)

6-52 Public Concern: The Forest Service should revise the boundaries of the Pilot Knob Colorado Roadless Area.

TO INCLUDE THE AREAS TO THE NORTH

[From ATT 1] Pilot Knob CRA [Colorado Roadless Area]

Ranger District: Paonia RD

Nearby towns or other landmarks: Paonia

CRA Name: Pilot Knob

CRA Acres: 16,200

2001 Name: Springhouse Creek

2001 Acres: 17,600

2005 Name: Pilot Knob

2005 Acres: 16,200

SRCA [Southern Rockies Conservation Alliance] Name: Springhouse Park

SRCA Acres: 27,600

Pilot Knob CRA [Colorado Roadless Area] is in very close proximity to the Electric Mountain CRA. The proposed boundaries of the Pilot Knob CRA are similar to the 2001 inventory for the Springhouse Creek IRA, and both reflect the roadless character of the area. However, both inventories failed to capture thousands of acres of roadless forest situated immediately to the north of the Pilot Knob CRA. The area surrounding Sheep Mountain and Sheep Creek remains roadless, no roads are proposed under the Gunnison Travel Management Plan, and existing activities and uses in this area would be compatible with Roadless Area management under the Proposed Colorado Roadless Rule. The area identified by SRCA as the Springhouse Park Roadless Area should be included in the inventory. (Preservation/Conservation, Denver, CO - #1019.81.63000.001)

6-53 Public Concern: The Forest Service should revise the boundaries of the Poverty Gulch Colorado Roadless Area.

TO INCLUDE THE AREA AROUND CASCADE MOUNTAIN

[From ATT 1] Poverty Gulch CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Crested Butte

CRA Name: Poverty Gulch

CRA Acres: 5,500

2001 Name: Raggeds

2001 Acres: 2,146

2005 Name: Poverty Gulch

2005 Acres: 5,500

SRCA [Southern Rockies Conservation Alliance] Name: Slate River

SRCA Acres: 7,500

Poverty Gulch CRA [Colorado Roadless Area] is adjacent to the Raggeds Wilderness Area and is in very close proximity to the Gothic and Treasure Mountain CRAs. While the Colorado Roadless Rule proposal does increase the acreage of this unit, it fails to include some areas which remain free of system roads and where roads are unlikely to be proposed in the future.

Specifically, the portion of the area surrounding Cascade Mountain retains its roadless character. The proposed action for the Gunnison Travel Management Plan proposes that Forest Road 552 would be decommissioned past the junction with Forest Road 552.2A. Further, Forest Road 552.2A would become a foot and horse trail past that same junction. The absence of system roads in this area and the characteristics of the area lend themselves to roadless management. The habitat connectivity afforded by including this area in the inventory would have real benefits for wildlife use of the area.

The GMUG [Grand Mesa, Uncompahgre and Gunnison] 2005 re-inventory eliminates a 2,000 acre area of roadless lands south of Peeler and Garfield peaks. The area above Irwin Lake remains an iconic, high quality Roadless Area. Forest Road 826.1D accesses several historic mining claims, but the road and claims can be appropriately cherry-stemmed out of the inventory without significant impacts to the inventory or manageability. This area is highly popular for summer and winter recreation activities, all of which can continue under Roadless designation. This area is also provides an important corridor for wildlife between the Raggeds Wilderness and the Upper East River valley floor. (Preservation/Conservation, Denver, CO - #1019.57.63000.002)

6-54 Public Concern: The Forest Service should revise the boundaries of the Sawtooth Colorado Roadless Area.

TO INCLUDE THE NORTHERN PORTION OF THE SAWTOOTH MOUNTAIN INVENTORIED ROADLESS AREA

[From ATT 1] Sawtooth CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Sargents/Saguache

CRA Name: Sawtooth

CRA Acres: 22,800 2001

Name: Sawtooth Mountain

2001 Acres: 44,500

2005 Name: Sawtooth

2005 Acres: 22,800

SRCA [Southern Rockies Conservation Alliance] Name: Sawtooth Mountain

SRCA Acres: 28,300

The Sawtooth CRA [Colorado Roadless Area] is situated in the southernmost extent of the Gunnison Ranger District to the east of the Cochetopa Hills. While the acreage of the Sawtooth CRA has been dramatically reduced from the 2001 roadless inventory, that reduction in acreage is at least partially accurate due to on the ground conditions. The southern extent of the former IRA [Inventoried Roadless Area] now contains Forest Service system roads and does not retain its roadless character. However the 2005 GMUG [Grand Mesa, Uncompahgre and Gunnison] reinventory of roadless lands failed to retain a several thousand acre northern portion of the Sawtooth Mountain IRA that remains roadless. The few roads in the northern part of the CRA can easily be cherry stemmed out of the inventory while the core of this region, at the headwaters of Lick and Bead Creeks can and should remain in the inventory to protect wildlife habitat. (Preservation/Conservation, Denver, CO - #1019.72.63000.330)

6-55 Public Concern: The Forest Service should revise the boundaries of the Texas Creek Colorado Roadless Area.

TO INCLUDE THE AREAS IN THE 2001 ELK MOUNTAIN–COLLEGIATE INVENTORIED ROADLESS AREA

[From ATT 1] Texas Creek CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Taylor Park

CRA Name: Texas Creek

CRA Acres: 2,300

2001 Name: Elk Mountains - Collegiate

2001 Acres: 6,900

2005 Name: Texas Creek

2005 Acres: 2,300

SRCA [Southern Rockies Conservation Alliance] Name: Illinois Creek

SRCA Acres: 16,300

The Texas Creek CRA [Colorado Roadless Area] is adjacent to the Collegiate Peaks Wilderness Area. The 2001 boundaries of the Elk Mountain-Collegiate IRA [Inventoried Roadless Area] more closely match actual roadless acres in the region surrounding the Texas Creek CRA. Areas to the northwest of the proposed Texas Creek CRA retain roadless characteristics, and the proposed action for the Gunnison Travel Management Plan does not propose any roads in this area. Areas to the south of the proposed Texas Creek CRA which were previously identified as roadless now contain system roads and may be appropriate to exclude from the CRA boundaries.

The Taylor Park area hosts intensive motorized recreation from ATV [all-terrain vehicle] and single-track motorcycle users, as well as four-wheel drive vehicle users. Portions of this area should be off limits to roads and motor vehicles. The areas adjacent to the proposed Texas Creek CRA are well suited for such protections. Protecting their roadless characteristics will continue to provide needed habitat for wildlife in Taylor Park. (Preservation/Conservation, Denver, CO - #1019.66.63000.002)

6-56 Public Concern: The Forest Service should revise the boundaries of the Whetstone Colorado Roadless Area.

TO INCLUDE THE AREA BETWEEN THE PROPOSED BOUNDARY AND SPLAIN'S GULCH

[From ATT 1] Whetstone CRA [Colorado Roadless Area]

Ranger District: Gunnison RD

Nearby towns or other landmarks: Crested Butte

CRA Name: Whetstone

CRA Acres: 14,200

2001 Name: Whetstone Mountain

2001 Acres: 17,500

2005 Name: Whetstone

2005 Acres: 14,200

SRCA [Southern Rockies Conservation Alliance] Name: Flattop

SRCA Acres: 20,300

The Whetstone CRA [Colorado Roadless Area] is one of the premier remaining Roadless Areas in the Upper East River Valley region. This stand-alone Roadless Area is over 15,000 acres in size and contains the headwaters of several area creeks. The protection of this area is of paramount concern for local residents. This area is likely to be proposed for Wilderness designation under a revised GMUG [Grand Mesa, Uncompahgre and Gunnison] Forest Plan. The 2005 GMUG re-inventory of Roadless Areas incorrectly changed the boundaries of the Whetsone Roadless Area. The southwest portion of the Whetstone boundary appears to have been substantially altered to accommodate Forest Service system roads in the Splain's Gulch drainage. The extent of this modification is unwarranted. Very minor boundary adjustments can be made to the 2001 boundary in order to accommodate Forest Service Roads 885, 885.1A and 885.1B (Splain's Gulch). The large changes contemplated by the 2008 Whetstone CRA shape are also unwarranted due to the unroaded and steep nature of the terrain to the east of Splain's Gulch. This area is particularly valued for dispersed recreation in all seasons, including hiking and some cross country skiing. Wildlife, including a substantial resident elk herd, frequent this area as they travel towards the West Elk and Raggeds Wildernesses from the East River Valley floor. The acreage between the proposed boundary of the Whetstone CRA and Splain's Gulch should remain in the inventory. (Preservation/Conservation, Denver, CO - #1019.53.63000.002)

TO INCLUDE THE AREA AROUND LILLY LAKE

[From ATT 1] There are roadless acres not contemplated in either the Whetstone CRA [Colorado Roadless Area] or the 2001 IRA [Inventoried Roadless Area] that should be included in the roadless inventory. The area surrounding Lilly Lake to the west of Splain's Gulch is unroaded, wild and in great demand for dispersed recreation. The Crested Butte Land Trust acquired a private parcel south of Kebler Pass to enhance conservation values in this area. Roadless management of this area would enhance community efforts to protect the area for recreation and wildlife. The SRCA [Southern Rockies Conservation Alliance] inventory of this area is an accurate indication of the actual roadless acres that should be included in the Whetsone CRA. (Preservation/Conservation, Denver, CO - #1019.56.63000.002)

TO INCLUDE THE AREA WEST OF CARBON PEAK NEAR OHIO CREEK

[From ATT 1] An adjustment appears to have been made to the far southwest corner of the Whetstone CRA [Colorado Roadless Area] to exclude a private parcel. While this adjustment is sensible, the acreage due west of Carbon Peak near Ohio Creek should not have been eliminated from the inventory

and should be included in the Whetstone CRA. Roadless protections for this area will help ensure good water quality and continued water quantity in Ohio Creek. (Preservation/Conservation, Denver, CO - #1019.54.63000.240)

TO INCLUDE THE AREA ALONG THE EASTERN BOUNDARY OF THE PROPOSED COLORADO ROADLESS AREA

[From ATT 1] Acreage appears to have been incorrectly removed from the inventory along the eastern boundary of the Whetstone CRA [Colorado Roadless Area]. The general forest areas between the proposed Whetstone CRA boundary and private lands along the valley floor remain unroaded and provide high quality wildlife habitat. Little to no road or trail access from private property exists or is likely to develop. No roads are proposed for this area under the proposed Gunnison Travel management plan. These acres should be added to the Whetstone CRA. (Preservation/Conservation, Denver, CO - #1019.55.63000.330)

Pike-San Isabel National Forest

6-57 Public Concern: The Forest Service's Roadless Rule should not decrease protection of Roadless Areas in the Pike-San Isabel National Forest

We, the Pikes Peak Sierra Club, are particularly concerned that the Proposed Roadless Rule would result in less protection for Pike-San Isabel National Forest, the National Forest lands immediately adjacent to Colorado Springs and one of National Forests in Colorado most heavily impacted by population pressures. Under the Proposed Rule, road construction and other activities detrimental to an area's roadless character would be allowed if they comply with the Draft Regulations and are permitted by the Pike-San Isabel Forest Plan. As the DEIS notes on p. 230, the forest plan is essentially no additional protection because it is less restrictive on nearly all Roadless Acreage within the two National Forests. Logging for fuels treatment is projected in nearly all of the Roadless Areas on the Pike-San Isabel National Forest, including those with a threatened fish species. DEIS at 229. Effectively, this [part of the EIS] states that there are no areas within the area worthy of roadless protection, and that every currently Roadless Area could be logged and roaded. A plan which scopes out everything under one or more stated exceptions and in the name of "management flexibility" is not a plan for Roadless Area preservation, nor for conserving the integrity and beauty of these areas. (Preservation/Conservation, Colorado Springs, CO - #940.1.63000.162)

6-58 Public Concern: The Forest Service should consider citizen-proposed boundaries for Roadless Areas.

IN THE PIKE-SAN ISABEL NATIONAL FOREST

[From ATT 1] The proposed CRAs [Colorado Roadless Area] for the Pike-San Isabel National Forest are generally smaller than what has been identified as roadless by citizen inventories. Some stand-alone areas of sufficient size and some smaller parcels adjacent to either a 2001 IRA or Wilderness were not evaluated and thus not inventoried as a CRA. It is vital that all roadless acres be included in the Final Colorado Roadless Rule and CRA map. The USFS must reconsider the citizen proposed boundaries before finalization of this rule, with special emphasis on the Roadless Areas which were not included at all as proposed CRAs. (Preservation/Conservation, Denver, CO - #1019.234.63000.001)

In a meeting on October 20, 2008, Kathy Kurtz, USFS team leader stated the Wild Connections Organization (aka previously the Upper Arkansas and South Platte Project) identified acreages that need to be evaluated further. (Note: There are multiple sites, several which are +5,000 acres in Pike and San Isabel NFs that need to be evaluated). (Individual - #1029.20.63000.001)

6-59 Public Concern: The Forest Service should revise the boundaries of the Rampart Range East Colorado Roadless Area.

TO PRESERVE ITS NATURAL CHARACTERISTICS AND MID-ELEVATION HABITAT

The Rampart East Roadless Area (RERA) is a large, relatively pristine Roadless Area stretching from the town of Palmer Lake to the Perry Park subdivision and from Rampart Range Road (Forest Road [FR] 300) east to the forest boundary. This is the largest such area in the Rampart Range, spanning the Arkansas-South Platte watershed divide and containing headwaters of Monument Creek and Plum Creek. Located immediately west of the Greenland Ranch open space in Douglas County, the RERA is worthy of strong protection as mid-elevation habitat. It should be protected to preserve its natural characteristics.

These comments primarily address the southern boundaries of the RERA, but generally advocate that the standard 300' Roadless Area road buffer be utilized for the area. The Roadless Area boundary can be extended to the South because there is no road blocking that extension. The Motor Vehicle Use map for the Pike Ranger District incorrectly shows the location of FR 323. Those maps show FR 323 proceeding slightly north of east from a junction with FR 324 (Ice Cave Road) at N39°06'26"/W104°58'46" The route shown on the maps eventually cascades down a slope to Upper Palmer Reservoir; the official maps show the road closed well up on the ridge, about a mile short of the Reservoir; which would be appropriate if that route were in fact a road. However, the route marked on the maps does not correspond to the road on the ground. The signed junction of FR 323 and FR 324 is southeast of there, at N39°06'16"/W104°59'02." The signed FR 323 then proceeds slightly east of south until it is closed off at N39°05'38"/W104°58'25." This route appears as an unlabeled road on topographic maps. The true end of the signed FR323 is about a mile south of where it is marked on the map. The Motorized Use map and Pike National Forest maps should be corrected to reflect the actual location of this road.

This finding is relevant to the south boundary of the RERA. The current boundary runs from FR 324 north of Ice Cave Creek, north of east along the northern slopes of that valley, to a point south of the eastern forest boundary as it exists in Douglas County. This boundary should be moved south. At an absolute minimum, the boundary should be moved so that it follows the historic Winding Stairs Road, on the ridge top south of Ice Cave Creek, up to the ridge junction at N39°06'51"/W104°57'19." This minimal extension would follow that ridgeline, still immediately above Ice Cave Creek, northeast, east, and southeast, until it reached the Palmer Reservoir Road near the Upper dam at N39°06'50"/W104°56'19." The Roadless Area boundary should then follow Palmer Reservoir Road downstream to the forest boundary. This extension would add to the Roadless Area the summit of Sundance Mountain and all of Ice Cave Creek Canyon, a very rugged and beautiful canyon, with dramatic cliffs and rock formations along its northern edge. This boundary would also be more manageable than the currently-proposed boundary, which does not follow any on-the-ground landmarks. The proposed boundary extension is impermeable to vehicular traffic, except perhaps for people trespassing from the gated utilities access to Upper Palmer Reservoir.

The discovery that FR 323 does not follow the historic route of Winding Stairs Road, but rather dead ends to the south above North Monument Creek, opens up a further extension. Rather than the Roadless Area ending as described above, at an unauthorized vehicle route (and one nearly impassible at the lower end anyway), the RERA should be extended south to encompass at least parts of North Monument Valley. The RERA boundary could continue along the east side of FR 324 and FR 323 to its terminus, then perhaps move more or less directly south across North Monument Creek to FR 322 (Balanced Rock Road), then follow FR 322 northeast to its gated end at the south end of Upper Palmer Reservoir. This middle portion of North Monument Valley is fairly impermeable to unauthorized road incursions. The upper portion of North Monument Valley, to the west of the suggested area, is more vulnerable to unauthorized motor vehicle use, but as described below, it is more manageable to define the roadless boundaries offset from roads than it is to have the Roadless Area begin at an arbitrary point set back hundreds of yards.

Further to the west, I believe that the proposed boundaries around Saylor Park and FR 300C concede far too much ground away from established, authorized motor vehicle routes. Unauthorized incursions into this area are not now frequent. Pushing these boundaries back to the roads, especially in the area between FR 324A and FR 324B would make them more manageable since there is no geographic

obstacle to unauthorized use once one gets off the roads. Closer to FR 300, perhaps the boundary could be backed off the road to the slopes of Plum Creek valley, but not as far as they are now. FR 300C should be cherry stemmed on both sides—we were not able to find any signed road, or even an unauthorized road, corresponding to the eastern branch of FR 300C as marked on the motorized routes map. In this case, there is not even a road marked on topographic maps. North of FR 300C, a more manageable boundary would again be on the northwest side of Gove Creek, not conceding so much territory away from FR 300, up to FR 327. FR 327 itself should be cherry stemmed. North of FR 327, the boundary is more reasonable and manageable, again following FR 300. (Individual, Colorado Springs, CO - #779.1-4.63000.621)

TO INCLUDE THE ICE CAVE CREEK DRAINAGE

Many of the areas [in the DEIS] had changes in boundaries to delete land under the original inventory that well qualifies as roadless. The Rampart Range East area southern boundary, for instance, has chopped off the Ice Cave creek drainage—beautiful and primitive—for no apparent reason. I feel these lost acres should be re-evaluated with proper public comment. (Individual, Denver, CO - #805.3.63000.060)

Routt National Forest

6-60 Public Concern: The Forest Service should revise the boundaries of the Martinez Creek Colorado Roadless Area.

TO INCLUDE AREAS NORTH AND WEST OF THE PROPOSED BOUNDARIES

[From ATT 1] Martinez Creek

Ranger District: Pagosa

CRA [Colorado Roadless Area] Name: Weminuche Adjacent

CRA Acres: 2,600 acres, a portion of 22,700 acres in the CRA

2001 Name: Martinez Creek

2001 Acres: 4,600

SRCA [Southern Rockies Conservation Alliance] Name: Martinez Creek

SRCA Acres: 4,400

The furthest east unit of the Weminuche Adjacent Colorado Roadless Area should include an additional 2,000 acres by expanding north towards Forest Road 661 and west towards Forest Road 634, excluding closed Forest Route 641 and its spurs A, B, and C, for an approximate size of 4,400 acres. This Roadless Area includes much of the Little Pagosa Creek watershed as well as the upper reaches of Gordon and Cottonwood Creeks. Closed spur routes off of Forest Road 634 in the Plumtaw Creek area and off of FS Route 645 in the Fourmile trailhead area that have not been rehabilitated should be excluded from this area. (These spur routes were included in the 2001 Inventory area.) (Preservation/Conservation, Denver, CO - #1019.129.63000.240)

6-61 Public Concern: The Forest Service should revise the boundaries of the Weminuche Adjacent Colorado Roadless Area.

TO INCLUDE AREAS ON THE SOUTHWEST SIDE OF MONK ROCK

[From ATT 1] Monk Rock

Ranger District: Pagosa

CRA [Colorado Roadless Area] Name: Weminuche Adjacent

CRA Acres: 2,000 acres, part of the 22,700 acre CRA

2001 Name: Monk Rock

2001 Acres: 3,000

SRCA [Southern Rockies Conservation Alliance] Name: Monk Rock

SRCA Acres: 3,600

Approximately 1,600 additional acres qualifies as Roadless on the southwest side of Monk Rock,

between FS Road 637 on the east and south, FS Road 636 on the west, and the suggested Monk Rock portion of the Weminuche Adjacent CRA [Colorado Roadless Area] boundary on the north. The original SRCA inventory area included closed spur roads off of FS Roads 636 and 637. These roads have not been included in the SRCA acreage shown above, so the final size of the Roadless Area here is 3,600 acres. (Preservation/Conservation, Denver, CO - #1019.130.63000.001)

6-62 Public Concern: The Forest Service should revise the boundaries of the Graham Park Colorado Roadless Area.

TO INCLUDE AREAS ON THE WESTERN SIDE OF POISON PARK

[From ATT 1] Poison Park

Ranger District: Pagosa

CRA [Colorado Roadless Area] Name: Graham Park

CRA Acres: 6,000 acres, part of the CRA's 17,800 acres

2001 Name: Poison Park

2001 Acres: 7,900

SRCA [Southern Rockies Conservation Alliance] Name: Poison Park

SRCA Acres: 6,600

Approximately 900 acres on the western side of Poison Park qualifies as Roadless. This section

is bordered by private land in the Weminuche Valley (Sections 14, 23, 26, and 36) on the west, by FS Roads 640 and 987 on the east, and proposed Poison Park portion of the Graham Park CRA on the north. Closed spurs off of FS Roads 987 that have not been rehabilitated should be excluded from the Roadless Area. (These roads were in the 2001 Inventory Area boundary.) (Preservation/Conservation, Denver, CO - #1019.131.63000.001)

6-63 Public Concern: The Forest Service should revise the boundaries of the Piedra Area Adjacent Colorado Roadless Area.

TO INCLUDE THE DUDLEY CREEK WATERSHED AND AREAS IN THE DEVIL CREEK WATERSHED AND SOUTH OF BALDY MOUNTAIN

[From ATT 1] Piedra

Ranger District: Pagosa

CRA [Colorado Roadless Area] Name: Piedra Area Adjacent

CRA Acres: 39,300

2001 Name: Piedra

2001 Acres: 53,900

SRCA [Southern Rockies Conservation Alliance] Name: Piedra

SRCA Acres: 53,900

Adjacent to the Piedra Area and qualifying as Roadless are the southern flanks of Baldy Mountain. This area is bounded by FS Road 620 to the south and west, and the proposed Piedra CRA on the north and east. The Dudley Creek watershed qualifies as Roadless within these boundaries: FS Road 622 on the west, the proposed Piedra CRA on the north and northeast, and FS Road 630 on the east and south. In the Devil Creek watershed. the following area is Roadless: the area bounded by FS Road 630 on the north, the proposed Piedra CRA and FS Road 626 on the west, the National Forest boundary on the south (in Section 31), FS Road 628 and the ridge that parallels FS Road 681 on the southeast and east, then north to where various spur roads come off of FS Road 630. (Preservation/Conservation, Denver, CO - #1019.132.63000.001)

San Juan National Forest

6-64 Public Concern: The Forest Service should not allow increased road constructing on the San Juan National Forest.

TO PROTECT EXISTING ROADLESS AREAS

Road construction for forest health projects - wildfire, disease, insects - and for commercial/extractive uses - power line corridors, water projects, grazing, oil and gas development, and coal mining - have the potential to impair roadless values on significant percentages of Colorado Roadless Areas.

Table C-1. Likelihood of future road construction or reconstruction and tree-cutting in Roadless Areas by National Forest (15 year projection), page C-3, reveals that on the San Juan National Forest. Under the 2001 Rule, only one of 28 Roadless Areas listed rises to the level of road construction as "somewhat likely, very likely or plans underway." Representing 3.6 percent of the listed areas. Under the Proposed Rule, 25 of these 28 areas rise to these same three standards. Representing 89 percent. Under the Proposed Rule, 18 of these 28 rise to the two highest standards of "very likely or plans underway." Representing 64 percent.

These numbers [Percentages of Roadless Areas] represent the significant divergence between the 2001 Rule and the Proposed Rule, particularly given today's, arguably low, levels of population, energy reserves, commercial pressures and agency funding available on and around the San Juan National Forest. Significant increases in any of these four factors could and likely would push levels of roadbuilding on the San Juan even higher. (Recreational, Boulder, CO - #911.6.64100.002)

6-65 Public Concern: The Forest Service should revise the boundaries of the Budges Colorado Roadless Area.

TO EXTEND THE SOUTHERN BOUNDARY TO THE BUCK CREEK ROAD

[From ATT 1] Budges Roadless Area

Eagle Ranger District

Location: Flat Tops Mountains north of Glenwood Springs

CRA [Colorado Roadless Area] Name: Budges

CRA Acres: 1,000

2001 Name: Budges

2001 Acres: 1,000

SRCA [Southern Rockies Conservation Association] Name: Hunns Peak

SRCA Acres: 6,100

The Budges Roadless Area is bordered on its west side by the Flat Tops Wilderness Area. It is a tiny remnant the RARE [Roadless Area Review Evaluation] II Hunns Peak Roadless Area that was partially logged during the logging boom in the 1980s. But the giant, standing dead beetle-killed spruce that drew loggers to the Flat Tops in the 80's are now gone - cut down or rotted. There will be no more logging on Hunns Peak for decades to come, if ever. The regrowth isn't yet marketable, and the timber roads that cut the area apart are closed, obliterated and fading into the grass. It is time to recover the area to something like its original shape. SRCA adopted this practical vision into its inventory, and the Forest Service needs to take a closer look at what is actually happening on the ground.

At the very least, the sliver of Roadless Area called Budges needs to be extended south to the partially obliterated Buck Creek Road (FSR [Forest Service Road] 4-463.1), more than doubling its current size. And if the State of Colorado is serious about protecting functioning Roadless Areas, it will take the condition of the land at face value and follow the area outlined by SRCA all the way down to Heart Lake, with a western boundary along the Dry Buck Loop (FSR 4-644.1) and the Wagon Wheel (FSR 4-6645.1) Roads, a southern boundary along the Bison Lake (FSR 640.1) and the Blair Mountain (FSR 4-601.1) Roads, and an eastern boundary along the Heart Lake (FSR 4-630.1) and Coffee Pot (FSR 600.1) Roads. (Preservation/Conservation, Denver, CO - #1019.145.63000.830)

6-66 Public Concern: The Forest Service should revise the boundaries of the Buffer Mountain Colorado Roadless Area.

TO CORRECT THE NORTHERN BOUNDARY

[From ATT 1] Buffer Mountain Roadless Area

Holy Cross Ranger District

Location: North of Vail in Eagle County

CRA [Colorado Roadless Area] Name: Buffer Mountain

CRA Acres: 11,000

2001 Name: Buffer Mountain

2001 Acres: 11,000

SRCA [Southern Rockies Conservation Association] Name: Buffer Mountain

SRCA Acres: 11,600

The northern boundary of the CRA Buffer Mountain inventory needs to be corrected near the junction of FSR [Forest Service Road] 7-734.1 with FSR 7-787.1. Some logging has occurred in this area in the past, but this does not justify its exclusion from the Roadless Area, and certainly not to the extent of the WRNF [White River National Forest] inventory's exclusion. (Preservation/Conservation, Denver, CO - #1019.146.63000.830)

6-67 Public Concern: The Forest Service should revise the boundaries of the Burnt Mountain Colorado Roadless Area.

TO INCLUDE THE BOUNDARY OF THE SKI AREA AND PERMIT BOUNDARY

[From ATT 1] Burnt Mountain Roadless Area

Aspen Ranger District

Location: Between the Snowmass and Buttermilk Ski Areas in Pitkin County

CRA [Colorado Roadless Area] Name: Burnt Mountain

CRA Acres: 1,600

2001 Name: Burnt Mountain

2001 Acres: 1,700

SRCA [Southern Rockies Conservation Association] Name: Burnt Mountain

SRCA Acres: 1,900

The Burnt Mountain Roadless Area is adjacent to the Maroon Bells-Snowmass Wilderness Area. The CRA inventory boundary follows the Management Area 8.25 prescription boundary, rather than the actual ski area development or even the permit boundaries for Buttermilk and Snowmass. This needs to be corrected. (Preservation/Conservation, Denver, CO - #1019.147.63000.521)

6-68 Public Concern: The Forest Service should revise the boundaries of the Chicago Ridge Colorado Roadless Area.

TO INCLUDE THE EXCLUDED BUFFER LANDS AND SKI AREAS

[From ATT 1] Chicago Ridge Roadless Area

Holy Cross Ranger District

Location: Northeast of Tennessee Pass along US 24 between Leadville and Minturn in Eagle County

CRA [Colorado Roadless Area] Name: Chicago Ridge

CRA Acres: 5,100

2001 Name: Chicago Ridge

2001 Acres: 5,100

SRCA [Southern Rockies Conservation Association] Name: Chicago Ridge

SRCA Acres: 8,400

The WRNF [White River National Forest] and CRA inventories improperly exclude land to extensively buffer private inholdings and, more importantly, they remove the Ski Cooper cat-skiing area from the inventory. This is inventorying to use rather than character, and needs to be rectified. The SRCA inventory shows how to properly protect private land and access while maximizing Roadless Area protection. The SRCA inventory itself needs to be updated to remove cherry stems for FSR [Forest Service Road] 7-731.1D, which has long been abandoned and allowed to grow over, and for the upper end of 7-731.1, which is fully decommissioned. (Preservation/Conservation, Denver, CO - #1019.148.63000.002)

6-69 Public Concern: The Forest Service should revise the boundaries of the Crystal River Colorado Roadless Area.

TO INCLUDE THE AREA IN BULLDOG CREEK

[From ATT 1] Crystal River Roadless Area

Sopris Ranger District

Location: Along the east side of the Crystal River between Carbondale and Marble in Pitkin and Gunnison Counties

CRA [Colorado Roadless Area] Name: Crystal River

CRA Acres: 6,100

2001 Name: Crystal River

2001 Acres: 6,100

SRCA [Southern Rockies Conservation Association] Name: Crystal River

SRCA Acres: 6,300

The Crystal River Roadless Area is bounded on its east side by the Maroon Bells-Snowmass Wilderness Area. It is also adjacent to the Hay Park Roadless Area.

The WRNF [White River National Forest] and CRA inventories removed an area in Bulldog Creek beyond the end of FSR [Forest Service Road] 3-310.1B from the inventory for no apparent reason. The excluded area is bounded on three sides by Wilderness and the Crystal River RA [Roadless Area]. Only one side abuts private mining claims, and there are no roads or structures to detract from its roadless character. The CRA inventory needs to be amended to correct this omission. (Preservation/Conservation, Denver, CO - #1019.149.63000.001)

6-70 Public Concern: The Forest Service should revise the boundaries of the Deep Creek Colorado Roadless Area.

TO FOLLOW THE EXISTING ROADS

[From ATT 1] Deep Creek Roadless Area

Eagle Ranger District

Location: North of Dotsero in Eagle and Garfield Counties

CRA [Colorado Roadless Area] Name: Deep Creek

CRA Acres: 9,900

2001 Name: Deep Creek

2001 Acres: 9,900

SRCA [Southern Rockies Conservation Association] Name: Deep Creek

SRCA Acres: 14,700

The WRNF [White River National Forest] and CRA inventory boundaries for the Deep Creek Roadless Area are a confusing line that follows a road in one place and wanders across the landscape in others, not even following the obvious topographic features, such as a canyon rim, that the Forest Service commonly uses to create a "defensible boundary" for a prospective designated Wilderness Area. This standard that has no application to the CRA inventory in any case. Forest Service policy—and common sense—deem that a road is an adequate boundary for a Roadless Area, a standard that the SRCA inventory followed and that the CRA inventory needs to consistently apply. In the case of Deep Creek the principal SRCA boundary is very straightforward—Coffee Pot Road (FSR [Forest Service Road] 4-600.1) on the south and Jack Spring Road (FSR 4-618.1) on the north. The SRCA inventory does depart from its standard practice in one instance in Deep Creek by including about 1,000 acres north of FSR 4-618.1E, a closed road that the WRNF classifies as "Not Needed." (Preservation/Conservation, Denver, CO - #1019.150.63000.650)

6-71 Public Concern: The Forest Service should revise the boundaries of the Dome Peak Colorado Roadless Area.

TO EXTEND THE NORTHERN BOUNDARY TO THE NATIONAL FOREST BOUNDARY

[From ATT 1] Dome Peak Roadless Area

Eagle Ranger District

Location: Southwest of Yampa, in Routt, Garfield and Eagle Counties

CRA [Colorado Roadless Area] Name: Dome Peak

CRA Acres: 12,000

2001 Name: Dome Peak

2001 Acres: 12,000

SRCA [Southern Rockies Conservation Association] Name: Dome Peak

SRCA Acres: 12,500

The Dome Peak Roadless Area is adjacent to the Flat Tops Wilderness along its western boundary. The WRNF [White River National Forest], CRA and SRCA inventories are largely in agreement. However, the WRNF inventory excluded a small area along the northern boundary (presumably to facilitate a future timber sale) and most of the area between the Flat Tops Wilderness and the North Derby Road (FSR [Forest Service Road] 4-610). There is an irrigation ditch departing North Derby Creek near the WRNF/CRA boundary, and while this might be construed to reduce the wilderness value of this section, it in no way impairs its roadless qualities. The CRA boundary should be extended all the way to the WRNF boundary at the north edge of the Dome Peak RA [Roadless Area], and should also include the SRCA extension in the southwest corner of the RA. (Preservation/Conservation, Denver, CO - #1019.151.63000.621)

6-72 Public Concern: The Forest Service should revise the boundaries of the East Divide-Four Mile Park Colorado Roadless Area.

TO INCLUDE AREAS IN THE PARK CREEK/MANCON PARK AREA

[From ATT 1] East Divide-Fourmile Roadless Area

Sopris and Rifle Ranger Districts

Location: Southwest of Glenwood Springs in Garfield and Pitkin Counties

CRA [Colorado Roadless Area] Name: East Divide-Four Mile Park

CRA Acres: 8,700

2001 Name: East Divide-Four Mile Park

2001 Acres: 8,700

SRCA [Southern Rockies Conservation Association] Name: Fourmile East Divide

SRCA Acres: 10,000

The WRNF [White River National Forest] and CRA inventories exclude significant acreage in the Park Creek/Mancon Park area for no good reason. There has been logging in the Park Creek area, but not nearly to the extent of the excluded area. The Roadless Area boundary here needs to follow the roads - specifically FSR [Forest Service Road] 3-320.1C and FSR 3-300.1P. The SRCA boundary needs to be adjusted here as well - the WRNF remapped 320.1C much further south than in the road inventory used for the SRCA boundary. And on the west side of the Roadless Area, the route designated as 8-801.1M is in fact a fence line that should be absorbed into the Roadless Area boundary. (Preservation/Conservation, Denver, CO - #1019.152.63000.001)

6-73 Public Concern: The Forest Service should revise the boundaries of the East Vail Colorado Roadless Area.

