

From: Sharon Krater [s_krater@hotmail.com]
Sent: Wednesday, July 13, 2011 3:05 PM
To: COcomments
Subject: FW: Colorado Roadless

Form Master
#13

Department of Agriculture
 Forest Service
 Colorado Roadless Rule/EIS
 Team Leader, Ken Tu
 P.O. Box 1919
 Sacramento, CA 95812

12 Jul 2011

COComments@fsroadless.org

Re; Federal Register/ Vol. 76 No. 73 Friday April 15, 2011 / Proposed Rules

Coordination; The Forest Service did not coordinate with Montezuma or Dolores County local government as mandated by federal law at 43 USC 1717 and required by the Montezuma County Comprehensive Land Use Plan. Coordination is not optional, is separate from public input and has a very specific meaning in the Congressional Mandates to Federal Agencies, (16 USC, S-1604.) The FSMA and FLPMA of 1976 both have specific requirements for Coordination with Local Governments. These requirements have not been met. Therefore, the Colorado Roadless Rule, to date, is a fatally flawed process and must be retracted in its entirety.

The Federal Register on page 21278 , Section 294.45, the agency "requires" the state of Colorado to be of a cooperating agency status. The Forest Service is operating as an international agency. The state of Colorado can not be required to operate under cooperating agency status. The Forest Service acting as an international agency does not have constitutional authority to impose regulation on Colorado State/public lands.

The proposed rule on page 21278, Section 294.47, (page 62 of the EIS) states that the Regional Forester would modify the Colorado Roadless Area boundaries by inclusion or exclusion or modification of lands. The FS has removed the requirement that the U. S. Congress must approve or disapprove of the modification.

The rule will cause irreparable economic loss to the state of Colorado and its citizens. It will have a very significant negative impact on the citizens historical uses, heritage and culture. The rule forces the closure of roads and trails depend on for multiple use. The rule results in little or no access to resources, recreation and the citizens rights to access and use these public lands for historical uses that have benefited both the land and the public. This proposed rule is not consistent with the Multiple Use Sustained Yield Act. Our rural communities depend on these lands and their resources to sustain their economies and way of life. The proposed rule if implemented will have a very negative impact on the health of the forest, the wildlife and the habitat. It makes no sense not to harvest timber in a manner that is consistent with good forestry practices and remove dead wood for personal use that otherwise becomes wildfire fuel.

The proposed rule is not consistent with our counties land management plans that place "Health, Safety and Welfare as a priority. The roads and trails are critical access for search and rescue as well as fire fighting. Page 21289, Section 294.42, (pages 25, 42, & 116 of the EIS) the rule indicates wildfire communities are expected to install 1 1/2 mile of protection zone where no timber harvesting is permitted unless the Regional Forester approves the need for timber harvesting (page 63 & 68 of the EIS). Fire is the preferred and only management tool used, (pages 101, 103, 112 to 115, 117, 120 of the EIS), this places a significant negative impact on the communities and puts the state, counties and citizens at tremendous risk of wild fire danger. The Convention of Climate Change, (pages 101, 119, 174, 186 of the EIS) is alluded to and fire is mentioned as the preferred land management tool that does have insurmountable negative impacts that include forced displacements of large populations of humans, wildlife, wildlife habitat destruction and destroys water supplies, the potential to increase mercury into the water systems, human lives lost, private property losses, poor air quality, state property losses, business losses, sterile ground from high intensity heat resulting in no plant growth, resulting erosion, communities exhausting resources and disastrous economic losses.

Page 2

The rule is "top down agendas", conventions, programs and plans of the United Nations being forced upon the citizens of Colorado through the implementation of Sustainable Development at a regional scale to further Agenda 21 at a local level as

directed from the Rio Summit 2000 and the Seville Strategy. There is absolutely no legitimate scientific reason to adopt additional regulations on the road-less areas. They, because of their topography protect themselves from development as it is economically not feasible today. If/when the need arises in the future to extract resources that are there, and the need is such that it is economically feasible, federal regulation preventing it will be a tremendous and forbidding burden.

Maps presented to both Montezuma and Dolores Counties of the proposed roadless areas are not accurate, they do not reflect the human element, (meaning, all the roads and trails that are currently there, no in holdings are reflected and accesses, no mining claims and accesses), this is misleading and accurate conclusions cannot be formed by local government and citizens on flawed data. Therefore, the proposed Roadless rule should be withdrawn in its entirety.

The rule requires closing and decommissioning of many roads used as access to gas, oil and mineral resources, grazing allotments, citizen wood gathering, all forms of recreation, access for fire fighting, and search and rescue. Many of these roads and trails are Reserved Right-of-way, RS-2477 right-of-ways. Congress enacted RS-2477, which is now codified as Title 43 U.S. Code 932. This law applies to all public lands. The law states: "The right-of-way for the construction of highways over lands not reserved for public uses, is hereby granted." RS-2477 was in effect for 110 years, until repealed by the passage of FLPMA in 1976. However, the passage of FLPMA in 1976 specified that all existing roads and rights-of-way at that time be continued. These roads and rights-of-way were not terminated. The FLPMA says; "Nothing in the Act...shall have the effect of terminating any right-of-way or right-of-use heretofore issued, granted or permitted." Only Congress has the authority to close any RS-2477 roads. Further, Title 1, Section 8. States; "No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act." Therefore, you are noticed. No Federal Agency can close or decommission one of these right-of-ways. To do so would be a violation of federal law, state law and county law. The roads and trails in the proposed roadless area are accesses used by American citizens and Native American Tribes to access cultural, historic and traditional needs as well as traditional cultural properties and sacred sites. The proposed rule restricts rights of liberty to travel freely as described in Vattel's Law of Nations and reflected in the State of Colorado Constitution.

The proposed rule is in conflict with the MWSA as the rule treats the area as wilderness and restricts motorized use to a level less than existed in 1977, (statutory requirement that the FS maintain the 1977 wilderness character, [52]).

The proposed rule does not reflect accurate economic impacts on the state of Colorado, its Counties and citizens. The Forest Service is using global percentages, not accurate, specific cumulative impact numbers
And how they relate by County, State and Nation.

NEPA, Section 1502.11 (a) A list of the responsible agencies including the lead agency and any cooperating agencies. The proposed rule/EIS does not accurately, specifically or completely list the responsible international agencies participating in and whose agendas, programs and plans are reflected in the rule and imposed on the American citizens.

NEPA, Section 1502.12, Summary; The EIS does not reflect the concerns, areas of controversy, issues raised by local government, specifically, both Dolores and Montezuma County's Public Lands
Coordination Commissions and Board's of County Commissioners have met with the Forest Service Officials regarding this proposed rule and none of the issues/areas of controversy, are reflected in the EIS as required. Therefore, any agencies and the public do not have required data upon which to form an accurate opinion or action.

Page 3

NEPA, Section 1502.16 Environmental Consequences (c); The EIS does not contain the required discussion of, Possible conflicts between the proposed action and Dolores and Montezuma Counties Land Use Plans, and controls for the area concerned.

Executive Order 13443 of August 16, 2007, Facilitation of Hunting Heritage and Wildlife Conservation.

The Proposed Rule is in conflict and inconsistent with this Executive Order which directs;

(a) Evaluate the effect of agency actions on trends in hunting participation and, where appropriate to address declining trends, implement actions that expand and enhance hunting opportunities for the public.

(b) Consider the economic and recreational values of hunting in agency actions as appropriate.

(c); Manage wildlife and wildlife habitat on public lands in a manner that expands and enhances hunting opportunities, including through the use of hunting in wildlife management planning.

Obviously, the proposed rule is not and will not fulfill the intent and spirit of this Executive Order. Effective management practices to fulfill the directives of this order require on-going access at a level no less, but in fact as directed in Section 4; A comprehensive Recreational Hunting and Wildlife Conservation plan that incorporates existing and ongoing activities and sets forth a 10-year plan agenda for fulfilling the actions identified in Section 2 of this order.

Recreation Opportunities are a clear, legal responsibility of the Forest Service. Recreation has been an important role of the national forests for more than 100 years. Recreation, including hunting and fishing, was among the chief catalysts for action to protect public lands and manage them as national forests. Congressional mandate both confirms and clarifies this purpose of the national forests. Specifically, the Forest Service is required by law to make decisions based on a Multiple-Use Sustained Yield Act of 1060 (MUSA) and the National Forest Management Act (NFMA). In particular, NFMA requires;

In developing, maintaining, and revising plans of the National Forest System pursuant to this section, the Secretary shall assure that such plans -

- (1) Provide for multiple use and sustained yield of the products and services obtained there-from
In accordance with (MUSYA), and, in particular, include coordination of outdoor recreation, Range, timber, watershed, wildlife and fish, and wilderness...[NFMA 6, 16 U.S.C. 1604 (e)]

MUSYA provides further clarification of the agency's duty to provide for "use" of the National Forest System, including outdoor recreation. MUSYA's policy statement explains;

It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of sections 528 to 531 of this title are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in section 475 of this title... [MUSYA 1; 16 U.S.C. 528]

The Proposed Colorado Roadless Rule is a derogation of. NFMA, MUSYA, Executive Order 13443, as well as other Federal, State and County laws. It must therefore be retracted in its entirety.

Jim and Sharon Krater
4303 Road 21
Cortez, CO 81321
970-565-0670

From: shaun fischler [shaunfischler@gmail.com]
Sent: Wednesday, July 13, 2011 11:07 AM
To: COcomments
Subject: Colorado Roadless Areas

Dear USDA,

My name is Shaun Fischler, and I am a born and raised Coloradoan. I have spent many summers hiking, backpacking, and more recently fly fishing in Colorado's back country. I realize that there will always be tension between conservation and development, and my hope is that our state recognizes that protecting the land, resources, and fish and game will benefit the complex ecosystems and improve the overall quality of life for everyone who enjoys what Colorado has to offer.

I want to see Colorado's wilderness stay wild. Roads create many issues for the land and creates who call that land home. I urge the USDA to adopt the conservation alternative #4 to protect the 2.6 million acres of land in the upper tier category for fish and wildlife. Once we open up land for any development, there usually isn't any going back for a long time. The negative consequences of development can last for decades.

Sincerely,
Shaun Fischler

From: Duane [dbliikes@centurytel.net]
Sent: Thursday, July 14, 2011 9:05 AM
To: COcomments
Subject: Roadless comments.doc

Department of Agriculture
US Forest Service
Colorado Roadless Rule

July 13, 2011

We have several points of concern we need to make concerning the Colorado Roadless Rule.

1. The Colorado Roadless Rule will prevent any future use of the land such as logging, mining, recreation, management of the lands, fire control and will restrict EMS access. According to your own rule, this is a safety and health violation. It will prevent logging of beetle kill spruce which adds fuel to any future fire which could burn into the wilderness or down lower into other public and private lands. Response time to emergencies, involving law enforcement, fire fighters, EMS personnel.
2. Horse back riders, hunters, hikers, oil and gas production, pipelines and power lines and other activities will be adversely affected if this rule is enacted. Anyone approving this rule should be held personally responsible for any loss of life that could have been prevented by a more timely response.
3. Executive Order 12866 signed October 14, 1993 states that any government agency cannot have an annual effect of \$100 million or more OR IN ADVERSELY AFFECT A MATERIAL WAY THE ECONOMY, a sector of the economy, productivity, competition, jobs, the environment, public health or safety on State, Local or Tribal Governments or communities. This rule will have an immediate adverse affect on the local economy, productivity, competition, jobs, the environment and public health and safety. None of us know what the adverse effect will be in the future at state, local and tribal levels.
4. Federal; and state statutes require administrative agencies to work coordinately with local government – to “coordinate” with local government in developing and implementing plans, policies and management actions.
The statutes create a process through which local government has an equal position at the negotiating table with federal and state government agencies. They create a process which mandates agencies to work with local government on a government-to-government basis. Implicit in the mandate of coordination is the duty of the governmental representatives to work together in an effective relationship to seek or reach agreement on consistency between federal, state and local plans and policies.
 - A. The Montezuma and Dolores county commissioners and probably all other Colorado counties were not consulted or included in the planning process. By not coordinating with the local governments, this took away the voice of the public which is in violation of federal law. This is not in accordance with NEPA requirements.
 - B. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments. This order specifically states “policies that have tribal implications” refers to regulations, legislative comments or proposed legislations, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government

002694

and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. We have two Indian tribes in this area, the Ute Mountain Utes and the Southern Utes, which were not included in the coordination or planning of this process. They both have treaties with the Federal Government which gives them hunting rights. This rule will have a direct effect on how and where they hunt and their way of retrieving game.