TO INCLUDE AREA BETWEEN THE SKI AREA PERMIT BOUNDARY AND FOREST ROADS 7-745.1, 7-7770.1A, AND 7-709.1

[From ATT 1] East Vail Roadless Area

Holy Cross Ranger District

Location: Southeast of Vail along Interstate 70 and the south side of the Vail Ski Area in Eagle County

CRA [Colorado Roadless Area] Name: East Vail

CRA Acres: 8,000

2001 Name: East Vail

2001 Acres: 8,000

SRCA [Southern Rockies Conservation Association] Name: East Vail

SRCA Acres: 9,900

The WRNF [White River National Forest] and CRA inventory boundaries for East Vail were arbitrarily truncated at the east end of Battle Mountain; the SRCA inventory includes the entire area between the Vail Ski Area permit boundary and FSR [Forest Service Road] 7-745.1, and between FSR 7-745.1 and FSR 7-770.1A down to the Shrine Pass Road FSR 7-709.1. There is no cause for the CRA inventory to exclude this large roadless acreage, with its significant wildlife and scenic value, from its inventory. (Preservation/Conservation, Denver, CO - #1019.153.63000.002)

6-74 Public Concern: The Forest Service should revise the boundaries of the East Willow Colorado Roadless Area.

TO INCLUDE THE AREA SOUTH OF FOREST ROAD 8-268.1

[From ATT 1] East Willow Roadless Area

Rifle Ranger District

Location: South of Silt in Mesa County

CRA [Colorado Roadless Area] Name: East Willow

CRA Acres: 7,100

2001 Name: East Willow

2001 Acres: 7,100

SRCA [Southern Rockies Conservation Association] Name: East Willow

SRCA Acres: 8,100

The East Willow Roadless Area is adjacent to the Thompson Creek Roadless Area on the White River NF [National Forest] and to the Clear Fork and Turner Creek RAs [Roadless Area] on the Gunnison NF [National Forest].

The SRCA inventory includes 1,000 acres south of the closed road FSR [Forest Service Road] 8-268.1. The CRA inventory needs to look at the long-term status of this road - if it is to be decommissioned or permanently downgraded to trail status, the inclusion of the area would greatly enhance the integrity of

the 100,000 plus acres of linked Roadless Areas in this area of vital wildlife habitat and migration corridors. (Preservation/Conservation, Denver, CO - #1019.154.63000.331)

6-75 Public Concern: The Forest Service should revise the boundaries of the Elk Creek B Colorado Roadless Area.

TO INCLUDE ALL THE ELK CREEK WATERSHED CANYONS

[From ATT 1] Elk Creek B Roadless Area

Rifle Ranger District

Location: Flat Tops Mountains north of New Castle

CRA [Colorado Roadless Area] Name: Elk Creek B

CRA Acres: 7,200

2001 Name: Elk Creek B

2001 Acres: 7,200

SRCA [Southern Rockies Conservation Association] Name: Elk Creek

SRCA Acres: 43,600

How does the Forest Service take over 40,000 acres of contiguous roadless land and turn it into a 7,200-acre "Roadless Area?" By taking the defensible boundary principle to a ridiculous extreme. The Elk Creek B Roadless Area doesn't even attempt to encompass all of the Elk Creek Watershed's canyons - only their deepest and darkest parts. By strictly following the roads bounding these canyons and allowing for some 20 cherry stem spur roads in toward them, the SRCA inventory found a 43,600 acre area free of roads - an area just over six times the size of the official roadless inventory. The CRA inventory boundary needs to follow what is on the ground here, and not use the Forest Service's defensive approach to Wilderness designation. From East Elk Creek counterclockwise to Main Elk Creek the following roads form the outer boundary of the SRCA Elk Creek Roadless Area: 8-603.1, 8-603.1M, 8-651.1, 8-601.1, 8-648.1, 8-648.1C, 8-648.1B, 8-823.2B, 8-821.1E, 8-821.1, 8-821.1B, 8-601,4D, 8-601.1 (again), 8-N210.1, 2-245.1, 8-245.1. (Preservation/Conservation, Denver, CO - #1019.155.63000.001)

6-76 Public Concern: The Forest Service should revise the boundaries of the Elliot Ridge Colorado Roadless Area.

TO INCLUDE THE EAST SIDE OF ELLIOT RIDGE AND THE AREA NORTH OF THE MAHAN LAKE TRAIL

[From ATT 1] Elliot Ridge Roadless Area

Holy Cross and Dillon Ranger Districts

Location: West of Green Mountain Reservoir in Summit and Eagle Counties.

CRA [Colorado Roadless Area] Name: Elliot Ridge

CRA Acres: 3,100

2001 Name: Elliot Ridge

2001 Acres: 3,200

SRCA [Southern Rockies Conservation Association] Name: Elliot Ridge

SRCA Acres: 4,700

The Elliot Ridge Roadless Area is bordered on the south by the Eagles Nest Wilderness Area. The WRNF [White River National Forest] and CRA inventories systematically exclude land on the east side of Elliot Ridge along the Upper Spring Creek Road (FSR [Forest Service Road] 5-1834.1) and the Spring Creek Road (FSR [Forest Service Road] 5-1831.1) that may not be pristine but still are roadless. Likewise the area north of the Mahan Lake Trail (FST 1831.1A) has seen some logging activity but is also roadless. The CRA inventory needs to take the SRCA identified boundaries in these areas into account and use the actual roads along the northern boundary of the Elliot Ridge area as its own demarcations. (Preservation/Conservation, Denver, CO - #1019.156.63000.001)

6-77 Public Concern: The Forest Service should revise the boundaries of the Fawn Creek-Little Lost Park Colorado Roadless Area.

TO EXTEND THE WESTERN BOUNDARY TO THE EAST BEAVER-YELLOW JACKET ROAD

[From ATT 1] Fawn Creek-Little Lost Park Roadless Area

Blanco Ranger District

Location: North of Buford in Rio Blanco County

CRA [Colorado Roadless Area] Name: Fawn Creek-Little Lost Park

CRA Acres: 5,400

2001 Name: Fawn Creek-Little Lost Park

2001 Acres: 5,500

SRCA [Southern Rockies Conservation Association] Name: Fawn Creek

SRCA Acres: 6,900

Fawn Creek-Little Lost Park is separated from the much larger Morapos RA [Roadless Area] by Forest System Roads 2-290.1 and 2-250.2.

There is a significant difference between the SRCA inventory and the WRNF [White River National Forest] and CRA inventories, as the WRNF chose to exclude the western portion of the area for an allegedly lack of "an identifiable and manageable boundary" for successful management as a Wilderness Area. It also showed evidence of past mining and logging activity and was too close to existing roads and motorized activity.

The CRA boundary should amend this arbitrary decision by the WRNF by extending the western boundary all the way to East Beaver-Yellow Jacket Road 2-250.2 at the northwest end, and to the Pole Patch Trail 2-2271 and the Fawn Creek Road 2-280.1 for the southern boundary. (Preservation/Conservation, Denver, CO - #1019.157.63000.002)

6-78 Public Concern: The Forest Service should revise the boundaries of the Freeman Creek Colorado Roadless Area.

TO INCLUDE THE WETLAND HABITAT ALONG FREEMAN CREEK

[From ATT 1] Freeman Creek Roadless Area

Holy Cross Ranger District

Location: North of Vail in Eagle County

CRA [Colorado Roadless Area] Name: Freeman Creek

CRA Acres: 1,000

2001 Name: Freeman Creek

2001 Acres: 1,000

SRCA [Southern Rockies Conservation Association] Name: Freeman Creek

SRCA Acres: 1,300

The Freeman Creek Roadless Area is adjacent to the Eagles Nest Wilderness Area. The SRCA inventory includes several hundred acres of wetland habitat along Freeman Creek between FSR [Forest Service Road] 7-700.1 and FSR 7-701.1 that are not included in the WRNF [White River National Forest] and CRA inventories. The only plausible reason for this omission is that the Forest Service could not defend this area from snowmobile use, so it chose to pretend that it isn't roadless. For the purposes of the CRA inventory this valuable habitat needs to be added to its boundary for the Freeman Creek Roadless Area. (Preservation/Conservation, Denver, CO - #1019.158.63000.002)

6-79 Public Concern: The Forest Service should revise the boundaries of the Gallo Hill Colorado Roadless Area.

TO FOLLOW THE PUBLIC LAND BOUNDARY

[From ATT 1] Gallo Hill Roadless Area

Sopris Ranger District

Location: North of Marble in Gunnison County

CRA Name: Big Ridge to South Fork A

CRA Acres: 1,400

2001 Name: Gallo Hill

2001 Acres: 1,300

SRCA Name: Gallo Hill

SRCA Acres: 1,600

The Gallo Hill Roadless Area is bordered on its north side by the Maroon Bells-Snowmass Wilderness Area. The southern boundary of the WRNF [White River National Forest]-Inventoried Gallo Hill Roadless Area was arbitrarily drawn back from the National Forest boundary to create an irregular and inconsistent buffer between the inventoried area and adjoining private property. This was contrary to Agency policy and irrelevant to the purposes of the CRA inventory. The boundaries of the CRA area need to be redrawn to follow the public land boundary, as was the SRCA inventory boundary. (Preservation/Conservation, Denver, CO - #1019.159.63000.610)

6-80 Public Concern: The Forest Service should revise the boundaries of the Game Creek Colorado Roadless Area.

TO REINSTATE THE ACRES THAT WERE REMOVED

[From ATT 1] Game Creek Roadless Area

Holy Cross Ranger District

Location: South Vail in Eagle County

CRA [Colorado Roadless Area] Name: Game Creek

CRA Acres: 6,100

2001 Name: Game Creek

2001 Acres: 6,900

SRCA [Southern Rockies Conservation Association] Name: Game Creek

SRCA Acres: 7,100

The CRA inventory presupposed an expansion of the Vail Ski Area into the Game Creek watershed because of a White River National Forest Forest Plan management prescription allowing for it, and removed 800 acres from its Roadless Area boundary. This acreage needs to be reinstated. (Preservation/Conservation, Denver, CO - #1019.160.63000.521)

6-81 Public Concern: The Forest Service should revise the boundaries of the Grizzly Creek Colorado Roadless Area.

TO BE CONSISTENT WITH THE SOUTHERN ROCKIES CONSERVATION ALLIANCE INVENTORY BOUNDARIES

[From ATT 1] Grizzly Creek Roadless Area

Eagle and Rifle Ranger Districts

Location: North of Glenwood Canyon in Garfield County

CRA [Colorado Roadless Area] Name: Grizzly Creek

CRA Acres: 6,700

2001 Name: Grizzly Creek

2001 Acres: 6,600

SRCA [Southern Rockies Conservation Association] Name: Grizzly Creek

SRCA Acres: 43,100

The WRNF [White River National Forest]-inventoried Grizzly Creek Roadless Area is a paltry reflection of the magnificent expanse of wild land that actually exists in this southeastern corner of the Flat Tops. The reasons for the 85 percent reduction in acreage are not at all justified. On the western (Rifle Ranger District) side, acreage was removed to facilitate a proposed timber sale that never went through. On the Eagle RD [Ranger District] side, the Forest Service declared that there was insufficient opportunity for solitude and that noise from Interstate 70 and the Rio Grande and Western rail line was audible throughout the area, portions of which are more than 7 miles from the interstate and most of which is more than a mile from any well-traveled road. That same district office found no such problems on the opposite side of Glenwood Canyon, where it drew the boundary for the Little Grand Mesa Roadless Area right down to the railroad tracks.

In any event, the goal of the CRA is not to create the ideal Wilderness Area but to document the full extent of Colorado's National Forest Roadless heritage. The SRCA inventory of the Grizzly Creek area is well suited to this purpose. The area is outlined by Interstate 70 on the south, the Forest boundary on the east, the Coffee Pot Road (FSR [Forest Service Road] 4-600.1) on the north, and the Grizzly Jeep Road (FSR 8-632.1) and the Transfer Trail (FSR 8-602.1) on the west. At a maximum of 11 miles east-west and north-south, the area contains 3 Colorado Natural Heritage Program (CNHP) Potential Conservation Areas (PCAs): No Name Creek (Very High Biodiversity Significance), Grizzly Creek (High Biodiversity Significance), and Hanging Lake (Very High Biodiversity Significance). About half of the No Name and a quarter of the Grizzly Creek PCAs are covered by the Current CRA inventory area. Hanging Lake is 2 miles outside of it. (Preservation/Conservation, Denver, CO - #1019.161-162.63000.621)

6-82 Public Concern: The Forest Service should revise the boundaries of the Gypsum Creek Colorado Roadless Area.

TO USE FOREST ROADS 514 AND 464 AS THE SOUTHERN BOUNDARY AND FOREST ROAD 464W.2N AS THE WESTERN BOUNDARY

[From ATT 1] Gypsum Creek Roadless Area

White River National Forest

Eagle Ranger District

Location: South of Gypsum in Eagle County

CRA [Colorado Roadless Area] Name: Gypsum Creek

CRA Acres: 17,900

2001 Name: Gypsum Creek

2001 Acres: 17,900

SRCA [Southern Rockies Conservation Association] Name: Gypsum Creek

SRCA Acres: 17,900

The Gypsum Creek Roadless Area and the Red Table Roadless Area are being managed as Recommended Wilderness by the White River National Forest. With the conversion of the road that once separated them into a trail, they are now contiguous Roadless Areas.

While the CRA inventory and the SRCA inventory cover the same number of acres, there are significant differences in the boundaries. The CRA inventory includes 900 acres west of the Suicide Mountain Jeep Road (FSR [Forest Service Road] 464W.2N), which the White River National Forest lists as open to all vehicles, and instead uses the Old Man's Road (FSR 430.1B) in combination with several motorized and non-motorized trails as a boundary. The SRCA inventory of the area does not include these 900 acres but does include comparable acreage that the CRA inventory excludes by drawing its boundary to the

rims of the glacial cirques on the north side of Red Table Mountain rather than following the roads along the relatively flat top of the ridge.

The SRCA members who monitor the White River National Forest have repeatedly recommended that the Suicide Mountain Jeep Trail be decommissioned and restored because it is un-maintained and very badly eroded. The point here, however, is that the CRA inventory needs to use FSR 514 and FSR 464 along the top of the ridge as its southern boundary and FSR 464W.2N as its western boundary. (Preservation/Conservation, Denver, CO - #1019.163.63000.680)

6-83 Public Concern: The Forest Service should revise the boundaries of the Hay Park Colorado Roadless Area.

TO CORRECT THE DESCRIPTION OF TRAIL 1957.2A

[From ATT 1] Hay Park Roadless Area

Sopris and Aspen Ranger Districts

Location: South of Carbondale in Pitkin County

CRA [Colorado Roadless Area] Name: Hay Park

CRA Acres: 11,100

2001 Name: Hay Park

2001 Acres: 11,100

SRCA [Southern Rockies Conservation Association] Name: Hay Park

SRCA Acres: 11,700

All three of these inventories misclassified FDT 1957.2A, which enters the area near its northeast corner, as a road rather than the trail it is. The CRA and SRCA inventories need to be amended to reflect the true status of this route. The WRNF [White River National Forest] and CRA inventories also have a cherry stem running southeast _ mile past Dinkle Lake when in fact the route (FSR [Forest Service Road] 3-311.1) ends at the lake. (Preservation/Conservation, Denver, CO - #1019.164.63000.001)

6-84 Public Concern: The Forest Service should retain the proposed boundaries of the Homestake Colorado Roadless Area.

TO REFLECT CHANGES IN MANAGEMENT OF ROADS

[From ATT 1] Homestake Roadless Area

Holy Cross Ranger District

Location: South of Minturn in Eagle County

CRA [Colorado Roadless Area] Name: Homestake

CRA Acres: 4,100

2001 Name: Homestake

2001 Acres: 4,100

SRCA [Southern Rockies Conservation Association] Name: Homestake

SRCA Acres: 4,200

The Homestake Roadless Area is adjacent to the Holy Cross Wilderness Area and to the No Name Roadless Area. The FSR [Forest Service Road] 7-705.1M spur off of 7-705.1 has been permanently closed to vehicles and is now a trail. Because of this change in status, the Homestake and No Name RAs [Roadless Areas] now adjoin. The CRA inventory needs to be updated to reflect this change. (Preservation/Conservation, Denver, CO - #1019.165.63000.680)

6-85 Public Concern: The Forest Service should retain the proposed boundaries of the Hoosier Ridge Colorado Roadless Area.

[From ATT 1] Hoosier Ridge Roadless Area

Dillon Ranger District

Location: South of Breckenridge in Summit County

CRA [Colorado Roadless Area] Name: Hoosier Ridge

CRA Acres: 6,100

2001 Name: Hoosier Ridge

2001 Acres: 6,100

SRCA [Southern Rockies Conservation Association] Name: Hoosier Ridge

SRCA Acres: 6,000

The WRNF [White River National Forest]/CRA Hoosier Ridge Roadless Area is adjacent to the SRCA-inventoried Hoosier Ridge Roadless Area on the Pike-San Isabel National Forest. (Preservation/Conservation, Denver, CO - #1019.166.63000.001)

6-86 Public Concern: The Forest Service should revise the boundaries of the Housetop Mountain Colorado Roadless Area.

TO INCLUDE THE AREAS THAT MIGHT BE SUBJECTED TO OFF-ROAD VEHICLE USE

[From ATT 1] Housetop Mountain Roadless Area

Rifle Ranger District

Location: South of De Beque in Mesa County

CRA [Colorado Roadless Area] Name: Housetop Mountain

CRA Acres: 12,700

2001 Name: Housetop Mountain

2001 Acres: 12,700

SRCA [Southern Rockies Conservation Association] Name: Housetop Mountain

SRCA Acres: 17,100

The Housetop Mountain Roadless Area [RA] adjoins the Mamm Peak RA on the White River National Forest [WRNF] and the Sunnyside RA on the Grand Mesa NF [National Forest].

The WRNF inventory of the Housetop Mountain Roadless Area excludes approximately 2000 acres that might be subjected to incursions by off-road vehicles arriving through private lands with no public access easements. Such fears seem hardly justified, and furthermore, they are in no way applicable to a Roadless Area inventory. There are also approximately 2000 acres of roadless National Forest land between the Housetop Mountain and Mamm Peak Roadless Areas that need to be allocated to one Roadless Area or the other. In fact, only a non-motorized trail separates these two areas - the WRNF inventory is clearly deficient here. The SRCA inventory includes both the areas excluded around the perimeter and the land between the Housetop and Mamm Peak RAs. The CRA inventory needs to follow suit. (Preservation/Conservation, Denver, CO - #1019.167.63000.002)

6-87 Public Concern: The Forest Service should revise the boundaries of the Hunter Colorado Roadless Area.

TO REFLECT CURRENT INFORMATION ABOUT THE AREA

[From ATT 1] Hunter Roadless Area

Aspen Ranger District

Location: Directly northeast of Aspen in Pitkin county

CRA [Colorado Roadless Area] Name: Hunter

CRA Acres: 1,100

2001 Name: Hunter

2001 Acres: 1,100

SRCA [Southern Rockies Conservation Alliance] Name: Hunter

SRCA Acres: 3,000

The Hunter Roadless Area is adjacent to the Hunter-Fryingpan Wilderness Area. The WRNF [White River National Forest] Hunter Roadless Area inventory is one more case of the Forest Service creating a defensible Wilderness Area boundary, not a Roadless Area boundary. The closest road to the northern boundary of the WRNF and CRA inventoried area is _ mile away on the far side of the Hunter Creek valley. The only possible threat to the inventoried area is the mountain bikers who are allowed to ride on designated trails in Roadless Areas, but this activity does not adversely affect Roadless Area characteristics. The northern boundary of the SRCA area is formed by Pitkin County Road 20.A3 and FSR [Forest Service Road] 1-130.1A, which run through Van Horn Park on the north side of Hunter Creek. This Roadless Area includes Hunter Creek and the remarkable willow wetlands included in the Colorado Natural Heritage Program's (CNHP) Hunter Creek Potential Conservation Area (PCA).

Since the original inventories were conducted by the WRNF and SRCA, the Pitkin County has made a route use changes that make most of the Hunter Creek Valley a Roadless Area. The Smuggler Cutoff Road (Pitkin County 21.A1) has been permanently closed to four wheel traffic, making the whole north side of Smuggler Mountain and another _ mile of the valley floor roadless.

The SRCA and CRA Roadless Area inventories need to be updated to reflect these changes. (Preservation/Conservation, Denver, CO - #1019.168.63000.002)

6-88 Public Concern: The Forest Service should revise the boundaries of the Little Grand Mesa Colorado Roadless Area.

TO INCLUDE AREAS WEST OF BEAR CREEK

[From ATT 1] Little Grand Mesa Roadless Area

Sopris Ranger District

Location: East of Glenwood Springs on the south side of Glenwood Canyon in Garfield County

CRA [Colorado Roadless Area] Name: Little Grand Mesa

CRA Acres: 6,500

2001 Name: Little Grand Mesa

2001 Acres: 6,500

SRCA [Southern Rockies Conservation Alliance] Name: Little Grand Mesa

SRCA Acres: 7,800

For unknown reasons, the WRNF [White River National Forest] inventory excluded approximately 1000 acres between Bear Creek and the Forest boundary 1_ mile to the west from the inventory. There are no developments or uses within this area to warrant this exclusion from the inventory, and the CRA inventory needs to correct this USFS oversight. About half of the CNHP [Colorado Natural Heritage Program] Bear Creek PCA [Potential Conservation Area] (High Biodiversity Value) is in the SRCA-inventoried Roadless Area but less than half of that segment is covered by the current CRA boundary. The Hubbard Cave PCA (General Biodiversity Value) is in all three inventories. (Preservation/Conservation, Denver, CO - #1019.169.63000.001)

6-89 Public Concern: The Forest Service should revise the boundaries of the Lower Piney Colorado Roadless Area.

TO INCLUDE THE AREAS IN THE LOWER PINEY RIVER-PINEY RIDGE REGION

[From ATT 1] Lower Piney Roadless Area

Holy Cross Ranger District

Location: North of Avon in Eagle County.

CRA [Colorado Roadless Area] Name: Lower Piney

CRA Acres: 13,400

2001 Name: Lower Piney

2001 Acres: 13,400

SRCA [Southern Rockies Conservation Alliance] Name: Lower Piney River

SRCA Acres: 23,500

The Lower Piney Roadless Area is bounded on the east by the Eagles Nest Wilderness Area. The WRNF [White River National Forest]/CRA roadless inventory severely under-reports the extent of the roadless lands in the ecologically vital Lower Piney River-Piney Ridge region. 3000 contiguous acres north of Chimney Rock, 4600 acres on the west side of Cottonwood Peak, north of a Box Canyon "Road" (FSR [Forest Service Road] 7-404.1) that disappears into the grass just north of Lost Lake need to be in the roadless inventory. Hunters know well how rich this area is in wildlife and biologists recognize its importance too - it is an essential link between the southern and northern portions of the Gore Range and between the White River and Routt National Forests.

The CRA needs to take a hard look at the limits of the WRNF inventory and incorporate the major excluded areas identified in the SRCA inventory. (Preservation/Conservation, Denver, CO - #1019.170.63000.002)

6-90 Public Concern: The Forest Service should revise the boundaries of the Mamm Peak Colorado Roadless Area.

TO INCLUDE AREAS IN THE WALLACE CREEK DRAINAGE

[From ATT 1] Mamm Peak Roadless Area

Rifle Ranger District

Location: South of Rifle in Garfield and Mesa Counties

CRA [Colorado Roadless Area] Name: Mamm Peak

CRA Acres: 25,400

2001 Name: Mamm Peak

2001 Acres: 25,300

SRCA [Southern Rockies Conservation Alliance] Name: Mamm Peak

SRCA Acres: 26,600

The Mamm Peak Roadless Area adjoins the Mamm Peak RA [Roadless Area] on the White River NF [National Forest] and the Battlements RA on the Grand Mesa National Forest. There are approximately 2000 acres of roadless National Forest land in the Wallace Creek drainage between the WRNF [White River National Forest] Mamm Peak and Housetop Mountain RAs that were excluded for no apparent reason - other than perhaps some off-road travel. Nor does the current WRNF road and trail inventory show any extant route to support the roadway cherry stem that extends from the northern Forest boundary south and west up Bear Gulch and forms the westernmost boundary of the Mamm Peak RA. The CRA inventory boundary needs to be corrected to reflect this change in the base information and to connect these two major Roadless Areas. (Preservation/Conservation, Denver, CO - #1019.171.63000.001)

6-91 Public Concern: The Forest Service should revise the boundaries of the Maroon East Colorado Roadless Area.

TO INCLUDE THE MAROON BOWL PORTION OF THE HIGHLANDS SKI AREA

[From ATT 1] Maroon East Roadless Area

Aspen Ranger District

Location: South of Aspen in Pitkin County

CRA [Colorado Roadless Area] Name: Maroon East

CRA Acres: 1,400

2001 Name: Maroon East

2001 Acres: 1,400

SRCA [Southern Rockies Conservation Alliance] Name: Maroon East

SRCA Acres: 1,700

The Maroon East Roadless Area is adjacent to the Maroon Bells-Snowmass Wilderness Area. The WRNF [White River National Forest] and CRA inventories exclude the Maroon Bowl portion of the Highlands Ski Area. There will never be a ski lift in this high-avalanche danger, expert-only bowl. So unless ski patrol avalanche control work isn't allowed in Roadless Areas, this piece of wild mountainside needs to be added to the CRA inventory. A slight boundary adjustment may need to be made to accommodate the constructed catwalk that skiers use to get back to the lifts. (Preservation/Conservation, Denver, CO - #1019.172.63000.521)

6-92 Public Concern: The Forest Service should revise the boundaries of the Maryland Creek Colorado Roadless Area.

TO REMOVE THE UNNEEDED BUFFER ALONG THE SOUTHERN BOUNDARY

[From ATT 1] Maryland Creek Roadless Area

Dillon Ranger District

Location: North of Silverthorne in Summit County

CRA [Colorado Roadless Area] Name: Maryland Creek

CRA Acres: 1,500

2001 Name: Maryland Creek

2001 Acres: 1,500

SRCA [Southern Rockies Conservation Alliance] Name: Maryland Creek

SRCA Acres: 1,700

The Maryland Creek Roadless Area is adjacent to the Eagles Nest Wilderness Area. There is a buffer as if for a roadway between the southern boundary of the CRA and the Wilderness boundary that needs to be corrected. (Preservation/Conservation, Denver, CO - #1019.173.63000.600)

6-93 Public Concern: The Forest Service should revise the boundaries of the McFarlane Creek Colorado Roadless Area.

TO FOLLOW THE ASPEN MOUNTAIN SKI AREA BOUNDARY

[From ATT 1] McFarlane Creek Roadless Area

Aspen Ranger District

Location: South of Aspen in Pitkin County

CRA [Colorado Roadless Area] Name: McFarlane Creek

CRA Acres: 1,400

2001 Name: McFarlane Creek

2001 Acres 1,400

SRCA [Southern Rockies Conservation Alliance] Name: McFarlane Creek

SRCA Acres: 2,300

The McFarlane Creek Roadless Area is bordered on its eastern side by the Collegiate Peaks Wilderness Area. The WRNF [White River National Forest] and CRA inventory boundaries for the western side of this Roadless Area are generalized and incomplete. Specifically, they do not track the private inholdings along the top of Richmond Hill that actually bound the roadless National Forest land on the east side of the mountain. The SRCA inventory boundary consistently follows the Aspen Mountain ski Area boundary, the private parcel boundaries and the Richmond Hill Road (CR 15.E). The CRA inventory boundary should do likewise, and can also eliminate an unnecessary cherry stem in the SRCA area for the McFarlane Creek Trail, a non-motorized route where it enters the Roadless Area. (Preservation/Conservation, Denver, CO - #1019.174.63000.610)

6-94 Public Concern: The Forest Service should revise the boundaries of the Meadow Mountain A Colorado Roadless Area.

TO INCLUDE THE MCCOY PARK AREA

[From ATT 1] Meadow Mountain A Roadless Area

Holy Cross Ranger District

Location: South of Avon in Eagle County

CRA [Colorado Roadless Area] Name: Meadow Mountain A

CRA Acres: 1,600

2001 Name: Meadow Mountain A

2001 Acres: 2,100

SRCA [Southern Rockies Conservation Alliance] Name: Meadow Mountain A

SRCA Acres: 2,600

The Meadow Mountain A Roadless Area is bordered on its south side by the Holy Cross Wilderness Area. The CRA inventory excludes the McCoy Park area - a cross-country ski area with no permanent roads - for no practical reason. The eastern boundary of the CRA inventory needs to be moved to the ski area road FSR [Forest Service Road] 7-738.2A. There are also an additional 380 contiguous acres west of East Lake Creek documented in the SRCA inventory that need to be added to the CRA inventory to accurately reflect the roadless character on the National Forest lands bordering the Holy Cross Wilderness Area here. (Preservation/Conservation, Denver, CO - #1019.175.63000.002)

6-95 Public Concern: The Forest Service should revise the boundaries of the Meadow Mountain B Colorado Roadless Area.

TO BE CONSISTENT WITH THE SOUTHERN ROCKIES CONSERVATION ALLIANCE BOUNDARIES

[From ATT 1] Meadow Mountain B Roadless Area

Holy Cross Ranger District

Location: South of Avon in Eagle County

CRA [Colorado Roadless Area] Name: Meadow Mountain B

CRA Acres: 3,100

2001 Name: Meadow Mountain B

2001 Acres: 3,100

SRCA [Southern Rockies Conservation Alliance] Name: Meadow Mountain B

SRCA Acres: 8,900

The Meadow Mountain B Roadless Area is bordered on its south side by the Holy Cross Wilderness Area. The WRNF [White River National Forest] clearly constructed the boundary of Meadow Mountain B to be only an easily managed addition to the Holy Cross Wilderness. This doesn't begin to reflect the true roadless nature of this critical wildlife area and scenic mountainside. The SRCA inventory boundary follows the roads and the private land and ski area boundaries to properly show how the backcountry comes down to near the towns and highways in this busy resort area. (Preservation/Conservation, Denver, CO - #1019.176.63000.200)

6-96 Public Concern: The Forest Service should revise the boundaries of the Morapos A and Morapos B Colorado Roadless Areas.

TO INCLUDE LAND ALONG THE MOELLER CREEK ROAD

[From ATT 1] Morapos Roadless Areas A and B

Blanco Ranger District

Location: East of Meeker, north of Buford in Rio Blanco County

CRA [Colorado Roadless Area] Names: Morapos A and Morapos B

CRA Acres: 23,600 and 14,000

2001 Names: Morapos A and Morapos B

2001 Acres: 23,600 and 14,100

SRCA [Southern Rockies Conservation Alliance] Name: Morapos (Milk Creek)

SRCA Acres: 39,000 combined.

There are no adjacent wilderness areas, but the Morapos RAs [Roadless Area] are adjacent to the 57,700 (CRA) acre Pagoda Peak RA on the Routt NF [National Forest], which in turn is adjacent to the 9,200 (CRA) acre Pagoda Peak RA on the White River NF. Additionally the SRCA-inventoried Milk Creek Roadless Area is contiguous with the Morapos A area on the west and adds 5,000 acres. Altogether they constitute a roadless region of 109,500 acres - one of the largest non-wilderness Roadless Areas in the state of Colorado, almost all of which is mid-elevation forest and grassland.

The SRCA inventory adds to the WRNF [White River National Forest] and CRA inventories land along the Moeller Creek Road 2-290.1 where the WRNF had arbitrarily adjusted a boundary, and along the East Beaver-Yellow Jacket Road 2-250.2. It adds land that had previously been subjected to logging and eliminated a few boundary cherry stems for routes not open to large vehicle travel. The CRA inventory could be easily amended by using the above routes for the southern boundary and including all travel routes not open to full-size vehicles.

The WRNF inventory on which the CRA inventory is based separated the Morapos roadless region into two Roadless Areas based solely on management considerations; the SRCA inventory recombines them into one. (Preservation/Conservation, Denver, CO - #1019.177.63000.610)

6-97 Public Concern: The Forest Service should revise the boundaries of the Mormon Creek Colorado Roadless Area.

TO INCLUDE THE AREAS TO THE NORTH

[From ATT 1] Mormon Creek Roadless Area

Sopris Ranger District

Location: East of Basalt in the Upper Fryingpan River Valley in Pitkin County

CRA [Colorado Roadless Area] Name: Mormon Creek

CRA Acres: 3,000

2001 Name: Mormon Creek

2001 Acres: 3,000

SRCA [Southern Rockies Conservation Alliance] Name: Mormon Creek

SRCA Acres: 4,400

The Mormon Creek Roadless Area is bordered by the Holy Cross Wilderness Area on its northern and eastern sides.

The WRNF [White River National Forest] inventory made unnecessary exclusions at the north end of this area for water diversion structures that might seem out of place within a designated Wilderness, but do not affect the roadless character of the area - the concrete structures were constructed via and serviced through the same underground tunnel system that channels the water under the Continental Divide to the Arkansas River. Additionally, the SRCA inventory identified 1000+ acres of roadless land extending southward from the WRNF RA [Roadless Area] along the west side of the Holy Cross Wilderness that need to be added to the CRA inventory. (Preservation/Conservation, Denver, CO - #1019.178.63000.640)

6-98 Public Concern: The Forest Service should revise the boundaries of the North Elk Colorado Roadless Area.

TO USE EXISTING ROADS AS BOUNDARIES

[From ATT 1] North Elk Roadless Area

Blanco Ranger District

Location: South of Buford on the west side of the New Castle-Buford Road (FSR [Forest Service Road] 2-245), in Rio

Blanco and Garfield Counties.

CRA [Colorado Roadless Area] Name: North Elk

CRA Acres: 9,900

2001 Name: North Elk

2001 Acres: 10,000

SRCA [Southern Rockies Conservation Alliance] Name: North Elk

SRCA Acres: 18,900

The North Elk Roadless Area is separated by a single road from several of the SRCA-inventoried Roadless Areas (Burro Mountain, Elk Creek and Three Forks) but directly adjacent to none.

Only three short segments of the WRNF [White River National Forest]/CRA Roadless Area boundary are drawn to an actual road. One more short segment follows a private property boundary. Most of the northern boundary follows an ATV [all-terrain vehicle] trail along the East Fork of North Elk Creek. The vast majority of this "Roadless Area" boundary follows the rims of the canyons formed by the East, Middle and West Forks of North Elk Creek. A more proper and accurate Roadless Area boundary for the North Elk landscape (see the SRCA-inventoried North Elk Roadless Area map) [not attached] would be generally bounded by: private land to the north and northwest; segments of the Widow Springs Road (FSR [Forest Service Road] 2-212) and Wear Park Road (FSR 2-214) to the west; the Bar HL (FSR 2-211), Newcastle- Buford (FSR 2-245), Elk Ridge (FSR 2-248), North Elk Cutoff (FSR 2-248) Roads to the South; and the Newcastle Buford Road again to the east. A few extant and necessary system spur roads would need to be cherry stemmed into this overall boundary. (Preservation/Conservation, Denver, CO - #1019.179.63000.001)

6-99 Public Concern: The Forest Service should revise the boundaries of the North Independent A Colorado Roadless Area.

TO REDUCE THE BUFFER ALONG THE BOUNDARY ROADS AND INLCUDE LAND AROUND THE LOST MAN RESERVOIR

[From ATT 1] North Independent A Roadless Area

Aspen Ranger District

Location: East of Aspen, along north side of State Highway 82 in Pitkin County

CRA [Colorado Roadless Area] Name: North Independent A

CRA Acres: 4,500

2001 Name: North Independent A

2001 Acres: 4,500

SRCA [Southern Rockies Conservation Alliance] Name: North Independence A

SRCA Acres: 6,700

The North Independent A Roadless Area is bordered on its northern side by the Hunter-

Fryingpan Wilderness Area. The WRNF [White River National Forest] inventory of this area created an excessive, unnecessary, and arbitrary buffer along the roads that bound the area - up to _ mile along the Smuggler Mountain Road (Pitkin County 21.1) at its north end, and up to _ mile along State Highway 82 along most of its extensive southern boundary. Additionally, it excluded all the roadless land around and

east of the Lost Man Reservoir. The SRCA inventory properly documented all of this land and the CRA inventory needs to do the same. (Preservation/Conservation, Denver, CO - #1019.180.63000.001)

6-100 Public Concern: The Forest Service should revise the boundaries of the North Woody Colorado Roadless Area.

TO INCLUDE CONTIGUOUS UNROADED AREAS IN WOODY CREEK, LITTLE WOODY CREEK, AND COLLINS CREEK WATERSHEDS

[From ATT 1] North Woody Roadless Area

Aspen Ranger District

Location: Northwest of Aspen in Pitkin County

CRA [Colorado Roadless Area] Name: North Woody

CRA Acres: 8,500

2001 Name: North Woody

2001 Acres: 8.500

SRCA [Southern Rockies Conservation Alliance] Name: North Woody

SRCA Acres: 10,000

The WRNF [White River National Forest] and CRA inventories failed to include all plainly contiguous unroaded and unlogged areas in the Woody Creek, Little Woody Creek, and Collins Creek watersheds that comprise the North Woody RA [Roadless Area]. The CRA inventory boundary needs to be extended to match the SRCA North Woody boundary in order to give a complete and accurate accounting of the actual size and shape of this Roadless Area. (Preservation/Conservation, Denver, CO - #1019.181.63000.001)

6-101 Public Concern: The Forest Service should revise the boundaries of the Pagoda Peak Colorado Roadless Area.

TO USE COUNTY ROAD 8 AS THE BOUNDARY

[From ATT 1] Pagoda Peak Roadless Area

Blanco Ranger District

Location: East of Buford on Rio Blanco County border with Routt County and with the Routt NF

boundary, northwest of Ripple Creek Pass

CRA [Colorado Roadless Area] Name: Pagoda Peak

CRA Acres: 9,200

2001 Name: Pagoda Peak

2001 Acres: 9,200

SRCA [Southern Rockies Conservation Alliance] Name: Pagoda Peak

SRCA Acres: 9,300

There are no Wilderness Areas adjacent to the WRNF [White River National Forest] Pagoda Peak RA. However, this area is contiguous with the 57,700 (CRA) acre Routt NF [National Forest] Pagoda Peak RA [Roadless Area], which in turn is contiguous with the 37,700 (WR [White River]) acre Morapos A and B RAs, and the Morapos A RA is contiguous with the SRCA-inventoried 5,000 acre Milk Creek RA. Altogether they constitute a roadless region of 109,500 acres - one of the largest non-Wilderness Roadless Areas in the state of Colorado, almost all of which is mid-elevation forest and grassland.

The differences between the SRCA and WRNF/CRA acreages for the Pagoda Peak RA are due to the WRNF arbitrarily excluding land along Rio Blanco County Road 8 because it lacked what the WRNF deemed proper “wilderness” characteristics - not because it contained roads or other man-made features. The CRA inventory should be amended to use the actual County Road 8 and any Forest System road spurs maintained for full-size vehicle use as its area boundary rather than arbitrary lines drawn by the

WRNF to depict a sense of what might constitute a proper Wilderness boundary. (Preservation/Conservation, Denver, CO - #1019.182.63000.650)

6-102 Public Concern: The Forest Service should revise the boundaries of the Piney Lake Colorado Roadless Area.

TO INCLUDE RED SANDSTONE CREEK AND ITS TRIBUTARIES

[From ATT 1] Piney Lake Roadless Area

Holy Cross Ranger District

Location: North of Vail in Eagle County

CRA [Colorado Roadless Area] Name: Piney Lake

CRA Acres: 900

2001 Name: Piney Lake

2001 Acres: 900

SRCA [Southern Rockies Conservation Alliance] Name: Piney Lake

SRCA Acres: 2,200

The Piney Lake Roadless Area is adjacent to the Eagles Nest Wilderness Area. The WRNF [White River National Forest] and CRA inventory boundaries are crudely and arbitrarily drawn to exclude over 1,000 acres of clearly roadless land, including 3 miles of Red Sandstone Creek and its tributaries, and the associated riparian areas. The CRA inventory boundary needs to be amended to correct this shortcoming, as outlined by the SRCA inventory. (Preservation/Conservation, Denver, CO - #1019.183.63000.001)

6-103 Public Concern: The Forest Service should revise the boundaries of the Porcupine Peak Colorado Roadless Area.

TO INCLUDE AREA AROUND THE ARAPAHOE BASIN SKI AREA

[From ATT 1] Porcupine Peak Roadless Area

Dillon Ranger District

Location: East of Dillon in Summit County

CRA [Colorado Roadless Area] Name: Porcupine Peak

CRA Acres: 7,700

2001 Name: Porcupine Peak

2001 Acres: 8,700

SRCA [Southern Rockies Conservation Alliance] Name: Porcupine Peak

SRCA Acres: 9,500

The Porcupine Peak Roadless Area is adjacent to the Mount Sniktau Roadless Area on the Arapaho National Forest. The WRNF [White River National Forest] inventory boundary excludes 800 acres of roadless and unpermitted land around the Arapahoe Basin Ski Area, and the CRA inventory excludes 1800 such acres. (Preservation/Conservation, Denver, CO - #1019.184.63000.001)

6-104 Public Concern: The Forest Service should revise the boundaries of the Ptarmigan A Colorado Roadless Area.

TO INCLUDE AREAS NORTH OF THE PTARMIGAN WILDERNESS AREA

[From ATT 1] Ptarmigan A Roadless Area

Dillon Ranger District

Location: North and east of Silverthorne in Summit County

CRA [Colorado Roadless Area] Name: Ptarmigan A

CRA Acres: 2,700

2001 Name: Ptarmigan A

2001 Acres: 2,700

SRCA [Southern Rockies Conservation Alliance] Name: Ptarmigan A

SRCA Acres: 4,100

The Ptarmigan A Roadless Area is bordered by the Ptarmigan Wilderness Area along the latter's entire western boundary. The WRNF [White River National Forest] and CRA inventory boundaries fail to include 1400 acres of contiguous roadless lands further north along the western boundary of the Ptarmigan Wilderness. There is no valid reason for this exclusion in the inventory, and these lands, as shown in the SRCA inventory, must be added to the CRA in order to make it complete. The western and northern boundary of this part of the SRCA-inventoried area is formed by the same utility corridor and the same type of large ranch properties that form the western boundary of the current CRA inventory area. (Preservation/Conservation, Denver, CO - #1019.185.63000.001)

6-105 Public Concern: The Forest Service should revise the boundaries of the Ptarmigan B Colorado Roadless Area.

TO EXTEND THE BOUNDARY TO THE FOREST BOUNDARY ON THE WEST AND THE COUNTY ROAD ON THE NORTH

[From ATT 1] Ptarmigan B Roadless Area

Dillon Ranger District

Location: North of Silverthorne in Summit County

CRA [Colorado Roadless Area] Name: Ptarmigan B

CRA Acres: 1,800

2001 Name: Ptarmigan B

2001 Acres: 1,800

SRCA [Southern Rockies Conservation Alliance] Name: Ute Pass

SRCA Acres: 2,500

The Ptarmigan B Roadless Area is bordered on its southern side by the Ptarmigan Wilderness Area and by the Williams Fork Ptarmigan Adjacent RA on the Arapahoe-Roosevelt Forest to the east. In the SRCA inventory, it is also adjacent to the Acorn Creek (Ptarmigan C) RA [Roadless Area] to the south.

The western boundary of the Ptarmigan B RA is an arbitrary line between selected USGS benchmarks _ mile and more from the Forest boundary. All of this excluded land is just as roadless as the included land. Additionally, there is a 1/2 -mile deep arc excluded from the northern boundary along the Ute Pass Road (CR 15) that may contain some abandoned logging roads, but no current system roads. The CRA inventory must be extended to the forest boundary on the west and the county road on the north in order to fully and accurately reflect the actual extent of this Roadless Area. (Preservation/Conservation, Denver, CO - #1019.186.63000.001)

6-106 Public Concern: The Forest Service should revise the boundaries of the Ptarmigan C Colorado Roadless Area.

TO EXTEND THE BOUNDARY TO THE FOREST BOUNDARY ON THE WEST

[From ATT 1] Ptarmigan C Roadless Area

Dillon Ranger District

Location: North of Silverthorne in Summit County

CRA [Colorado Roadless Area] Name: Ptarmigan C

CRA Acres: 900

2001 Name: Ptarmigan C

2001 Acres: 900

SRCA [Southern Rockies Conservation Alliance] Name: Acorn Creek

SRCA Acres: 1,700

The Ptarmigan C Roadless Area is bordered on its eastern side by the Ptarmigan Wilderness Area, and in the SRCA inventory is also adjacent to the Ute Pass (Ptarmigan B) RA [Roadless Area] to the north.

The western boundary of the Ptarmigan CRA is an arbitrary line between selected USGS benchmarks up to _ mile and more from the Forest boundary. All of this excluded land is just as roadless as the included land. The CRA inventory must be extended to the forest boundary on the west in order to fully and accurately reflect the actual extent of this Roadless Area. (Preservation/Conservation, Denver, CO - #1019.187.63000.001)

6-107 Public Concern: The Forest Service should retain the proposed boundaries of the Ptarmigan Hill A Colorado Roadless Area.

[From ATT 1] Ptarmigan Hill A Roadless Area

Holy Cross Ranger District

Location: South Vail Pass in Eagle County

CRA [Colorado Roadless Area] Name: Ptarmigan Hill A

CRA Acres: 13,100

2001 Name: Ptarmigan Hill A

2001 Acres: 13,100

SRCA [Southern Rockies Conservation Alliance] Name: Ptarmigan Ridge

SRCA Acres: 13,600

The Ptarmigan Hill A Roadless Area is bordered on the east by the Ptarmigan B Roadless Area. (Preservation/Conservation, Denver, CO - #1019.188.63000.001)

6-108 Public Concern: The Forest Service should revise the boundaries of the Ptarmigan Hill B Colorado Roadless Area.

TO INCLUDE THE ALPINE RIDGES AND VALLEYS INCLUDED IN THE COLORADO NATURAL HERITAGE PROGRAM

[From ATT 1] Ptarmigan Hill B Roadless Area

Dillon Ranger District

Location: West of the Copper Mountain Ski Area in Summit County

CRA [Colorado Roadless Area] Name: Ptarmigan Hill B

CRA Acres: 7,000

2001 Name: Ptarmigan Hill B

2001 Acres: 7,700

SRCA [Southern Rockies Conservation Alliance] Name: Ptarmigan Ridge

SRCA Acres: 10,500

The Ptarmigan Hill B Roadless Area is bordered on the west by the Ptarmigan A Roadless Area. Near its southern end, the eastern boundary of the CRA departs from its shared boundary with the Ptarmigan A RA [Roadless Area] at Searle Pass, runs ENE [east-northeast] up a ridge to Point 12,596 on Jacque Ridge, then northward down to the bottom of Guller Creek and thence northeast to the Forest Boundary. This excluded area of wild alpine terrain includes 700 acres prescribed in the revised forest plan for ski area development plus some 2,700 acres of alpine ridges and valleys, half of which are within the CNHP [Colorado Natural Heritage Program] Elk Mountain PCA [Potential Conservation Area] (High Biodiversity Value). All of this acreage needs to be restored or added to the CRA inventory in order to fully and accurately reflect the actual extent of this Roadless Area. (Preservation/Conservation, Denver, CO - #1019.189.63000.001)

6-109 Public Concern: The Forest Service should revise the boundaries of the Red Dirt A Colorado Roadless Area.

TO BE CONSISTENT WITH THE SOUTHERN ROCKIES CONSERVATION ALLIANCE BOUNDARY

[From ATT 1] Red Dirt A Roadless Area

Eagle Ranger District

Location: North of Dotsero, off the Eagle County Colorado River Road (CR 301) in Eagle

County, with a few acres at the west end in Garfield County.

CRA [Colorado Roadless Area] Name: Red Dirt A

CRA Acres: 10, 200

2001 Name: Red Dirt A

2001 Acres: 10,200

SRCA [Southern Rockies Conservation Alliance] Name: Red Dirt

SRCA Acres: 12,900

Red Dirt A is adjacent to the Flat Tops Wilderness along its western boundary, and to the BLM Hack Lake WSA [Wilderness Study Area] along the western part of its southern boundary. Through the Hack Lake WSA it also connects to the Sweetwater RA on the WRNF [White River National Forests].

The eastern boundary of the Red Dirt A area appears to be entirely arbitrary in the WRNF and CRA inventories - it follows neither road nor watercourse nor other geographic feature of any kind. Up to that point, the southern boundary follows the Red Dirt Basin Road (FSR [Forest Service Road] 4-611). The SRCA Red Dirt boundary continues to follow 611 east and then north to the Forest boundary, then along this boundary to Eagle County Road 39, northwest along 39 to the South Derby Road (FSR 4-613), then west along 613 to merge again with the WRNF/CRA boundary. (Note: There is a forked cherry stem along the SRCA eastern boundary for FSR 4-611.2A/2D that needs to be realigned to agree with a more recent WRNF road inventory.)

The CRA boundary for this area needs to be readjusted to reflect the ground-based boundary drawn for the SRCA inventory. There is some evidence of logging and traces of old timber roads within this eastern extension, but nothing to deny its roadless character. There is also a significant stand (likely the largest stand on the White River) of Ponderosa Pine in the northeastern part of this extension.

The northern boundary for the WRNF/CRA inventory west of the Big Spring Road (FSR [Forest Service Road] 4-618) has been drawn back from FSR 613 to follow the Lion Basin Ditch. There is no road along the ditch - the Roadless Area boundary should be redrawn to parallel 613 to a point where it merges naturally with the Flat Tops WA [Wilderness Area] boundary, as does the SRCA inventory boundary. (Preservation/Conservation, Denver, CO - #1019.190-191.63000.001)

6-110 Public Concern: The Forest Service should revise the boundaries of the Red Dirt B Colorado Roadless Area.

TO BE CONSISTENT WITH THE SOUTHERN ROCKIES CONSERVATION ALLIANCE BOUNDARY

[From ATT 1] Red Dirt B (Derby) Roadless Area

Eagle Ranger District, with part of the western edge in the Blanco RD

Location: West of Burns, off the Eagle County Colorado River Road (CR 301) via CR 39. Lies

in both Eagle and Garfield Counties.

CRA [Colorado Roadless Area] Name: Red Dirt B

CRA Acres: 2,500

2001 Name: Red Dirt B

2001 Acres: 2,400

SRCA [Southern Rockies Conservation Alliance] Name: Derby

SRCA Acres: 5,000

The western end of the Red Dirt B Roadless Area bounds the Flat Tops Wilderness Area. As with the eastern boundary of Red Dirt A, the eastern boundary of Red Dirt B appears to be entirely arbitrary in the WRNF [White River National Forests] and CRA inventories—it follows neither road nor watercourse nor any other identifiable geographic feature.

As with Red Dirt A, the SRCA inventory boundary follows National Forest roads, the forest boundary, and in this case the boundary of a private inholding. On the north, it is bounded by the Middle Derby Road (FSR [Forest Service Road] 4-612) and the North Derby Road (FSR 4-610). At the eastern end, it abuts the National Forest boundary, then follows the private access Road 4-655 west to the private land boundary, along the northern and western edges of that parcel down to the South Derby Road 613, which it follows to the Flat Tops Wilderness boundary. The CRA Red Dirt B boundary needs to be amended to follow the same logical and identifiable borders as the SRCA-inventoried area. (Preservation/Conservation, Denver, CO - #1019.192.63000.001)

6-111 Public Concern: The Forest Service should revise the boundaries of the Red Mountain Colorado Roadless Area.

TO INCUDE THE LAND SOUTHWEST OF THE SALVATION DITCH

[From ATT 1] Red Mountain Roadless Area

Aspen Ranger District

Location: Directly north of Aspen in Pitkin County

CRA [Colorado Roadless Area] Name: Red Mountain

CRA Acres: 6,500

2001 Name: Red Mountain

2001 Acres: 6,500

SRCA [Southern Rockies Conservation Alliance] Name: Red Mountain

SRCA Acres: 6,800

The Red Mountain Roadless Area adjoins the Hunter-Fryingpan Wilderness at its eastern boundary. The WRNF [White River National Forest] and CRA inventories excluded land southwest of the Salvation Ditch on Red Mountain and left an irregular and unnecessarily large buffer around logging roads on Larkspur Mountain near the wilderness boundary. (Preservation/Conservation, Denver, CO - #1019.193.63000.001)

6-112 Public Concern: The Forest Service should revise the boundaries of the Red Table Colorado Roadless Area.

TO INCLUDE THE AREAS RECOMMENDED BY THE WHITE RIVER NATIONAL FOREST

[From ATT 1] Red Table Roadless Area

Eagle and Sopris Ranger Districts

Location: Between Basalt and Eagle in Eagle County

CRA [Colorado Roadless Area] Name: Red Table

CRA Acres: 39,100

2001 Name: Red Table

2001 Acres: 39,100

SRCA [Southern Rockies Conservation Alliance] Name: Red Table

SRCA Acres: 43,200

The Red Table Roadless Area, properly mapped to show current conditions, adjoins the Basalt Mountain B and the Gypsum Creek Roadless Areas. The CRA inventory boundary for the Red Table Roadless Area excludes three parts of an area that the White River National Forest has recommended for Wilderness designation and is managing as such. The Gypsum Creek RA [Roadless Area] is included in this recommendation and the Red Creek Road (FSR [Forest Service Road] 4-425.1) and a portion of the

Red Table Road (FSR 3-514.1) have been closed to all mechanized and motorized traffic, so that these two areas now adjoin.

The excluded areas that need to be added to the CRA inventory are around FSR 4-457.1 southwest of the L.E.D.E. Reservoir, north of the Leeman Gulch Road 4-417.1, and along the Wilderness section of FSR 3-514.1. Additionally, the SRCA inventory identified over 1,000 acres of contiguous roadless land southeast of the WRNF[White River National Forest]/CRA inventoried area, the majority of which is being managed as deer and elk winter range. The CRA inventory needs to be updated and extended to include all of the areas being managed as Wilderness and the additional SRCA acres in order to fully and accurately reflect the actual extent of this Roadless Area. (Preservation/Conservation, Denver, CO - #1019.194.63000.001)

6-113 Public Concern: The Forest Service should revise the boundaries of the Reno Mountain Colorado Roadless Area.

TO INCLUDE THE AREAS ALONG WEST DIVIDE CREEK ROAD AND IN CAYTON GULCH

[From ATT 1] Reno Mountain Roadless Area

Rifle Ranger District

Location: South of Rifle in Mesa County

CRA [Colorado Roadless Area] Name: Reno Mountain

CRA Acres: 12,400

2001 Name: Reno Mountain

2001 Acres: 12,400

SRCA [Southern Rockies Conservation Alliance] Name: Reno Mountain

SRCA Acres: 12,800

The Reno Mountain Roadless Area adjoins the SRCA Hightower Roadless Area on the Grand Mesa National Forest. The WRNF [White River National Forest] and CRA inventories excluded several hundred acres along the West Divide Creek Road (FSR [Forest Service Road] 800.1) and in Cayton Gulch on the northern side of the Roadless Area for no apparent reason. The SRCA inventory program supports and employs this practical, iterative approach to mapping Roadless Area boundaries. (Preservation/Conservation, Denver, CO - #1019.195.63000.001)

6-114 Public Concern: The Forest Service should revise the boundaries of the Ripple Creek Pass Colorado Roadless Area.

TO INCLUDE THE AREA BETWEEN THE FLAT TOPS WILDERNESS AND THE RIPPLE CREEK PASS AND TRAPPERS LAKE ROADS

[From ATT 1] Ripple Creek Pass Roadless Area

Blanco Ranger District

Location: Between the northern edge of the Flat Tops Wilderness Area and Rio Blanco County

Road 8 at the Ripple Creek Pass between the White River and Routt National Forests

CRA [Colorado Roadless Area] Name: Ripple Creek Pass

CRA Acres: 600

2001 Name: Ripple Creek Pass

2001 Acres: 600

SRCA [Southern Rockies Conservation Alliance] Name: Ripple Creek Pass

SRCA Acres: 1,500

The Ripple Creek Pass RA [Roadless Area] is adjacent to the northern boundary of the Flat Tops Wilderness at the boundary between the White River and Routt National Forests. Across the Routt NF [National Forest] boundary, it is adjacent to the much larger Bunker Basin RA (SRCA 16,100 acres, CRA 12,800 acres.

The WRNF [White River National Forest] excluded the greater part of the area between the Flat Tops Wilderness and the Ripple Creek Pass (CR 8) and Trappers Lake (FSR [Forest Service Road] 2-205) Roads from its roadless inventory because of its proximity to these County and Forest Service roads. This is not a valid criterion for establishing a Roadless Area boundary and needs to be amended. The SRCA boundary that uses these two main roads and the Picket Pin-Lily Pond Trail 1812 at its very southeastern end is the model that the CRA should be following in this case. (Preservation/Conservation, Denver, CO - #1019.196.63000.001)

6-115 Public Concern: The Forest Service should revise the boundaries of the Ryan Gulch Colorado Roadless Area.

TO INCLUDE THE AREA BETWEEN SALT LICK GULCH AND THE FRISCO EXIT OF I-70

[From ATT 1] Ryan Gulch Roadless Area

Dillon Ranger District

Location: On the western edge of Silverthorne in Summit County

CRA [Colorado Roadless Area] Name: Ryan Gulch

CRA Acres: 600

2001 Name: Ryan Gulch

2001 Acres: 600

SRCA [Southern Rockies Conservation Alliance] Name: Ryan Gulch

SRCA Acres: 1,700

The Ryan Gulch Roadless Area is bordered on its western side by the Eagles Nest Wilderness Area. The southern boundaries of the WRNF [White River National Forest] and CRA inventories are arbitrarily truncated at Salt Lick Gulch, when in fact the National Forest Roadless land bordering the Eagles Nest WA [Wilderness Area] here extends all the way to the Frisco exit off I-70. The full extent of this Roadless Area is documented in the SRCA inventory; the CRA inventory for this area needs to be corrected to reflect this actual extent. (Preservation/Conservation, Denver, CO - #1019.197.63000.001)

6-116 Public Concern: The Forest Service should revise the boundaries of the Salt Creek Colorado Roadless Area.

TO INCLUDE THE AREA FROM PORPHYRY MOUNTAIN WEST TO BRUSH CREEK

[From ATT 1] Salt Creek Roadless Area

Eagle Ranger District

Location: Southwest of Edwards in Eagle County

CRA [Colorado Roadless Area] Name: Salt Creek

CRA Acres: 5,600

2001 Name: Salt Creek

2001 Acres: 5,600

SRCA [Southern Rockies Conservation Alliance] Name: Salt Creek

SRCA Acres: 10,600

The Porphyry Road 4-435.1 is, in fact, closed some distance south of the National Forest boundary and so overgrown as to be impassable. This adds some 4,000 acres of contiguous roadless land and critical wildlife habitat from Porphyry Mountain west to Brush Creek to the CRA-inventoried area, including most of the CNHP [Colorado Natural Heritage Program] East Brush Creek PCA [Potential Conservation Area] (High Biodiversity Significance). The CRA inventory for this area needs to be extended to include this entire contiguous area in order to fully and accurately reflect the extent of this Roadless Area. (Preservation/Conservation, Denver, CO - #1019.198.63000.300)

6-117 Public Concern: The Forest Service should revise the boundaries of the Sloan Peak Colorado Roadless Area.

TO INCLUDE AREAS ADJACENT TO THE HUNTER-FRYINGPAN WILDERNESS AREA AND LANDS IN THE RED CANYON AREA

[From ATT 1] Sloan Peak Roadless Area

Aspen and Sopris Ranger Districts

Location: Northwest of Aspen in Pitkin County

CRA [Colorado Roadless Area] Name: Sloan Peak

CRA Acres: 20,000

2001 Name: Sloan Peak

2001 Acres: 20,100

SRCA [Southern Rockies Conservation Alliance] Name: Sloan Peak

SRCA Acres: 31,400

The SRCA-inventoried Sloan Peak Roadless Area is adjacent to the Hunter-Frying Pan Wilderness Area at its eastern end.

There are two major deficiencies in the WRNF [White River National Forest] and CRA inventories of the Sloan Peak Roadless Area. The first is that about 3,000 acres of wild land directly adjacent to the Hunter-Fryingpan Wilderness Area are neither incorporated into the Sloan Peak Roadless Area nor inventoried as a Roadless Area in their own right. The reason given for not including them in the Sloan Peak RA [Roadless Area] is that a string of three privately owned mining claims nearly severs the continuity of public land between the currently-inventoried Sloan Peak RA and the section adjacent to the Hunter-Fryingpan WA [Wilderness Area]. But the southern two of these claims have permanent conservation easements on them and will never be developed, thus the actual roadless character of the land will remain continuous.

The second major exclusion is equally unjustifiable - some 4,000 acres in the Red Canyon area were excluded because of a network of (mostly non-system) motorcycle trails. While such motor recreation would not be permissible in a Wilderness Area, it is specifically allowed in a Roadless Area.

Both of these errors in the WRNF inventory need to be corrected in the CRA inventory in order to make a full and accurate accounting of the extent of roadless land in this area. The Red Canyon section must be added to the Sloan Peak area, and the Porphyry Mountain area (the area east of the mining claims) can be added to either the Sloan Peak or Wildcat Mountain areas, or added to the inventory as a separate area. (Preservation/Conservation, Denver, CO - #1019.199.63000.002)

6-118 Public Concern: The Forest Service should revise the boundaries of the Sweetwater A and B Colorado Roadless Areas.

BECAUSE THE CRITERIA USED TO DETERMINE BOUNDARIES WERE TOO RESTRICTIVE

[From ATT 1] Sweetwater A and B Roadless Areas

Eagle Ranger District

Location: Flat Tops Mountains north of Glenwood Canyon

CRA [Colorado Roadless Area] Name: Sweetwater A and Sweetwater B

CRA Acres: Sweetwater A 11,900, Sweetwater B 4,300, 16,200 total

2001 Name: Sweetwater A and Sweetwater B

2001 Acres: Sweetwater A 11,900, Sweetwater B 4,300, 16,200 total

SRCA [Southern Rockies Conservation Alliance] Name: Sweetwater

SRCA Acres: 21,800

The Sweetwater A Roadless Area is adjacent to the Flat Tops Wilderness along its northern border.

Sweetwater A and B are typical of the White River National Forest's Flat Tops Roadless Areas - their boundaries were determined as much by topography as by constructed roads and delineated land ownership. The clear intent of the WRNF [White River National Forest] roadless inventory here was to select areas considered capable and available for management as Wilderness under the Forest Service's own guidelines. Roadlessness is only the first of the factors that guided the WRNF in its selection of areas and boundaries.

The next was what it calls "defensible" boundaries - boundaries that physically discourage travel by snowmobiles and other off-road vehicles. On the Flat Tops, the "defensible" boundaries are the canyon rims. The broad grasslands and open forest that cover the greater part of the Flat Tops were abandoned to the off-road vehicle users. Since off-road travel by snowmobiles is not prohibited in Roadless Areas, the WRNF's criteria for boundary determination are totally unsuitable for the CRA inventory of the Flat Tops in particular. Sweetwater A alone leaves out 4300 acres of Flat Tops tableland between its official boundary and the nearest roads.

It is incumbent upon the CRA to look past the narrow limits of the WRNF inventory to include all of the identifiable Roadless Areas on the White River—and, most of all, on the Flat Tops—in its State of Colorado roadless inventory. There is little disagreement between the SRCA and CRA inventories over the northern, eastern and western boundaries of Sweetwater A—only 2 irrigation ditches near the Wilderness boundary that were cherry stemmed out as if they were roads. The southern boundary is where the CRA inventory leaves the road—specifically, the Coffee Pot Road (FSR [Forest Service Road] 4-600.1) as the southwestern boundary and the Jack Spring Road (FSR 4-618.1) along the southern boundary. The SRCA inventory does leave a major cherry stem into the area for the Picket Pin Road (FSR 4-641.1). The SRCA inventory uses 618 as the principal southern boundary for Sweetwater B as well. (Preservation/Conservation, Denver, CO - #1019.200-201.63000.002)

6-119 Public Concern: The Forest Service should revise the boundaries of the Tenderfoot Mountain Colorado Roadless Area.

BECAUSE THE CRITERIA USED TO DETERMINE BOUNDARIES WERE TOO RESTRICTIVE

[From ATT 1] Tenderfoot Mountain Roadless Area

Dillon Ranger District

Location: Directly east of Dillon in Summit County

CRA [Colorado Roadless Area] Name: Tenderfoot Mountain

CRA Acres: 8,400

2001 Name: Tenderfoot Mountain

2001 Acres: 8,400

SRCA [Southern Rockies Conservation Alliance] Name: Tenderfoot Mountain

SRCA Acres: 14,400

The WRNF [White River National Forest] and CRA inventories for this area cover only the most pristine portion of this Roadless Area, which leaves out 6,000 roadless acres, most of which is more than _ mile from the nearest road or other development. This deliberate under-inventory by the WRNF needs to be corrected in the CRA in order to reflect fully and accurately the actual extent of roadless land in this area. The SRCA inventory includes most of the Dillon Bay Fen (High Biodiversity Significance) and the Straight Creek (Moderate Biodiversity Significance) CNHP [Colorado Natural Heritage Program] PCAs [Potential Conservation Area]. (Preservation/Conservation, Denver, CO - #1019.202.63000.002)

6-120 Public Concern: The Forest Service should revise the boundaries of the Tenmile Colorado Roadless Area.

BECAUSE THE CRITERIA USED TO DETERMINE BOUNDARIES WERE TOO RESTRICTIVE

[From ATT 1] Tenmile Roadless Area

Dillon Ranger District

Location: Southwest of Frisco, west of Breckenridge in Summit County

CRA [Colorado Roadless Area] Name: Tenmile

CRA Acres: 6,200

2001 Name: Tenmile

2001 Acres: 6,400

SRCA [Southern Rockies Conservation Alliance] Name: Tenmile Range

SRCA Acres: 27,800

The WRNF [White River National Forest] and CRA inventories of the Tenmile Roadless Area cover less than _ of the actual contiguous roadless land in the Tenmile Range. The Wilderness-oriented "defensible boundary" rationale appears to be fully deployed in this case: the entire inventoried area is on the steeper, wind and avalanche-scoured west side of the range where there is no possibility of ski area development or timber harvesting, and no private mining claims to create managerial headaches. These considerations have no application in a true Roadless Area inventory, such as the one conducted by SRCA. The CRA needs to abandon the absurdly restrictive approach to the Tenmile RA [Roadless Area] taken by the Forest Service and extend the inventory boundary to the actual roads and private land and permitted ski area boundaries used in the SRCA inventory. (Preservation/Conservation, Denver, CO - #1019.203.63000.002)

6-121 Public Concern: The Forest Service should revise the boundaries of the Thompson Creek Colorado Roadless Area.

TO ACCOUNT FOR OWNERSHIP AND ROUTE CHANGES

[From ATT 1] Thompson Creek Roadless Area

Sopris and Rifle Ranger Districts

Location: West of Carbondale in Garfield and Pitkin Counties

CRA [Colorado Roadless Area] Name: Thompson Creek

CRA Acres: 18,500

2001 Name: Thompson Creek

2001 Acres: 18,500

SRCA [Southern Rockies Conservation Alliance] Name: Thompson Creek

SRCA Acres: 31,200

The Thompson Creek Roadless Area is adjacent to the Clear Fork Roadless Area on the Gunnison National Forest. In the SRCA inventory, it is also contiguous with the Assignation Ridge and East Willow RAs [Roadless Areas], as well as the SRCA-identified Hayes Creek Roadless Area, forming a network of roadless land covering over 100,000 acres in an area of regional wildlife value.

The WRNF [White River National Forest] and CRA inventories for the Thompson Creek [Roadless] Area fail to account for changes in land ownership and route designations that have occurred since the WRNF inventory was initiated over ten years ago. In that time, the US government has acquired large tracts of land from the defunct coal mine in Coal Basin west of Redstone, effectively connecting areas of National Forest land previously separated by private holdings. Additionally, as the mine was decommissioned, many miles of mine roads were closed and reclaimed, which also served to consolidate and connect the Roadless Areas. The more recently conducted SRCA inventory (2004) takes these changes into account and should guide the necessary corrections and additions to the CRA inventory. (Preservation/Conservation, Denver, CO - #1019.204.63000.600)

6-122 Public Concern: The Forest Service should revise the boundaries of the Tigiwon Colorado Roadless Area.

TO BRING THE BOUNDARY DOWN TO EAGLE RIVER

[From ATT 1] Tigiwon Roadless Area

Holy Cross Ranger District

Location: South of Minturn along US 24 in Eagle County

CRA [Colorado Roadless Area] Name: Tigiwon

CRA Acres: 2,000

2001 Name: Tigiwon

2001 Acres: 2,000

SRCA [Southern Rockies Conservation Alliance] Name: Tigiwon

SRCA Acres: 3,800

The Tigiwon Roadless Area is adjacent to the Holy Cross Wilderness Area. The northern boundary of the WRCP and CRA inventories bears no relationship to roads or the forest boundary, but consists of a series of cartographic lines between obscure landmarks. Peterson Creek Road (FSR [Forest Service Road] 7-706), is virtually abandoned and closed to all but foot traffic, so it should be incorporated into the Roadless Area as well. This brings the Tigiwon RA [Roadless Area] boundary down to the Eagle River, excepting privately held mining claims along and just above the river. The CRA inventory boundary needs to be extended to show the actual extent of roadless land in this area, as illustrated by the SRCA Tigiwon inventory. (Preservation/Conservation, Denver, CO - #1019.205.63000.001)

6-123 Public Concern: The Forest Service should revise the boundaries of the Treasure Mountain Colorado Roadless Area.

TO BE CONSISTENT WITH THE SOUTHERN ROCKIES CONSERVATION ALLIANCE INVENTORY BOUNDARIES

[From ATT 1] Treasure Mountain Roadless Area

Sopris Ranger District

Location: Southeast of Marble in Gunnison County

CRA [Colorado Roadless Area] Name: Treasure Mountain

CRA Acres: 1,500

2001 Name: Treasure Mountain

2001 Acres: 1,500

SRCA [Southern Rockies Conservation Alliance] Name: Treasure Mountain

SRCA Acres: 3,800

The Treasure Mountain Roadless Area is adjacent to the Raggeds Wilderness Area. The WRNF [White River National Forest] and CRA inventory boundaries bear no relation to roads, private parcels, or even the topography in the Treasure Mountain area, but consist of straight lines between highpoints in the upper part of the basin. As a result, the point on the northern boundary closest to the Crystal River Road (FSR [Forest Service Road] 3-314.1) is still _ mile away and 2,000' above it. From the easternmost point on the boundary, it is _ mile due east to the end of the North Pole Basin Road (FSR 3-314.3P).