5. RS2477 Right of Ways. There are many mining claims in the higher elevations of the Colorado Mountains that have historical roads accessing them. Only Congress has the right to abolish these types of roads. The Forest Service should have the responsibility to work with the local Governments to determine which roads, if any, qualify for RS2477 assertion.
6. Colorado roadless areas would only add to the existing wilderness areas without congressional approval, this is a very shady way for our government to be doing business. This rule should be appealed by congress.

With these comments we appose the Colorado Roadless Rule and request that the US Forest Service either abandon this plan or start over using coordination in the planning process with the State, local and tribal governments. There have been several federal laws broken or ignored in putting this plan together.

Duane and Barbara Likes
20258 County Road S
Cortez, Colorado

P.O. Box 1373
Fairplay, CO 80440
(719) 836-4201 (Fairplay)
(719) 836-3273 (Fax)
website: www.parkco.us

COUNTY OF PARK
Board of County
Commissioners



July 13, 2011

To: United State Forest Service
Colorado Roadless Rule/EIS
PO Box 1919
Sacramento, California 95812

JUL 18 2011

From: Park County Board of County Commissioners
PO Box 1373
Fairplay, Co 80440

The following comments and alternative recommendation concerning rule making for the Colorado Roadless Areas , as contained in the February 2011 Revised Draft Environmental Impact Statement (DEIS), are submitted by the Park County Board of County Commissioners:

PREFERRED ALTERNATIVE 2

Park County contains significant acreage with the Pike-San Isabel National Forest administered by the USFS. These lands are used for a multiple number of uses, including mining, timber harvest, recreation, and livestock grazing and are critical watersheds, not only for local residents, but for the Denver Area.

Park County does support wise and multiple uses of lands within the National Forests. The county recognizes the importance of protecting defined roadless areas in a manner that will maintain their natural qualities for the future.

After reviewing the four alternatives in the draft DEIS, we the Board of County Commissioners (BOCC) strongly support alternate 2. We feel that the analysis that went into alternate 2 makes it best suited to meet the overall objective of protecting defined roadless areas, while providing for appropriate activities that must be included in any long term management of roadless areas.

Park County recognizes the importance of fire control, protecting and enhancing wildlife habitat in both the designated 4.19 million acres of roadless area in alternate 2, as well as, within the 562,000 acres of upper tier acreage.

It is the desire of the BOCC to maintain effective communications with the Forest Service in the management of roadless areas once an Alternative is selected and implemented. We would like the same level of communications in the preparation of the Forest Service Management Plans. Towards this objective we ask that the Forest Service make every effort to continue to communicate with Park County, especially once the alternative is selected.

Thank you for the opportunity for comment.

Sincerely,
Park County Board of County Commissioners

Dick Hodges
(719) 836-4209

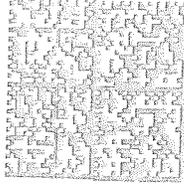
John Tighe
(719) 836-4210

Mark Dowaliby
(719) 836-4211

Park County Planning & Zoning Department



P.O. Box 1598
Fairplay, CO 80440



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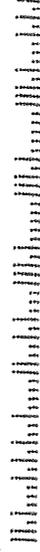
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United States Inpost Service
Colorado Roadless Rule / EIS
P.O. Box 1919
Sacramento, CA 95812

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COR696.

COR696

2068 S. Arroyo Mosalano
Grant Junction, CO 81509
July 11, 2011

Dear President Obama and Chief Tidwell;

Please count me in on urging you to expand top tier protection for our Colorado roadless areas. The undeveloped national forests need to be preserved into the future for generations to come. We cannot be short sighted on this issue. Wildlife habitat, water resources should be forever. They are not finite and should not be.

Think well into
this top tier protection
Colorado roadless

the future on
for the
national forests.

my urgent and
sincere plea.

Joyce D. Olson

JUL 15 2011

JOYCEDOLSON@YAHOO.COM



Ms Joyce D Olson
2068 Snow Mesa Ln
Grand Junction, CO 81507-8750

CORLENE



JUL 15 2011



*Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA. 95812*

322221313



COR697.

Colorado Road less Rule/E.I.S.
PO Box 1919
Sacramento, Ca.
95812

W Warman
2317 Forest Av
Durango, Co.
81301

Dear Friends,

JUL 14 2011

Greetings from Durango. Please accept this letter of support for maintaining the road less rule in wilderness areas of the United States. As President Theodore Roosevelt stated at the laying of the cornerstone for the arch at Yellowstone National Park on March one of 1872, we, as Americans, share something unparalleled elsewhere on the globe. As a citizen who has had the opportunity to visit our first National Park and enjoy the preservation of the natural environment within the park, I am requesting that you preserve the wilderness areas in the pristine state that President Roosevelt did advocate to hold in trust for future generations of Americans to enjoy.

Furthermore, I am requesting that Colorado and all western lands be established as upper tier priority for preservation as road less. The obvious exception is for wildfire mitigation efforts around established communities. I am requesting that you permit activities in the road less areas that maintain or enhance the essential character of the area, ie, wilderness. This precludes the addition of roads for electrical power lines or telecom corridors. Additionally no new road construction for gas and oil exploration be permitted in the road less wilderness areas. The American people have a right and opportunity to enjoy nature in a wilderness state unsullied by the encroachment of unscrupulous development.

Sincerely,
W. Warman



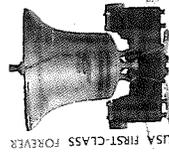
WILLIAM WARMAN
2317 FOREST AVE
DURANGO CO 81301-4800

JUL 14 2011



C.R.R. / E.I.S.
PO Box 1919
Sacramento, Ca.

95812



00F097



COR698.

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812

JUL 14 2011

Dear Sirs:

I am contacting you to voice my support for the 57,600 acre reduction in designated Roadless areas provided by Alternative 2 of the proposed Colorado Roadless Rule. I am vigorously opposed to Alternative 4 of the proposal. I also support the continued management of dispersed motorized recreation in Roadless Areas under the Travel Management Planning process. Motorized recreationalists utilize these areas for the dispersed recreational experience they are designed to provide, a fact often lost in the application of the roadless rule.

While I support Alternative 2, I do *not* support the theory of upper tier area included in this proposal, as often the Roadless Rule is a source of confusion and frustration for the users of the forests. An additional level of roadless area designation will not help this situation. The upper tier area theory will make the frustration and confusion experienced by forest users worse. In addition to increasing frustration, the upper tier theory simply makes no sense in terms of providing flexibility to managers to address local fire prevention concerns. Alternative 4 simply makes no sense from this perspective as it provides an upper tier area

I believe the increased flexibility provided by the Colorado Roadless Rule proposal is superior to the existing Roadless Rule. Given the exceptionally high fuel loads present as a result of the pine beetle epidemic, it is critical that forest managers have the full range of possible options to address the most cost effective way to reduce the risk of forest fires to mountain communities and homes. The EIS goes to great lengths to address the need for flexibility in dealing with fuels issues on the forests. The theory of upper tier area directly conflicts with this analysis as significant numbers of local communities will be directly limited in their ability to address fire prevention as a result of upper tier designations within a short distance of the community.

I am also opposed to the negative economic impact that will result from the upper tier theory in the new Roadless Rule which will result in a negative impact to the Colorado economy in excess of \$100 million dollars. Given the poor state of the Colorado economy for the foreseeable future and the mandate of the Multiple Use Sustained Yield Act requirement of balancing economic interests with all other interests, I don't think this required balance has been achieved after the inclusion of the upper tier areas.

I also have concerns regarding the proposed 107,300 acre increase in roadless areas on the Pike/San Isabel Forest and the 22,300 acres increase on the San Juan Forest. These expansions of roadless areas are directly in conflict with the stated need for flexibility in fire management that is discussed at length in the EIS. Clearly an areas designation as roadless will reduce the tools available to managers to deal with fire mitigation issues.

Thomas R. Barnabic
P.O. Box 240
Silt, Co. 81652
Phone (970)274-2351 e-mail tombwsbs@gmail
see attached sheet.

Sincerely Thomas R. Barnabic
(please remember to include your address)

COR698 7/9/11

To Whom It May Concern,

I could not have summed it up better than the previous letter. I have served on the Town of Carbondale Board of Adjustment, as well as The Garfield County Board of Adjustment, I've lived from Aspen to Grand Junction and followed many of the Forest Access, BLM, Oil + Gas issues for a while.

I witnessed the Forest Fires in Glenwood Springs and Carbondale, Co in the early 2000's.

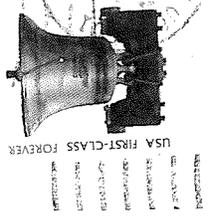
Please consider our concerns expressed in the cover letter.

Thank You.

Thomas R. Barnabic
P.O. Box 240
Silt, Co. 81652
(970) 274-2351
tombwsbs@gmail.com.

T. Barnabie
P.O. Box 240
Sitt, Co. 81652

JUL 14 2011



COR 698

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, Ca 95812

55123333



COR699.

JUL 14 2011

P.O. Box 2040
Ridgway, CO 81432
June 30, 2011

Colorado Roadless Rule/EIS
PO Box 1919
Sacramento, CA95812

Dear Decision Maker,

I am writing in support of Alternative Two of the Roadless Rule Plan. Also I am in complete agreement with the upper tier concept.

I feel that, as a general principle, roadless areas adjacent to existing or proposed wilderness areas should be given the greatest protection possible, that is, the upper tier status designation. In Ouray County, the area east of the proposed Mt. Sneffels Wilderness Area Expansion is a good example. This provides greater assurance of preventing intrusion of illegal roads and other disruptive activities.

Other regions, which should be considered for upper tier status, include:

- The Lizard Head Area
- Last Dollar-Sheep Creek
- The Weehawken Trail above Ouray

I am familiar with these regions and feel that they meet the criteria for maximum protection.

Ninety-seven percent of federal land is open to vehicle traffic and yet, off-road activities account for only twenty percent of recreational use. I feel it is only fair to reserve the remaining three-percent for quiet use.

Thank you for considering my comments.

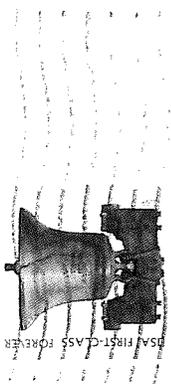
Sincerely,



Robert Green

Robert Green
PO Box 2040
Ridgway, CO 81432

JUL 14 2011



CR109

Colorado Roadless Rule/EIS
PO Box 1919
Sacramento, CA95812

5581251919 8017



COR700.

41620 CR38A
Steamboat Springs, CO, 80487
July 11, 2011

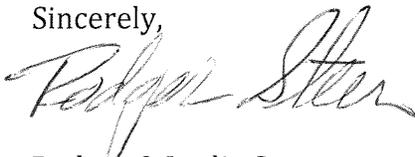
JUL 15 2011

Colorado Roadless Rule EIS
P. O. Box 1919
Sacramento, CA 95812

Dear Forest Service:

We wish to request your continued support for the highest level of protection for the remaining roadless areas of Colorado. Colorado has experienced serious encroachment of its open lands over the past 50 years with residential development in fragile alpine areas, power line corridors, mine access roads, etc.; resulting in restricted habitats for the wildlife, serious erosion in the rougher terrain, invasion of noxious plants, etc. We need to protect our remaining roadless areas.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rodger Steen".

Rodger & Leslie Steen

Rodger & Leslie Steen
41620 CR 38A
Steamboat Springs, CO 80487



DENVER CO 802

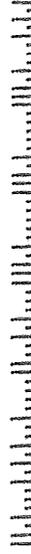
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Colorado Rockies Park EIS
PO Box 1919
Sacramento
CA 95872

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COR701.

This is a preview only. To edit or submit your comment, close this window.
You are commenting on a Proposed Rule:
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado (FS_FRDOC_0001-1051)

INFORMATION

First Name: Eric
 Middle Name: Patrick
 Last Name: Howell
 Mailing Address: 121 South Tejon St.
 Mailing Address 2: PO Box 1103, MC 0930
 City: Colorado Springs
 Country: United States
 State or Province: Colorado
 Postal Code: 80947
 Email Address: ehowell@csu.org
 Phone Number: 719-668-4534
 Fax Number: 719-668-8734
 Organization Name: Colorado Springs Utilities
 Submitter's Representative: Mark Shea
 Government Agency Type: Local
 Government Agency: Enterprise of the City of Colorado Springs

*The Attached information
 is in reference to
 Colorado Springs Utilities
 Comments via
 Comment Tracking #
 8Dec2FG3*

COMMENT

On behalf of Colorado Springs Utilities, we have prepared the following attached comments concerning the proposed Colorado Roadless Rule and Draft EIS.

Per the file size limitations, we will need to forward our attachment: Grand River RevisedColoradoRoadlessMemoMaps071411 [1] via ground mail.

Thank you.

Eric Howell

Attachments:
Colorado Springs Utilities Final Comments Proposed CRR 07_14_2011.pdf

COR701



719+668+8735
121 South Tejon Street, Third Floor
P.O. Box 103, Mail Code 930
Colorado Springs, CO 80947-0930
Phone 719/668-4800
Fax 719/668-8725
http://www.csu.org

July 14, 2011

Secretary Thomas Vilsack
Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812
(Submitted via email - COComments@froadless.org)

Subject: Comments on New Proposed Colorado Roadless Rule and Revised Draft
Environmental Impact Statement

Dear Secretary Vilsack:

The following comments have been prepared by Colorado Springs Utilities regarding changes to the proposed Colorado Roadless Rule ("Proposed Rule") that would restrict forest and watershed management activities and the development of future water supplies. While many of these comments reflect a general concern shared by Front Range water providers, they also highlight the need for sound policy decisions and boundary adjustments necessary to address concerns specific to the operation, maintenance, and development of Colorado Springs Utilities' water system and long-range water supply planning.

Colorado Springs Utilities serves a population of approximately 480,000 people and relies on water from the South Platte, Colorado, and Arkansas River basins to meet nearly 99% of its community's water needs. Accordingly, Colorado Springs Utilities is extremely interested in watershed management and forest health throughout these basins to protect its water supplies and infrastructure. As an example of this, Colorado Springs Utilities is investing significant funds in partnership with the US Forest Service to assess and manage forest health and watershed issues across the Pike, San Isabel, and White River National Forest. The restrictions created by the Proposed Rule would impede many of these efforts and further complicate this already massive challenge.

Nonetheless, Colorado Springs Utilities recognizes the intended benefits of roadless areas to protect water quality and other natural resource values. However, these values can and must be protected in manner that also allows for necessary watershed and forest management and future water supply development. Due to the new Upper Tier designations and associated

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management/development restrictions it contains, the Proposed Rule does not strike this necessary balance and Colorado Springs Utilities cannot support it in its current form. For example, under the Proposed Rule, Colorado Springs Utilities would be subject to thousands of acres of roadless area designations that would restrict the management of critical watershed areas as well as prohibit the development of future water supply projects. These problems result in large part from new changes to the Proposed Rule, such as the Upper Tier designations, and represent a step backwards from the previous version of the rule that provided more flexibility for water providers to meet the growing water supply needs of the citizens of Colorado.

Based on a review of the Proposed Rule (*Federal Register*/Vol. 76, No. 73/Friday, April 15, 2011/Proposed Rules), Colorado Springs Utilities has prepared the following comments:

I. Comments on the Proposed Rule
1. Proposed Designation of Upper Tier Areas

Colorado Springs Utilities is opposed to the Proposed Rule's new designation of Upper Tier areas as this designation would prohibit road building for construction and maintenance of water supply infrastructure and watershed management activities. With many of Colorado's forests and inventoried roadless areas facing serious forest health problems, including catastrophic wildfire, insects, and disease the proposed Upper Tier designation fails to provide the needed flexibility to allow forest management activities to protect critical water supplies and other significant natural resource values. As such, the Upper Tier designation is overly restrictive and should be removed from the Proposed Rule.

If Upper Tier areas are not removed from the Proposed Rule, then flexibility is essential in the rule to allow for responsible protection of water sheds and management and development of municipal water supplies. Therefore, Colorado Springs Utilities requests that the following revisions be made to the Proposed Rule:

In §294.42(b) *Upper Tier Areas*, Colorado Springs Utilities recommends the following additional exclusion:

(3) *Tree-cutting, sale, or removal is needed in areas where there is a significant risk that a wildland fire disturbance event could adversely affect a municipal water supply system or the maintenance of that system. A significant risk exists where the current forest conditions and fire hazard and risk indicate a serious likelihood that a wildland fire disturbance event would present a high risk of threat to a municipal water supply system.*

In §294.43(b) *Upper Tier Areas*, Colorado Springs Utilities recommends the following additional exclusion:

(3) *A road is needed for the operation, maintenance or development of water supplies and/or for the construction of infrastructure related to a municipal water supply system.*

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These exclusions simply provide for the protection and development of municipal water supplies necessary to protect public health and safety.

2. Eliminating Regional Forester Determinations in Non-Upper Tier Acres

Colorado Springs Utilities is opposed to the language in the Proposed Rule requiring that the Regional Forester determine the necessity for timber related activities and road construction related to the protection of water supplies and construction and maintenance of municipal water supply systems. If the Forest Service line officer has the authority and responsibility to make decisions about protection and management of Colorado roadless areas for activities in non-upper tier areas, then it is not necessary for the Regional Forester to make special determinations for activities specifically related to at-risk communities and municipal water supply systems. The other activities such as maintaining ecosystems, improving habitats for special status species and developing oil, gas, and coal mine leases are all allowed with only the determination of the "Responsible Official" that the activity is consistent with the applicable land management plan. Activities related to maintaining forest health and protecting water supplies are as important, if not more important and should not be held to a higher standard. Therefore, Colorado Springs Utilities requests the following revisions be made to the Proposed Rule.

In §294.42(c), Colorado Springs Utilities requests that the text be revised as follows (revision shown in red, bold type):

(1) ~~The Regional Forester determines~~ Tree-cutting, sale, or removal is needed to reduce hazardous fuels...

(2) ~~The Regional Forester determines~~ Tree-cutting, sale, or removal is needed outside the community protection zone where there is a significant risk that a wildland fire disturbance event could adversely affect a municipal water supply system or the maintenance of that system. A significant risk exists where the history of fire occurrence, ~~current forest conditions~~ and fire hazard and risk indicate a serious likelihood that a wildland fire disturbance event would present a high risk of threat to a municipal water supply system.

In §294.43(c) *Non-Upper Tier Acres*, Colorado Springs utilities requests the following revision to subpart (iv):

(iv) ~~The Regional Forester determines~~ A road is needed to allow for the construction, reconstruction, or maintenance of an authorized water conveyance structure which is operated pursuant to a pre-existing water court decree (see also §294.44(b)(1));

In §294.43(c)(vi) and (vii), Colorado Springs Utilities requests that the phrase "The Regional Forester determines" be removed.

3. Water Court Decrees

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The Proposed Rule must recognize Colorado Springs Utilities' need and legal rights, pursuant to Colorado law, to exercise existing entitlements under its absolute and conditional water rights as well as to obtain future water rights decrees. The Proposed Rule must not foreclose flexibility in Colorado Springs Utilities' operations or preclude development of needed future water supplies.

The Proposed Rule (p. 21276) states "The definition for *water conveyance structures* has been modified to include reservoirs to clarify that they are included under the exception for construction, reconstruction or maintenance of roads for authorized water conveyance structures." This change is in response to comments by Colorado Springs Utilities and others in October 2008. However, the current proposed rule (p.21276) adds "This exception to the proposed rule applies only to those structures operated pursuant to a water court decree existing as of the date of the final rule." "Pre-existing Water Court Decree" is defined in §294.41 on page 21289 as "A decree issued by the Colorado Courts prior to [final rule effective date]..."

Municipal water supply planning is generally a multi-decade process where a large number of factors are considered. There are likely areas within proposed roadless areas where potential water rights and water supply projects have only been conceived or may not be considered viable until sometime into the future. Examples of uncertainties and issues facing municipal water providers are:

- population growth trends
- changing water supply system reliability due to aging infrastructure
- threats due to natural disaster
- physical security threats due to terrorist acts
- timing and volume of future water supply due to climate change, and watershed damage by wildfire

Given these uncertainties, water development activities should not be limited in roadless areas to those authorized by pre-existing decrees, but rather should include all water development activities authorized by any water court decree that currently exists or is entered in the future. As such, Colorado Springs Utilities requests that the Proposed Rule be revised to allow road building related to the construction, and maintenance of a water conveyance structure authorized by a decree entered before or after the effective date of the rule.

Colorado Springs Utilities also believes that the definition of a "Water Court Decree" must be expanded to include conditional water rights. Under Colorado water law a conditional water right is an inchoate real property right. By excluding conditional water rights from the definition of a "Water Court Decree" the Proposed Rule is essentially prohibiting the development of conditional water rights in roadless areas and such a prohibition may constitute a taking.

In order to address its concerns, Colorado Springs Utilities requests that the Proposed Rule be revised to delete the current "Pre-existing Water Court Decree" definition and replace it with the following in §294.41:

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Water Court Decree: A Colorado Water Court decree adjudicating absolute or conditional water rights, as defined under Colorado law, including any amendments thereto. A Water Court Decree includes a decree issued by the Colorado Water Courts changing a point of a diversion, place of storage, place of use, water conveyance structure or any other water component to a location within a Colorado Roadless Area.

While the above language changes are essential for development of municipal water supplies, if such development is limited to "pre-existing" Water Court Decrees, the following changes to the definition of "Pre-existing Water Court Decree" are necessary:

Pre-existing Water Court Decree: A Colorado Water Court decree, including any amendments thereto, adjudicating absolute or conditional water rights, as defined under Colorado law, entered before (final effective rule date) or after (final effective rule date) if the decreed appropriation date is before (final effective rule date) or a decree that is based upon a Water Court Application filed before (final effective rule date). A Pre-existing Water Court Decree includes a decree issued by the Colorado Water Courts changing a point of a diversion, place of storage, place of use, water conveyance structure or any other water component to a location within a Colorado Roadless Area entered before (final effective rule date) or is based upon a Water Court Application filed before (final effective rule date).