The rationale for this severely truncated boundary was the potential for snowmobile and ORV trespass into the area - a questionable argument since most of the excluded area consists of 30-45 degree slopes scoured by avalanche paths. In spite of this harsh terrain, some of the lower slopes of Treasure Mountain are covered with inactive mining claims that the SRCA inventory used as its boundary wherever the National Forest land doesn't reach all the way to the Crystal River Road. The CRA inventory needs to adopt this approach to fully and accurately account for the actual extent of roadless land on Treasure Mountain. (Preservation/Conservation, Denver, CO - #1019.206.63000.001)

6-124 Public Concern: The Forest Service should revise the boundaries of the Wildcat Mountain B Colorado Roadless Area.

TO INCLUDE THE AREA NORTHWEST OF NAST ON THE FRYINGPAN RIVER

[From ATT 1] Wildcat Mountain B Roadless Area

Sopris Ranger District

Location: East of Basalt near the headwaters of the Fryingpan River in Pitkin County

CRA [Colorado Roadless Area] Name: Wildcat Mountain B

CRA Acres: 2,300

2001 Name: Wildcat Mountain B

2001 Acres: 2,300

SRCA [Southern Rockies Conservation Alliance] Name: Wildcat Mountain

SRCA Acres: 2,400

The Wildcat Mountain B Roadless Area is adjacent to the Hunter-Fryingpan Wilderness Area. The SRCA inventory includes a small area northwest of Nast on the Fryingpan River that was once subjected to timber thinning. Because this area excluded in the WRNF [White River National Forest] and CRA inventories straddles the river and includes wetland areas, it is appropriate to manage it as a Roadless Area in the future, and it should be added to the CRA inventory. (Preservation/Conservation, Denver, CO - #1019.208.63000.001)

6-125 Public Concern: The Forest Service should revise the boundaries of the Wildcat Mountain C Colorado Roadless Area.

TO EXTEND THE SOUTHERN AND WESTERN BOUNDARIES

[From ATT 1] Wildcat Mountain C Roadless Area

Sopris Ranger District

Location: East of Basalt near the headwaters of the Fryingpan River in Pitkin County

CRA [Colorado Roadless Area] Name: Wildcat Mountain C

CRA Acres: 4,700

2001 Name: Wildcat Mountain C

2001 Acres: 4,700

SRCA [Southern Rockies Conservation Alliance] Name: Wildcat Mountain

SRCA Acres: 6,100

The Wildcat Mountain C Roadless Area is adjacent to the Hunter-Fryingpan Wilderness Area and to the Mount Massive Roadless Area on the Pike-San Isabel NF [National Forest].

The WRNF [White River National Forest] and CRA inventories of this area excluded two large parcels of roadless land that should properly be included in Wildcat Mountain C. The WRNF inventory used two underground tunnels - the Charles H Boustead water diversion tunnel and the historic Hagerman railroad tunnel - to artificially truncate the Roadless Area at its south end. On the west side, a long strip between the Hunter-Fryingpan Wilderness boundary and FSR [Forest Service Road] 3-505.1 needs to be added to the CRA inventory. The Colorado Natural Heritage Program includes almost all of this extension in its High Biodiversity Significance Fryingpan River PCA [Potential Conservation Area]. On the eastern side, the Wildcat Mountain CRA is adjacent to the Mount Massive RA [Roadless Area] on the Pike-San Isabel National Forest, and both are adjacent to an area of land between the Ivanhoe Lake Road (Pitkin County 4I) and a powerline corridor. This piece should also be added to the CRA inventory. (Preservation/Conservation, Denver, CO - #1019.209.63000.001)

6-126 Public Concern: The Forest Service should revise the boundaries of the Williams Fork Colorado Roadless Area.

TO INCLUDE THE AREA IN COX GULCH

[From ATT 1] Williams Fork Roadless Area

Dillon Ranger District

Location: North of Silverthorne and east of Route 9 between Ute Pass and the north end of the Green Mountain Reservoir.

CRA [Colorado Roadless Area] Name: Williams Fork

CRA Acres: 6,600

2001 Name: Williams Fork

2001 Acres: 6,600

SRCA [Southern Rockies Conservation Alliance] Name: Williams Fork

SRCA Acres: 8,800

The Williams Fork Roadless Area on the White River National Forest mirrors but never actually joins with the Copper Mountain Roadless Area on the Arapaho-Roosevelt NF [National Forest] side of the Williams Fork Mountains.

The WRNF [White River National Forest]/CRA inventory matches _ of the SRCA inventory almost exactly. The big difference is 2000+ unroaded acres between FSR [Forest Service Road] 5-2850W.1 in Cox Gulch and the White River/Arapahoe-Roosevelt boundary 2_ mile to the north. There are no apparent roads or other reasons to terminate the boundary at Cox Gulch. The CRA inventory needs to be amended to include all the roadless land on the west side of Williams Peak.

The WRNF inventory totally failed to account for a smaller Roadless Area (approximately 3500 acres) that does adjoin the Copper Mountain RA [Roadless Area] on the ARNF [Arapahoe-Roosevelt National Forest]. The eastern boundary of the Williams Fork RA is formed largely by a powerline and its service road that cuts across the range and down into the Blue River Valley. Between the powerline and the WR/AR [White River/Arapahoe-Roosevelt] boundary lie Eagle Roost Mountain and most of the Pass Creek Watershed. This area was identified too late to field-check and include in the SRCA inventory. The CRA can amend this oversight by verifying the apparent roadless character of this area and adding it to the Copper Mountain RA. (Preservation/Conservation, Denver, CO - #1019.210.63000.001)

6-127 Public Concern: The Forest Service should revise the boundaries of the Woods Lake Colorado Roadless Area.

TO INCLUDE THE LAND IN THE EAST BRUSH CREEK WATERSHED

[From ATT 1] Woods Lake Roadless Area

Sopris and Eagle Ranger Districts

Location: South of Eagle in Eagle and Pitkin Counties

CRA [Colorado Roadless Area] Name: Woods Lake

CRA Acres: 9,500

2001 Name: Woods Lake

2001 Acres: 9,500

SRCA [Southern Rockies Conservation Alliance] Name: Woods Lake

SRCA Acres: 14,300

The Woods Lake Roadless Area is bordered by the Holy Cross Wilderness on its eastern side. The WRNF [White River National Forest] roadless inventory failed to include almost 5,000 acres of roadless land in the East Brush Creek watershed south and east of Fulford that is both adjacent to the Holy Cross WA [Wilderness Area] and contiguous with the land included in the inventory. The CRA inventory needs to be extended northward to include this section outlined in the SRCA inventory in order to fully and accurately represent all of the roadless land in this area. (Preservation/Conservation, Denver, CO - #1019.211.63000.001)

6-128 Public Concern: The Forest Service should remove the area around the West Elk Mine from the Roadless Area inventory.

BECAUSE THIS AREA HAS A LONG HISTORY OF MINING

The Colorado Roadless Area inventory is based upon criteria contained in Forest Service Handbook 1909.12 - Land Management Planning Handbook; Chapter 70 - Wilderness Evaluation. Under 71.11 - Criteria for Including Improvements it states:

"Areas may qualify for the inventory of potential wilderness even though they include the following types of areas or features:

"4. Evidence of historic mining (50+years ago). Do not include areas of significant current mineral activity, including prospecting with mechanical or motorized earthmoving equipment. The inventory may include areas where the only evidence of prospecting is holes that have been drilled without access roads to the site."

The vicinity around the West Elk Mine has a long history of exploration, drilling, development and production. Arguably, the coal-bearing lands around the West Elk Mine should be removed from the Roadless Area inventory. The Forest Service should carefully scrutinize the Roadless Areas in and around the coal fields in the North Fork Valley and remove those lands from the inventory that don't meet the definition in the Handbook. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Grand Junction, CO - #798.2.63000.160)

The Colorado Roadless Area inventory is based upon criteria contained in Forest Service Handbook 1909.12 – Land Management Planning Handbook: Chapter 70 – Wilderness Evaluation. Under 71.11 - Criteria for Including Improvements it states:

"Areas may qualify for the inventory of potential wilderness even though they include the following types of areas or features: Evidence of historic mining (50-years ago). Do not include areas of significant current mineral activity, including prospecting with mechanical or motorized earthmoving equipment. The inventory may include areas where the only evidence of prospecting is holes that have been drilled without access roads to the site."

As noted in the previous comment letters submitted by CMA [Colorado Mining Association] and others during the past 10 years of Roadless Rule consideration, the vicinity around the West Elk Mine has a long history of exploration, drilling, development, and production. Arguably, the coal-bearing lands around West Elk Min should be removed from Roadless Area inventory.

And, although not submitted in areas considered by the Task Force, another 1.1 billion tons of coal in the Pagosa Springs coalfield in San Juan National Forest Roadless Areas will remain closed to coal development under the Colorado Rule, a fact acknowledged by the Regulatory Impact Analysis, the Risk Assessment, and DEIS. (Mining Industry/Association (locatable), Denver, CO - #839.3.63000.422)

White River National Forest

6-129 Public Concern: The Forest Service should revisit the inventory of the White River National Forest.

BECAUSE SEVERAL AREAS THAT SHOULD BE INCLUDED WERE NOT

[From ATT 1] The WRNF [White River National Forest] roadless inventory failed to identify, among other areas, a number of smaller Roadless Areas on the White River that adjoin larger areas on other Forests, particularly along the Continental Divide between Hoosier Pass and Loveland Pass on the Dillon Ranger District. Recognizing and appropriately managing these areas is vital to protect wildlife corridors along and across the Divide, as several of these areas have considerable biological significance. (Preservation/Conservation, Denver, CO - #1019.212.63000.350)

6-130 Public Concern: The Forest Service should revise the boundaries of the Ashcroft Colorado Roadless Area.

TO USE THE BOUNDARIES DEVELOPED BY THE SOUTHERN ROCKIES CONSERVATION ALLIANCE

[From ATT 1] Ashcroft Roadless Area

Aspen Ranger District

Location: South of Aspen in Castle Creek in Pitkin County

CRA [Colorado Roadless Area] Name: Ashcroft

CRA Acres: 900

2001 Name: Ashcroft

2001 Acres: 900

SRCA [Southern Rockies Conservation Alliance] Name: Ashcroft

SRCA Acres: 1,300

The Ashcroft Roadless Area is adjacent to the Maroon Bells-Snowmass Wilderness. The 400-acre difference between the WRNF [White River National Forest] and CRA inventories and the SRCA inventory all lies below 10,000 feet elevation - the line the Forest Service arbitrarily selected as the eastern (lower) boundary of the Roadless Area, even though at one point it is 500 yards away from and 600 feet above the nearest road. The SRCA inventory started from the Castle Creek Road (Pitkin County CR 15) and any spurs and structures off of it, and then properly included everything above those developments as roadless. The Forest Service must revisit this Roadless Area and redraw its boundaries based on the approach taken by the SRCA inventory. (Preservation/Conservation, Denver, CO - #1019.134.63000.001)

6-131 Public Concern: The Forest Service should revise the boundaries of the Assignation Ridge Colorado Roadless Area.

TO INCLUDE AREAS ON THE WESTERN BOUNDARY

[From ATT 1] Assignation Ridge Roadless Area

Sopris Ranger District

Location: Southwest of Carbondale in Pitkin County

CRA [Colorado Roadless Area] Name: Assignation Ridge

CRA Acres: 13,300

2001 Name: Assignation Ridge

2001 Acres: 13,300

SRCA [Southern Rockies Conservation Alliance] Name: Assignation Ridge

SRCA Acres: 17,700

While the WRNF [White River National Forest] and CRA inventories agree with the SRCA inventory on the northern, eastern, and southern boundaries, they are 1/3 to 2 miles apart on the western boundary. The difference is over their treatment of the Braderich Creek Trail, FST 3-1952.1. The Forest Service wanted to leave this locally popular mountain bike route out of a forest plan recommended Wilderness Area, while the SRCA inventory simply sought to demarcate the actual extent of the Roadless Area. To fulfill its own purposes, the CRA inventory needs to adopt the SRCA approach, which will lead to an Assignation Ridge Roadless Area that is 30 percent larger and adjoins the Thompson Creek Roadless Area. (Preservation/Conservation, Denver, CO - #1019.135.63000.540)

6-132 Public Concern: The Forest Service should revise the boundaries of the Baldy Mountain Colorado Roadless Area.

TO REMOVE THE CHERRY-STEMMED TRAIL, NARROWING THE CORRIDOR AROUND ROADS 812.1G AND 812.1H, AND MOVING THE NORTHERN BOUNDARY

[From ATT 1] Baldy Mountain Roadless Area

Rifle Ranger District

Location: South of Silt in Mesa County

CRA [Colorado Roadless Area] Name: Baldy Mountain

CRA Acres: 6,000

2001 Name: Baldy Mountain

2001 Acres: 6,000

SRCA [Southern Rockies Conservation Alliance] Name: Baldy Mountain

SRCA Acres: 7,300

The WRNF [White River National Forest] and CRA inventory boundaries contain a cherry stem for an uninventoried trail, enlarge another to exclude a natural escarpment that looks like a road in an aerial photograph, and truncate its northern boundary at a pipeline with no road along it. The CRA inventory should correct these errors by removing the stem into the western boundary, narrowing the stem around FSR [Forest Service Road] 812.1G and 812.1H, and moving the northern boundary out to FSR 8-800.1 and FSR 8-12.1 (Preservation/Conservation, Denver, CO - #1019.136.63000.001)

6-133 Public Concern: The Forest Service should revise the boundaries of Basalt Mountain A Colorado Roadless Area.

TO BRING THE BOUNDARY BACK TO FOREST SERVICE ROAD 3-524

[From ATT 1] Basalt Mountain A Roadless Area

Sopris Ranger District

Location: North of Basalt in Eagle County

CRA [Colorado Roadless Area] Name: Basalt Mountain A

CRA Acres: 14,000

2001 Name: Basalt Mountain A

2001 Acres: 14,000

SRCA [Southern Rockies Conservation Alliance] Name: Basalt Mountain

SRCA Acres: 14,500

The Basalt Mountain A Roadless Area is adjacent to the Basalt Mountain B Roadless Area. The CRA boundary needs to be brought back to FSR [Forest Service Road] 3-524.1A in the area where the WRNF inventory boundary departs more than _[a] mile north from that road to follow the escarpment at the north end of Basalt Mountain's summit plateau. (Preservation/Conservation, Denver, CO - #1019.137.63000.001)

6-134 Public Concern: The Forest Service should revise the boundaries of the Basalt Mountain B Colorado Roadless Area.

TO INCLUDE BASALT MOUNTAIN C ROADLESS AREA

[From ATT 1] Basalt Mountain B Roadless Area

Sopris Ranger District

Location: North of Basalt in Eagle County

CRA [Colorado Roadless Area] Name: Basalt Mountain B

CRA Acres: 7,400

2001 Name: Basalt Mountain B

2001 Acres: 7,400

SRCA [Southern Rockies Conservation Alliance] Name: Basalt Mountain

SRCA Acres: 13,000

The Basalt Mountain B Roadless Area is adjacent to the Basalt Mountain A Roadless Area and the Lake Christine State Wildlife Area, and should properly be adjoined to the Red Table Roadless Area. The route separating Basalt Mountain B and Red Table (Taylor Creek Road FSR [Forest Service Road] 3-510.1) is permanently closed to vehicular use.

At its northwestern end, the CRA inventory boundary departs _ of a mile from the nearest road (FSR 3-524.1). The WRNF eliminated from its inventory an entire Roadless Area, Basalt Mountain C, which extended westward almost 2 miles from Basalt Mountain B to the National Forest boundary. The SRCA inventory includes these areas; its bounds should be adopted to correct this error and give greater protection to this ecologically rich area and its critical wildlife habitat. Also, the boundary with the Red Table RA [Roadless Area] needs to be updated. (Preservation/Conservation, Denver, CO - #1019.138.63000.330)

6-135 Public Concern: The Forest Service should revise the boundaries of the Berry Creek Colorado Roadless Area.

TO INCLUDE THE 200 ACRES AROUND FOREST ROAD 7-700W.2B

[From ATT 1] Berry Creek Roadless Area

Holy Cross Ranger District

Location: North of Avon in Eagle County

CRA [Colorado Roadless Area] Name: Berry Creek

CRA Acres: 8,600

2001 Name: Berry Creek

2001 Acres: 8,600

SRCA [Southern Rockies Conservation Alliance] Name: Berry Creek

SRCA Acres: 8,800

The WRNF [White River National Forest] and CRA inventories exclude 200 acres around the spur road FSR [Forest Service Road] 7-700W.2B. There may have been some timber thinning in this area but it is not readily apparent, and there is no reason to exclude this area from the CRA inventory, which needs to be adjusted accordingly. (Preservation/Conservation, Denver, CO - #1019.139.63000.261)

6-136 Public Concern: The Forest Service should revise the boundaries of the Big Ridge to South Fork A Colorado Roadless Area.

TO BE CONSISTENT WITH THE SOUTHERN ROCKIES CONSERVATION ALLIANCE INVENTORY BOUNDARIES

[From ATT 1] Big Ridge to South Fork A Roadless Area

Blanco Ranger District

Location: South of Buford, southeast of Meeker along the northern and western boundaries of

the Flat Tops Wilderness in Rio Blanco County

CRA [Colorado Roadless Area] Name: Big Ridge to South Fork A

CRA Acres: 35,400

2001 Name: Big Ridge to South Fork A

2001 Acres: 35,300

SRCA [Southern Rockies Conservation Alliance] Name: Big Ridge - South Fork

SRCA Acres: 37,700

(Note: The WRNF and CRA inventories use a different boundary line between these adjacent areas than does the SRCA inventory. The SRCA boundary is a short border at the geographic pinch point along the South Fork of the White River; the others continue the boundary up the opposite side of the canyon along the Cliff Lakes drainage and one of its tributaries. Acreage numbers, therefore, are not exactly equivalent.)

The southern-eastern boundary of Big Ridge to South Fork A is entirely adjacent to the Flat Tops Wilderness, and its southern end is adjacent to the Big Ridge to South Fork B Roadless Area.

The WRNF and CRA inventories exclude six significant portions of National Forest land for reasons unrelated to actual roadlessness, such as range improvements, past timber thinning, lack of solitude, and off-road motorized travel. The SRCA boundary is based on inventoried roads and the National Forest boundary, and should be used as a model for correcting the CRA boundary in the Big Ridge, Marvine Campground, Yellowhorse, Ute Creek, Crooks Park, Baily Lake, JK Ridge and Hiner Spring areas. (Preservation/Conservation, Denver, CO - #1019.140.63000.002)

6-137 Public Concern: The Forest Service should revise the boundaries of Big Ridge to South Fork B Colorado Roadless Area.

TO INCLUDE THE BURRO MOUNTAIN/GREENSTREET AREA

[From ATT 1] Big Ridge to South Fork B Roadless Area

Blanco Ranger District, with a few acres in the Rifle District

Location: Directly south of Buford. The New Castle-Buford Road (FSR [Forest Service Road] 2-245) runs along its

western boundary.

CRA [Colorado Roadless Area] Name: Big Ridge to South Fork B

CRA Acres: 6,000

2001 Name: Big Ridge to South Fork B

2001 Acres: 6,000

SRCA [Southern Rockies Conservation Alliance] Name: Burro Mountain

SRCA Acres: 14,600

The Big Ridge to South Fork B RA [Roadless Area] is adjacent to Big Ridge to South Fork A RA. (Note: The SRCA Burro Mountain RA boundary includes the Hiner Spring area at its southeast end, which is adjacent to the Flat Tops Wilderness Area. The WRNF [White River National Forest] and CRA boundaries include this area in Big Ridge to South Fork A, so Big Ridge to South Fork B in these inventories doesn't reach to the Flat Tops WA [Wilderness Area].)

The Burro Mountain/Greenstreet exclusion from the Big Ridge to South Fork B RA is large enough to stand as a Roadless Area on its own, and is totally unjustifiable. The existence of a few off-road vehicle trails within an area in no way disqualifies it from the [inventory]. We note that: the WRNF Pagoda Peak RA has a major ATV [all-terrain vehicle] route, the Pagoda Lake Trail (FST 2- 1804), running through the heart of it. The forested flanks of Burro Mountain and the mixed forest-grassland plateau that forms its summit are quintessential expressions of the Flat Tops landscape - rich in beauty, solitude and forest and wildlife values.

The general boundary for the Big Ridge to South Fork B/Burro Mountain RA should be the Blair Mountain Road (FSR [Forest Service Road] 601) to the south and the New Castle-Buford Road (FSR 2-245) to the west, as is the case with the SRCA Burro Mountain RA. (Preservation/Conservation, Denver, CO - #1019.141.63000.206)

6-138 Public Concern: The Forest Service should revise the boundaries of the Black Lake East Colorado Roadless Area.

TO ADD LAND SOUTH OF MCKINLEY GULCH

[From ATT 1] Black Lake East Roadless Area

Dillon Ranger District

Location: Gore Mountains north of Silverthorne near the Green Mountain Reservoir

CRA [Colorado Roadless Area] Name: Black Lake East

CRA Acres: 700

2001 Name: Black Lake East

2001 Acres: 700

SRCA [Southern Rockies Conservation Alliance] Name: Black Lake East

SRCA Acres: 1,200

The Black Lake East Roadless Area is adjacent to the Eagles Nest Wilderness Area along its southwestern boundary.

The SRCA inventory found an additional 500 acres of contiguous roadless land south of McKinley Gulch and added it to the WRNF [White River National Forest] inventoried area. Terminating the boundary of the Roadless Area at McKinley Gulch appears to be entirely arbitrary and the CRA needs to extend its inventoried area to include the entire SRCA-inventoried area. (Preservation/Conservation, Denver, CO - #1019.142.63000.001)

6-139 Public Concern: The Forest Service should revise the boundaries of the Blair Mountain Colorado Roadless Area.

BECAUSE THE CRITERIA USED WERE TOO RESTRICTIVE

[From ATT 1] Blair Mountain Roadless Area

Rifle Ranger District

Location: Flat Tops Mountains north of Glenwood Springs

CRA [Colorado Roadless Area] Name: Blair Mountain

CRA Acres: 500

2001 Name: Blair Mountain

2001 Acres: 500

SRCA [Southern Rockies Conservation Alliance] Name: Blair Mountain

SRCA Acres: 1,700

The Blair Mountain Roadless Area is adjacent to the Flat Tops Wilderness along its eastern and northern border.

The Blair Mountain Roadless Area exemplifies, on a small scale, the difference between applying the "defensible boundary" principle used by the White River National Forest to inventory as roadless only those areas where the terrain itself prevents Wilderness-incompatible uses such as snowmobiling and other off-road vehicle use, and sticking to the roads to determine the Roadless Area boundaries. The SRCA road-based inventory has over three times the acreage of the WRNF and CRA inventoried area. From southeast to north, the SRCA Blair Mountain RA [Roadless Area] is bounded consecutively by: the Blair Overlook (FSR [Forest Service Road] 8-601.2E), Blair Mountain (FSR 8-601.1), Cow Lake (FSR 601.2F), Bench (FSR 8-647.1), FSR 647.1A, and again the 647.1 Roads. (Preservation/Conservation, Denver, CO - #1019.143.63000.530)

6-140 Public Concern: The Forest Service should revise the boundaries of the Boulder Colorado Roadless Area.

TO BE CONSISTENT WITH THE SOUTHERN ROCKIES CONSERVATION ALLIANCE INVENTORY

[From ATT 1] Boulder Roadless Area

Dillon Ranger District

Location: North of Silverthorne in Summit County

CRA [Colorado Roadless Area] Name: Boulder

CRA Acres: 1,300

2001 Name: Boulder

2001 Acres: 1,300

SRCA [Southern Rockies Conservation Alliance] Name: Boulder

SRCA Acres: 1,500

The Boulder Roadless Area is adjacent to the Eagles Nest Wilderness. The CRA inventory needs to be adjusted to follow FSR [Forest Service Road] 5-1376.1 and FSR 1376.1D for the full length of its northern boundary, as does the SRCA inventory. (Preservation/Conservation, Denver, CO - #1019.144.63000.001)

6-141 Public Concern: The Forest Service should revise the boundaries of the Burning Bear Colorado Roadless Area.

TO INCLUDE THE GENEVA PEAK COLORADO ROADLESS AREA

[From ATT 1] Geneva Peak Roadless Area

Dillon Ranger District

Location: East of Breckenridge in Summit County

SRCA [Southern Rockies Conservation Alliance] Name: Geneva Peak

SRCA Acres: 1,600

The Geneva Peak Roadless Area is adjacent to the Burning Bear Roadless Area on the Pike-San Isabel National Forest.

The CNHP [Colorado Natural Heritage Program] Sullivan Mountain Potential Conservation Area (High Biodiversity Significance) straddles the Continental Divide between the Geneva Peak and the Burning Bear Roadless Areas. The Montezuma PCA [Potential Conservation Area] (High Biodiversity Significance) touches it on the west site and it is adjacent to the Collier Mountain PCA (High Biodiversity Significance) to the north and the Handcart Gulch PCA (Very High Biodiversity Significance) to the south.

It is incumbent on the CRA [Colorado Roadless Area] inventory to add the area of the SRCA Geneva Peak RA [Roadless Area] to its current Burning Bear Roadless Area. (Preservation/Conservation, Denver, CO - #1019.218.63000.001)

6-142 Public Concern: The Forest Service should include Chicago Ridge and Frenchman Creek in the list of Colorado Roadless Areas.

ATT 1: Additional areas recommended for the roadless inventory: Chicago Ridge, Frenchman Creek. (Preservation/Conservation, Florissant, CO - #4.13.62000.001)

Additions to the Inventory

Grand Mesa, Uncompahgre and Gunnison National Forests

6-143 Public Concern: The Forest Service should include the 25 Mesa area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Roadless Areas that were omitted altogether and should be added to the inventory.

The 25 Mesa area is in the Ouray Ranger District southwest of Delta, west of the Roubideau Area, and north of Columbine Pass. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 5,200 acres. The 25 Mesa area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The 25 Mesa area is bounded on the north by Forest Road 504, on the west by Forest Road 529, on the south by Forest Road 402, on the southeast by (closed) Forest Roads 402.7D and 503.3D, and on the east by Forest Road 503 with private inholdings and spur roads excluded.

The 25 Mesa area includes the headwaters of Cottonwood Creek, a tributary of the Gunnison River. Vegetation in the 25 Mesa area includes ponderosa pine, aspen, mixed conifer, spruce-fir forests, and gamble oak. Elk have calves in this area, and black bear concentrate in this area in the fall. Potential habitat for lynx is found in this area. Colorado River cutthroat trout are found in nearby Roubideau Creek.

The first SRCA inventory for the 25 Mesa area included land west of Forest Road 529 but that portion is not included in the description above because the roadless land there is not large enough to meet the criteria for a stand-alone Roadless Area. (Preservation/Conservation, Denver, CO - #1019.84.63000.002)

6-144 Public Concern: The Forest Service should include the Bear Creek area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Roadless Areas that were omitted altogether and should be added to the inventory.

The Bear Creek area is in the Ouray Ranger District, directly east of the Town of Ouray and directly adjacent to the Uncompahgre Wilderness Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 11,100 acres (8,600 acres managed by the Forest Service and the remainder is private inholdings and mining claims). The Bear Creek area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Bear Creek area is bounded on the northeast by Forest Road 872, on the west by U.S. Highway 550 and the city of Ouray, on the southwest by Forest Road 878, on the east by the forest boundary (with BLM) and by the Uncompahgre Wilderness. Forest Roads 871, 871.2B, 855, and 855.1A are excluded from the area.

Many creeks that flow into the Uncompahgre River flow through this area including Dexter Creek, Bridalveil Creek, Skyrocket Creek, Cascade Creek, Bear Creek, Climax Creek, and Diamond Creek. Bridge of Heaven Peak at 12,368 is on the eastern boundary of this area. Diverse vegetation types are found in this area including alpine bedrock, alpine riparian shrubland, alpine tundra, spruce-fir forest, aspen forest, and sagebrush steppe. Bighorn sheep have lambs in this area and elk concentrate in this area in the winter. Colorado River cutthroat trout are found in the upper watershed of the Uncompahgre River which includes this area. Potential habitat for lynx is found in this area. Recreational opportunities in this area include the Bear Creek National Recreation Trail. (Preservation/Conservation, Denver, CO - #1019.85.63000.002)

6-145 Public Concern: The Forest Service should include the Bear Pen Gulch area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Roadless Areas that were omitted altogether and should be added to the inventory.

The Bear Pen Gulch area is in the Ouray Ranger District southwest of Delta and northwest of Columbine Pass. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 9,200 acres. This area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Bear Pen Gulch area is bounded on the north by Forest Roads 500 and 501, on the west and south by Forest Road 402; on the southeast and east by Forest Roads 507 and 507.1A that access the private inholding described below; and on the east by Forest Road 504. The private inholding containing Dillard and Lockhart cow camps are excluded from the area.

Bull Pen Gulch and the East Fork of Escalante Creek and their tributaries originate in this area and flow into the Gunnison River. Windy Point at 9,564 feet is at the southeast corner of this area. The vegetation in this area includes ponderosa pine, aspen, sagebrush steppe, gamble oak, mixed conifer, and spruce-fir woodlands. Elk have calves in this area and black bear concentrate here in the fall. Potential habitat for

lynx is found in this area. Recreational opportunities in this area include the Bear Pen Gulch Trail. (Preservation/Conservation, Denver, CO - #1019.86.63000.002)

6-146 Public Concern: The Forest Service should include the Big Bucktail Creek area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Roadless Areas that were omitted altogether and should be added to the inventory.

The Big Bucktail Creek area is in the Norwood Ranger District, northwest of Norwood and south of the Tabeguache Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 7,600 acres. The Big Bucktail Creek area is directly adjacent to SRCA inventoried roadless land managed by the BLM for a total of 11,400 roadless acres. The Big Bucktail Creek area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Big Bucktail Creek area is bounded on the north by Forest Road 503 (the Delta-Nucla road), on the south by the national forest boundary, on the southeast by Forest Road 614 and on the west by Forest Road 604. Forest Road 604.1A and private property are excluded from the area.

Big Bucktail Creek, Bucktail Creek and Little Bucktail Creek all have their headwaters in this area and flow into the San Miguel River. Vegetation types found in this area include pinyonjuniper woodland, ponderosa pine forest, and gamble oak shrubland. Wild turkeys nest in this area and black bears concentrate here in the fall. Elk concentrate in the BLM portion of this area in the winter. Recreational opportunities in this area include the Big Bucktail Trail. (Preservation/Conservation, Denver, CO - #1019.87.63000.002)

6-147 Public Concern: The Forest Service should include the Big Dominguez Creek area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Roadless Areas that were omitted altogether and should be added to the inventory.

The Big Dominguez Creek area is in the Grand Valley Ranger District west of Delta, south of Unaweep Canyon. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 13,800 acres. The Big Dominguez Creek area is directly adjacent to SRCA inventoried roadless land managed by the BLM for a total of 14,600 roadless acres. The Big Dominguez Creek area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Big Dominguez Creek area is bounded on the northwest and southwest by Forest Route 402 (Divide Road), on the southeast by Forest Road 408, on the east and south by Forest Road 418 (in the northeast corner) and on the northeast by the national forest boundary. Forest Road 406 (excluded by a long cherry stem), 406.1B, Forest Trails 668, 669, and 670, and private inholdings are excluded from this area.

Smith Creek and Big Dominguez Creek flow through this area towards the Gunnison River. Vegetation in this area includes sagebrush steppe, gamble oak shrubland, pinyon-juniper woodlands, aspen, and ponderosa pine forests. Elk have calves in this area, black bear concentrate here in the fall, and wild turkeys concentrate here in the winter. Potential habitat for lynx is found in this area. Recreational opportunities in this area include the Telephone Trail.

Note: The first SRCA inventory for the Big Dominguez area included land between Forest Roads 418 and 408 but that portion is not included in the description above because it is not large enough to meet the criteria for a stand-alone Roadless Area. (Preservation/Conservation, Denver, CO - #1019.88.63000.002)

6-148 Public Concern: The Forest Service should include the Cathedral Creek area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Roadless Areas that were omitted altogether and should be added to the inventory.

The Cathedral Creek area is in the Gunnison Ranger District, south of Blue Mesa Reservoir and the Cebolla Creek State Wildlife Area. It is adjacent to the La Garita Wilderness. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 11,300 acres. The 2001 Roadless Area inventory included the western portion of this area as Mineral Mountain. The 2001 roadless inventory of the 6,400 acre Mineral Mountain area included a portion of the SRCA inventoried Cathedral Creek area. The Cathedral Creek area was not included in the Colorado Roadless Rule inventory.

The Cathedral Creek area is bounded on the north by Forest Road 790 and 788, the northwest portion of the area is bounded on the east by Forest Road 790, on the northwest by the National Forest Boundary and on the west by Forest Road 592. The eastern portion of the area is bounded on the south by La Garita Wilderness, on the east by Forest Roads 794 and 794.2B. The spurs off of Forest Roads 794 and 794.2B are excluded from the area.

Numerous creeks cross this area on their way to the Gunnison River including Sheep Creek, Spring Creek, Cathedral Creek, Los Pinos Creek, East Fork Los Pinos Creek, Pauline Creek, Perfecto Creek, and Chavez Creek. All of these creeks originate in this area or in the adjacent La Garita Wilderness. Spring and Cathedral Creeks are part of the water supply for the Blue Mesa Reservoir.

Spruce-fir is the most common vegetation type in this area that also includes a large number of riparian shrublands. Aspen forests and montane and subalpine meadows are also found in this area. Potential habitat for lynx is found in this area. Recreational opportunities in this area include the Cebolla Trail that crosses this area on its way in and out of the La Garita Wilderness. (Preservation/Conservation, Denver, CO - #1019.89.63000.002)

6-149 Public Concern: The Forest Service should include the Clay Creek area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Roadless Areas that were omitted altogether and should be added to the inventory.

The Clay Creek area is in the Ouray Ranger District east of Norwood. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 5,200 acres. The Clay Creek area is directly adjacent to roadless land managed by the BLM as an area of critical environmental concern (ACEC) for a total of 5,900 roadless acres. The Clay Creek area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Clay Creek area is bounded on the north by Forest Road 530, on the west by the forest boundary, on the south by Forest Road 513.2B and on the south and west by Forest Roads 513 and 513.2D. Forest Roads 556 and 556.1A and the private inholding at the end of 556.1A are excluded from the area.

Clay Creek and several intermittent streams including the South Fork of Clay Creek cross this area before flowing into the San Miguel River just across County Road 47Z from the roadless land. Several springs are found in this area. Pinyon-juniper woodlands predominate near the river and transition into the ponderosa pine woodlands at higher elevations that are the most common vegetation type in this area. Gamble oak and sagebrush scrublands, aspen forests, and riparian woodlands are also found here. This area is within a portion the San Miguel River watershed where Colorado River Cutthroat Trout are found. (Preservation/Conservation, Denver, CO - #1019.90.63000.002)

6-150 Public Concern: The Forest Service should include the Clear Creek area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Roadless Areas that were omitted altogether and should be added to the inventory.