In §294.44(b) Linear Construction Zones, we recommend modifying item (1) as follows:

- (1) The construction, reconstruction, of a decreed water conveyance structure which is operated pursuant to a pre-existing water court decree (see also §294.43(c)(1)(v));

4. Conflicts with Proposed Boundaries of Roadless Areas

Colorado Springs Utilities, in conjunction with our partners in several water projects, Aurora Water and the Pueblo Board of Water Works, asked consultants to prepare a memo that shows potential conflicts with current and proposed water projects. The draft memo from Grand River Consulting and its maps are attached. For those areas affecting Colorado Springs Utilities water supplies, infrastructure, and/or access, we are requesting the proposed roadless areas be modified or repealed as proposed per the corresponding maps for the Upper Blue River, Ruessli Pump-Back, and Upper Eagle River prior to the issuance of the final rule. If the agency feels this dialog is best completed during the comment period, we request an extension of the comment period for another 30 days to effect those conversations. Note that the proposed Hoosier Ridge Repeal Map has been supplemented by Colorado Springs Utilities per the draft Grand River memo and maps.

Additionally, Colorado Springs Utilities has observed some additional mapping discrepancies and critical watershed/forest management concerns involving the Pikes Peak West and Pikes Peak East proposed roadless areas. We are also requesting that additional time and dialog with the US Forest Service occur prior to issuance of a final rule to make final boundary adjustments, and finalize the delineation of critical watershed areas for repeal. Colorado Springs Utilities is also to request the repeal of any Upper Tier areas within the Pikes Peak West and East roadless areas that overlap and are under the protections pursuant to the 1913 and 1924 Congressional

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Watershed Reserve Lands Grants established for the City of Colorado Springs, City of Manitou Springs, and Town of Cascade.

II. Other Concerns

1. The State Petitions Rule Has Been Enjoined by a Federal Court

The Proposed Rule is based on the State Petitions for Inventoried Roadless Area Management Rule ("State Petitions Rule"). In *California ex rel Lockyer v. U.S. Department of Agriculture*, the United States District Court for the Northern District of California found that the Department of Agriculture violated: 1) The National Environmental Policy Act (NEPA) by failing to conduct an adequate environmental analysis of the rule; and 2) the Endangered Species Act (ESA) by failing to conduct the required wildlife consultation. 459 F. Supp. 2d 874, 913 (N.D. Cal. 2006). As a result of those failures, the District Court permanently enjoined the State Petitions Rule and reinstated the 2001 Roadless Rule. *Id.* at 919. The District Court's decision was affirmed by the Ninth Circuit Court of Appeals. Colorado Springs Utilities does not believe that it is appropriate for the Forest Service to move forward with the Proposed Rule as it is based on the State Petitions Rule which has been found to be invalid and is currently enjoined by a Federal court.

2. The Proposed Rule May Violate the Wilderness Act

Colorado Springs Utilities believes that the Proposed Rule may violate the Wilderness Act (16 U.S.C. §1130 et seq.) by creating *de facto* administrative wilderness areas without an act of Congress. The Wilderness Act provides that "no Federal lands shall be designated as 'wilderness areas' except as provided for in [the Wilderness Act] or by a subsequent Act." 16 U.S.C. §1131(a). To this end, the Wilderness Act removed the Secretary of Agriculture's and the Forest Service's discretion to establish *de facto* administrative wilderness areas - a practice the executive branch had engaged in for over forty years and gave Congress the sole authority to establish wilderness areas. *Parker v. United States*, 309 F. Supp 593, 597 (D.Colo. 1970). Instead, the Wilderness Act places the ultimate responsibility for wilderness designation on Congress. *Id.*: 16 U.S.C. §1131(a).

The Forest Service's procedures for identifying wilderness areas and its rules for protecting wilderness areas in National Forests emphasize the importance of the "roadless" nature of "wilderness areas." For example, the first step in the Forest Service's procedure for identifying and evaluating potential wilderness areas is to "identify and inventory all roadless, undeveloped areas that satisfy the definition of "wilderness" found in section 2(e) of the 1964 Wilderness Act." *U.S. Dept of Agric. Forest Serv. Manual*, ch. 1909.12; *U.S. Dept of Agric. Forest Serv. Land and Rex. Mgmt. Planning Handbook*, FSH 1909.12, ch. 7, ¶ 7.1. Similarly, the regulations implementing the Wilderness Act provide that there shall be "no temporary or permanent roads" in a congressionally designated wilderness area. 36 C.F.R. §293.6. In short, it is "reasonable and supportable to equate roadless areas with the concept of 'wilderness.'" *Mortimer, The Delegation of Law-Making Authority*, 54 Admin. L. Rev. at 958.

The Proposed Rule essentially creates areas where road building activities are not allowed except in limited circumstances. As such, Colorado Roadless Areas appear to be *de facto* wilderness

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areas that have been created through rule instead of the legislative process mandated by the Wilderness Act. Therefore, Colorado Springs Utilities believes that the Proposed Rule may violate the Wilderness Act.

3. The Proposed Rule May Violate the National Forest Management Act.

The National Forest Management Act provides that the Secretary of Agriculture "shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System..." 16 U.S.C. §1604. Once developed, a forest plan is the controlling document for the management of a national forest and all "resource plans and permits, contracts, and other instruments for the use and occupancy of the National Forest system lands shall be consistent with" the forest plan. 16 U.S.C. §1604(f). If a proposed activity is not consistent with the governing forest plan, an amendment to the forest plan must be circulated for public review and then adopted before the revised plan can be implemented. 16 U.S.C. §1604(d), (f)(4).

The Proposed Rule is an "instrument for the use and occupancy of National Forest System lands" that is subject to 16 U.S.C. §1604(f) because it governs the conditions under which roads can be constructed and timber related activities can be conducted in Colorado Roadless Areas. The Proposed Rule dictates a one-size-fits-all policy that requires that each acre of proposed roadless areas in Colorado remain largely roadless and free of timber related activities without consideration of forest health and other public needs such as the provision of water supply.

Colorado Springs Utilities is concerned that the general prohibition or restriction of road construction and timber activities in Colorado Roadless Areas may be inconsistent with the relevant forest plans in Colorado as it may prohibit or restrict these activities where they were allowed under a forest plan. If such inconsistency exists, the Colorado Roadless Rule violates 16 U.S.C. §1604(f) and should not be implemented unless the Forest Service prepares the necessary forest plan amendment with the required NEPA analysis.

4. The Proposed Rule May Violate the Multiple Use Sustained Yield Act.

Colorado Springs Utilities is concerned that the Proposed Rule violates the Multiple Use Sustained Yield Act (16 U.S.C. §528 et seq.) ("MUYSA") by substantially limiting Colorado Springs Utilities' ability to use the Colorado Roadless Areas to provide water supplies to its customers. MUYSA provides that "it is the policy of Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes." 16 U.S.C. §528. MUYSA further provides that "the Secretary of Agriculture and is authorized and directed to develop and administer the renewable resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom." 16 U.S.C. §529. The Proposed Rule restricts the uses of Forest Service land contained in Colorado Roadless Areas. Specifically, the Proposed Rule restricts the use of Colorado Roadless Areas to provide water supplies to the citizens of the State of Colorado by prohibiting the construction of roads for the construction, reconstruction, or maintenance of water supply infrastructure in Upper Tier areas and restricting the construction of such roads in Non-Upper Tier areas. The Proposed Rule also either prohibits or unnecessarily restricts timber activities that may be necessary to promote watershed health. Such prohibitions and restrictions appear to violate the MUYSA and prevent the Proposed Rule from being implemented.

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5. The Draft Environmental Impact Statement may violate the National Environmental Policy Act

The National Environmental Policy Act ("NEPA") requires federal agencies to consider the environmental impacts of their actions, disclose those impacts to the public, and then explain how their actions will address those impacts. *Baltimore Gas & Elec. Co. v. Natural Res. Defense Council*, 462 U.S. 87, 97 (1983). NEPA requires a federal agency to take a "hard look" at environmental consequences before taking a major federal action that significantly affects the quality of the human environment. *Citizens Comm. to Save Our Canyons v. U.S. Forest Service*, 297 F.3d 1012, 1022 (10th Cir. 2002). To ensure that federal agencies take a "hard look" at the environmental consequences of their actions, NEPA requires an agency to prepare an environmental impact statement ("EIS"). *Friends of the Bow v. Thompson*, 124 F.3d 1210, 1213 (10th Cir. 1997).

NEPA requires an EIS to consider a reasonable range of alternatives to its proposed action. 42 U.S.C. §4332(C)(ii), 4332(C)(3). The federal agency proposing an action is required to develop the reasonable alternatives. 42 U.S.C. §4332(C)(6). The alternatives section is the "heart" of an EIS and "all reasonable alternatives must be rigorously explored and objectively evaluated." 40 C.F.R. 1502.14. The existence of a viable but unexamined alternative renders an environmental impact statement inadequate. *Simmons v. United States Army Corps of Engineers*, 120 F.3d 664, 670 (7th Cir. 1997).

Colorado Springs Utilities is concerned that the Draft EIS for the Proposed Rule does not consider a broad range of alternatives as it only examines three alternatives, all of which prohibit or restrict road construction and timber activities in Colorado Roadless Areas. Colorado Springs Utilities believes that in order to comply with NEPA's requirement for a rigorous exploration of alternatives, the Forest Service was required to develop and explore alternatives that would have met the goal and purpose of the rule without prohibiting or restricting road construction and timber activities in Colorado Roadless Areas. Since such alternatives were not developed or considered, the Draft EIS appears to be inadequate and in violation of NEPA.

NEPA requires the Forest Service to conduct a detailed site specific analysis of its proposed action, and such an analysis is mandatory regardless of the size or scope of the proposed federal action. *California v. Block*, 277 F. Supp. 753, 765 (C.A. Cal 1982). The Draft EIS does not appear to contain any analysis of the impacts of the Proposed Rule on the environment of individual roadless areas in Colorado. Specifically, the Draft EIS does not appear to classify or evaluate land type, ecosystem type, wildlife, or roadless values per area. Colorado Springs Utilities is concerned that the Draft EIS for the Proposed Rule violates NEPA because it does not provide any site specific analysis of the environmental impacts of the proposed action on the proposed Colorado Roadless Areas.

Colorado Springs Utilities is also concerned that the Draft EIS does not adequately evaluate the potential impact of any of the alternatives on the ability for the proposed roadless areas to be used as sources of water supply. Specifically, the Draft EIS does not analyze the impacts the Proposed Rule will have on a municipal water suppliers' ability to construct and maintain water supply infrastructure in a Colorado Roadless area and perform timber related activities that are

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necessary to protect watersheds in Colorado Roadless Area. The draft EIS also fails to analyze the economic and social impacts the prohibition or restriction of road building and timber activities will have on the citizens of Colorado. Specifically, the proposed EIS does not adequately evaluate the increased cost of providing water that may occur if water suppliers cannot build roads to construct or maintain water infrastructure or cannot conduct timber related activities to protect watersheds. The failure to conduct such analysis appears to violate NEPA.

Colorado Springs Utilities appreciates your consideration of its comments. Our organization recognizes the significance of roadless areas as a national asset and that these areas are valued by many for their natural resource and economic values. However, Colorado Springs Utilities hopes that the final Proposed Rule will provide for the protection of Colorado's roadless areas while also insuring the flexibility necessary to meet the water supply needs and challenges confronting Colorado water providers.

Sincerely,



Mark Shea

Watershed Planning Supervisor
Water Services Division
Colorado Springs Utilities

mshea@csu.org

Enclosures: As Stated

Cc: Wayne Vanderschuer

CO2701

MEMORANDUM



DATE: July 14, 2011

TO: Kathy Kitzmann, Rick Kientz, Mike McHugh (Aurora Water)
Eric Howell (Colorado Springs Utilities)
Bud O'Hara, Alan Ward (Pueblo Board of Water Works)

FROM: Maria Pastore

SUBJECT: Proposed Colorado Roadless Areas, Draft Maps with Boundary Adjustments

Pursuant to your request, please find enclosed several Colorado Roadless area draft maps for your review. The draft maps illustrate recommended boundary adjustments to the roadless areas based on our brief discussions at our Colorado Roadless meeting on June 22 at Denver Water. The boundary adjustments take into consideration existing and conditional water rights related to Aurora Water, Colorado Springs Utilities and Pueblo Board of Water Works water projects including associated infrastructure and proposed future water conveyance systems and are explained below.

DRAFT MAPS

1. Aurora Water/CSU (Homestake Project)
 - A. Upper Eagle River map
 - Litchton Roadless Area. The boundary for this proposed roadless area was adjusted to account for a proposed Peterson creek diversion point in the Peterson Creek watershed.
 - Homestake Roadless Area. This area has been adjusted to be consistent with our recently submitted boundary adjustments for the proposed Homestake Wilderness areas, and also considers the proposed "MOU Optimum Forebay Location". Please note that the proposed roadless area was greater in size than the proposed wilderness area, and as a result the repeal area is greater. Further, similar to the recent Homestake wilderness proposal, we included an additional "contiguous roadless" area between the Homestake roadless area and the No Name roadless area, approximately 32 acres.
 - Chicago Ridge Roadless Area. This area has been adjusted to account for the proposed Eagle-Ark Ditch water conveyance system and also to account for any additional future road easements required for access to the Columbine Ditch (owned by Aurora only). Please note that the "Upper Tier" roadless area is for Alternative 4 only, and reverts to a non-upper tier roadless area if Alternative 4 is not the selected alternative.

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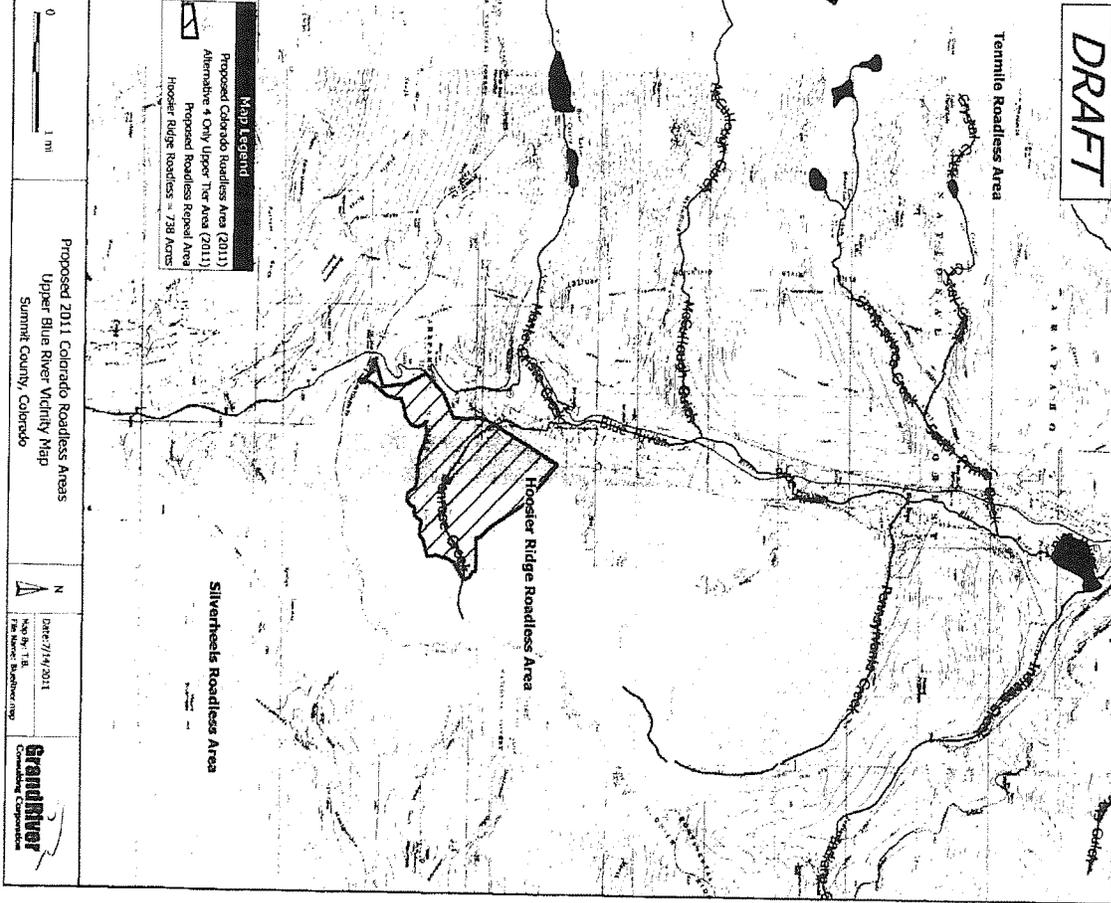
- Patrikan Hill A Roadless Area. This area has been adjusted to account for the proposed Eagle-Ark Ditch water conveyance system and also provides a 400 foot (horizontal) setback for the proposed 5,000 acre-foot Resolution Creek Reservoir.
- II. CSU (Blue River Collection System)
- A. Upper Blue River Watershed map
- Hoosier Ridge Roadless Area. This area was adjusted to ensure access is not restricted to CSU's Blue River collection system in the Hoosier Ridge area. The adjustments are consistent with the most recent boundary adjustments made for the proposed Hoosier Ridge wilderness areas. Please note that the "Upper Tier" roadless area is for Alternative 4 only, and reverts to a non-upper tier roadless area if Alternative 4 is not the selected alternative.
- B. Ruedi Pumpback map – Homestake II Alternative
- Wildcat Mountain Roadless Areas, (including B & C). Since the proposed pumpback would be buried under the road from Ruedi Reservoir to the inlet of Mast Tunnel, no adjustments to the proposed roadless areas were made.
- III. Pueblo Board of Water Works (Pueblo Collection System)
- A. Wurtz and Ewing Ditches map
- No Name Roadless Area. No adjustments were made to this area since the proposed roadless boundary currently reflects a setback of at least 200 feet for the Wurtz Ditch. There are no proposed roadless areas in the vicinity of the Ewing Ditch.
- B. Clear Creek Reservoir Watershed map
- No boundary adjustments to surrounding proposed roadless areas were deemed necessary.
- IV. Aurora Water/Pueblo (Fry-Ark Project)
- A. Busk-Ivanhoe map
- Wildcat Mountain C Roadless Area. Boundary adjustments of approximately 300 feet (horizontal) were made to this area to ensure adequate buffer zones for the existing Pan and Hidden Lake ditches. In addition, an appropriate boundary adjustment was made to ensure access to Ivanhoe Lake.
 - Mount Massive Roadless Area. Please note that the "Upper Tier" roadless area is for Alternative 4 only, and reverts to a non-upper tier roadless area if Alternative 4 is not the selected alternative. No adjustments are recommended for the Mount Massive "Non-Upper Tier" area.

Please contact us with any questions and/or clarifications. We look forward to your feedback so we can finalize the maps.

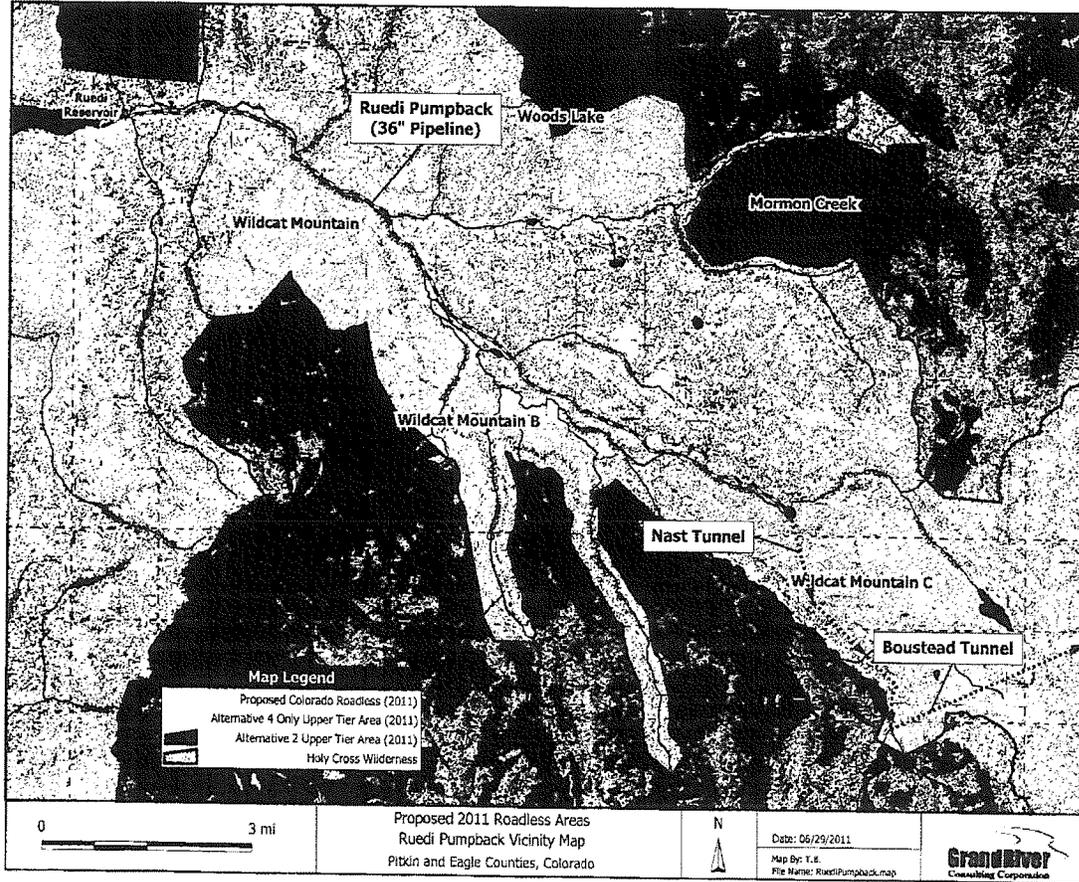
Enclosures (6 draft maps)

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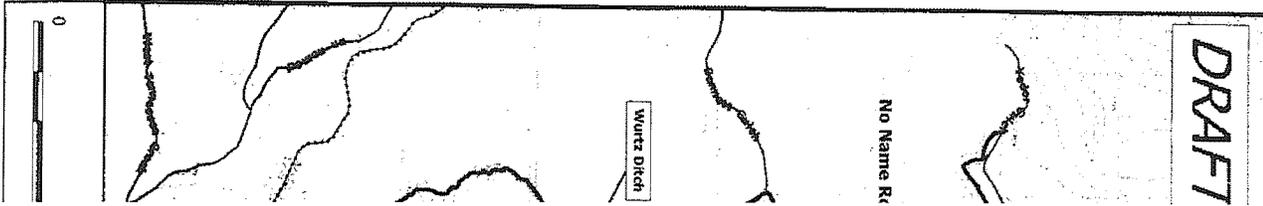


Proposed 2011 Roadless Areas
 Ruedi Pumpback Vicinity Map
 Pitkin and Eagle Counties, Colorado