The Clear Creek area is in the Ouray Ranger District, northwest of Ridgeway, north of Horsefly Creek between Paxton Reservoir and Little Red Canyon. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 10,400 acres. The Clear Creek area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Clear Creek area is bounded on the north by Forest Road 402; on the west by (closed) Forest Road 512.1D and the private inholding that is northern end that extends to Forest Road 402; on the southwest

by Forest Road 512; on the southeast by the national forest boundaries and private inholdings; and on the east by Forest Road 510 and private inholdings. The following features are excluded from this area: Forest Road 402.16 and the private inholding that it leads to, Forest Roads 512.1A, 553, and 512.1A1 and the inholdings they lead to and the inholdings along Forest Road 512.

The intermittent Clear Creek has its headwaters in this area and flows to the San Miguel River. Several springs are found in this area. This area has diverse vegetation types with aspen and aspen with mixed conifer predominating. Spruce-fir forest, ponderosa pine woodlands, gamble oak and sagebrush scrublands, and subalpine meadows are also found here. Elks have calves in this area. Potential habitat for lynx is found in this area. Recreational opportunities in this area include the Clear Creek and East Spring Creek Trails.

Note: this area is not to be confused with the Clear Creek area from the 2001 Roadless Rule inventory in the Paonia Ranger District that contains the 2008 Colorado Roadless Rule inventory Turner Creek and Clear Fork areas. (Preservation/Conservation, Denver, CO - #1019.91.63000.002)

6-151 Public Concern: The Forest Service should include the Cochetopa Dome area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Roadless Areas that were omitted altogether and should be added to the inventory.

The Cochetopa Dome area is in the Gunnison Ranger District southeast of Gunnison, northeast of the Dome Lake State Wildlife Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 5,900 acres. The Cochetopa Dome area is directly adjacent to SRCA inventoried roadless land managed by the BLM for a total of 9,000 roadless acres. This adjacent BLM land should be considered when deciding whether or not to include this area in the roadless inventory. The 2001 Roadless Rule inventory found 7,200 roadless acres in the Cochetopa Dome area including land east of Forest Road 804.1F that was excluded from the SRCA inventoried area described here. The Cochetopa Dome area was not included in the Colorado Roadless Rule inventory.

The Cochetopa Dome area is bounded on the north, east, and south by the National Forest boundary, on the southeast by Forest Route 804 and on the east by Forest Routes 804.1E and 804.1F. Private inholdings on the northeast along State Highway 114 are excluded from the area. The 11,132 foot high Cochetopa Dome was created by volcanic activity but never erupted. Several tributaries of West Pass Creek and Cochetopa Creek in the Gunnison River system originate in this Roadless Area. Grasslands are found at the lower elevations of this area, which give way to ponderosa pine woodlands, and spruce-fir forest, with smaller areas of aspen and sagebrush steppe. Bald eagles concentrate in the winter along West Pass Creek and Cochetopa Creek at the edges of this area. Potential habitat for lynx is found in this area. Opportunities for recreation, including fishing and birding, are found in the Dome Lakes State Wildlife Area that is adjacent to the Roadless Area across roadless BLM land.

Note: The first SRCA inventory for the Cochetopa Dome area included land east of Forest Roads 804.1E and 804.1F but that portion is not included in the description above. (Preservation/Conservation, Denver, CO - #1019.92-93.63000.002)

6-152 Public Concern: The Forest Service should include the Cottonwood Creek area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Roadless Areas that were omitted altogether and should be added to the inventory.

The Cottonwood Creek area is in the Norwood Ranger District (with a small portion in the Ouray Ranger District) east of Nucla and northwest of Norwood, and southeast of the Roubideau area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 6,300 acres. The Cottonwood Creek area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Cottonwood Creek area is bounded on the north by Forest Roads 402 and 603, on the west by Forest Roads 605, and on the south, southeast, and east by the power transmission line west of Forest Road

540. The private inholding along route 540 is excluded from this area. Closed Forest Roads 605, 605.1A, 605.1B, 559, and 559.1B can be excluded from this area (these closed roads do not appear on the 2008 Uncompahgre National Forest Motor Vehicle Use Map).

Intermittent streams Cottonwood Creek and the South Fork of Cottonwood Creek originate in this area and flow into the San Miguel River. Gamble oak shrubland and aspen forest are the most common vegetation types in this area. Spruce-fir forest and subalpine meadows are also found here. Elk have calves and wild turkeys nest in this area. Potential habitat for lynx is found in this area. Opportunities for recreation in this area include Forest Trail 540.1A1. (Preservation/Conservation, Denver, CO - #1019.94.63000.002)

6-153 Public Concern: The Forest Service should include the Escalante Forks area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Roadless Areas that were omitted altogether and should be added to the inventory.

The Escalante Forks area is in the Ouray Ranger District southwest of Delta just west of the southern unit of the Escalante State Wildlife Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 14,400 acres in two units divided by Forest Road 502/County Road G37 (the east unit is 5,700 acres and the west unit is 8,700 acres). The Escalante Forks area is directly adjacent to SRCA inventoried roadless land managed by the BLM for a total of 31,200 roadless acres (14,000 acres east and 17,200 acres west). The BLM roadless land includes a portion of the Escalante Canyon ACEC. The Escalante Forks area was not included in the 2001 Roadless Rule Inventory or in the Colorado Roadless Rule inventory.

The Escalante Forks area is bounded on the north by the National Forest boundary, on the west by Forest Road 500, on the southwest south and southeast by Forest Road 501, and on the east by the National Forest boundary. Forest Road 502 divides the area into two units. Forest Roads 500.4C and the state owned Picket Corral Ranch accessed by it and Forest Routes 501.1A, 502.1A, 502.2A, and 502.2A1 are excluded from the area.

East Fork Escalante Creek and Dry Fork Escalante Creek flow through these areas on their way to the Gunnison River. The diverse vegetation in these areas includes sagebrush shrubland, pinyon-juniper woodland, gamble oak, and ponderosa pine woodland with small areas of aspen. Elk have calves and turkeys nest in the southern (higher) portions of this area, black bears concentrate in the fall and elk and turkey concentrate in the winter in the lower portions. Bighorn sheep concentrate in the winter in on the adjacent roadless BLM lands. Recreational opportunities in this area include the Love Mesa Bench and Picket Corral Trails. The adjacent Escalante State Wildlife Area (and its other units) are considered excellent places for birding. (Preservation/Conservation, Denver, CO - #1019.95.63000.002)

6-154 Public Concern: The Forest Service should include the Flattop area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Roadless Areas that were omitted altogether and should be added to the inventory.

The Flattop area is in the Gunnison Ranger District between Crested Butte and Gunnison, west of the Roaring Judy State Wildlife Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 5,700 acres (although a more accurate road inventory might discover additional roadless land). The 2001 Roadless Rule inventory found 20,500 acres of roadless land in the Flattop area. (The area used for the 2001 Roadless Rule was named Flattop Mountain.) The 2001 Inventory area included most of the land northwest of County Road 742 to Forest Road 602 and the inholdings in the Red Mountain area. The SRCA inventory area described here is limited by the roads described below. The Flattop area was not included in the Colorado Roadless Rule inventory.

The Flattop area is bounded on the north by Forest Road 603 and the private inholding it leads to, on the east by the National Forest boundary, on the west by Forest Roads 955.1G and 955, on the southwest by Forest Road 863 and on the southeast by Forest Roads 862.3A and 862. The northern extent of Forest Road 863 and numerous spurs off of Forest Road 955 are excluded from the area. The spurs off of Forest

Road 955, including 955.1G are included in the Forest Service GMUG [Grand Mesa, Uncompahgre and Gunnison] road GIS [Geographic Information System] data from April 2008 but not on the 2002 Gunnison Basin Public Lands Visitors Map.

Flat Top Mountain, with a large gently sloping top and steep canyon sides, has a maximum elevation of 10,572 feet and is the major feature in this area. Several tributaries of Alkali Creek and East River, which are headwaters for the Gunnison River, originate in this area. The lower elevations of this area are sagebrush steppe, giving way to aspen and spruce-fir forest at the higher elevations. Gunnison Sage Grouse nest in this area. This area is in the East River watershed where Colorado River Cutthroat Trout are found. Elk concentrate in this area in the winter. Potential habitat for lynx is found in this area.

Note: The first SRCA inventory and the 2001 Roadless Rule inventory included land north of Forest Road 603, west of Forest Road 955, and south of Forest Roads 862 and 863. Those areas are not included in the description above because those areas separated by roads are not large enough to be stand-alone Roadless Areas. Current data shows many roads are inside the 2001 Roadless Rule Inventory boundary. Any of the roads in the 2001 Roadless Rule Inventory Area that were created after the Rule went into effect should be closed and restored.

Note: This area should not be confused with the other area called Flattop in the SRCA inventory. That area is called Whetstone in the 2008 Colorado Roadless Rule inventory and is called Whetsone in the 2001 Roadless Rule inventory. (Preservation/Conservation, Denver, CO - #1019.96-97.63000.002)

6-155 Public Concern: The Forest Service should include the Hayden Mountain area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Hayden Mountain area is in the Ouray and Norwood Ranger Districts directly south of Ouray extending southwest almost to Telluride. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 5,300 acres. The Hayden Mountain area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Hayden Mountain area is bounded on the northwest by County Road 361, on the west by Forest Road 869, on the southwest by the line of private inholdings/mining claims including the Greyhound Mine just southwest of McIntyre Gulch), and on the east by U. S. Highway 550. Forest Roads 869, 896.1A, and closed road 895 (not shown on the 2008 Uncompahgre National Forest Motor Vehicle Use Map) and inholdings (including mining claims, private inholdings, and state land board land) are excluded from the area.

Hayden Mountain at 13,206 feet and Telluride Peak at 13,478 feet are major features in this area. Numerous tributaries of the Uncompahgre River, either directly or via Red Mountain Creek and Crystal Lake, originate in this area. Aspen, mixed-conifer, and spruce fir forests at the lower

elevations quickly give way to alpine tundra and bedrock, with some pockets of subalpine riparian shrubland. This area is in the watershed of the Upper Uncompahgre and Upper San Miguel River; both of these watersheds contain Colorado River Cutthroat Trout. Potential habitat for lynx is found in this area. Recreational opportunities in this area include the Richmond Trail that crosses Richmond Pass.

Note: The first SRCA inventory included lands southwest of the Greyhound Mine area but those areas are not included in the description above because the patches of Forest Service land between the private inholdings are not large enough to qualify as stand-alone Roadless Areas. If the Forest Service acquires inholdings in this area it should consider expanding the roadless boundary. (Preservation/Conservation, Denver, CO - #1019.98.63000.002)

6-156 Public Concern: The Forest Service should include the Killdeer Creek Area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Killdeer Creek area is in the Gunnison Ranger District, south of Gunnison, east of the Cebolla Creek State Wildlife Area, and north of the La Garita Wilderness Area. The SRCA [Southern Rockies

Conservation Alliance] inventory of this area found 11,200 acres. The Killdeer Creek area was not included in the 2001Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Killdeer Creek area is bounded on the northwest by Forest Route 788 and on the west, south, southeast, and northeast by Forest Route 790. Forest Routes 790.1A, 778.2I, 778.2J, 790.1D, and other spurs into this area are excluded from the area.

Killdeer Creek and Bull Creek have their headwaters in this area. South Pinos Creek flows through this area from its headwaters in the La Garita Wilderness. All of these creeks are in the Gunnison River system. Spruce-fir and mixed conifer forest are the most common vegetation types in this area. Aspen, subalpine meadows, alpine wet meadows, and riparian shrublands are also found here. This area is in a watershed of Cochetopa Creek, where Colorado River Cutthroat Trout are found. Potential habitat for lynx is found in this area. (Preservation/Conservation, Denver, CO - #1019.100.63000.200)

6-157 Public Concern: The Forest Service should include the Lands End area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Lands End area is in the Grand Valley Ranger District east of Grand Junction and east of the Lands End overlook at the west end of the Grand Mesa area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 6,500 acres. The Lands End area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Lands End area is bounded on the north by Forest Road 105, on the west and south by Forest Road 100 (Lands End Road) and on the east by Forest Road 108. The Lands End Overlook is at the northwestern corner of this area. Forest Road 104 is excluded from the area.

The Lands End Road a part the Grand Mesa Scenic Byway, with Lands End at the west end of this area forming the end of the Lands End Road spur off the main byway on Colorado Highway 65. At least seven reservoirs are found in this area. Several creeks, including Gill Creek, have their headwaters in this area and are part of the Gunnison River system. Sagebrush steppe is the predominate vegetation type in this area, with spruce-fir forest also common. Montane wet meadows and aspen forests are also found here. This area is in a watershed of the Gunnison

River that contains Colorado River cutthroat trout. Potential habitat for lynx is found in this area. Recreational Opportunities in this area include fishing in the streams and reservoirs and visiting the historic Raber Cow Camp and Lands End Observatory adjacent to this area. (Preservation/Conservation, Denver, CO - #1019.101.63000.002)

6-158 Public Concern: The Forest Service should include the Leon Peak area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Leon Peak area is in the Grand Valley Ranger District southeast of Colbran, south of Vega State Reservation Area, towards the eastern end of the Grand Mesa. This area is in both Mesa and Delta Counties. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 15,100 acres. The Leon Peak area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Leon Peak area is bounded on the north by Forest Road 260, on the east by Forest Roads 121 and 125, on the southeast by Forest Road 127 and on the east by Forest Road 262. Forest Roads 114, 126, and 132 are excluded from the Roadless Area.

Leon Peak at 11,236 feet is the highest point in Mesa County and can be reached by scrambling across the boulder field near the top. There are numerous lakes are reservoirs in this area including Atkinson Reservoir, Bonita Reservoir, Leon Lake, and Twin Lake. Several creeks including West Leon Creek, The East Fork of Big Creek, and Bonita Creek have their headwaters in this area. The creeks in the north (Mesa County portion) flow north to Plateau Creek in the Colorado River system and the ones in the south (Delta County portion) flow south towards the Gunnison River.] Spruce-fir forests are common in the northern portion of this area and aspen is common in the south. Subalpine grasslands and meadows

and alpine wet meadows and alpine fell fields are also found here. This area is in watersheds of Plateau Creek and of the Gunnison River that contain Colorado River cutthroat trout. Elk have calves in this area. Potential habitat for lynx is found in this area. Recreational opportunities in this area include fishing, camping at the Weir and Johnson campground, and hiking Forest Trails 716, 717, and 718. (Preservation/Conservation, Denver, CO - #1019.102.63000.002)

6-159 Public Concern: The Forest Service should include the Little Cottonwood Creek Area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Little Cottonwood Creek area is in the Norwood Ranger District east of Nucla, Pinon, and San Miguel Canyon. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 6,500 acres. The Little Cottonwood Creek area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Little Cottonwood Creek area is bounded on the north by Forest Road 603, on the northwest by Forest Roads 603.1A, on the west and southwest by Forest Roads 617, on the south by Forest Road 540 and on the east by Forest Road 605 (Cottonwood Trail). The private inholding next to the National Forest boundary that goes between Forest Road 617 and 540 is excluded from the area.

Cottonwood Creek and Little Cottonwood Creek flow through this area on their way to the San Miguel River. Pinyon-juniper, gamble oak, and ponderosa pine are found in this area with smaller patches of aspen and riparian woodlands are also found here. Wild Turkey nest in this area and elk have calves here. Wild turkey and elk concentrate here in the winter. (Preservation/Conservation, Denver, CO - #1019.103.63000.200)

6-160 Public Concern: The Forest Service should include the McKenzie Creek area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The McKenzie Creek area is in the Ouray Ranger District southeast of Norwood and east of the

Norwood Hill and Lower Beaver picnic areas and Lower Beaver campground on San Miguel Canyon. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 7,500 acres. The McKenzie Creek area is directly adjacent to roadless land managed by the BLM as an ACEC [Areas of Critical Environmental Concern] for a total of 8,100 roadless acres. The McKenzie Creek area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The McKenzie Creek area is bounded on the north by Forest Roads 513, 538, 538.1B, 538.1C and a private inholding. The area is bounded on the west by the National Forest boundary, on the south by Forest Route 539 and on the southeast, east and northeast by Forest Road 551. Closed Forest Roads 539.A2, 551.1A, 551.1A1, and 551.1A2 are excluded from this area (these roads do not appear on the 2008 Uncompahgre National Forest Motor Vehicle Use Map).

Craig Point at 7,705 feet in this area provides a view of the San Miguel Canyon. McKenzie Creek is one of several intermittent streams that flow through this area to the nearby San Miguel River. Several springs and the small McKeever and Sidehill Reservoirs are found here. Pinyon-juniper woodlands are the most common vegetation type in this area, with ponderosa pine and mixed conifer forest also present along with areas of sagebrush steppe and gamble oak. This area is in a watershed of the San Miguel River that contains Colorado River Cutthroat Trout. Wild turkeys nest in this area and elk concentrate here in the winter. There is an active Gunnison sage-grouse lek inventoried in May 2008 in or near the southeast corner of this area. Recreational opportunities in this area include exploring the area from the nearby campground and picnic areas. (Preservation/Conservation, Denver, CO - #1019.104.63000.002)

6-161 Public Concern: The Forest Service should include the Mineral Mountain area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Mineral Mountain area is in the Gunnison Ranger District, south of the Blue Mesa Reservoir and the Cebolla Creek State Wildlife Area, and is adjacent to the La Garita Wilderness Area. The SRCA inventory of this area found 4,800 acres. The 2001 Roadless Area inventory included the southeastern portion of this area. The 2001 Roadless Rule inventory of the 6,400 acre Mineral Mountain area included a portion of the SRCA Mineral Mountain area. The Mineral Mountain area was not included in the Colorado Roadless Rule inventory.

The Mineral Mountain area includes all the National Forest lands adjacent to the La Garita Wilderness Area west of Forest Road 529 and east of the private land along the Mineral Creek Trail (Trail 466). The area is bounded on the north and northwest by the National Forest boundary and private inholdings, on the southwest by the La Garita Wilderness Area and on the east by Forest Route 592.

Mineral Mountain at 12,097 feet is just southwest of this area inside the La Garita Wilderness Area. Spring Creek, part of the Gunnison River System, flows through this area from its headwaters in the La Garita Wilderness Area and several of its tributaries have their headwaters here. Dry Lake, an intermittent lake, is found in this area. Spruce-fir is a common vegetation type in this area. Montane grassland surrounds the Dry Lake area and riparian shrublands and aspen are found here, especially in the Bondholder Meadows at the southern tip of this area. This area is in a watershed of the Cebolla Creek where Colorado River Cutthroat Trout are found. Potential habitat for lynx is found in this area. Recreational opportunities in this area include the Cebolla Trail (Trail 459) that provides access to the La Garita Wilderness Area. (Preservation/Conservation, Denver, CO - #1019.105.63000.002)

6-162 Public Concern: The Forest Service should include the Mount Antero South area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Mount Antero South area is in the Gunnison Ranger District on the eastern side of the forest between Salida and Gunnison and just west of Monarch Pass. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 8,200 acres. The Mount Antero South area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Mount Antero South area is bounded on the north by Forest Road 237 (Old Monarch Pass Road), on the west by the forest boundary (private inholdings along County Road 888), on the southeast and east by U.S. Highway 50 and Forest Road 677 along Brier Creek, and on the northeast by the forest boundary along the ridge of the Sawatch Range.

Major Creek, Porphyry Creek, and Brier Creek all have their headwaters in this area and flow into Tomichi Creek, a major tributary of the Gunnison River. Lodgepole pine forest is a common vegetation type in this area with sagebrush steppe found at the lower elevations, and some areas of spruce-fir, aspen, gamble oak, montane grassland, and riparian shrub land. This area is potential habitat for lynx. Monarch Pass has been identified by the Southern Rockies Ecosystem Project (whose work is now housed at the Center for Native Ecosystems) as an important dispersal linkage for Lynx. Recreational opportunities in this area include visiting Monarch Pass, whose praised scenic qualities are enhanced by nearby roadless lands. (Preservation/Conservation, Denver, CO - #1019.106.63000.002)

6-163 Public Concern: The Forest Service should include the Ouray Spring Area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Ouray Spring area is in the Norwood and Ouray Ranger Districts northeast of Nucla and south of Columbine Pass. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 12,800 acres. The Ouray Spring area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Ouray Spring area is bounded on the north and northeast by Forest Road 402, on the west by Forest Roads 503 and 503.1A and on the southwest and south by Forest Road 603. Forest Road 665 off of 503 leading to the cow camp inholding and the cow camp inholding along Forest Road 603 are excluded from the area as are various spurs off of the eastern parts (in this area) of Forest Roads 402 and 603.

Ouray Spring and numerous small lakes are found in this area. The headwaters of Tabeguache Creek, a major tributary of the San Miguel River, are found in this area. Aspen and Gambel oak are the most common vegetation types in this area, with spruce-fir forest and ponderosa pine woodlands also found here. Elk have calves in this area. Potential habitat for lynx is found in this area. (Preservation/Conservation, Denver, CO - #1019.107.63000.200)

6-164 Public Concern: The Forest Service should include the Overland area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Overland area is in the Paonia Ranger District north of Paonia, east of Overland Reservoir.

The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 7,500 acres. The 2001 Roadless Rule Inventory of the 90,100-acre Priest Mountain area included the Overland area and the Colorado Roadless Rule Flattops/Elk Park area. The SRCA inventory split the areas along the Overland Ditch. The Overland area was not included in the Colorado Roadless Rule inventory.

The Overland area is bounded on the north by Forest Road 705 and on the west by Forest Road 705.1A along Overland Ditch (shown as closed on the 2002 Gunnison Basin visitors map). The area is bounded on the south by Forest Road 701.3A and on the east by County Road 701.

The Overland Ditch carries water from the Overland Reservoir to be used for irrigation in Delta County. Numerous streams cross this area including Cow Creek, Beaver Creek, Little Dyke Creek, Elk Creek, Main, Middle, and West Hubbard Creeks, Big Alder, Little Alder, and the East Fork of Terror Creek, all in the Gunnison River system. Spruce-fir and aspen forest are the most common vegetation types in this area that also includes Gambel oak and subalpine meadows. This area is in watersheds of Hubbard Creek and the North Fork Gunnison River that contain Colorado River cutthroat trout. Potential habitat for lynx is found in this area. Recreational opportunities in this area include birding near Overland Reservoir and fishing in the nearby Overland Reservoir, which is stocked by the U.S. Fish and Wildlife Service. (Preservation/Conservation, Denver, CO - #1019.108.63000.002)

6-165 Public Concern: The Forest Service should include the Park Cone area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Park Cone area is in the Gunnison Ranger District northeast of Gunnison, north of the Fossil Ridge Wilderness Area (but not adjacent) and south of Taylor Park Reservoir and Lakeview Campground. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 6,500 acres. The 2001 Roadless Rule Inventory of the 20,000-acre Crystal Creek area includes the Park Cone area. The Park Cone area was not included in the Colorado Roadless Rule inventory.

The Park Cone area is bounded on the north and west by County road 742, on the south by private land along Lottis Creek, and on the east by Forest Road 752. Spurs off of the northern end of Forest Road 752 are excluded from this area.

The 12,100-foot symmetrical Park Cone peak is practically an island surrounded by Taylor Reservoir, Taylor River, Lottis Creek and its unnamed tributaries through Union Park. Although this is a relatively low summit, there is a significant distance between its low and high elevations, giving it good prominence within the surrounding area. Several tributaries of these streams in the Gunnison River system have their headwaters in the Park Cone area. Lodgepole pine and spruce-fir forests are common in this area, with pockets of montane grassland, tundra, and some relatively large areas of riparian shrub land. The Park Cone area is in a watershed of the Taylor River that contains Colorado River cutthroat trout. Elk have calves in this area. Potential habitat for lynx is found in this area. Opportunities for recreation in this area include visiting it from the nearby Lakeview campground and off-trail hiking to a prominent peak. (Preservation/Conservation, Denver, CO - #1019.109.63000.002)

6-166 Public Concern: The Forest Service should include the Porter Mountain area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Porter Mountain area is in the Grand Valley Ranger District west of both Colbran and the Vega State Recreation Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 6,200 acres. The Porter Mountain area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Porter Mountain area is bounded on the north by a private inholding, on the west and southwest by Forest Road 266, on the south by Forest Road 263, on the east by Forest Road 265 and 265.2C.

9,967-foot Porter Mountain and 9,304 Two Peak are found in this area. Porter Creek and several other creeks in the Colorado River system flow through this area. The area is extensively covered by aspen forests, with some areas of sagebrush steppe, Gambel oak, spruce-fir forest, and riparian shrub land. This area is in a watershed of Buzzard Creek that contains Colorado River cutthroat trout. Elk have calves in this area and black bear concentrate here in the fall. Potential habitat for lynx is found in this area. (Preservation/Conservation, Denver, CO - #1019.110.63000.200)

6-167 Public Concern: The Forest Service should include the Potter Basin area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Potter Basin area is in the Ouray Ranger District southwest of Delta, west of the Roubideau area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 8,000 acres. The Potter Basin area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Potter Basin area is bounded on the north and northeast by Forest Road 525, on the northwest and west by Forest Road 533, on the south by Forest Road 402 and on the southeast and east by Forest Road 505. Access roads to Trail 544/146 from Forest Roads 533 and 505 and several closed spur roads in the south are excluded from this area.

Potter Creek in the Gunnison River system has its headwaters in this area and numerous small ponds are found in this area. Potential habitat for lynx is found in this area. (Preservation/Conservation, Denver, CO - #1019.111.63000.200)

6-168 Public Concern: The Forest Service should include the Red Mountain Creek area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Red Mountain Creek area is in the Gunnison Ranger District, northeast of Gunnison and of Taylor Park Reservoir and is adjacent to the Collegiate Peaks Wilderness. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 4,900 acres. The 2001 Roadless Rule Inventory found 3,900 Roadless Areas in the Red Mountain Creek area, part of the area named Elk Mountains - Collegiate. The Red Mountain Creek area was not included in the Colorado Roadless Rule inventory. This area is adjacent to wilderness so the 5,000 acre minimum size rule does not apply.

The Red Mountain Creek area is bounded on the north and northeast by the Collegiate Peaks Wilderness Area, on the west and southwest by Forest Road 742 along the Taylor River and on the east by Forest Road 742.3D along Pieplant Creek. Forest Road 742.3H along Red Mountain Creek that leads to Trail 414 is excluded from the area.

Red Mountain Creek along with several unnamed creeks flow from their headwaters in the Collegiate Peaks Wilderness Area through this area to the Taylor River, a tributary of the Gunnison River. Lodgepole pine is the most common vegetation type in this area. Sagebrush steppe, subalpine riparian shrub land, and aspen are also found in this area.

Potential habitat for lynx is found in this area. This area is in a watershed of the Taylor River that contains Colorado River Cutthroat Trout. Recreational opportunities in this area include the Timberline

Trail (Trail 414) that provides access to the Collegiate Peaks Wilderness. (Preservation/Conservation, Denver, CO - #1019.112.63000.002)

6-169 Public Concern: The Forest Service should include the Roubideau Additions areas in the inventory.

BECAUSE THEY MEET THE CRITERIA FOR ROADLESS AREAS

The Roubideau Additions areas are in the Ouray Ranger District west of Montrose. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 22,800 acres. Some of the Roubideau Additions areas are directly adjacent to roadless land managed by the BLM as the Camel Back Wilderness Study Area for a total of 35,700 roadless acres. Some of the Roubideau Additions areas are also adjacent to the Forest Service Roubideau Special Management Area. The Roubideau Additions area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Roubideau Additions consist of four separate areas, Roubideau Addition East, Roubideau, Roubideau Addition West, and Roubideau Addition South. The smallest area is the 3,000-acre Roubideau Addition East that has two units. The northern unit of Roubideau Addition East is bounded on the east and northeast by Forest Road 442, on the west by the Roubideau Special Management Area and on the south by Forest Road 542.1B. The Roubideau area has only 1,600 acres on National Forest land but a total acreage of 14,500 acres including roadless lands on the BLM inventoried by SRCA. The southern unit of Roubideau Addition East is bounded on the north by closed road 508.1A, on the west by the Roubideau Special Management Area, on the south by a private inholding off of road 508, and on the southeast and east by Forest Road 508.

The Roubideau area is bounded on the north by the National Forest boundary with the roadless BLM lands, and on all other sides. by Forest Road 525 The Roubideau area is not adjacent to the Roubideau Special Management Area but the BLM portion of the Roubideau area is adjacent to the Camel Back Wilderness Study area.

The largest area is the 12,400-acre Roubideau Addition West, which is bounded on the north by the National Forest boundary (partially with the Camel Back Wilderness Study Area), on the northwest by Forest Road 525, 525.1D, and 505, on the southwest by Forest Road 402 (Divide

Road), on the southeast by Forest Road 534, and on the northeast by the Roubideau Special Management Area. The following roads are excluded from the Roubideau Area Addition West: the southeast portion of the horseshoe shaped Forest Road 525, the portions of Route 544 that are managed as roads, Forest Roads 531, 531.1A, 531.1D, and closed spur roads in the southern portion of the area that have not been restored.

The 5,800-acre Roubideau Addition South is bounded on the southeast, northeast, and north by the Roubideau Special Management area, on the west by Forest Route 520, 544, and 545, and on the southwest by Forest Road 402 and on the southeast by Forest Road 546. The portion of route 544 that is managed as a road, along with other closed spur roads, are excluded from the Roubideau Addition South area.

Various tributaries of Roubideau Creek, including East Bull, Bull, Beach, Moore, and Criswell Creeks originate in the Roubideau Addition Areas before flowing into the Forest Service Roubideau Special Management area and BLM Camel Back Wilderness Study Area. Pinyon-juniper is common in the Roubideau and Roubideau Addition East areas along with Gambel oak and sagebrush steppe. Aspen is common in the Roubideau Addition West and South areas along with areas of ponderosa pine, subalpine meadows, Gambel oak, and sagebrush steppe. The Roubideau Addition areas are in a watershed of Roubideau Creek that contains Colorado River Cutthroat Trout. Elk have calves in the Roubideau Addition South and West areas.

Wild turkey concentrate in the winter in the Roubideau Addition East areas. Potential habitat for lynx is found in these areas. Recreational opportunities in these areas include the Moore Mesa and Traver Trails. (Preservation/Conservation, Denver, CO - #1019.113-115.63000.200)

6-170 Public Concern: The Forest Service should include the Sargents area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Sargents area is in the Gunnison Ranger District east of Gunnison, southwest of Monarch Pass, and northwest of the small community of Sargents on U.S. Highway 50. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 12,700 acres. The Sargents area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Sargents area is bounded on the north by Forest Roads 887 and 887.4B and the state land board inholding in Section 36, on the northwest by Forest Road 768 through horn gulch and private inholdings along the road, on the southwest by the forest boundary, on the south by Forest Road 913 along Hicks Gulch and Swag Gulch, on the southeast by the powerline, and on the east by the inholdings along Tomichi Gulch. Forest Road 819 and various spurs off of 819 and 768 are excluded from the area.

Numerous streams that originate in this area flow into Tomichi Creek, which is a tributary of the Gunnison River including Dawson Creek, Cow Creek, Calf Creek, and Mountain Spring Creek. Lodgepole pine, aspen, mixed-conifer forest, subalpine grassland, subalpine riparian woodland, and sagebrush steppe are all found in this area. Elk have calves in this area and concentrate here in the winter. An active sage-grouse lek is found in or near this area. Potential habitat for lynx is found in this area. Opportunities for recreation in this area include the Quakey Mountain Trail (Trails 537 and 538). (Preservation/Conservation, Denver, CO - #1019.116.63000.002)

6-171 Public Concern: The Forest Service should include the Silver Pick area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Silver Pick area is in the Norwood Ranger District, southeast of Norwood and southwest of Ridgeway, and is directly adjacent to the Lizard Head Wilderness Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 2,800 acres. The Silver Pick area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory. The Silver Pick area is bounded on the north by private inholdings, on the west by Forest Route 621, on the south by the Lizard Head Wilderness Areas, and on the east by private inholdings along Big Bear Creek and Forest Road 645. The western end of Forest Road 645 is excluded from this area.

Several tributaries of the San Miguel River flow through this are from their headwaters in the Lizard Head Wilderness. Spruce-fir forest is common in this area along with aspen and subalpine meadows. The area is in a watershed of the Upper San Miguel River that contains Colorado River Cutthroat Trout. Potential habitat for lynx is found in this area. (Preservation/Conservation, Denver, CO - #1019.117.63000.002)

6-172 Public Concern: The Forest Service should include the Slumgullion area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Slumgullion area is in the Gunnison Ranger District east of Lake City and west of (but not quite adjacent to) the La Garita Wilderness Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 6,300 acres. The Slumgullion area is directly adjacent to SRCA inventoried roadless land managed by the BLM for a total of about 8,700 roadless acres. The 2001 Roadless Rule inventory found 8,100 roadless acres in what was called the Carson Peak IRA [Inventoried Roadless Areas]. The Slumgullion area was not included in the Colorado Roadless Rule inventory.

The Slumgullion area is bounded on the north by Forest Road 473 on the west by the National Forest boundary with BLM land, on the south by the boundary between the GMUG [Grand Mesa Uncompahgre and Gunnison] and Rio Grande National Forests, on the southeast by Forest Road 547 and on the east and northeast by Colorado Highway 149 (the Silver Thread Highway). Forest Road 735 is excluded from this area by a long cherry stem.

Slumgullion Mountain at 12,210 feet is just north of this area across Forest Road 473. Rambouillet Creek and several of its forks have their headwaters in this area and are tributaries of the Gunnison River. Spruce-fir forest, aspen, and alpine meadows are found in this area along with large patches of woody wetlands and other riparian areas. This area is in a watershed of Cebolla Creek that contains Colorado River Cutthroat Trout. Potential habitat for lynx is found in this area. Recreational opportunities in this area include the Continental Divide National Scenic Trail that forms the southeastern boundary of this area.

Note: The first SRCA inventory of the Slumgullion area and the 2001 inventory included Forest Road 473 and land to the north of it. That portion is not included in the description above because it is not large enough to be a stand-alone Roadless Area. (Preservation/Conservation, Denver, CO - #1019.118.63000.002)

6-173 Public Concern: The Forest Service should include the Spring Creek area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Spring Creek area is in the Ouray Ranger District southwest of Montrose and northwest of Ridgeway. The SRCA inventory of this area found 12,200 acres. The Spring Creek area is directly adjacent to SRCA inventoried roadless land managed by the BLM for a total of 15,800 roadless acres. The Spring Creek area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Spring Creek area is bounded on the north by the National Forest boundary with BLM land, on the west by Forest Road 535 and private inholdings along the road, on the southwest and south by Forest Road 402, on the southeast by Forest Road 532, and on the east by Forest Road 536 and by the private inholdings along Forest Road 532 just west of its junction with [Forest] Road 536. Forest Road 562 spurs off of Forest Road 402 including 402.9A1 and 402.9B, and private inholdings are excluded from this area.

The West and Middle Forks of Spring Creek have their headwaters in this area, and the East Fork of Spring Creek flows through this area, all of which flow into the Uncompahgre River in the Gunnison River system. Aspen, aspen mixed with conifer, and Gambel oak are common in this area. Subalpine meadows and pinyon-juniper are also found here. This area is in a watershed of the Uncompahgre River where Colorado River Cutthroat Trout are found. Elk have calves in this area and concentrate here in the winter. Potential habitat for lynx is found in this area. Recreational Opportunities in this area include the Spring Creek Trail (Trail 116). (Preservation/Conservation, Denver, CO - #1019.119.63000.002)

6-174 Public Concern: The Forest Service should include the Tabeguache Additions areas in the inventory.

BECAUSE THEY MEET THE CRITERIA FOR ROADLESS AREAS

The Tabeguache Additions areas are in the Norwood and Ouray Ranger Districts, northeast of Nucla and directly adjacent to the Forest Service and BLM Tabeguache Special Management Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 23,600 acres. The Tabeguache Additions areas were not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Tabeguache Additions areas consist of the Tabeguache Addition North and Tabeguache Addition South. The Tabeguache Addition North area is bounded on the north and northeast by Forest Road 402, on the west by Forest Road 600, on the south by the Forest Service Tabeguache Special Management Area and by Forest Road 602, and on the east by Forest Road 503. Forest Roads 528 and 602.1A are excluded from the Tabeguache Addition North area. The Tabeguache Addition South area wraps around the Tabeguache Special Management Area on the west and south sides of the Tabeguache Special Management Area. The Tabeguache Addition South area is bounded on the north by Forest Road 602, on the east by the Forest Service and BLM Tabeguache Special Management Area, on the southwest by the National Forest boundary with BLM land, and on the south and east by Forest Road 503. Forest Roads 656, 652.1A, 640, 660, and 660.1A and private inholdings are excluded from the Tabeguache

Addition South area. Closed road 652 (not shown on the 2006 Uncompaghre Motor Vehicle Use Map) is also excluded from the Tabeguache Addition South area.

Pinyon-juniper, Gambel oak, aspen, and aspen mixed with conifer are all common in these areas. Ponderosa Pine and sagebrush are found here, too. Elk have calves and wild turkeys nest in these areas. Elk concentrate here in the winter, and black bear concentrate here in the fall. Potential habitat for lynx is found in this area. Recreational opportunities in this area include the Paradox Trail (Trail 660) and Trail 500, both limited to quiet uses. (Preservation/Conservation, Denver, CO - #1019.120.63000.002)

6-175 Public Concern: The Forest Service should include the West Elk Addition 1 area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The West Elk Addition 1 area is in the Paonia Ranger District, east of Montrose, southeast of the Black Canyon of the Gunnison National Park, north of the Curecanti National Recreation Area, and west (but not adjacent to) the West Elk Wilderness Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 8,800 acres. The West Elk Addition 1 area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The West Elk Addition 1 area is bounded on the northwest by the National Forest boundary and Forest Roads 713 and 713.4A, on the west and south by Forest Road 716, on the east and northeast by Forest Road 717. Private inholdings along the National Forest boundary are excluded from the area as is the inholding north of the intersection of Forest Road 715 and 717 along with the spur road off Forest Road 717 that provides access to the inholding.

Several tributaries of Crystal Creek, which flows into Crystal Reservoir and the Gunnison River, have their headwaters in this area. Several ponds and the small, possibly historic, Meek Reservoir are found in this area. Spruce-fir, aspen, Gambel oak, and subalpine meadows are found in this area. This area is in a watershed of the Crystal Creek that contains Colorado River Cutthroat Trout. Elk have calves in this area. Potential habitat for lynx is found in this area. (Preservation/Conservation, Denver, CO - #1019.121.63000.200)

Routt National Forest

6-176 Public Concern: The Forest Service should include the Big Park area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Areas [in Routt National Forest] that were not in either the 2001 or CRA inventories, but which we [Southern Rockies Conservation Alliance] believe are roadless and should be included in the inventory: The Big Park area is in the Yampa Ranger District west of Kremmling, south of Gore Pass, and north of the Radium State Wildlife Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 6,400 roadless acres. The Big Park area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Big Park area is bounded on the north by State Highway 134 and Forest Route 206, on the east by Forest Route 212, on the south by the national forest boundary, and on the west by (closed) Forest Route 210 (that is not shown on the 2008 Yampa Ranger District Motor Vehicle Use Map).

Several creeks that are tributaries of the Colorado River have their headwaters in the Big Park area. Lodgepole pine predominates in the Big Park area with some areas of sagebrush shrublands in the lower elevations. Elk have calves, gather in the summer, and spend severe winters in the Big Park area. Opportunities for recreation in the Big Park area include off-trail hiking with good opportunities for solitude.

The valley of Blacktail Creek, located partially in the Big Park area, is one of the finest wildflower gardens in Colorado. On a day in July, a visitor saw flowering Larkspur, Pink Geranium, Lodgepole Lupine, Green Gentian, Cow-Parsnip, Harebells, Yarrow, Balsamroot, Showy Daisy, Cutleaf Daisy, Yellow Paintbrush, Mariposa Lilies, the ubiquitous Cinquefoil, a dozen or more Blue Columbine, and

Orange Sneezeweed (prettier than its name). (Preservation/Conservation, Denver, CO - #1019.122.63000.002)

6-177 Public Concern: The Forest Service should include the Dunckley Flat Tops area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Areas [in Routt National Forest] that were not in either the 2001 or CRA inventories, but which we [Southern Rockies Conservation Alliance] believe are roadless and should be included in the inventory: The Dunkley Flat Tops area is in the Yampa Ranger District, northwest of Yampa and southeast of Craig, directly north of Dunckley Pass off of Rio Blanco County Road 8 (Flat Top Scenic Byway). The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 12,500 roadless acres in two units on either side of Forest Route 951, one with 7,000 acres and the other with 5,500 acres. The Dunkley Flat Tops area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Dunckley Flat Tops area is bounded on the west by the forest boundary and on the south by Rio Blanco County Road 8, and on the northwest by Routt County road 29 and on the southeast Forest Road 949. The two units are split by Forest Road 951. The north boundary take into account private inholdings and approximately follow latitude 40° 15’ 00’ but could potentially be extended to the forest boundary in the eastern unit and to Forest Route 951 in the western unit. The east boundary connects the end of Forest Road 949 to Routt County road 29 taking into account private inholdings.

Dunckley Flat Tops, the mountain that the area is named for, is 10,088 feet high. The Flat Tops Trail Scenic Byway passes over Dunckley Pass just south of the Dunckley Flat Tops area. The West and Middle Forks of Fish Creek have their headwaters in the Dunckley Flat Tops area. Fish Creek is a tributary of the Yampa River, one of the last free-flowing tributaries of the Colorado River system. Aspen groves surround spruce-fir forest and montane grasslands in the Dunckley Flat Tops area, and elk have calves here. Rare birds sighted in the Dunckley Flat Tops area include boreal owl, which is imperiled in Colorado and is considered sensitive by the US Forest Service. Opportunities for recreation in the Dunckley Flat Tops area include the Gill Reservoir Trail and the Old West Fish Creek Trail. (Preservation/Conservation, Denver, CO - #1019.123-124.63000.002)

6-178 Public Concern: The Forest Service should include the French Creek area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Areas [in Routt National Forest] that were not in either the 2001 or CRA inventories, but which we [Southern Rockies Conservation Alliance] believe are roadless and should be included in the inventory: The French Creek area is in the Yampa Ranger District west of Kremmling, directly south of Gore Pass, and north of the Radium State Wildlife Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 5,500 roadless acres. The French Creek area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The French Creek area is bounded on the northeast by Forest Routes 231 and 211 and on the north by Colorado highway 134. It is bounded on the east by the National Forest boundary with (closed) Forest Routes 220, 211, and 224 excluded from the area (these closed routes are not on the 2008 Yampa Ranger District Motor Vehicle Use Map). The area is bounded on the southeast by Forest Route 214 and on the southwest by Forest Route 212.

French Creek, a tributary of the Colorado River, has its headwaters in the French Creek area. The French Creek area is directly adjacent to the Radium State Wildlife Area.

Sagebrush shrublands are found in the south and southwestern portions of the French Creek area. To the northwest, aspen, lodgepole pine, and spruce-fir forests are found as you gain elevation. Elk have calves in the French Creek area and mule deer spend severe winters here. Rare amphibians sighted in the French Creek area include the boreal toad, which is critically imperiled in Colorado, considered sensitive by the US Forest Service, and is a candidate for listing under the Endangered Species Act. Opportunities for recreation in the French Creek area include hiking off trail, and associated opportunities for

challenge and solitude. Opportunities for hunting for black bear, deer, and elk are available in the area. Note: The first SRCA inventory of the French Creek included Forest Road 214 and lands southeast of it to the forest boundary. That land was not included in the description above because it is too small to be a stand-alone Roadless Area. (Preservation/Conservation, Denver, CO - #1019.125-126.63000.240)

San Juan National Forest

6-179 Public Concern: The Forest Service should include the Bald Mountain Roadless Area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Bald Mountain Roadless Area

Dillon Ranger District

Location: Southeast of Breckenridge in Summit County

SRCA [Southern Rockies Conservation Alliance] Name: Bald Mountain

SRCA Acres: 4,800

The Bald Mountain Roadless Area is adjacent to the Boreas Roadless Area on the Pike-San Isabel National Forest, which in turn is connected to the SRCA Mount Guyot RA [Roadless Area] on the White River NF [National Forest].

The Bald Mountain RA contains portions of both the Colorado Natural Heritage Program's Boreas Pass Potential Conservation Area (Very high Biodiversity Significance) and the Mosquito Range PCA [Potential Conservation Area] (Outstanding Biodiversity Significance). It is incumbent on the CRA [Colorado Roadless Area] inventory to correct this kind of oversight and add the area of the SRCA Bald Mountain RA to its current Boreas Roadless Area. There is substantial habitat for marten in the area. (Preservation/Conservation, Denver, CO - #1019.213.63000.350)

6-180 Public Concern: The Forest Service should include the Big Beaver Basin Roadless Area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Big Beaver Basin Roadless Area

Blanco Ranger District

Location: East of Meeker in Rio Blanco County

SRCA [Southern Rockies Conservation Alliance] Name: Big Beaver Basin

SRCA Acres: 8,700

RARE [Roadless Area Review Evaluation] II Name: Big Beaver Basin

RARE II Acres: 8,300

Big Beaver Basin is an area of high habitat value for a broad range of species of value and concern to the White River National Forest and the State of Colorado, including: boreal toad, boreal owl, flammulated owl, goshawk, northern leopard frog, and American three-toed woodpecker. Located in the far northwest portion of the Flat Tops Plateau region, it is an important transition area between the montane and grassland ecosystems. (Preservation/Conservation, Denver, CO - #1019.214.63000.300)

6-181 Public Concern: The Forest Service should include the Canyon Creek Roadless Area in the inventory.

BECAUSE THE CRITERIA USED TO EXCLUDE THE AREA WERE TOO RESTRICTIVE

[From ATT 1] Canyon Creek Roadless Area

Rifle Ranger District

Location: Northwest of Glenwood Springs in Garfield County

SRCA [Southern Rockies Conservation Alliance] Name: Canyon Creek

SRCA Acres: 36,000

RARE [Roadless Area Review Evaluation] II Name: Canyon Creek

RARE II Acres: 38,000

"Canyon Creek A (24a)" and "Canyon Creek B (24b)" were among the areas that the White River National Forest originally evaluated for Wilderness availability and capability during the preparatory stage for the WR [White River] Forest Plan Revision. Because the areas deemed to have defensible boundaries for Wilderness management were so small (4,200 and 2,400 acres, respectively), they were dropped from the Roadless Area inventory entirely. This decision had nothing to do with the actual size of the Roadless Area involved, as the SRCA inventory found Canyon Creek to be one of the four largest Roadless Areas on the entire White River National Forest. Rather, the Forest Service's decision reflected only the agency's perceived inability to manage it as a Wilderness Area.

It is imperative that the CRA [Colorado Roadless Area] inventory look past this decision and toward the character of the landscape itself. Between the Clinetop Road (FSR [Forest Service Road] 603) on the western side of the area to the Transfer Trail (FSR 602) on the eastern side lie ten miles of wildlands carved by five major creeks: East Elk, Boiler, Canyon, East Canyon, and Keyser. From the Forest boundary on the south to the Blair Mountain Road (FSR 601) on the north is a full six miles. Only one road of any length (Boiler Creek, FSR 636) is cherry stemmed into the area. After the Red Table/Gypsum Creek Roadless Area it is the least road-impacted area on the White River NF [National Forest] outside of a designated Wilderness Area.

Canyon Creek is an area of overall good habitat value for species of concern to the White River National Forest and the State of Colorado, including lynx, marten, northern goshawk, northern leopard frog, northern three-toed woodpecker, olive-sided flycatcher, and tiger salamander. It is critically important year-round for bighorn sheep. The SRCA Canyon Creek RA [Roadless Area] also contains almost the entire CNHP [Colorado Natural Heritage Program] East Elk Creek PCA [Potential Conservation Area] (High Biodiversity Significance). To omit this major area from the CRA inventory would call into question the validity of the whole inventory process. (Preservation/Conservation, Denver, CO - #1019.215-216.63000.002)

6-182 Public Concern: The Forest Service should include the East Miller Creek Roadless Area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] East Miller Creek Roadless Area

Blanco Ranger District

Location: South of Meeker in Rio Blanco and Garfield Counties

SRCA [Southern Rockies Conservation Alliance] Name: East Miller Creek

SRCA Acres: 6,200

East Miller Creek was not part of the original WRNF [White River National Forest] Roadless Area capability and availability evaluation, but is of comparable size and habitat value with the West Miller (10) and Middle Miller (11) areas that were evaluated. It has excellent overall habitat value, including an elk calving area, and is one of the least-disturbed areas for wildlife, providing refuge and passage in the western portion of the Flat Tops. Its size, character and location warrant its inclusion in the CRA [Colorado Roadless Area] inventory. (Preservation/Conservation, Denver, CO - #1019.217.63000.200)

6-183 Public Concern: The Forest Service should include the Hayes Creek Roadless Area in the inventory.

BECAUSE IT IS OF SUFFICIENT SIZE AND SIGNIFICANCE TO WARRANT INCLUSION

[From ATT 1] Hayes Creek Roadless Area

Sopris Ranger District

Location: Southwest of Redstone in Pitkin County

SRCA [Southern Rockies Conservation Alliance] Name: Hayes Creek

SRCA Acres: 7,800

RARE [Roadless Area Review Evaluation] II Name: Drift Creek

RARE II Acres: 8,900

The Hayes Creek Roadless Area is adjacent to the SRCA-inventoried Clear Fork Roadless Area on the Gunnison National Forest and to the SRCA-inventoried Thompson Creek RA [Roadless Area] on the White River NF [National Forest].

The Hayes Creek Roadless Area is an essential element in the 100,000+ acre Clear Fork Divide Roadless Area complex identified by state and national conservation groups for its exceptional habitat and landscape linkage value. Species found here include: boreal owl, boreal toad, marten, goshawk, American three-toed woodpecker, and tiger salamander.

The five adjacent National Forest inventoried Roadless Areas that make up the larger Clear Fork Divide Roadless Area are: Assignation Ridge, Hayes Creek, Thompson Creek, and East Willow on the White River National Forest, plus the Clear Fork RA on the Gunnison NF. Additionally, the BLM Thompson Creek Roadless Area is adjacent to the Forest Service Assignation Ridge RA.

Hayes Creek alone has high habitat value for species of interest and concern to the White River National Forest and the State of Colorado, and together with the other five linked areas it is one of the biologically richest areas in and adjacent to the White River National Forest. The Hayes Creek RA is large enough to stand on its own without being linked to any other areas, and with the cessation of coal mining under its northern reaches, there is no reason to exclude it from the CRA inventory. (Preservation/Conservation, Denver, CO - #1019.219.63000.002)

6-184 Public Concern: The Forest Service should include the Hoosier East Roadless Area in the inventory.

TO ENSURE A COMPLETE INVENTORY OF ALL ROADLESS AREAS

[From ATT 1] Hoosier East Roadless Area

Dillon Ranger District

Location: South of Breckenridge in Summit County

SRCA [Southern Rockies Conservation Alliance] Name: Hoosier East

SRCA Acres: 900

RARE [Roadless Area Review Evaluation] II Name: Red Peak

RARE II Acres: Part of 5,500-acre Red Peak area

The Hoosier East Roadless Area is adjacent to the 5,100-acre SRCA-inventoried Hoosier Pass RA [Roadless Area] on the Pike-San Isabel NF [National Forest], which in turn is adjacent to the White River NF Hoosier Ridge RA. About half of the Hoosier East RA is included in the CNHP [Colorado Natural Heritage Program] Mosquito Range (Outstanding Biodiversity Significance) and the Boreas Pass (Very High Biodiversity Significance) Potential Conservation Areas.

The purpose for identifying this seemingly small area is to ensure a complete inventory of the all the Roadless Areas that cross National Forest boundaries, something the WRNF did not do, especially along this portion of the Continental Divide. (Preservation/Conservation, Denver, CO - #1019.220.63000.001)

6-185 Public Concern: The Forest Service should include the Horse Park Roadless Area in the inventory.

BECAUSE IT IS OF SUFFICIENT SIZE AND SIGNIFICANCE TO WARRANT INCLUSION

[From ATT 1] Horse Park Roadless Area

Rifle Ranger District

Location: South of Silt in Garfield County

SRCA [Southern Rockies Conservation Alliance] Name: Horse Park

SRCA Acres: 7,100

RARE [Roadless Area Review Evaluation] II Name: Horse Park

RARE II Acres: 9,700

The Horse Park Roadless Area has high habitat value for a broad range of species of interest and concern to the White River National Forest and the State of Colorado, including: lynx, black swift, boreal owl, boreal toad, flammulated owl, golden crown kinglet, pygmy nuthatch, and Virginia warbler. and contains a significant portion of the CNHP [Colorado Natural Heritage Program] Willow Creek Potential Conservation Area (Moderate Biodiversity Significance). This RARE II area was dropped from the White River National Forest's 1990's inventory for unknown reasons, but is still of sufficient size and significance to warrant inclusion in the updated CRA [Colorado Roadless Area] inventory. (Preservation/Conservation, Denver, CO - #1019.221.63000.001)

6-186 Public Concern: The Forest Service should include the Independence Mountain Roadless Area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Independence Mountain Roadless Area

Dillon Ranger District

Location: East of Breckenridge in Summit County

SRCA [Southern Rockies Conservation Alliance] Name: Independence Mountain

SRCA Acres: 5,600

The SRCA Independence Mountain Roadless Area is connected to the SRCA Swan Mountain Roadless Area. Independence Mountain is a vital wildlife link through the southeastern part of Summit County, and preserving its roadless status is vital to this function. It also contains parts of the CNHP [Colorado Natural Heritage Program] Montezuma (High Biodiversity Significance) and the North Fork Swan River (Very High Biodiversity Significance) Potential Conservation Areas. Its significance, and its size in the context of the relatively well-developed landscape nearby, warrant its inclusion in the CRA [Colorado Roadless Area] Roadless Area inventory. (Preservation/Conservation, Denver, CO - #1019.222.63000.331)

6-187 Public Concern: The Forest Service should include the McArthur Mountain Roadless Area in the inventory.

BECAUSE IT IS OF SUFFICIENT SIZE AND SIGNIFICANCE TO WARRANT INCLUSION

[From ATT 1] McArthur Mountain Roadless Area

Aspen Ranger District

Location: South of Aspen in Pitkin County

SRCA [Southern Rockies Conservation Alliance] Name: McArthur Mountain

SRCA Acres: 5,300

RARE [Roadless Area Review Evaluation] II Name: Elk Mountain/Collegiate

RARE II Acres: 6,100

The McArthur Mountain Roadless Area is separated from the Collegiate Peaks Wilderness Area by a single jeep road (Pitkin County 15E), and carries the wild character and scenic value of that Wilderness Area right down into the Castle Creek valley. It stands well on its own as a Roadless Area and warrants inclusion in the CRA [Colorado Roadless Area] inventory. (Preservation/Conservation, Denver, CO - #1019.223.63000.002)

6-188 Public Concern: The Forest Service should include the Middle Miller Creek Roadless Area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

[From ATT 1] Middle Miller Creek Roadless Area

Blanco Ranger District

Location: Southeast of Meeker in Rio Blanco and Garfield Counties

SRCA [Southern Rockies Conservation Alliance] Name: Middle Miller Creek

SRCA Acres: 5,200

Middle Miller Creek was evaluated by the White River National Forest for Wilderness capability and availability as area #11, then reduced in size for being too flat and open to such an extent that it fell below the standard 5,000 acre threshold. The roadless character of the area under review was never in question, only its manageability as Wilderness. But this standard has no bearing on the CRA [Colorado Roadless Area] inventory and the Middle Miller Roadless Area, as outlined in the SRCA inventory, needs to be added to the CRA inventory. (Preservation/Conservation, Denver, CO - #1019.224.63000.650)

6-189 Public Concern: The Forest Service should include the Milk Creek Roadless Area in the inventory.

BECAUSE, WHEN MERGED WITH THE MORAPOS A ROADLESS AREA,IT IS OF SUFFICIENT SIZE AND SIGNIFICANCE TO WARRANT INCLUSION

[From ATT 1] Milk Creek Roadless Area

Blanco Ranger District

Location: Northeast of Meeker in Rio Blanco County

SRCA [Southern Rockies Conservation Alliance] Name: Milk Creek

SRCA Acres: 5,000

RARE [Roadless Area Review Evaluation] II Name: Pagoda Peak

RARE II Acres: 48,700

The current roadless inventories no longer show an unbroken expanse of roadless land solely on the White River National Forest that stretches from Milk Creek to Pagoda Peak. However, there is no system road between the Milk Creek and Morapos A Roadless Areas—only the Three Points (FST 1807.2A) and the Konopic Cutoff (FST 1807.2B) Trails. Given this situation, the SRCA inventoried Milk Creek RA [Roadless Area] needs to be merged into the Morapos A Roadless Area and included in the CRA [Colorado Roadless Area] inventory. The Milk Creek Area has good overall habitat values and includes Elk Winter Concentration and Severe Winter Range areas that are lacking in the currently inventoried Morapos A Roadless Area. (Preservation/Conservation, Denver, CO - #1019.225.63000.002)

6-190 Public Concern: The Forest Service should include the Mount Guyot Roadless Area in the inventory.

TO ENSURE A COMPLETE INVENTORY OF ALL ROADLESS AREAS

[From ATT 1] Mount Guyot Roadless Area

Dillon Ranger District

Location: East of Breckenridge in Summit County

SRCA [Southern Rockies Conservation Alliance] Name: Mount Guyot

SRCA Acres: 1,400

The Mount Guyot Roadless Area is adjacent to the Boreas Roadless Area on the Pike-San Isabel National Forest, which also connects to the Bald Mountain RA [Roadless Area] just west of the Mount Guyot RA on the White River NF [National Forest].

The purpose for identifying such a small area is to ensure a complete inventory of the all the Roadless Areas that cross National Forest boundaries, something the WRNF [White River National Forest] did not do along this portion of the Continental Divide. The Forest Service must correct this oversight and add the area of the SRCA Mount Guyot RA to its current Boreas Roadless Area. (Preservation/Conservation, Denver, CO - #1019.226.63000.001)

6-191 Public Concern: The Forest Service should include the Ruby Lakes Roadless Area in the inventory.

[From ATT 1] Ruby Lakes Roadless Area

Aspen Ranger District

Location: Southeast of Aspen in Pitkin County

SRCA [Southern Rockies Conservation Alliance] Name: Ruby Lakes

SRCA Acres: 2,400

The Ruby Lakes Roadless Area is adjacent to the Collegiate Peaks Wilderness Area. It is a pocket of scenic alpine roadless land bordered on three sides by the Collegiate Peaks WA [Wilderness Area] that deserves to be added to this Wilderness Area and most certainly needs to be added to the CRA [Colorado Roadless Area] Roadless Area inventory. (Preservation/Conservation, Denver, CO - #1019.228.63000.001)

6-192 Public Concern: The Forest Service should include the Star Peak Roadless Area in the inventory.

BECAUSE IT IS A FUNCTIONALLY CONTINUOUS ROADLESS AREA

[From ATT 1] Star Peak Roadless Area

Aspen Ranger District

Location: South of Aspen in Pitkin County

SRCA [Southern Rockies Conservation Alliance] Name: Star Peak

SRCA Acres: 5,500

RARE [Roadless Area Review Evaluation] II Name: Elk Mountain/Collegiate

RARE II Acres: 4,300

The Star Peak Roadless Area is adjacent to the CRA [Colorado Roadless Area] Double Top Roadless Area on the Gunnison National Forest (the Cement Mountain RA [Roadless Area] in the SRCA inventory).

Star Peak, with its long, jagged arêtes and deep cirques, is the iconic peak of the Castle Creek Valley. Were it not for the Pearl Pass and Taylor Pass on its western and eastern sides, the Star Peak RA would already be part of either the Maroon Bells-Snowmass or Collegiate Peaks Wilderness Areas.

The Star Peak Roadless Area is divided into two parts by the closed Cooper Basin Road (FSR [Forest Service Road] 121.1) that leads to a closed iron mine on Taylor Peak and undeveloped mining claims on the north ridge of Taylor Peak. It is a functionally continuous alpine Roadless Area divided by ownership. The southern piece is adjacent to the Double Top Roadless Area and certainly needs to be added to the CRA inventory, either on its own or as an addition to the Double Top RA. The northern section covers only about 3,000 acres but is classic alpine and sub-alpine terrain that includes the CNHP [Colorado Natural Heritage Program] Taylor Pass Potential Conservation Area (Very High Biodiversity Significance). It should be considered as a smaller, stand-alone Roadless Area or as a noncontiguous part of the larger Star Peak-Double Top Roadless Area. (Preservation/Conservation, Denver, CO - #1019.229.63000.001)

6-193 Public Concern: The Forest Service should include the Swan Mountain Roadless Area in the inventory.

BECAUSE IT PROVIDES IMPORTANT WILDLIFE HABITAT

[From ATT 1] Swan Mountain Roadless Area

Dillon Ranger District

Location: East of Breckenridge in Summit County

SRCA [Southern Rockies Conservation Alliance] Name: Swan Mountain

SRCA Acres: 6,100

The Swan Mountain Roadless Area is adjacent to the Independence Mountain Roadless Area. The Swan Mountain RA [Roadless Area] contains half of the Elk Severe Winter Range in the upper Blue River Valley and the best overall habitat for species of interest and concern to the White River National Forest and the State of Colorado of the SRCA-inventoried Roadless Areas in the Upper Blue. These species include black swift, boreal toad, golden crown kinglet, marten, northern three-toed woodpecker, olive-sided flycatcher, pallid bat and tiger salamander. These characteristics, combined with its relatively small size and isolation from large areas of roadless land and designated Wilderness make it all the more important to add it to the CRA [Colorado Roadless Area] inventory and to keep it roadless. (Preservation/Conservation, Denver, CO - #1019.230.63000.340)

6-194 Public Concern: The Forest Service should include the Three Forks Roadless Area in the inventory.

[From ATT 1] Three Forks Roadless Area

Blanco and Rifle Ranger Districts

Location: North of Rifle in Garfield County

SRCA [Southern Rockies Conservation Alliance] Name: Three Forks

SRCA Acres: 8,700

RARE [Roadless Area Review Evaluation] II Name: Three Forks

RARE II Acres: 9,000

The Three Forks Roadless Area was analyzed in the White River National Forest's forest planning evaluation of areas capable and available for Wilderness designation as area 18. As with so many Roadless Areas on the Flat Tops, the inventory boundary was restricted to the areas below canyon rims, so an 8,700-acre area without roads became a 3,000-acre area that was dropped from further consideration for recommendation as a Wilderness Area. The CRA [Colorado Roadless Area] inventory needs to look beyond this procedural process of elimination to the actual character of the land and add Three Forks to its Roadless Area inventory. (Preservation/Conservation, Denver, CO - #1019.231.63000.621)

6-195 Public Concern: The Forest Service should include the West Miller Creek Roadless Area in the inventory.

BECAUSE IT WAS INAPPROPRIATELY ELIMINATED

[From ATT 1] West Miller Creek Roadless Area

Blanco Ranger District

Location: South of Meeker in Rio Blanco and Garfield Counties

SRCA [Southern Rockies Conservation Alliance] Name: West Miller Creek

SRCA Acres: 6,700

The West Miller Creek Roadless Area was analyzed in the White River National Forest's forest planning evaluation of areas capable and available for Wilderness designation as area 10. As with so many Roadless Areas on the Flat Tops, the inventory boundary was reduced for its flatness, openness to snowmobiles, and even for grazing uses, so a 6,700-acre area without roads became a 2,600-acre area

that was dropped from further consideration for recommendation as a Wilderness Area. The CRA [Colorado Roadless Area] inventory needs to look beyond this procedural process of elimination to the actual character of the land and add West Miller to its Roadless Area inventory. (Preservation/Conservation, Denver, CO - #1019.232.63000.621)

6-196 Public Concern: The Forest Service should include the Whale Peak Roadless Area in the inventory.

TO ENSURE A COMPLETE INVENTORY OF ALL ROADLESS AREAS

[From ATT 1] Whale Peak Roadless Area

Dillon Ranger District

Location: South Eagle in Eagle County

SRCA [Southern Rockies Conservation Alliance] Name: Whale Peak

SRCA Acres: 1,400

The Whale Peak Roadless Area is adjacent to the Jefferson Roadless Area on the Pike-San Isabel National Forest.

The purpose for identifying smaller areas is to ensure a complete inventory of the all the Roadless Areas that cross National Forest boundaries, something the WRNF [White River National Forest] did not do along this portion of the Continental Divide. Thus the SRCA Whale Peak RA [Roadless Area] should be added to the current Jefferson Roadless Area. (Preservation/Conservation, Denver, CO - #1019.233.63000.001)

White River National Forest

6-197 Public Concern: The Forest Service should include the Shoe & Stocking area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Shoe & Stocking area is in the Yampa Ranger district west of Kremmling, southwest of Gore Pass and northwest of the Radium State Wildlife Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 8,700 roadless acres. The Shoe & Stocking area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Shoe & Stocking area is bounded on the north by Colorado highway 134 with (closed) Forest Roads 278 and 278.1A excluded (those Forest Routes do not appear on the 2008 Yampa Ranger District Motor Vehicle Use Map). The area is bounded on the east, southeast, and south by Forest Route 225, with Forest Route 225.1B and (closed) Forest Route 225.1A excluded. The area is bounded on the west by the forest boundary with private inholdings excluded.

Shoe & Stocking Creek, that the area is named after, has its headwaters in this area. It flows into Rock Creek, part of the Colorado River system. Diverse vegetation types are found in the Shoe & Stocking area including sage shrublands, montane grasslands, aspen, Douglas-fir, and lodgepole pine. Elk have calves and spend severe winters in the Shoe & Stocking area. The Southern Rockies Ecosystem Project (now merged with the Center For Native Ecosystems) determined that the Shoe & Stocking area is at the end of a high priority wildlife linkage for lynx and wolf. Rare birds that have been observed in or near the Shoe & Stocking area include boreal owl, which is imperiled in Colorado and is considered sensitive by the US Forest Service.

Opportunities for recreation in the Shoe & Stocking area include the Shoe & Stocking Trail. The Rock Creek State Wildlife Area, where people hunt black bear, deer, and elk, upland birds, and waterfowl, is directly across Forest Route 225 from the Shoe & Stocking area.

Note: The first SRCA inventory of the Shoe & Stocking area included land southeast of Forest Road 225. That area is not included in the description above because it is not large enough to be a stand-alone Roadless Area. (Preservation/Conservation, Denver, CO - #1019.127-128.63000.002) (Preservation/Conservation, Denver, CO - #1019.127.63000.002)

6-198 Public Concern: The Forest Service should include the Beaver/Steuben/East Elk Roadless Areas in the inventory.

BECAUSE THEIR EXCLUSION IS NOT JUSTIFIED

[From ATT 1] The exclusion of these areas [Beaver/Steuben/East Elk Colorado Roadless Area] from the inventory is not justified because the ditches, recreation opportunities, and past timber harvest activities cited as reasons the areas would not be available for Wilderness designation are activities allowed in Roadless Areas under the Proposed Colorado Roadless Rule. (Preservation/Conservation, Denver, CO - #1019.75.63000.650)

6-199 Public Concern: The Forest Service should include the Hightower area in the inventory.

BECAUSE IT MEETS THE CRITERIA FOR ROADLESS AREAS

The Hightower area is in the Grand Valley Ranger District west of Colbran and south of Silt and west of the Vega State Recreation Area. The SRCA [Southern Rockies Conservation Alliance] inventory of this area found 5,500 acres. The Hightower area is directly adjacent to the Reno Mountain Roadless Area in the White River National Forest. This area should be protected as roadless because it is adjacent to the Reno Mountain Roadless Area even in more careful boundary analysis determines it is less than 5,000 acres. The 2001 Roadless Rule inventory found 4,600 roadless acres in the Hightower area. The Hightower area was not included in the Colorado Roadless Rule inventory.

The Hightower area is bounded on the north by the GMUG [Grand Mesa Uncompahgre National Forest boundary, on the west by the powerline that is east of Forest Road 265, on the south by Forest Roads 265 and 268 and on the east by Forest Road 841. Forest Road 268.1A and the inholding that it accesses are excluded from the area.

Hightower Mountain at 9,555 feet and Reno Mountain at 9,741 feet are highpoints on the ridge that forms the northern boundary of this area and forms the western end of the Plateau Valley, north of the Grand Mesa. Hightower Creek in the Colorado River system has its headwaters in this area. Aspen forests predominate in this area with sagebrush steppes and gamble-oak at the lower elevations and small areas of spruce-fir near Hightower Mountain. The Hightower area is in the Buzzard Creek watershed, which contains Colorado River Cutthroat Trout. Elk have calves in this area and black bears concentrate here in the fall. Potential habitat for lynx is found in this area. Recreational Opportunities in this area include Trail 525 which provides access to Hightower Mountain and Trail 539 along Owens Creek. (Preservation/Conservation, Denver, CO - #1019.99.63000.002)

6-200 Public Concern: The Forest Service should include the Ruby Lakes Roadless Area in the inventory.

[From ATT 1] Patterson Creek Roadless Area

Eagle and Rifle Ranger Districts

Location: North of Glenwood Springs in Garfield County

SRCA [Southern Rockies Conservation Alliance] Name: Patterson Creek

SRCA Acres: 700

RARE [Roadless Area Review Evaluation] II Name: Hunns Peak

RARE II Acres: 13,200

The Patterson Creek Roadless Area is adjacent to the Flat Tops Wilderness. Due to later road construction, the Patterson Creek Area is no longer part of the Hunns Peak Roadless Area. However, it was included in the White River National Forest's forest planning evaluation of areas capable and available for Wilderness designation as area 22b with 300 acres. The SRCA inventory GIS [Geographic Information System] analysis found 400 more roadless acres contiguous with the area identified by the WRNF [White River National Forest].