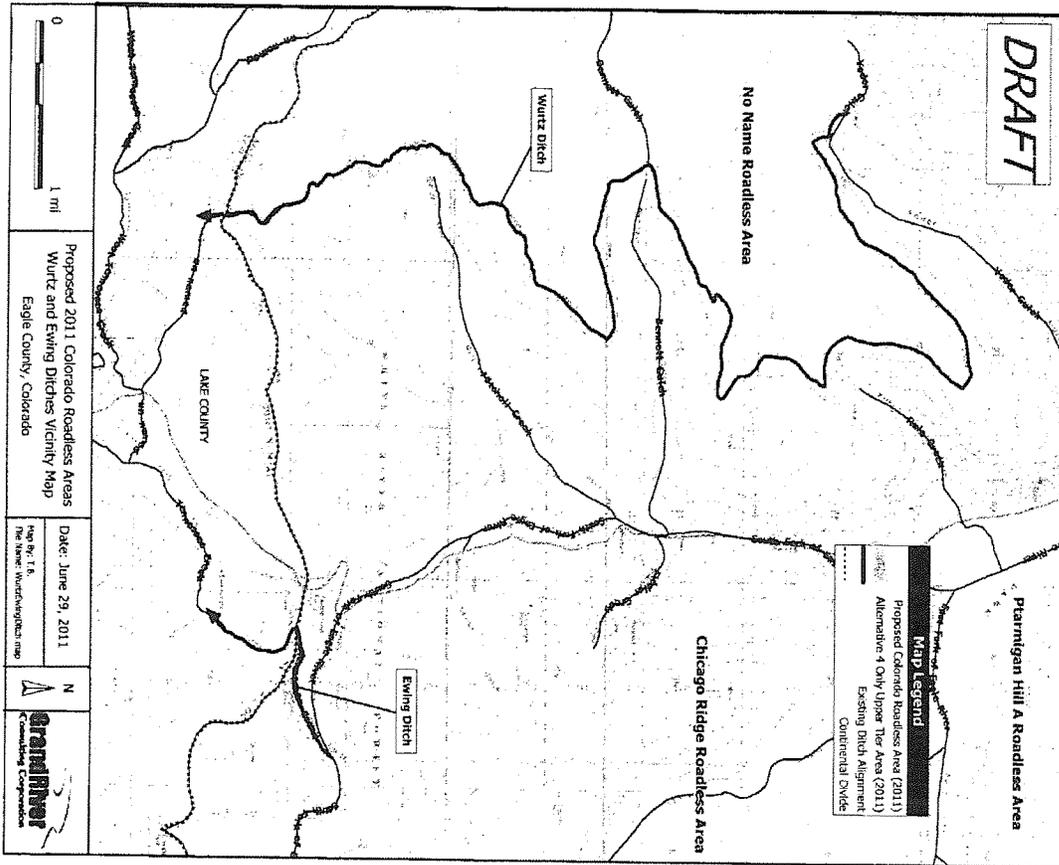
Date: 06/29/2011
 Map By: T.S.
 File Name: RuediPumpback.mxd

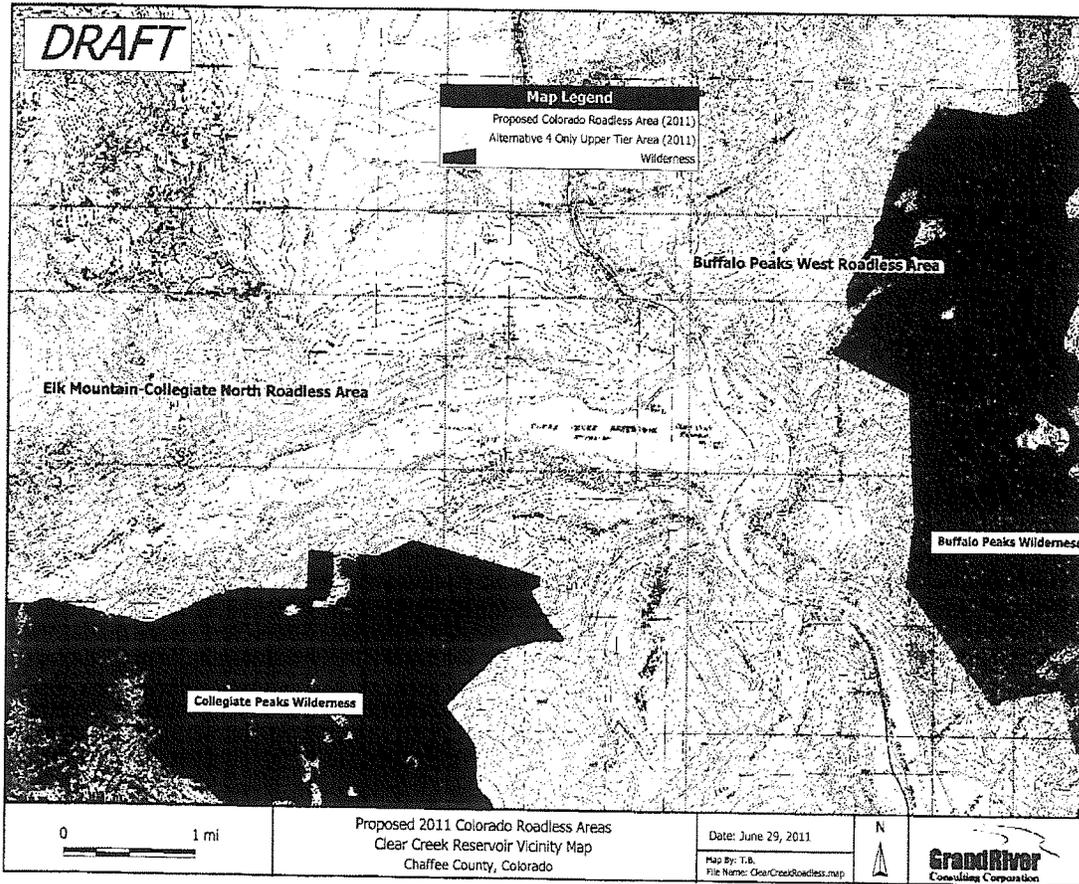




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Map Legend

Proposed Colorado Roadless Area (2011)
Alternative 4 Only Upper Tier Area (2011)
Wilderness

Buffalo Peaks West Roadless Area

Elk Mountain-Collegiate North Roadless Area

Buffalo Peaks Wilderness

Collegiate Peaks Wilderness

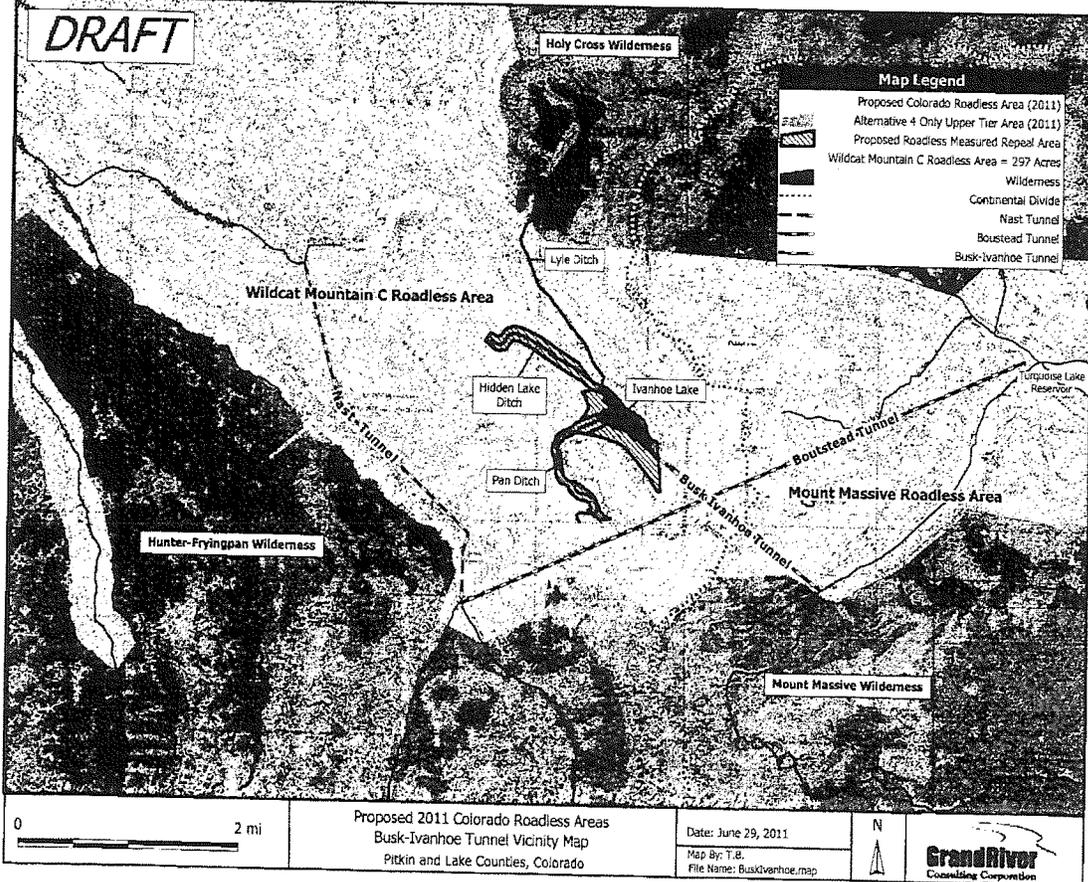
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Proposed 2011 Colorado Roadless Areas
Clear Creek Reservoir Vicinity Map
Chaffee County, Colorado

Date: June 29, 2011

Map By: T.B.
File Name: ClearCreekRoadless.map

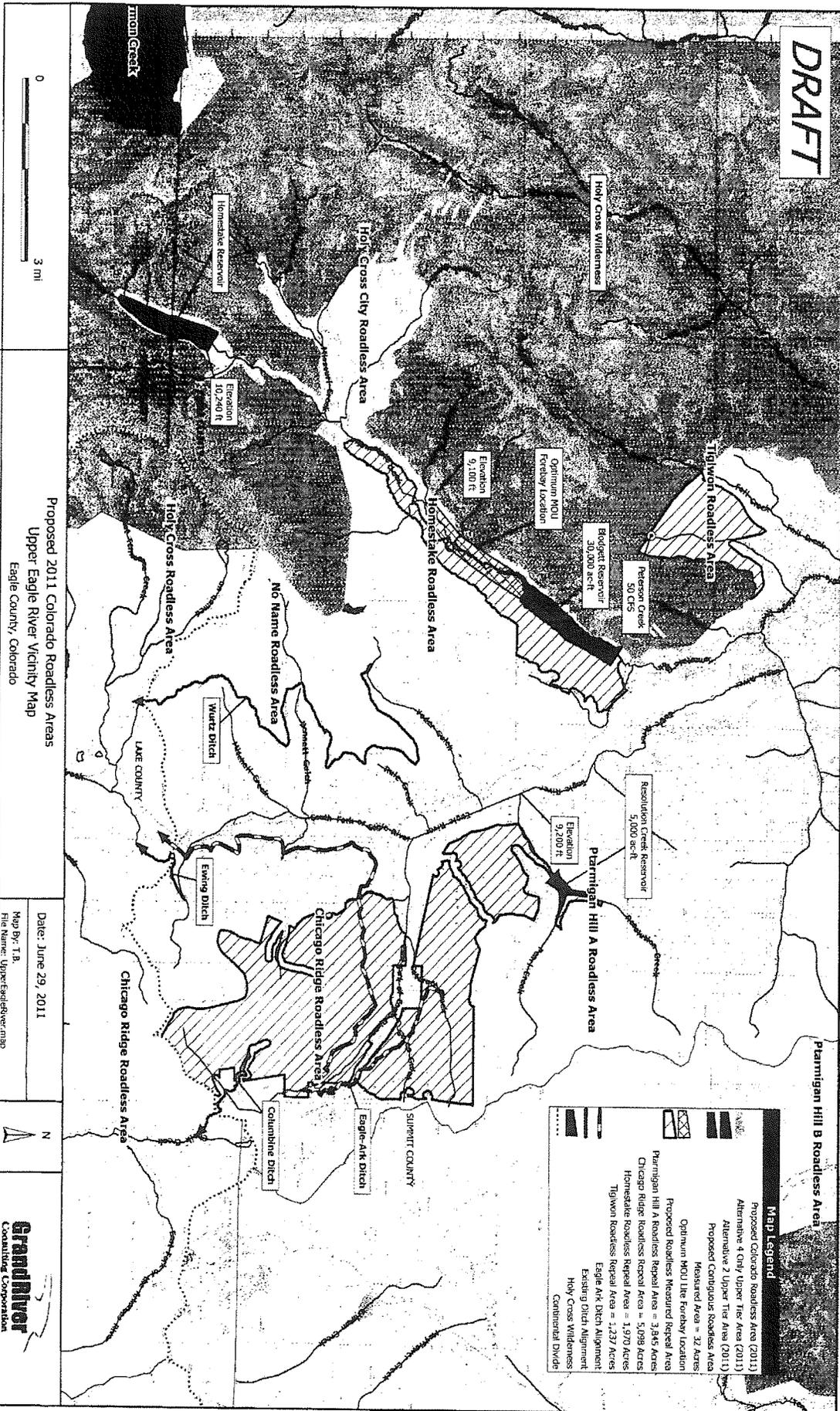




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Dear Sirs:

I do not approve
of the new proposal
for road area
protection. It
only allows 500,000
acres for the highest
level. That is less
than 13% of total
roadless acres. No
loop holes should
allow temporary
or permanent
types of devel-
opment on the
remaining 3.2
million acres -
no road bldg for
coal & gas mining
temp. road construction
within 1/2 miles
of communities,

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or thinning within
1.5 miles of populated
areas - regardless
of roadless status

The Colo. state should
not formulate its own
roadless management.

The Forest Service
must make the
final approval,
we demand that

Colo. unroaded
areas should stay
that way

No loop holes
must be allowed

for any reason.

All citizens
want roadless areas
protected in all
50 states.

Sincerely,

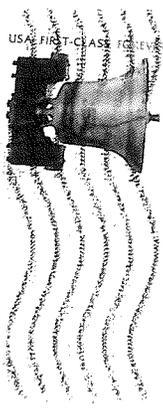
Bertha Ward



Bertha Ward
Hwy. 230, #268
Laramie, WY 82070-6632

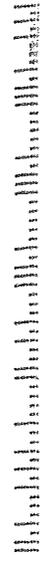
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Colo. Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA
95812



July 11, 2011

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United States Forest Service
Colorado Roadless Rule
EIS, P. O. Box 1919
Sacramento, California 95812

JUL 18 2011

Subject: Comments and recommendations regarding Rule Making for Colorado Roadless Areas, February 2011.

I have reviewed the Revised Draft Environmental Impact Statement completed for final rule making for Colorado Roadless Areas.

Based on this review I support *Alternative 2*, including the recommended 562,000 acres of upper tier.

I do make the following recommendations regarding any future implementation of *Alternative 2*:

As a Cooperating Agency, the State of Colorado, in cooperation with the United States Forest Service, should undertake *ongoing outreach with all stakeholders* to further modify roadless area boundaries, as well as upper tier acres, based on improved mapping and other pertinent data.

The ability to conduct activities designed to protect and enhance wildlife habitat *should not be prevented in upper tier acres*. Such work could be critical for many wildlife species, especially for those listed as threatened/endangered, and it would not be in the long-term interest of wildlife to prevent such necessary work.

Thank you for the opportunity to comment.

Sincerely,

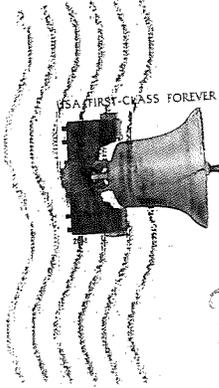
Eddie Kochman
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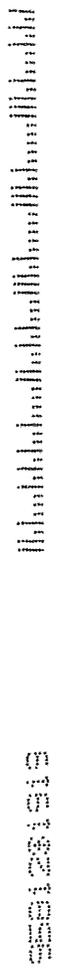
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Colorado Roadless Rule / EIS
P.O. Box 1919
Sacramento, CA 95812



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Cheryl Sanders
2150 Road 21
Cortez, CO 81321

Department of Agriculture
Forest Service
CO Roadless Rule Team Leader. Ken Tu
Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812

JUL 18 2011

July 13, 2011

RE: Comments on the proposed Roadless Areas in the San Juan National Forests.

The USFS has not followed the correct law abiding protocol in adopting and doing these Road closures and creating Roadless Areas nor does the USFS have the legal authority to close roads.

There has been no scientific data or evidence gathered that this would show that creating a Roadless Area would benefit anything.

Montezuma and Dolores counties are surrounded by Public Land. 68% of Montezuma County consists of Public Land. We depend on Public land for jobs in the Oil & Gas industry, Timber & Logging industry & the Mining industry to support our families and our counties coffers through mineral extraction taxes. These industries will not be allowed to operate in these proposed Roadless Areas.

The USFS has not done an economic impact study on this to know what the outcome of such a closure would create. They have concluded that there would not be any impact without any data to back it up.

These areas may not be economical feasible for any business activities now but what about in the future?

This would create a loss of jobs now and in the future for our area. Montezuma and Dolores counties have some of the highest unemployment in the state and with the current lack of good jobs available in our country this would create more economic impact on our citizens.

Protecting the forest has to have some common sense BALANCE in the management plan and closing areas off is not BALANCING. The USFS is creating an asbestos forest that Mother Nature will take care of with wildfires totaling destroying the forest, wildlife and our water supplies for future generations. With the current dead tree population we have in the San Juan's is this good management?

What if any Emergency Plan does the USFS propose for the health and safety of the select few that will access these Roadless areas and for fighting fires.

Management of **OUR** forest lands needs to be done by the letter of the law and the USFS has not followed the correct process for this closure to be valid.

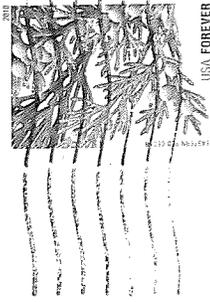
Sincerely,

Cheryl Sanders



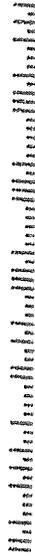
Sanders
 2150 County Road 21
 Cortez, CO 81321

Cortez



Dept of Agriculture
 Forest Service
 CO Roadless Rule Team Leader, Ken Tu
 Colorado Roadless Rule / EIS
 P.O. Box 1919
 Sacramento, CA 95812

9581231919



DEPT. OF Agriculture
Forest Service
COLO. ROADLESS Rule E.T.S.
Team leader, KENTU
P.O. Box 1919
SACRAMENTO, CA 95812

COR705.

July 13, 2011

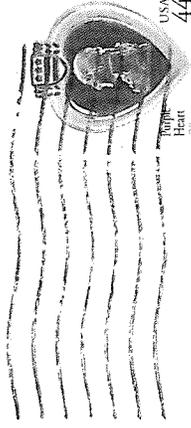
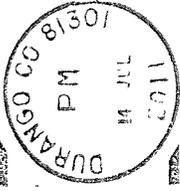
NO ACTION ALTERNATIVE

JUL 18 2011

- Lack of coordination
- Not ruled in court and has not been decided yet
- No emergency plan established
- No emergency access for search and rescue and fire
- Emergency situation at least 45 minutes for helicopter arrival
- Economic impact with jobs on public lands
- Gas, oil, mineral and timber
- 68% county taxation on public lands
- Lack of access for disabled citizens- 49 million
- severally ripped up roads with large boulders with huge dirt mounds
- No access for wood cutting with wood cutting permits

Sue Gosnell

Sue Gosnell
24522 CRN
Cortez, CO 81321



Dept. of Agriculture
 Forest Service
 Colo. Roadless Rule E.T.S.
 TEAM header, Ken Tu
 P.O. Box 1919

CORTZ

Sacramento, CA

COR706.

July 15- 2011
Raymond Boyl.
18340 C.R. D.D.
Pleasant View Co 81331

Dept of Agriculture
Forest Service
Colo. Roadless Rule E.I.S.
Team leader. Ken Tu
P.O. Box 1919.
Sacramento Ca 95817.

JUL 18 2011

The Colo. roadless rule is flawed and invalid because The Forest service has failed to coordinate with local Gov. as mandated by federal law. (16 USC, 5-1604. The Forest service has not coordinated with Montezuma County Gov. and has not complied with local land use codes.

The Colo. roadless rule would block access to thousands of acres of public land which would have a tremendous negative impact on local and State economics. The land could not be used for its intended multiple use.

The land could not be accessed for exploration and extraction of our Natural resources.

such as mining, timber, wood cutting, grazing recreational purposes, hunting, camping which all is a big part of Colo. economics.

It would close off access to some R.S. 2477 roads and trails which was in existence before 1976. (F.L.P.M.A.) which no federal agency has jurisdiction to do as stated and can only be accomplished by an act of Congress. This would be a violation of Federal law.

many historical roads and right of ways would no longer be accessible by the public.

Closing off access to thousands of acres of land would create a tremendous fire hazard to our state and destroy much of our forests and natural resources.

Closing off access to thousands of acres of our land would not allow my older and disabled Americans to enjoy the natural beauty of our Country in which many have fought for and served in military duty to keep America free.

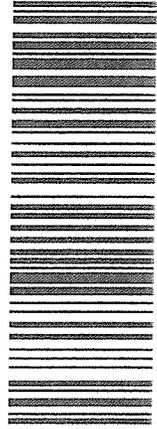
COR 706

The decisions of how to use our ~~lands~~ public lands should be left up to State and local governments and not mandated from the federal level.

Keep America free and prosperous;
listen to the voice of the people,
whose job it is to Govern. Our
Great Country.

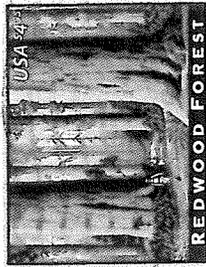
Respectfully,
Raymond L. Boyle

CERTIFIED MAIL™



7004 1160 000 7306 1580

Raymond L. Boyd
18340 C.R. DP,
Pleasant View, CO
81331



COR706

Dept of Agriculture
Forest Service
Cob. Roadless Rules/EIS
Leader Ken Lee
PO Box 1919
Sacramento Ca



MONTEZUMA COUNTY
BOARD OF COMMISSIONERS

109 West Main Street, Room 302
Cortez, Colorado 81321
(970) 565-8317
(970) 565-3420 FAX

County Commissioners:
Steve Chappell
Gerald Koppenhafer
Larrie Rule

County Administrator:
Ashton N. Harrison

July 11, 2011

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812

JUL 18 2011

RE: Montezuma County Comments on Colorado Road-less Rule

Be it known that the Montezuma County Board of County Commissioners stand fundamentally opposed to the proposed Colorado Road-less Rule and the designation of road-less areas in general. Our opposition to this rule is based on the following concerns:

- **Designation has not included appropriate coordination with local governments.** Since the Montezuma County Federal Lands Program was established in February of 1992, we have been diligent in our efforts to constructively engage public land planning and management issues as a Commission and to open up opportunities for meaningful participation on the part of the citizens that we are sworn to represent.