Since Wilderness Area boundaries are so often drawn with management considerations in mind, it is essential that a Roadless Area inventory look carefully at all possible qualifying lands to ensure that it

includes all land with roadless qualities, regardless of whether there is any intent to add it to a Wilderness Area. Patterson Creek fits in this category and needs to be added to the CRA [Colorado Roadless Area] inventory. (Preservation/Conservation, Denver, CO - #1019.227.63000.160)

Other Designations

6-201 Public Concern: The Forest Service should recommend the East and West Hermosa Roadless Areas for Wilderness designation.

TO CONSERVE THE LARGEST ROADLESS AREA IN COLORADO

We understand that the Colorado Roadless Rule will supersede forest plan direction for road construction and reconstruction and tree-cutting in Colorado Roadless Areas, except where forest plan direction is more restrictive. It is unfortunate that citizens did not have this understanding during the review and comment period for the draft San Juan Public Lands Management Plan revision that ended April 11, 2008. We certainly would have given closer scrutiny to the plan for the implications of this. The 4CBCH [Four Corners Back Country Horsemen] made the recommendation that both the East and West Hermosa Roadless Area be designated Wilderness. In light of the Colorado Roadless Rule, this recommendation is even more clearly the best option for conserving the largest Roadless Area that remains in Colorado. (Non-Motorized/Non-Mechanized Recreation, Durango, CO - #1046.2.62200.162)

6-202 Public Concern: The Forest Service should split the White River National Forest.

TO ALLOW FOR EFFECTIVE MANAGEMENT

We [Jeff and Sharon Stackhouse] believe the White River Forest is being poorly managed in part due to lack of funds, but also because it is too large and encompasses too many varied interests. We believe that [this] forest should be split so that it can be more effectively managed. (Individual - #934.2.62000.002)

The DEIS and the Proposed Rule: Specific Corrections and Revisions

6-203 Public Concern: The Forest Service should include a table showing acreages for all specially designated areas.

Of particular note, is the absence of a single table [in the DEIS] displaying the acreages and percentages of the various categories of Classified Areas (Wilderness, special areas, etc), Colorado Roadless Areas, and remaining acres within the boundaries of the various National Forests. A table of this nature would provide a better display of the overall effect of the Proposal on the National Forest future management options. This new table would best replace Table 5, on page 42. (Individual, Commerce City, CO - #1045.4.62000.160)

6-204 Public Concern: The Forest Service should update designations shown in Table 51 of the DEIS.

BECAUSE IT IS LIKELY NOT ACCURATE AND DESIGNATIONS HAVE CHANGED

[Table 51 on] page 255 [of the DEIS] shows the areas and acreage recommended for Wilderness in each National Forest, but it is likely not accurate. Some of the acreage in areas listed here has already been designated Wilderness, most prominently most or all of the 187,000 acres in the Sangre de Cristo area on the Pike-San Isabel National Forest. At least some of the acreage listed for Buffalo Peaks and Greenhorn on this National Forest have been designated Wilderness. Also, 39,800 out of 47,000 acres in Fossil Ridge on the GMUG [Grand Mesa, Uncompahgre and Gunnison] National Forest has been

designated as a Special Management Area. DEIS at 258. (Preservation/Conservation, Denver, CO - #789.55.62200.620)

Chapter 7. Roads Management

7-1 Public Concern: The Forest Service should evaluate potential roads on a case-by-case basis.

TO INCLUDE PUBLIC COMMENT

Please do not add more roads to these areas. . Colorado already has exceptional access to nearly every part of the state. It does not [Colorado Roadless Areas] need more roads on public lands. If roads are needed for public use, they should be evaluated on a case by case basis. I think there should be a process to put them in, but it should involve public comment, have overwhelming support from the public, and be used only for the public. (Individual, Steamboat Springs, CO - #323.1.64000.060)

7-2 Public Concern: The Forest Service should not allow road constructing on the Umcompahgre Plateau.

BECAUSE THE EXCEPTIONS ARE CONTRARY TO EXISTING LEGAL MANAGEMENT PLANS

I'm very concerned about road building on Roadless Areas on the Uncompahgre Plateau, both for mineral development as well as for timbering. These road building exemptions in the Task Force Alternative 2 and Alternative 3 are contrary to present legal management plans in Colorado. (Individual, Montrose, CO - #229.2. 64100.160)

7-3 Public Concern: The Forest Service should avoid constructing additional roads on the San Juan National Forest.

BECAUSE ROAD CONSTRUCTING WOULD IMPAIR ROADLESS VALUES

Road construction for forest health projects, wildfire, disease, insects and for commercial/extractive uses —power line corridors, water projects, grazing, oil and gas development, and coal mining—have the potential to impair roadless values on significant percentages of Colorado Roadless Areas.

Table C-1. Likelihood of future road construction or reconstruction and tree-cutting in Roadless Areas by national forest (15-year projection), page C-3, reveals that on the San Juan National Forest: Under the 2001 Rule, only one of 28 Roadless Areas listed rises to the level of road construction as "somewhat likely, very likely or plans underway." Representing 3.6 percent of the listed areas. Under the Proposed Rule, 25 of these 28 areas rise to these same three standards. Representing 89 percent. Under the Proposed Rule, 18 of these 28 [areas] rise to the two highest standards of "very likely or plans underway." Representing 64 percent.

These numbers represent the significant divergence between the 2001 Rule and the Proposed Rule, particularly given today's arguably low levels of population, energy reserves, commercial pressures, and agency funding available on and around the San Juan National Forest. Significant increases in any of these four factors could and likely would push levels of road building on the San Juan [National Forest] even higher. (Special Use Permittee, Golden, CO - #832.6.64100.002)

7-4 Public Concern: The Forest Service should not allow the broad exceptions for road constructing currently included in the Proposed Rule.

BECAUSE THEY UNDERMINE THE 2001 ROADLESS RULE'S GENERAL PROHIBITION AGAINST CONSTRUCTING ROADS

The Proposed Colorado Rule creates a number of new reasons for road building in Roadless Areas. [Section] 294.33(b)(7) allows for new permanent roads to be constructed for the management of livestock grazing. [Section] 294.33(c)(5) allows for long-term temporary roads to access oil and gas leases issued between 2001 and the effective date of the Colorado Rule. The 2001 Rule only allowed road building to access leases in existence as of January 2001. In addition, [Section] 294.33(c)(6) allows road construction for "coal exploration and coal-related surface activities" in certain areas in the Colorado National Forests. These broad exceptions for road building fundamentally undermine the 2001

Rule's general prohibition on road building. (Preservation/Conservation, Charlottesville, VA - #795.9.64100.002)

BECAUSE THEY COULD SACRIFICE ROADLESS AREA CHARACTERISTICS

The DEIS as proposed appears to have little restriction to road building under numerous circumstances as compared to the 2001 Roadless Rule (Alternative 1). The authority in charge, upon declaring qualifying circumstances, could authorize roads without facing the controls the 2001 Rule would impose. The mere determination that prioritizes fuels reduction, oil/gas access, treatment in a wildfire protection area well away from homes, or even insect control, as important, appears capable of sacrificing the roadless character of an area. (Individual, Denver, CO - #805.4.64100.002)

7-5 Public Concern: The Forest Service should retain the provision in the 2001 Rule that restricts road realignments to those instances where it is essential.

[From ATT 1] Under the 2001 Rule, road realignment is permitted if "needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a classified road and that cannot be mitigated by road maintenance." 66 Fed. Reg. 3272 at [Section] 294.12(b)(4). Limiting that authorization, however, the 2001 Rule allows road realignment for these purposes "only if the road is deemed essential for public or private access, natural resource management, or public health and safety." Id.

The Proposed Rule permits road realignment for the same purposes as the 2001 Rule, but does not limit that type of road reconstruction to instances when it is "essential," as does the 2001 Rule. 73 Fed. Reg. 43562 at [Section] 294.33(b)(3). The lack of this qualification expands the circumstances in which roads may be realigned under the Proposed Rule. (Preservation/Conservation - #799.19.64000.001

Roadbuilding in Roadless Areas

7-6 Public Concern: The Forest Service should give Regional Foresters the authority to decide when circumstances allow for construction of permanent roads.

DUE TO THE ROADLESS ACREAGE AT STAKE AND ITS VALUE TO THE STATE AND THE NATION

Proposed Section 294.33(b) addresses road construction and reconstruction in CRAs [Colorado Roadless Areas] and vesting in a "responsible official" decision-making authority as to when circumstances allowing for permanent road construction exist. Given the acreage of CRAs at stake, and the value they have to both the State of Colorado and the Nation, this decision-making authority should reside at least at the level of Regional Forester. Regional Foresters should make the decisions regarding temporary roads associated with 36 CFR [Section] 294.33(c), rather than a responsible official. [Footnote 11: Similarly, the Regional Forester rather than a responsible official should make tree cutting and removal decisions as outlined in proposed 36 CFR [Section] 294.34(b).] (Preservation/Conservation, Washington, DC - #953.14.64000.160)

7-7 Public Concern: The Forest Service should keep Roadless Areas available for roading or development.

BECAUSE THEY ARE NOT NATIONAL PARKS OR MONUMENTS

Keep the areas open for development, be it mineral, forestry, grazing, or whatever. They are not National Parks or National Monuments, so quit trying to manage them like they are. (Individual, Ogden, UT - #183.3.40000.134)

BECAUSE PERSERVING THEM IS WRONG AND UNETHICAL

Designating an area as "roadless" merely to stop development is not only unethical, it is just plain wrong. Your back room deals with environmental groups are illegal. Do not claim that these do not

occur; it happens all the time by low and mid-level managers throughout the FS and BLM. (Individual, Ogden, UT - #183.2.63000.720)

TO AVOID BEING INCONSISTENT WITH COURT RULINGS AND THE WILDERNESS ACT

Please acknowledge the correctness of Judge Brimmer's July 203 decision and Governor Freudenthal's May 2004 letter. I suggest we start by you calling all previous inventories of Roadless Areas on National Forest Systems land in Utah, Wyoming, and Nevada moot. In addition, please do the same for Idaho and Colorado. The 2001 Roadless Rule, or any variation of it, is clearly in violation of the Wilderness Act. Only Congress has the authority to designate Wilderness. The Forest Service (Chief Kimbell and Regional Foresters Forsgren, Cables, and Tidwell) will then have the opportunity of work with western governors in recognizing, planning, developing, and operating (managing traffic and maintaining) adequate transportation systems to protect, manage, and use our abundant resources, particularly our renewable resources-wood, forage, wildlife, and recreation. (Individual, Roy, UT - #50.3.63000.130)

TO RETAIN FLEXIBILITY TO RESPOND TO NATURAL DISASTERS

There is already a large percentage of National Forest without roads or development in the form of wilderness areas. Limiting management abilities in this way can bring about serious consequences to forest health, wildlife habitat, and to future generations of people. The ability to react to and minimize damage from natural disasters such as fires, floods, winds, insects, etc., will be greatly impacted. (Individual, Newcastle, OK - #939.2. 40000.002)

7-8 Public Concern: The Forest Service should apply the same controls on the construction of permanent roads as are proposed for the construction of temporary roads.

TO EXHAUST ALL OTHER OPTIONS BEFORE PROCEEDING WITH CONSTRUCTION

Proposed Section 294.33(c)(2) notes that construction of temporary roads should only be considered "after reviewing and rejecting other access options, resource and community protection needs, and consistency with applicable Forest Plans." [Footnote 12: 73 Fed. Reg. 43544 at 43562.] The section explains that, "If it is determined that a temporary road is needed, construction must be conducted in a manner that minimizes effects on surface resources, prevents unnecessary or unreasonable surface disturbances, and complies with all applicable land management plan directions, regulations and laws." [Footnote 13: Id. Fed. Reg. 43544 at 43562] Outdoor Alliance appreciates these controls, and believes that they should apply to the decision-making process for permanent road construction, as well. (Preservation/Conservation, Washington, DC - #953.15.64100.002)

7-9 Public Concern: The Forest Service should address the needed balance between Roadless Area protection and road construction.

BECAUSE THE PROPOSED RULE CURRENTLY DOES NOT DO SO

Professional resource managers at the Forest Service working directly with (and I mean directly with) professional wildlife managers and biologists at the Colorado Division of Wildlife need to have the ability to make science-based decisions about where and when roads and timbering activities should and should not occur based on a carefully structured set of criteria. Since roads outside these Roadless Areas are expanding exponentially, then Colorado's Roadless Areas in many ways provide a vital and necessary counter balance. In my personal opinion, the Colorado Rule does not adequately address this balance, especially when one reviews the table on pages 16–20 and the numerous pages throughout the document that discuss "temporary" roads. I do understand that without this "discretion," many professional land managers at the USFS may say they cannot maintain their commitments as stewards of the public trust at both the broad scale and the fine scale; however, managers must temper this discretion with the realization that significant losses are occurring elsewhere. Therefore, priority for Roadless Areas remaining roadless is not only necessary but in many cases paramount. (Individual - #1029.4.64300.200)

7-10 Public Concern: The Forest Service should keep Roadless Areas intact.

BECAUSE THE ECOLOGICAL IMPACTS OF ROADS ARE SUBSTANTIAL

The impact of new roads on recreation is concrete and carries far beyond their physical boundaries—new roads (temporary or otherwise) not only fragment trail systems, but also increase sediment run-off into rivers and introduce noise far into the backcountry, where once there was quiet and solitude. Roads have significant impacts on aquatic ecosystems, a problem the Forest Service is spending millions of dollars across the West to mitigate. Roads are one of the most problematic sources of non-point source pollution in the landscape as traffic activity pulverizes road material, which mixes with rain and is delivered to streams. Direct physiological impacts on fish and other species result as reproductive success and behavior are affected. Even with a small percentage area occupied by roads, the impact on water quality and the drainage network can be substantial.

Roads cause alteration of stream flow and with budgets insufficient to properly maintain the existing road network, culverts and stream crossings are not being maintained. This is a chronic problem throughout the West, resulting in catastrophic road failures and associated mass wasting events that have devastating impacts on aquatic ecosystems with implications for biota, public water supplies, and recreational users who value the experience clean free-flowing rivers provide.

Roads also serve as vectors for the spread of pests and pathogens into forest ecosystems thereby leading to the establishment of weedy non-native plants and fungal species that affect forest health. The impact to terrestrial ecosystems is a significant management issue that has reduced habitat and aesthetic characteristics of forest ecosystems pierced by roads. The impacts are not limited to plant species, as roads fragment habitat for animals. (Preservation/Conservation, Washington, DC - #953.10.64100.200)

BECAUSE WHETHER A ROAD IS PERMANENT OR LONG-TERM TEMPORARY HAS LITTLE BEARING ON THE RESULTING DEGRADATION OF THE LANDSCAPE

Given that most of these impacts resulting from roads are based on basic physical processes, the fact that a road is “permanent” or “long-term temporary” has little if any bearing on the potential for roads to transform the landscape in a manner that degrades the very characteristics that make Roadless Areas the highly valued landscapes they are. (Preservation/Conservation, Washington, DC - #953.11.64100.200)

7-11 Public Concern: The Forest Service should manage Roadless Areas to preserve their wilderness characteristics.

Colorado Roadless Areas offer the best reservoir of potential Wilderness, and all should be managed to preserve their wilderness character. (Individual, Durango, CO - #26.3.62200.650)

7-12 Public Concern: The Forest Service should protect roadless characteristics.

Be sure that all roadless characteristics are reliably protected. (Individual, Cave Creek, AZ - #313.3.63000.001)

INCLUDING RECLAMATION OF ROADS

Any Colorado Rule should include clear safeguards to make sure that roadless characteristics aren’t lost unless no other alternative exists, and that new roads are reclaimed once they’ve served their purpose. (Individual, Grand Junction, CO - #440.6.20000.621)

TO PROVIDE FOR EVENTUAL RESTORATION OF THE LAND

Where development occurs on Roadless Areas, the overriding goal of the managing agencies should be to view this development as temporary and to provide for eventual restoration of the land to roadless conditions. Managing agencies should have the goal of maintaining as much roadless character as possible during the development period. Agencies should keep roadbuilding to a minimum, road sizes to a minimum, require steps to control runoff of toxic substances, control erosion, control exotic weeds, and promote less invasive development methods such as directional drilling for gas. (Preservation/Conservation - #928.4.64000.206)

Temporary Roads

7-13 Public Concern: The Forest Service should resolve the discrepancy between the DEIS and the Proposed Rule regarding the designation of temporary roads as forest roads.

BECAUSE TEMPORARY ROADS TO ACCESS OIL AND GAS LEASES MIGHT BE CONSTRUCTED WITH INSUFFICIENT NEPA REVIEW

[From ATT-1] While the Proposed Rule unambiguously states that temporary roads are not forest roads, the DEIS claims otherwise. The DEIS states that: "Roads built for access to existing oil and gas leases as of the date of the Colorado Rule and roads built to accommodate coal mining exploration and coal-related surface activities in the North Fork coal mining area will be considered forest roads, thus part of the National Forest System." DEIS at 47. This is a considerable disconnect between the Proposed Rule and its supporting DEIS. The reason for this disconnect is unclear. In any case, the potential effects of road construction for access to oil and gas leases or to undertake other actions are significant. If temporary roads are not considered forest roads, as the Proposed Rule specifically provides, then roads to access oil and gas leases or to take any actions could be constructed with relatively little NEPA [National Environmental Policy Act] review. (Preservation/Conservation - #799.44. 44000.680)

7-14 Public Concern: The Forest Service should retain the provisions for temporary roads for fire management and timber stand confinement.

Temporary roads for fire management and timber stand confinement seem reasonable. Emphasis on temporary. (Individual, Pueblo, CO - #15.3.64300.260)

7-15 Public Concern: The Forest Service should allow construction of temporary roads for forest health and fire prevention.

Temporary roads to harvest beetle-killed trees or to create fire breaks are acceptable. (Individual, Grand Junction, CO - #223.3.64300.260)

7-16 Public Concern: The Forest Service should not allow the construction of temporary roads.

BECAUSE IT IS UNLIKELY THAT THEY WILL EVER BE DECOMMISSIONED

With the ever-increasing world population, there are going to be more and more pressures placed on our natural resources. Some areas need to be set aside and precluded from development. That means "No Roads." As soon as you allow construction of roads, even for "temporary" access, they do not seem to ever get removed—the hunters, hikers, nature lovers, tourists, 4-wheelers, etc. etc. would like to keep them, and they argue that "you have spent all that money anyway, so why let it go to waste?"

However, the longer you keep those roads in service (or even just "in place"), even temporarily, the more use they will get and the harder it will be to get them removed.

And the more and longer they are used, the more pressure that will come to bear on opening up these areas to further development—more recreation, more roads, then some cabins, then etc. You get the picture.

Once they are opened up for construction of roads, the pressure will not end. These areas will not be converted back. (Individual, West Union, IA - #98.1.64100.002)

The proposed language of the new rules is fraught with ambiguity, and simply invites a tangle of misguided self-interest. I know, from personal experience, the lack of vigilance on the part of the Forest Service in securing "closed" roads and putting to bed "temporary" roads in times past, long before any Roadless Rule. The Forest Service has quite readily shifted its stance on temporary roads in times past, re-designating such corridors now "necessary firebreaks," extending the life of such roads far beyond the

limited time period initially claimed. I have seen such temporary roads, and the many assumed road closures violated time and again, to the point that the USFS decides "user-created" roads are here to stay. It's smoke and mirrors, and a whole lot of back-pedaling. (Individual - #152.1.64300.720)

BECAUSE THE DAMAGE CAUSED BY THESE ROADS CANNOT EASILY BE REVERSED

Despite assurances that roads will be decommissioned and the affected landscape restored, such restoration is difficult to do in our semiarid state. I recognize that the USFS has more experience than does our little community in such efforts. However, I am quite skeptical that it can be done well. Further, court challenges could well keep the road from being decommissioned. It is far better not to build them in the first place. (Individual, Manitou Springs, CO - #175.6.64300.002)

BECAUSE ROADS LEAD TO OFFSHOOT ROADS

My major issue is that once a road has been punched through the wilderness (for whatever reason), it can never be (or never is) reverted back to its natural state. . One road in leads to more and more roads that offshoot from that original road and on and on. We have enough access, we don't need more. (Individual, Carbondale, CO - #1013.1.64000.200)

BECAUSE THE AGENCY DOES NOT HAVE THE FUNDS TO ENFORCE LIMITS ON USE AND ROAD CLOSURES

The Proposed Rule creates a new concept, that of "long-term temporary" roads, which are evidently to function during the life of oil and gas fields and then be put to bed. Such roads would be closed to public use, including OHV [off-highway vehicle] use, as would merely temporary roads (Sect. 294.33[d]). This sounds good, but the on-the-ground fact is that neither the Forest Service nor Colorado Division of Wildlife has the money or the personnel to enforce such closures. Both temporary and long-term temporary roads would contribute to the loss of habitat availability and effectiveness, habitat fragmentation, importation of invasive species, and human access and disturbance of Roadless Areas described in Chapter 3 of the DEIS. (Preservation/Conservation, Littleton, CO - #919.7.64200.330)

BECAUSE THEY FRAGMENT HABITAT AND SPREAD NON-NATIVE SPECIES

"Temporary" roads have impacts that are far more than temporary. They carry with them the scars of erosion, the spread of thistle and noxious weeds, the fragmentation and break-up of landscapes and significant habitat, and a blight on the land that destroys the beauty of the forest. "Roadless" becomes meaningless in light of what is proposed. (Individual - #152.2.64300.300)

BECAUSE THE EXCEPTIONS FOR ROAD CONSTRUCTION PLACE INDUSTRY INTERESTS AHEAD OF NATURAL RESOURCE VALUES

The most recent Draft [Rule] seems purposely vague and poorly considered. It avoids taking responsibility for protecting natural resource values and caters to special interests diluting the original intent of Roadless designation. Having worked with the FS [Forest Service] for over 20 years, I have witnessed the ease with which "temporary" roads have become virtually "permanent." "Forest direction" has often been manipulated to rationalize a change of standard and restriction, and many of the most significant values of the forest (water, soil, wildlife) have continually been compromised.

The FS has no good reason to allow for temporary "non forest" roads for one interest versus another (e.g., oil/gas versus recreation, whether commercial [or not]). The lack of concreteness in allowing for "long-term" temporary roads effectively diminishes any roadless value. It is highly questionable whether proper analysis and comment would be rightly considered. This latest Draft [Rule] ignores a history of effort to strike the correct balance and cloaks itself in a pretense of being for the good of the resource.

I understand the FS is under pressure to soften the Roadless Rule language. I would hope someone would have the courage to know the difference between right and wrong. (Individual, Grand Junction, CO - #233.1.64300.720)

Long-Term Temporary Roads

7-17 Public Concern: The Forest Service should allow construction of long-term temporary roads.

TO SUPPORT OIL AND GAS AND COAL EXPLORATION

If Alternative 2 is selected, Oxbow [Mining, LLC] strongly supports the concept of long-term temporary roads associated with the exploration and mining of coal resources in Roadless Areas in the North Fork coal mining area located on the GMUG [Grand Mesa, Uncompahgre and Gunnison National Forest]. Oxbow also strongly supports the concept that subsequent oil and gas lessees will be given the opportunity to use these roads for the purpose of collecting and transporting the coal mine methane for beneficial use after mining activities have concluded. Oxbow would however, add language that allows the installation of surface pipelines to gather and transport gas resources as alternatives or a supplement to using the existing long-term temporary roads. Doing so will allow additional development without causing additional surface-disturbing operations. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Somerset, CO - #427.3.64300.421)

7-18 Public Concern: The Forest Service should seek out alternatives to constructing long-term temporary roads.

THAT WOULD MEET PROGRAM OBJECTIVES WHILE PROTECTING PUBLIC LANDS

Allowing "long-term temporary roads" is a serious threat to the environment and to wildlife. The negative impacts of roads have been clearly and scientifically demonstrated. For a road to be considered temporary when it can have a 30-year life span is absurd. The impact of such a road will last more than a generation. How is that temporary? I do not dispute that temporary roads are needed for fuels reduction and resource extraction, but a better approach, such as phased operation, can accomplish the needed program objectives while protecting Colorado public lands. (Individual, Denver, CO - #927.2.64300.200)

7-19 Public Concern: The Forest Service should not allow construction of long-term temporary roads.

BECAUSE THEY ARE NOT REALLY TEMPORARY

I'm particularly concerned about the temporary Roadless Rule that has been changed to temporary long-term roadless. Whereas before, I think we were looking at just something to let people go in there and mitigate the beetle kill issue so they could go in and interface [in the] areas that there were interfacing with homes ….

Whereas now, those roads could be in there, as I understand it, from 10 to 30 years, which I think would open up [the forest] to gas and oil or timber development or a lot of things that go in there. (Individual, Nathrop, CO - #984.1.64300.800)

BECAUSE THEY CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS

Once a Roadless Area has a "long-term temporary" road, it is not roadless anymore The Proposed [Rule] and with it the quality of the backcountry recreational experience is degraded. [The] Colorado Roadless Rule tries to skirt around the issue by creating a new category of road, a "long-term temporary" road used for mineral, gas, and coal exploration and removal, that does not qualify as a "road" under the Rule. These roads will fragment habitat, degrade recreational opportunities, and negatively impact water quality. (Individual, Grimsley, TN - #115.2.64300.002)

Temporary roads, including "long-term temporary roads," have adverse effects similar or equal to permanent roads, and would be difficult to restore. Many of the roads that could be built or reconstructed in Roadless Areas under the Draft Colorado Rule would be "temporary." The potential longevity of

these long-term temporary roads flies in the face of common sense. (Individual, Florissant, CO - #917.8.64300.200)

BECAUSE THE RESOURCES THAT MIGHT BE RECOVERED DO NOT JUSTIFY THE ENVIRONMENTAL IMPACTS

The new Rule would allow the building of "long-term temporary roads," which would be able to remain in place 10-30 years for use of oil, gas, or coal operations in Roadless Areas. The significance of this is the lack of required NEPA EIS for these roads, which could result in devastating impacts to the areas, specifically on habitat and water quality. Because the amount of recoverable oil and gas from leases in Colorado Roadless Areas is minimal, the disregard for environmental impacts is shocking. (Individual, Durham, NC - #22.1.64300.131)

The Colorado Roadless Rule is much more generous concerning exceptions to prohibitions on road building for oil and gas leases. In particular, "long-term temporary" road designations seems to be an oxymoron and is liable to negatively impact wildlife habitat and other areas that are deserving of protection. (Individual, Denver, CO - #774.2.64300.330)

BECAUSE THEY CAUSE THE SAME WILDLIFE IMPACTS AS PERMANENT ROADS

Temporary roads would not really be temporary. Temporary roads in the draft are allowed to be constructed almost as permanently as permanent roads. Road cuts and fill are allowed under the rule and are as difficult to obliterate as if the roads were permanent. Also the decommissioning language needs to be strengthened, nor are there budgets to accomplish what decommissioning is allowed. The DEIS states on page 187 that temporary roads "present most of the same risks posed by permanent roads [Footnote 1: This passage [in the DEIS] goes on to say that "the impacts would likely be of shorter duration." However, that would not be the case with long-term temporary roads…..]" for wildlife. (Recreation/Conservation Organization, Nederland, CO - #823.1.64300.350)

BECAUSE THE "GAP" LESSEES DO NOT HAVE ANY LEGAL RIGHT TO BUILD THESE ROADS

Section 294.33(c)(5) allows "temporary or long-term temporary" roads to be built for operations on existing oil and gas leases. This language appears to give new rights to lessees who acquired leases after the 2001 Rule took effect (a total of 89,817 acres, according to the DEIS, Table 22). Apparently, the intent of this section is to honor leases that were issued during the years between 2001 and 2006, the so-called "gap" period while the Bush administration was attempting to rescind the rule. However, the owners of those leases knew they were gambling on the outcome of the controversy and litigation raging over the 2001 [Rule]. In 2006, a U.S. District Court reinstated the rule and made it retroactive to 2001. We [Maryland Ornithological Society] doubt that the "gap" lessees have any right to build the roads contemplated in [Section] 294.33(c)(5). The language should be deleted. (Preservation/Conservation, Ellicott City, MD - #493.7.64300.420)

BECAUSE THEIR CONSTRUCTION AND MAINTENANCE REQUIREMENTS AND RESULTING IMPACTS ARE THE SAME AS PERMANENT ROADS

Long-term temporary roads would be included in the "forest transportation atlas," but normal temporary roads are not so included. Section 294.31. [Footnote 10: A forest transportation atlas is "a display of the system of roads, trails, and airfields of an administrative unit." Id.] This is appropriate, since the former "would be expected to continue for many decades." DEIS at 92, 242.

But this longevity makes these roads essentially permanent. These roads would need considerable pre-construction and construction engineering, much more so than would a true temporary road (i. e., one intended only for very short-term use that is constructed with only very minor earth moving and with no culverts, slope cuts, or fills), to ensure that resources like soils and water quality did not suffer irreparable harm.

Alternatively, for any roads that were constructed with permanent road-type features or in areas with unstable slopes or other environmental challenges, but without adequate engineering design for construction, the impacts would be even more severe than for permanent roads. In any case, these roads would need regular maintenance over their lives to retain the function of the roads for their intended uses and to minimize resource damage. Also, the Draft Colorado Rule allows authorized temporary roads to

be reconstructed. Section 294.33(c)(1). Note that "reconstruction" means, among other things, "actual building." Section 294.31; see also 36 CFR 212.1.

As with regular temporary roads, long-term temporary roads would have to be "decommissioned and the affected landscape restored." Section 294.31. However, the high level of design, engineering, and construction of these roads, designed to last several decades, would also make it much more difficult to obliterate them and to restore the surrounding landscape. They would in effect be permanent, not "temporary," roads. Their construction and longevity would cause a long-term loss of roadless characteristics. (Preservation/Conservation, Denver, CO - #789.20-21.64300.200)

BECAUSE THE REQUIRED RESTORATION OF THESE ROADS COULD BE COSTLY AND CAUSE SIGNIFICANT IMPACTS TO SOILS AND WATER QUALITY

Temporary roads, including "long-term temporary roads," have adverse effects similar or equal to permanent roads, and would be difficult to restore. Many of the roads that could be built or reconstructed in Roadless Areas under the Draft Colorado Rule would be "temporary." See Section 294.33(c). However, construction techniques for temporary roads can be, and often are, the same as for specified, or permanent, roads. Culverts are often installed, and cuts and fills are used to increase road stability in areas traversing steep slopes, for temporary roads. See also DEIS at 187, which states that temporary roads "present most of the same risks posed by permanent roads [Footnote 7: This passage goes on to say that "the impacts would likely be of shorter duration." However, that would not be the case with long-term temporary roads.]" for wildlife.

The definition of temporary road in the Draft Colorado Rule includes a requirement that once the need for a temporary road ends, or the use authorization terminates or expires (whichever comes first), the road must be "decommissioned and the affected landscape restored." Section 294.31. The intent of decommissioning and landscape restoration, "to preserve the roadless character of CRAs to the maximum extent practicable" (Draft Rule Preamble at 73 Fed. Reg. 43547), is commendable.

However, any roads with cuts and fills are very difficult to fully restore. Such restoration would be expensive and could cause adverse impacts to soils and water quality, as fills must be removed, cuts restored, the terrain shaped as closely as possible to the original contours, and vegetation reestablished on disturbed areas. This requires considerable earth moving to accomplish, increasing the risk of soil erosion and sedimentation of streams. Similarly, removing culverts is likely to unleash sediment into streams by destabilizing stream banks. The possibility of causing environmental harm by recontouring a slope that formerly had a road is acknowledged in the Preamble at 73 Fed. Reg. 43547. These problems can, of course, be avoided by not building the roads in the first place. (Preservation/Conservation, Denver, CO - #789.14-15.64300.680)

TO PROTECT ROADLESS CHARACTERISTICS

The new concept of LTTRs [long-term temporary roads] is ill-defined and has the potential to greatly impact roadless values. Any use of roads should be limited, limited in use, temporary, and require a cradle-to-grave approach prior to approval. (Recreational, Boulder, CO - #911.7.64300.206)

7-20 Public Concern: The Forest Service should acknowledge that the effects from temporary roads can be as severe as those from permanent roads.

BECAUSE LOOPHOLES IN THE PROPOSED RULES ALLOWS THEM TO BE BUILT

The Proposed Rules contain numerous loopholes. Temporary Roads: The USFS proposal for Colorado allows "temporary roads," even though the Forest Service itself has determined that the harm from temporary roads can be as severe as that from permanent ones. (County Government Agency/Elected Official/Association, Aspen, CO - #172.8.64300.200)

After reviewing the information provided at the open house, it seems to me that the Colorado Rule contains more loopholes to road building. I disagree with the allowance for a long-term temporary road. This is oxymoronic. A 30-year road is a road! Not only will the road devastate the land, but it will affect the wildlife and surrounding ecosystems of the construction zone/exploration area. Please help protect

our public lands and re-institute the 2001 Roadless Rule. (Individual, Carbondale, CO - #230.1.64300.200)

BECAUSE IMPACTS ASSOCIATED WITH LONG-TERM TEMPORARY ROADS SHOULD BE ANALYZED IN THE SAME MANNER AS THOSE FOR PERMANENT ROADS

[Outdoor Alliance has] a concern on the long-term temporary roads in that it is an attempt to skirt around the fact that these areas will have roads potentially for my lifetime. In my analysis, that's a road. The impacts that the long-term temporary roads will have on the area, on the quality of soil, on the human-powered recreation experience, seems to be more of a road impact and should be analyzed as such. (Non-Motorized/Non-Mechanized Recreation, Nederland, CO - #962.2.64300.002)

Road Removal and Restoration

7-21 Public Concern: The Forest Service should not dilute the proposed provision stating that temporary roads, once no longer needed, be removed.

BECAUSE THE PROVISION, AS CURRENTLY WRITTEN, MAKES NON-REMOVAL LIKELY

The Proposed Rule's requirement that temporary roads, once no longer needed, are to be removed is couched in extensive qualifiers that dilute that provision's effectiveness. The Proposed Rule includes diluting allowance affecting the ostensible requirement for road removal and associated restoration: "…shall be designed considering safety, costs, and impacts on land and resources (16 USC 1608) to achieve complete stabilization and restoration to a condition generally consistent with the pre-existing roadless characteristics." [Section] 294.33(c)(2)

This provision leaves it very likely that roads removal, let alone restoration, would never be completed. The reference to cost alone provides too tempting an excuse for not completing the work. (This is exacerbated by the failure of the Proposed Rule to assess the complete costs of road work, including the costs of obliteration and restoration-to the beneficiaries of roads that may be constructed.)

This diluted provision in the Proposed Rule certainly falls short of the parallel and undiluted requirement in the 2001 National Rule (applicable to pre-2001 oil and gas leases): "Roads constructed or reconstructed pursuant to this paragraph must be obliterated when no longer needed…" [Section] 294.12(b)(7) (Preservation/Conservation, Denver, CO - #1019.35.64200.800)

7-22 Public Concern: The Forest Service should support the decommissioning of any unneeded road and restoration of the landscape.

UPON TERMINATION OF A LEASE OR PERMIT NOT EXERCISED WITHIN ITS SPECIFIED TERM

Proposed Section 294.31 provides "[w]hen no longer needed for the established purpose or upon termination or expiration of the contract, permit, lease or written authorization, whichever is sooner, the road shall be decommissioned and the affected landscape restored." Outdoor Alliances agrees with this provision that terminates, without option for renewal, any lease or permit not exercised within its specified term. (Preservation/Conservation, Washington, DC - #953.17.64300.001)

7-23 Public Concern: The Forest Service should support the obliteration of roads no longer needed.

UNLESS OBLITERATION WOULD CAUSE MORE HARM THAN BENEFIT TO ROADLESS CHARACTERISTICS

Any temporary or long-term temporary roads in Roadless Areas must be completely obliterated after need for their use ends, except where obliteration would cause more harm than benefit to roadless characteristics. (Individual, Durango, CO - #938.6.64300.621)

Funding and Maintenance

7-24 Public Concern: The Forest Service should provide for cradle-to-grave management of roads before beginning construction.

TO ENSURE THAT MANAGEMENT AND RESTORATION ARE NOT OPTIONAL

For any new roads that are considered, the Forest Service must take a comprehensive cradle-to-grave approach so that issues of maintenance, environmental impacts, and most importantly, funding are completely settled well before construction starts. Restoring the landscape must mean restoring the landscape's roadless characteristics, and the restoration should be required, rather than being optional from either a funding or management discretion standpoint. (Individual, Shafer, MN - #274.5.64000.002)

7-25 Public Concern: The Forest Service should require that all roads except forest roads be temporary and that decommissioning will be consistent with pre-existing conditions.

TO ENSURE THAT SUFFICIENT FUNDING WILL BE AVAILABLE AND THAT RESTORATION IS COMPLETE

Though the Proposed Rule requires that temporary and long-term temporary roads ultimately be decommissioned and the landscape restored, there is no mandate in the Proposed Rule that there be any money to do either, or that the responsible party is obligated irrespective of cost. The Proposed Rule needs to be amended so that all roads are temporary, unless specified as a "Forest Road" and to assure the availability of funding and locus of responsibility to properly restore a given CRA [Colorado Roadless Area] to its "pre-temporary road" state.

The word "generally" should be struck from the fourth sentence of proposed 36 CFR [Section] 294.33(c): "Restoration shall be designed considering safety, costs and impacts on land and resources (16 USC 1608) to achieve complete stabilization and restoration to a condition generally consistent with the pre-existing roadless characteristics. [Footnote 10: Id. [73 Fed. Reg.] at 43562.]" (Preservation/Conservation, Washington, DC - #953.13.64200.800)

7-26 Public Concern: The Forest Service should establish that the entity requesting a road is responsible for funding the monitoring, maintenance, and mitigation of impacts of the road.

BECAUSE THE MAINTENANCE BACKLOG ASSOCIATED WITH FOREST SERVICE ROADS IS EXTENSIVE

Fund[ing] for new road (permanent and/or temporary): Because of the extensive maintenance backlog directly associated with USFS roads, the Colorado Rule should clearly identify and establish that funding for monitoring, maintenance, and mitigation of impacts caused by the road is the responsibility of the entity requesting the road. Identifying which party is responsible for monitoring and specifying how the monitoring information will be made available to the public are important elements. The Rule should clarify that, when monitoring requirements indicate that maintenance and other measures to reduce impacts are not in compliance with the established protocol and agreements, then the road will be closed and development operations must cease until the requirements are met. (Individual - #1029.45.64000.800)

7-27 Public Concern: The Forest Service should include strategies for retiring long-term temporary roads.

INCLUDING BONDING REQUIREMENTS, MILE-FOR-MILE REMOVAL OF FAILING ROADS FOR EVERY NEW ROAD BUILT, AND PUBLIC INVOLVEMENT FOR SELECTIVE REMOVAL TO ENHANCE RECREATION AND HABITAT

Given the $10 billion maintenance backlog on existing Forest Service roads, there should be a clear strategy for retiring any and all new roads referred to as "long-term temporary roads." There should be a

bonding requirement to remove these roads at the end of their design life. Alternatively, a program could be established where forests building new roads must finance removal of an equivalent mileage of currently failing roads. A public process would identify areas where backcountry recreation and habitat could be enhanced by selective removal of unnecessary and currently unmaintained roads (e.g., trail conversion projects). (Individual, Seattle, WA - #262.4.64000.800)

7-28 Public Concern: The Forest Service should require lease operators to post bonds to cover the costs of road decommissioning before construction of temporary or long-term temporary roads.

TO ENSURE THAT SUFFICIENT FUNDS ARE AVAILABLE WHEN NEEDED

There is the question of availability of money for decommissioning of temporary roads. Forest Service budgets are very low and not expected to increase significantly in the near future. Thus under this situation, it is unlikely the Agency would have sufficient funds to decommission all the temporary roads that could be built in Roadless Areas under the Draft Colorado Rule and to restore the surrounding landscapes. Prior to the initiation of any roadwork, all leases and surface use plans of operation in Roadless Areas under which road construction or reconstruction of any kind will be authorized must require operators to post bonds or deposits sufficient to cover the costs of any road obliteration and landscape restoration.

The problems described above would be even worse for “long-term temporary roads.” Like regular temporary roads, these are not “forest roads,” (i. e., they are not roads) “that the Forest Service determines [are] necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.” Section 294.31. See also FSM [Forest Service Manual] 7705.

However, this is contradicted by DEIS at 47: “Roads built for access to existing oil and gas leases as of the date of the Colorado Rule and roads built to accommodate coal mining exploration and coal-related surface activities in the North Fork coal mining area will be considered forest roads, thus part of the National Forest System.”

The Draft Rule Preamble at 73 Fed. Reg. 43547 states that long-term temporary roads “would be included in the forest transportation system, ensuring they will be monitored and maintained in compliance with the terms of the applicable permit or special use authorization.”

Many of the roads constructed for oil, gas, and coal leases would be long-term temporary roads, since they will exist and be used for as long as the lease is producing, which can be “many decades” (DEIS at 92, 242); the average life of a producing oil or gas well is assumed to be 30 years (id. at 112). Thus the DEIS and Draft Rule Preamble directly contradict Draft Rule language on whether such roads are forest roads. This must be clarified. In any case, forest roads would be more difficult to remove from the transportation system, since the Forest Service would be reluctant to give up the investment it had made to construct and maintain these roads. (Preservation/Conservation, Denver, CO - #789.18-19.64200.800)

7-29 Public Concern: The Forest Service should partner with local groups on trail maintenance.

TO IMPROVE TRAIL MAINTENANCE AND PROBLEM SOLVING

I think exploring the possibility of partnerships with local groups is an excellent way to keep trails maintained better, and also it helps both parties. We can communicate and find out what problems exist and try to solve them together instead of fighting and butting heads. So that’s all I have. (Individual, Alamosa, CO - #973.3.64100.061)

Enforcement

7-30 Public Concern: The Forest Service should clarify how new roads built under exceptions will be closed to motorized public use.

BECAUSE THEY MUST BE PHYSICALLY AND EFFECTIVELY CLOSED TO UNAUTHORIZED USE

The Proposed Colorado Rule's requirement that new roads built under allowed exceptions to the general roads prohibition shall be closed to motorized public use [Section] 294.33(d) fails to clarify how that is to be accomplished. Roads, if allowed, must be physically and effectively closed to unauthorized motor use. (Preservation/Conservation, Denver, CO - #1019.34.64000.001)

The DEIS and the Proposed Rule: Specific Corrections and Revisions

7-31 Public Concern: The Forest Service should use the term "decommission" as the requirement for temporary roads.

TO BE CONSISTENT WITH THE PROPOSED RULE LANGUAGE

According to this paragraph [Section 294.33(c)(2) of the Proposed Rule], temporary roads "shall be decommissioned and the affected landscape restored," when the road is no longer needed. Page 71 of the DEIS discusses temporary roads and states that "temporary roads must be decommissioned after use," as directed in FSM [Forest Service Manual] 7703. Further, the reference in the Proposed Rule to "affected landscape" is not supported by any definition or discussion of what constitutes "affected landscape." We [Colorado Timber Industry Association] recommend [using the term] "decommission" instead of "restore" as an appropriate requirement for temporary roads that are no longer needed. We also recommend that you modify this paragraph to delete "and the affected landscape restored," as well as the following sentence outlining restoration requirements. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.18.64200.002)

7-32 Public Concern: The Forest Service should include a discussion of road design requirements.

In the seventh paragraph [on page 71 of the DEIS] we [Colorado Timber Industry Association] recommend that you discuss the Forest Service's policy of designing roads to the minimum standard needed to accomplish the land management objectives. For instance, in the early 1990s Region 2 developed 299 Spec Roads as a low standard road to minimize environmental effects and reduce costs. (Timber Wood Products Industry or Association, Fort Lupton, CO - #489.9.64100.680)

Chapter 8. Socioeconomic Concerns

8-1 Public Concern: The Forest Service should more fully analyze the socioeconomic impacts of the Proposed Rule.

ON THE OUTDOOR RECREATION BUSINESS COMMUNITY

The proposed Colorado Roadless Rule does not adequately take into account its economic and social impacts on the people and businesses of the outdoor recreation community. (Individual, Grimsley, TN - #115.1.70000.500)

Active outdoor recreation contributes $10 billion annually to the state's economy and employs 100,000 Coloradoans. [Footnote 3: State-Level Economic Contributions of Active Outdoor Recreation – Technical Report on Methods and Findings, April 13, 2007, Prepared by Southwick Associates, Inc. for Outdoor Industry Foundation, pgs. 19, 24.] Rather than taking these hard numbers into account, the Proposed Rule cites "non-market and non-use benefit categories that are difficult to measure in monetary terms." [Footnote 4: 73 Fed. Reg. 43544, 43549.]

In the Forest Service's analysis, opportunities for revenue for small entities are focused primarily on tree-cutting, mineral lease payments, and property tax receipts associated with oil and gas. [Footnote 5: Id. [73 Fed. Reg.] at 43558.] There is virtually no discussion of the economic benefits that these areas provide in their natural (undeveloped) state. "Negligible adverse effects" are expected for outfitters and guides; however, it's not clear that there was significant [USFS] analysis regarding recreational use of these lands. [Footnote 6: Id. [73 Fed. Reg.] at 43556.] The Forest Service acknowledges that there may be adverse impacts on those who utilize primitive or semi-primitive areas for special uses (i.e., guiding) but notes [the] number of acres is small. [Footnote 7: Id. [73 Fed. Reg. 43556] (Preservation/Conservation, Washington, DC - #953.6.70000.870)

INCLUDING THE IMPACT OF TOURISM AND RETIREES

Seventy percent (70 percent) of Ouray County's income depends on a combination of tourists and retirees. The attraction for these people is the visual and ambient quality of the surrounding countryside. Clear-cuts, drilling rigs, sludge ponds, and a matrix of roads do not add to this quality. Please consider the economy of residents of this area in your final decision. (Individual, Ridgway, CO - #41.5.72000.061)

INCLUDING THE RECREATION IMPACTS OF OIL AND GAS DEVELOPMENT

Especially in the GMUG [Grand Mesa, Uncompahgre and Gunnison] area, there was an analysis on the economic impacts to oil and gas. The Proposed Rule didn't take into consideration the impacts to the quality of life, draw to tourism, [and] to the high concentration of outdoor recreation businesses in this area. We [The Outdoor Alliance] would like, between the Draft and the Final [Rule], for there to be that analysis, especially in that area, but for the State [of Colorado] in general. (Non-Motorized/Non-Mechanized Recreation, Nederland, CO - #962.1.70000.200)

8-2 Public Concern: The Forest Service should include the economic value of Roadless Areas in the EIS.

BECAUSE THEY GENERATE BILLIONS OF TOURIST INDUSTRY DOLLARS

The EIS assigns no value to Roadless Areas that actually generate billions of tourist industry dollars. Similarly, no economic value is included in the report for maintenance of the watershed and preservation of native plant and animal species and their habitat. Certainly, these have economic value and should be included in any cost benefit analysis. (Individual, Ridgway, CO - #239.2.31000.800)

8-3 Public Concern: The Forest Service should include an analysis of the qualitative and quantitative value of recreation.

The qualitative and quantitative value of outdoor recreation must be factored into the [Proposed] Rule. (Individual, Seattle, WA - #262.2.50000.800)

The Proposed Rule's failure to adequately incorporate its impact on both the qualitative and quantitative aspects of outdoor recreation in Colorado can certainly be remedied by suspending further action on the Proposed Rule until this analysis is conducted and integrated into a revised version of the Proposed Rule. (Preservation/Conservation, Washington, DC - #953.8.50000.800)

TO TAKE INTO ACCOUNT THE POSITIVE EFFECTS OF OUTDOOR RECREATION

Given the economic and qualitative value of outdoor recreation in Colorado, the Proposed Rule does not take into sufficient account the positive effect of outdoor recreation in the state. Recreation in Colorado's backcountry, including in Roadless Areas, is a unique "product" that the state offers to its residents and the rest of the nation. The human-powered outdoor recreation community prefers and actively seeks the kinds of experiences that only backcountry areas can provide. (Preservation/Conservation, Washington, DC - #953.7.50000.870)

BECAUSE NATURAL OUTDOOR SPACE IS FUNDAMENTAL TO COLORADO'S IDENTITY, STATE CULTURE, AND ECONOMY

Natural outdoor space and the ability to enjoy it is a fundamental part of Colorado's identity, state culture, and economy; Roadless Areas are an integral part of Colorado's outdoor space. Active outdoor recreation contributes $10 billion annually to the state's economy and employs 100,000 Coloradoans. The qualitative and quantitative value of outdoor recreation must be factored into the Colorado Roadless Rule. (Individual, Shafer, MN - #274.3.50000.800)

8-4 Public Concern: The Forest Service should take into account the effect of the Proposed Rule on the local economy.

BECAUSE THE ECONOMIC BENEFITS OF TOURISM/RECREATION ARE MORE VALUABLE AND SUSTAINABLE THAN LOGGING AND RESOURCE DEVELOPMENT

The decision on this Rule should take into account the economic values of tourism associated with Roadless Areas, which could be jeopardized by this Rule change. The tourism sector is already an important economic contributor in the counties where it is located, and it will become more so in the decades ahead if the values of Roadless Areas are not lost to development. We believe that watchable wildlife, heritage tourism, and the economic benefits of tourism-related infrastructure development will prove to be more valuable and more sustainable than the expansion of mineral development, logging, and roads. (Preservation/Conservation, Ellicott City, MD - #493.8.40000.870)

As an outdoors enthusiast, Roadless Areas are an important symbol as well as a valuable recreation opportunity. Colorado's dramatic landscape is particularly alluring because of its numerous wilderness areas. A long-term policy to limit road development on public lands is imperative for maintaining the quality of wilderness in Colorado. Recreation and the economic growth in that sector far outpace the opportunities available from resource extraction. An intelligent management policy will strive to maximize Roadless Areas and low-impact recreation opportunities. (Individual, Boulder, CO - #724.1.40000.870)

8-5 Public Concern: The Forest Service should acknowledge that degradation of the forest negatively affects the local economic benefits provided by hunters, anglers, and tourists.

FORCING RESIDENTS TO LEAVE, TAKING WITH THEM THEIR REGIONAL KNOWLEDGE

Degraded, chopped habitat that endangers Colorado's permanent residents' most enduring economic practices and needs brought to it by hunters, anglers, and wildland tourists, bringing an assured (not boom/bust) at least $2 billion to the state each year. A discouraged permanent populace, the people who hold together its rivers, towns, and valleys, who eventually realize they must leave Colorado's forested areas, dropping their knowledge and practice as conservators, not even able to stay on as elder teachers to new generations. (Individual, Craig, CO - #255.6.41700.870)

8-6 Public Concern: The Forest Service should protect Roadless Areas.

TO SUPPORT LOCAL COUNTIES WHOSE ECONOMIES ARE BASED ON BACKCOUNTRY TOURISM AND RECREATION

Our economy here in San Juan County, Colorado is based almost entirely on backcountry tourism and recreation. I feel we need the strongest possible protections to ensure that our Roadless Areas stay pristine and in their natural state. It is important that our visitors will be guaranteed the experience they have come to expect here in the Rocky Mountains. I [San Juan County Commissioner Pete McKay] also strongly believe that the maximum possible number of acres should be left in a roadless condition. So often our quiet/low-impact recreational residents and visitors, such as hikers, birdwatchers, campers, fishermen, hunters, backcountry skiers, snowshoers, and the like, are overlooked when these long-term decisions are made. Active outdoor recreation is a huge and growing segment of our economy. (County Government Agency/Elected Official/Association, Silverton, CO - #23.1.50000.870)

The Gunnison National Forest is the foundation of the local Gunnison County economy. Based on tourism, as are the economies of many other areas of the state, we depend on the existence of Roadless Areas and all that they offer. Fulfilling people's needs in terms of physical and mental well-being, for residents and visitors alike, is ever-more important in our fast-paced world. (Individual, Crested Butte, CO - #151.1.70000.710)

FROM SKI AREA EXPANSION AND EXTRACTIVE INDUSTRIES

I do not support the current administration proposal as it stands now because it would open some Roadless Areas to be leased for ski area expansion, coal mining, and in specific areas where the State already owns mineral rights in order to mine these areas. (Individual, South Fork, CO - #429.2.70000.001)

BECAUSE THEY ARE VITAL TO THE QUALITY OF LIFE FOR NEARBY RESIDENTS AND THE LOCAL ECONOMY

The Colorado backcountry is my backyard. Outdoor opportunities in these pristine places are vital to my local economy, my quality of life, and the livelihood of many of my neighbors. The USFS Proposed Rule for Colorado Roadless Areas not only fails to protect our Roadless Areas, but makes those of us who live around Roadless Areas in Colorado second-class citizens. We and the places we love will have less protection than those in every other state in the lower 48. We deserve better. (Preservation/Conservation - #186.7.40000.700)

After examining the DEIS on the Colorado Proposed ruling, we [the University of Colorado Wilderness Study Group] found that the 2001 Ruling is the best alternative on the issues that are most important to us with regards to our public lands [such as]: Preservation of wild areas is beneficial to the economy. Colorado's economy benefits from untainted Roadless Areas. An estimated 24,000 jobs and $600 million in annual revenue are provided by Roadless Areas alone, according to a study conducted by Dr. John Loomis of Colorado State University (1). [Footnote 1: Loomis, Ph.D, Richardson, M.B.A.

Economic Values of Protecting Roadless Areas in the United States." (2000)] (Preservation/Conservation, Boulder, CO - #505.8.33300.800)

After examining the DEIS on the Colorado Proposed ruling, we [the University of Colorado Wilderness Study Group] found that the 2001 Ruling is the best alternative on the issues that are most important to us with regard to our public lands [such as]: Preservation of wild areas is beneficial to the economy. Both personal enjoyment and the state's economic health hinge on the highest level of protection of these areas; people do not want to visit places where oil drilling, coal mining, or timbering is impinging upon the landscape. ((Preservation/Conservation, Boulder, CO - #505.9.40000.870)

TO SUPPORT QUIET, LOW-IMPACT RECREATION AND LOCAL ECONOMIES

Our economy here in San Juan County, County is based almost entirely on backcountry tourism and recreation. I feel we need the strongest possible protections to ensure that our Roadless Areas stay pristine and in their natural state. It is important that our visitors will be guaranteed the experience they have come to expect here in the Rocky Mountains. I, [San Juan County Commissioner Pete McKay] also strongly believe that the maximum possible number of acres should be left in a roadless condition. So often our quiet/low impact recreational residents and visitors such as hikers, birdwatchers, campers, fishermen, hunters, backcountry skiers, snowshoers and the like are overlooked when these long term decisions are made. Active outdoor recreation is a huge and growing segment of our economy. (County Government Agency/Elected Official/Association, Silverton, CO - #23.1.40000.800)

I like fishing [and] generating Colorado tax revenues through this activity. [Please] preserve Roadless Areas. (Individual, Boulder, CO - #570.1.54100.870)

BECAUSE TOURISM IS SUPPORTED BY THE OUTDOOR SPORTS AVAILABLE IN ROADLESS AREAS AND A LOSS OF TOURISM WOULD BE DEVASTATING TO LOCAL ECONOMIES

La Plata County is home to the Hermosa Roadless Area, the largest in Colorado, as well as numerous other Roadless Areas. Tourism is the driving force of our economy and is supported by many outdoor sports such as hunting, fishing, hiking, mountain biking, birding, and skiing. Any loss of Roadless Areas here and in the rest of Colorado could be devastating to our local economies. (County Government Agency/Elected Official/Association, Durango, CO - #24.1.40000.870)

BECAUSE HUNTERS, ANGLERS, AND THE OUTDOOR PUBLIC FAVOR FULL PROTECTION

Please remember that hunters, anglers, and the general outdoor public, who commented more than 9 to 1 in favor of full roadless protections during the state Task Force process, comprise by far the largest and most economically significant public lands multi-use group in Colorado. We, too, want our fair share, which the Draft Rule fails to deliver. (Recreation/Conservation Organization, Colorado Springs, CO - #759.10.54100.055)

8-7 Public Concern: The Forest Service should keep Roadless Areas intact.

BECAUSE THEY PROVIDE ECOLOGICAL BENEFITS THAT TRANSLATE INTO ECONOMIC BENEFITS

In addition to the negative fiscal costs of roadbuilding and development in Roadless Areas, these activities would harm the natural resources which provide ecological benefits which translate into economic benefits. For example, Roadless Areas provide clean water for fisheries and for drinking water and wildlife habitat that underpins hunting, fishing, and wildlife viewing on the National Forest that contribute substantially to state and local economies. (Preservation/Conservation, Charlottesville, VA - #795.3.64000.002)

TO SUPPORT RECREATION OPPORTUNITIES, LOCAL ECONOMIES, AND QUALITY OF LIFE

Outdoor opportunities in the pristine places of Colorado's limited Roadless Areas are vital to our county's economy and quality of life. The USFS Proposed Rule for Colorado Roadless Areas not only fails to protect our Roadless Areas but [also] does nothing to enhance either our tourist-based economy or our valued mountain and forest environment and the essential protection of our watershed, our

wildlife, and their endangered habitat. (County Government Agency/Elected Official/Association, Aspen, CO - #172.11.50000.800)

TO ALLOW FOR EVALUATION OF THE IMPACTS OF NEW ROADS ON THE LAND AND TOURISM

Please consider the damages due to roads in places where none are now. Before a ruling can be made, further study should be made. The impacts on Colorado's tourism industry are also not yet fully understood.

We stand to lose more than we stand to gain. Let's keep roadless areas roadless. (Individual - #122.1.64000.870)

8-8 Public Concern: The Forest Service should ensure that Colorado's forests are preserved and jobs for Colorado citizens are created rather than construct more roads.

BECAUSE MORE ROADS WILL DETRACT FROM THE STATE'S NATURAL BEAUTY AND WILL DECREASE THE TOURISM INDUSTRY

Either aid our National Forests and create jobs for Colorado citizens, or construct more roads decreasing from what Colorado truly has to offer and potentially decreasing the tourism industry. We need the industry; we need the jobs; we need our continued preservation of our state's natural beauty. (Individual, Boulder, CO - #711.1.70000.200)

8-9 Public Concern: The Forest Service should preserve local natural resource-based economies.

AS AN INTEGRAL COMPONENT OF TOURISM-BASED ECONOMIC DEVELOPMENT

We [Maryland Ornithological Society] favor preserving local natural resource-based economies and generations-old traditions. With careful planning and execution, these industries can remain an integral and essential part of evolving tourism-based economic development, and both sectors can flourish. (Preservation/Conservation, Ellicott City, MD - #493.9.72000.800)

8-10 Public Concern: The Forest Service should make natural resources available for use by both local communities and the nation.

All people require natural resources to live and survive, and many of these resources come from National Forests. Both the national economy and local economies have a certain amount of dependence on resources available in these areas. (Individual, Newcastle, OK - #939.3.70000.200)

8-11 Public Concern: The Forest Service should flexibly interpret the Proposed Rule's allowance for new roads where needed to protect public health and safety.

The Emergency Exemption to the Colorado Rule should provide sufficient flexibility in the Forest Service. The Proposed Colorado Rule allows for the construction of temporary or long-term temporary roads where "a temporary road is needed for public health and safety in cases of threat of flood, fire or other potential catastrophic event that, without intervention, would cause the loss of life or property." 73 Fed. Reg. 43562. CSCUSA [Colorado Ski Country USA] urges the Forest Service to expand upon this provision more in the FEIS [Final Environmental Impact Statement] and to clarify that this provision is intended to provide Forest Supervisors with appropriate flexibility to deal with a wide variety of threats to public health and safety. Such threats might include ongoing avalanche danger that presents a threat to public safety or other conditions that do not necessarily manifest themselves in a one-time catastrophe. One example could be the Zero Creek drainage outside of the Winter Park Resort boundary, where Winter Park Resort officials conduct countless rescue operations in the Zero Creek drainage to help lost or injured skiers. This area is not located inside the Winter Park Resort permit boundary, and there are no plans to add it at present. If, in the future, it is added to the Winter Park Resort permit area so that Winter Park can more effectively manage the avalanche danger and threat to public safety, some timber removal, access, and egress will be required. The Agency would be well-served to have the ability to

interpret this provision with the flexibility to include repeat or ongoing threats, as it is difficult to imagine all the potential scenarios where threats to public health and safety could arise on the broad swaths of roadless lands in Colorado in the future. (Recreational, Denver, CO - #996.11.74000.680)

8-12 Public Concern: The Forest Service should allow greater access to Roadless Areas.

TO AVOID DISCRIMINATION AND SUPPORT LOCAL ECONOMIES

Roads and access made America great—roadless and the exclusion of the majority is discriminatory. Our local economies depend on work in the Forest since it is over 50 percent of the land mass. (Individual, Hotchkiss, CO - #815.4.60000.800)

8-13 Public Concern: The Forest Service should recognize that logging is not profitable for the Forest Service.

BECAUSE IT RESULTS IN COSTS TO THE TAXPAYER AND DESTRUCTION OF THE RECREATIONAL VALUE OF THE FOREST

Only one timber cut in the last 30 years has resulted in a profit for the Forest Service. The remainder have lost money and resulted in a further cost to the already overburdened taxpayer. Logging, in addition to destroying the recreational value of the forest, is costly. (Individual, Ridgway, CO - #41.3.42000.800)

8-14 Public Concern: The Forest Service should phase in new technologies related to energy.

SUCH AS MAGNETIC ENERGY GENERATORS TO ALLEVIATE THE NEED TO DIG FOR OIL AND GAS

Please begin the phasing in of technologies that allow us to completely harmonize with our planet (e.g., magnetic energy generators which can double as propulsion systems in transportation vehicles). This will alleviate any need to dig for oil and gas, which is a far outdated concept at this point. (Individual, Brooklyn, NY - #407.1.70000.421)

SUCH AS BAMBOO, SOLAR, AND WIND TO KEEP WILDERNESS ROADLESS

Let's focus on future materials and technologies—bamboo, solar, wind, etc.—and keep our wilderness roadless. (Individual, Lakewood, CO - #478.1.70000.640)

8-15 Public Concern: The Forest Service should re-allocate the money used for roads and drilling for oil.

FOR RESEARCH ON ALTERNATIVE ENERGY SOURCES

Destroying the environment is not going to solve the energy problems of today. Instead of spending money expanding roads, destroying the natural environment, and drilling for oil, the money should be spent on research for alternative energy sources. (Individual, Boulder, CO - #663.1.70000.800)

8-16 Public Concern: The Forest Service should adopt a Final Roadless Rule that will best protect the value of Roadless Areas identified in Alternative 2.

WHILE MAINTAINING THE ABILITY FOR EMERGENCY RESPONSE WITHIN THE ROADLESS AREA BOUNDARY

[The Ouray County Commissioners recommend] that the USFS consider all of the various permutations of the three alternatives described in the DEIS and proceed with adoption of a final "Roadless Rule" that will provide the best possible protection of the natural characteristics and values of those Roadless Areas within Ouray County, Colorado as identified in Alternative 2, with [this] specific criterion being of critical importance, maintaining the ability to respond when needed to emergency situations and threats to human life, health and safety within the Preferred Roadless Boundary. The Board recognizes the need

for the USFS to promulgate a state-specific rule to manage roadless values and characteristics that will be responsive to the need to balance local, state, and national interests in providing management direction for such lands in Colorado. (County Government Agency/Elected Official/Association, Ouray, CO - #466.4.74000.621)

8-17 Public Concern: The Forest Service should ensure that the estimates of oil and gas potential are accurate.

TO ENSURE THAT THE IMPACTS ON DOMESTIC ENERGY RESOURCES AND LOCAL ECONOMIES ARE ACCURATELY DESCRIBED

The Rocky Mountain natural gas resource base plays a significant role in the local, state, and national energy mix. As a result of our nation's need to develop domestic energy resources, Federal land management decisions that could potentially place significant resources off limits need careful consideration before being made. [Footnote 1: In Colorado's 2006 Petition in this matter, Governor Bill Owens' recognized the need to account for energy resources from public lands when he stated: "Few things are more important to Coloradoans than the responsible stewardship of our National Forests. The scenic landscapes, abundant wildlife, and mountain vistas make Colorado such a wonderful place to live and raise a family. Our National Forests provide unequaled recreational opportunities enjoyed by hundreds of thousands of visitors each year. These resources also include significant reserves of coal, natural gas and other deposits that are vital to our country's efforts to achieve long-term energy independence. The importance of these reserves to our nation should not be underestimated."] The Draft Environmental Impact Statement (DEIS) in this matter fails to adequately and properly address energy potential under these lands.

Natural gas resources in all three DEIS alternatives are significantly underestimated. Alternative 2, the CRA [Colorado Roadless Area], estimated the natural gas potential of 786 billion cubic feet (BCF) in the entire White River and GMUG [Grand Mesa, Uncompahgre and Gunnison] National Forests (Table #3 [ATT 6]). In April 1999, the Gas Research Institute (GRI) published a report that included the Mamm Peak (WRNF [White River National Forest]) and Battlement Mesa (GMUG) IRAs [Inventoried Roadless Areas]. Based on the GRI study, Mamm Peak and Battlement Mesa IRAs have a natural gas potential of 5,489 BCF. Mamm Peak and Battlement Mesa are in the heart of the Piceance Basin, a nationally significant oil and gas basin (DEIS page 105).

The economic benefits of natural gas development from public lands were not included in the analysis. Federal royalty (typically 1/8th)and lease bonuses from the 5,489 BCF of natural gas potential represents a potential future income stream of $4.2 billion dollars that would be split 50 percent between the State of Colorado and the Federal government, see Table #2 [ATT 5]. Mamm Peak and Battlement Mesa IRAs represent 61,800 ac[res] or 1.39 percent of the 4,433,000 ac[res] in the 2001 Colorado IRA.

Information on the potential gas resources in Mamm Peak and Battlement Mesa IRAs is not new. In April 1999, the Gas Research Institute (GRI) published a report called "Portfolio of Emerging Natural Gas Resources Rocky Mountain Basins, Section 3 (GRI-99/0169.2)." The GRI report studied the Piceance basin gas potential, including what is now the Mamm Peak and Battlement Mesa IRAs. The GRI report incorporated both geology and science to the natural gas potential. Natural gas potential in the GRI report can be found on page 2-22, which shows an isopach of the original gas in place (OGIP) in billion cubic feet (BCF) per section displayed on a map. This display has been reproduced many times. The GRI data, recreated on Map #3 [ATT 3], formed the basis of my calculations in the Mamm Peak and Battlement Mesa IRAs, see Table #1[ATT 4]. Additional drilling since the GRI study has occurred on all sides, see Map #2 [ATT 2], of Mamm Peak and Battlement Mesa. Continued drilling all around this area reinforces the GRI study results. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #270.1-2.44200.850)

8-18 Public Concern: The Forest Service should include an accurate analysis and quantification of the economic benefits of oil and gas development.

BECAUSE THE SOCIOECONOMIC AND CUMULATIVE IMPACTS ANALYSES ARE DEFICIENT FOR LACK OF SAME

The Forest Service must complete an accurate estimate of the projected development in GMUG [Grand Mesa, Uncompaghre and Gunnison] [National Forest] to substantiate its socioeconomic analysis.

Likewise, the cumulative impacts analysis is deficient because of the same flawed assumptions regarding oil and gas development. NEPA [National Environmental Policy Act] requires that the cumulative impacts 70409546.2 7 analysis provide detailed and quantified information because "[w]ithout such information, neither courts nor the public…can be assured that the [agency] provided the hard look that it is required to provide." Neighbors of Cuddy Mountain v. U.S. Forest Service, 137 F.3d 1372, 1379 (9th Cir. 1998). The cumulative effects (DEIS 301–321) should include an accurate analysis and quantification of the economic benefits of present and future oil and gas development on Forest Service lands and in CRAs. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #946.14.44200.800)

The DEIS does not contain an accurate estimate of oil and gas resources, [and] fails to contain an adequate socioeconomic analysis and cumulative impacts analysis.

The DEIS fails to adequately analyze and take a hard look at the benefits of oil and gas development on local communities, counties, and the State of Colorado. The DEIS does not accurately estimate the potential for oil and gas development on existing leases and development on leases that may be issued in the future. Because the DEIS fails to include this information, the economics of its analysis is flawed.

The DEIS contains an arbitrary and inaccurate estimate of oil and gas resources in CRAs [Colorado Roadless Areas]. Thus, the economic impacts analysis is flawed because it fails to accurately assess the impacts of restricted oil and gas development on local communities, jobs and employment, state and local taxes, and federal and state royalty payments. The DEIS should be revised to include the most current estimates of oil and gas resources underlying Roadless Areas, and it must contain an analysis of development of these resources on the State of Colorado and the affected local communities.

The DEIS also underestimates the number of oil and gas wells to be drilled on existing leases in CRAs. Table 24 (DEIS at 116) indicates that 57,711 acres are currently under lease in CRAs in the Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG). Table 25, however, indicates that for Alternative 2 (RACR), only 33 wells would be drilled on 13 well pads on these 57,711 acres. Table 25 also underestimates the development in the San Juan and White River National Forests. This analysis grossly underestimates the number of oil and gas wells that would be drilled in these forests. These faulty estimates, therefore, skew the economic analysis of the benefits of oil and gas for jobs, taxes, and royalties projected for the local communities, counties, the State of Colorado, and the Federal government.

The Forest Service must complete an accurate estimate of the projected development in GMUG to substantiate its socioeconomic analysis.

Likewise, the cumulative impacts analysis is deficient because of the same flawed assumptions regarding oil and gas development. NEPA [National Environmental Policy Act] requires that the cumulative impacts 70409546.2 7 analysis provide detailed and quantified information because "[w]ithout such information, neither courts nor the public…can be assured that the [agency] provided the hard look that it is required to provide." Neighbors of Cuddy Mountain v. U.S. Forest Service, 137 F.3d 1372, 1379 (9th Cir. 1998). The cumulative effects (DEIS 301–321) should include an accurate analysis and quantification of the economic benefits of present and future oil and gas development on Forest Service lands and in CRAs. (Oil, Natural Gas, Coal, or Pipeline Industry (leasable), Denver, CO - #946.12-13.44200.800)