As elected officials of Montezuma County we believe we should have been consulted and included in the planning process from the onset. This rule and the process by which it was developed intentionally circumvented the local forest planning process. To propose this rule with absolutely no communication with those who would be directly affected, smacks of the top-down, ungrounded federal intervention that we have been working so hard to overcome.

Any management changes that are needed should be developed incrementally through a planning process that allows for open dialogue and the development of well thought out and responsible problem solving measures in keeping with Section 101 of the National Environmental Policy Act in which Congress:

*“declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill social, economic and other requirements of present and future generations of Americans.” [Section 4331 (a) *Creation and maintenance of conditions under which man and nature can exist in productive harmony*]*

We now understand that an additional half million acres of public land is being placed in the “Upper Tier” without the benefit of public input nor input from local government. This is not in accordance with NEPA requirements and it is a slap-in-the-face to the

thousands of people who provided input and worked hard to develop the proposal. Of course this excludes local government who were not even given the courtesy of being included in the planning effort.

Adequate coordination with local government has simply not happened and the Colorado Road-less Rule should be abandoned entirely.

- **Designation is a means of circumventing Congress.** In simple terms all that is accomplished by designating road-less areas is to create “pseudo wilderness areas”. Mike King, head of Colorado’s Department of Natural Resources is quoted in the Colorado Independent saying... “Colorado has a long history of taking road-less areas and considering them for congressional designation as wilderness.” The proposed rule is just a way of applying wilderness like management to areas that do not qualify for wilderness, and then using the road-less designation as a way to strong-arm congress into eventually approving full wilderness status for these areas. Road-less designation is simply a stepping stone for achieving wilderness designation in the end.

We are witnessing an alarming trend of attempting to circumvent congress by the EPA with the Clean Water Guidance Rules, BLM and the Wild-Lands Designation and now with the Forest Service’s Road-less Rule.

Wilderness designation is up to congress alone and it has a specific process that should be respected and maintained. Any effort to circumvent the process as outlined by congress should be abandoned completely.

- **Designation is a threat to health, safety and welfare of local citizens.** Our local Fire Protection Districts and Sheriff’s Department are opposed as the designation will make it harder to respond in a timely manner to fires and other emergencies in areas that are difficult to reach anyway.
 1. Response time to lightning caused and/ or general fire emergencies delayed significantly.
 2. Response time to emergencies involving but not limited to: hikers, bicyclist, horseback riders and outdoorsmen.
 3. Discouraging dead timber retrieval, providing an abundance of fuel for wild-land fires to grow and spread.

With concerns over climate change it is important to note that high elevation wildfires are becoming more common and more intense. Under the proposed rule it appears that fire is the preferred and only management tool to be used which puts not only our citizens at great risk, but also threatens our populations of wildlife, timber resources and (perhaps most importantly) our water resources.

Water resources are absolutely critical for everyone in Colorado and the potential for catastrophic wildfires with limited means to practice timber harvesting for forest health and to fight wildfires places watersheds in extreme danger.

- **Designation is not consistent with local Comprehensive Land Use Plans.** The Montezuma County Comprehensive Land Use Plan is grounded in the concept of Multiple Use and Sustained Yield. The very purpose of the rule is to limit access to natural resources. Small rural communities depend on access to natural resources to sustain their economies and way of life. New technologies are always emerging that provide low impact means of realizing economic potential from natural resources in these areas. Even if this is done on a small scale it is very significant to local economies.
- **Designation would undermine protection.** This designation would undermine the defacto protection that these areas already enjoy by flagging them on area maps. These areas have been protected by the fact that they are remote, and relatively unknown. Furthermore the very rugged topographic nature of these areas is sufficient to deter most development threats as it is. Drawing additional attention to these areas raises additional enforcement issues which the federal land management agencies are ill prepared to address.

These areas have a limited number of roads and trails, which are used without adverse impact. There are also a limited number of energy leases that are undeveloped, likely to remain so, and quite feasible for reclamation should they ever be developed. The impact of these uses pale in comparison to the visitation that would be triggered by "pseudo wilderness" designation.

- **Designation will have a negative economic and cultural impact.** One size fits all rules usually come with unintended consequences and the Proposed Road-less Rule is no exception. If implemented, the proposed rule will certainly carry negative impacts on local economies. The rule clearly aims to eliminate timber harvest of any kind. The option of limited timber harvest is essential for maintaining forest health and can provide economic opportunity for small scale timber operators who are adapting to an ever changing economic landscape.

Other fluid and solid mineral extraction would also be prohibited by the plan with no flexibility to consider low impact recovery techniques that may exist or may soon be developed. Our nation needs to be cognizant of the need for these resources and have the flexibility to implement their recovery when sensible methods can be used.

Of even greater concern are limitations on Linear Construction Zones LCZ's . We must retain the flexibility to develop existing conditional water rights and the infrastructure needed to store and convey water. And we need to preserve the flexibility needed for electrical transmission lines, telecommunications and energy pipelines.

- **Designation would undermine existing protection.** These areas have been protected by the fact that they are remote, and relatively unknown outside of Colorado. The fastest way to undermine this defacto protection is to designate these areas as "road-less" and flag them on area maps. Our public land agencies are already overwhelmed by escalating recreation pressures in the face of declining budgets. An onslaught of visitors to new "pseudo wilderness" areas without the capacity to manage and protect them, is the worst thing that could happen to the ecological and integrity of these areas.

What is compelling reason for these designations unless it is to create wilderness areas? There is already a process for that.

Designations could violate RS 2477 Rights of Way. Federal Agencies cannot close or decommission RS 2477 Rights of Way. While to our knowledge no rights of way have yet been asserted within proposed road-less areas, some of those areas do have old roads. It is not out of the realm of possibility that some of the old roads and trails within these areas could qualify as RS 2477 routes and if such routes exist and are affirmed by the courts, these rights-of-way must be respected.

Designations are being done to comply with international agreements. The proposed rule appears to be connected to conventions, programs and plans developed by the United Nations to further Agenda 21 at the local and state level. USFS publications refer to Sustainable Development and appear to be connected to concepts presented in Agenda 21, the Rio Summit of 2000, and the Seville Strategy. We formally request written clarification how the Proposed Colorado Road-less Rule relates to the aforementioned programs and plans. If there is no connection then why do USFS publications refer to these plans?

In our conversations with the Forest Service we have been assured that none of these plans or strategies are binding. That sounds suspiciously like an admission that such plans and strategies do indeed exist. Why then would our public lands managers subject themselves to influence by the United Nations or other international agreements? We respectfully request written explanation as to what non-binding agreements the Department of Agriculture entered into with the United Nations or other international entities that connect to forest planning and "sustainable development".

Be it known that Montezuma County adamantly opposes any influences on local forest planning efforts conceived by the United Nations or any other foreign entity.

Respectfully,

The Montezuma County Board of Commissioners



Larrie D. Rule



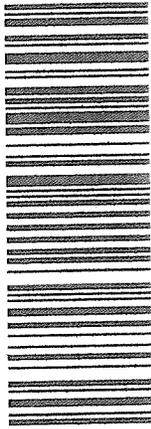
Gerald W. Koppenhafer



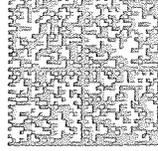
Steve D. Chappell

Montezuma County
Board of Commissioners
Administration Office
Room 302 - Courthouse
109 West Main Street
Cortez, Colorado 81321-3189
(970) 565-8317

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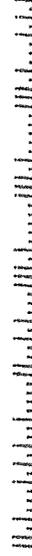


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Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812

COR707

9581231919 8017



07/13/2011

JUL 18 2011

Re. Proposed Colorado Roadless rule

The proposed Colorado roadless rule is unconstitutional in many aspects. Degradation of NFMA, MUSA, Executive order 13343 as well as many other federal ,state, and county laws must be stopped.

Top down agendas, conventions, programs and plans of the United Nations being forced upon the citizens of Colorado and the United States is unconstitutional and cannot continue.

The cart before the horse theory does not work. It is my understanding that this issue is in a federal court of appeals by several states. Passing this rule now would be senseless when we have no idea how these cases will result.

Chris Belt

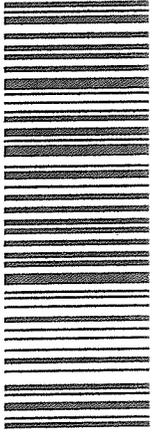

Email : beltc@rocketmail.com

23810 Hwy 184 Dolores Colo. 81323

BEU
23810 Hwy 184
Dolores CO 81323

CO R 708

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7010 0780 0000 2079 2881



COLORADO ROANCESS RULE / ETS
PO BOX 1919
SACRAMENTO, CA. 95812

9581281919



TOWN OF DOVE CREEK COR709.

P.O. BOX 508
DOVE CREEK, CO 81324
(970) 677-2255

July 13, 2011

JUL 18 2011

COLORADO ROADLESS RULE/EIS
P.O. Box 1919
Sacramento, CA 95812

RE: FOREST SERVICE NOTICE OF PROPOSED RULEMAKING
AND REQUEST FOR COMMENTS

To Whom It May Concern:

The Town of Dove Creek, Colorado Board of Trustees and Mayor submit the following comments on the Proposed Rulemaking to the Forest Service.

Proposed Consideration of Small Entities

The assertion put forth in this section stating there are "six energy-producing counties," (Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin) is erroneous. Dolores, San Miguel and Montezuma Counties are areas of significant natural gas and CO₂ production.

Whereas, this rule in the San Juan Forest would severely limit or eliminate access for exploration and extraction in regards to the Gothic Shale Formation, of which a large portion is within the proposed roadless area, would indeed have a detrimental affect on the surrounding small entities. Included would be the counties, municipalities, and school districts. Therefore, it would be only reasonable that the PILT and SRSA be set at and maintained at a level to offset the loss of potential revenue caused by implementation of this rulemaking.

Overall, this proposed rulemaking document is biased as to the outcome the USFS desires and therefore is disingenuous on many levels.

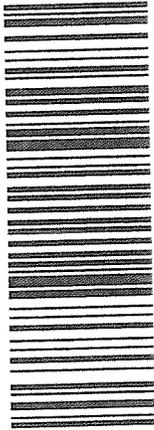
Sincerely,



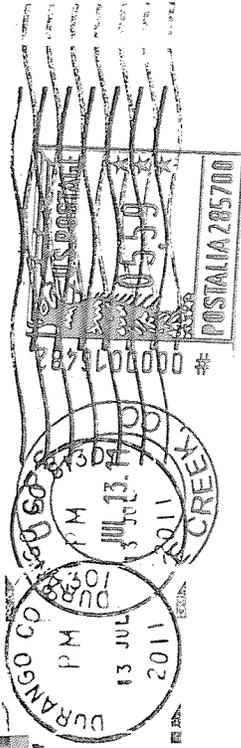
Irvin B. Frazier
Manager, Town of Dove Creek

Town of Dove Creek
P.O. Box 508
Dove Creek, CO 81324

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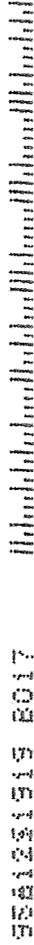


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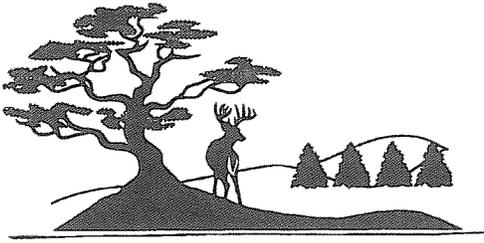
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COLORADO ROADLESS RULE/EIS
P.O. Box 1919
Sacramento, CA 95812



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COR710.



Colorado Forestry Association

P.O. Box 270132
Fort Collins, CO 80527

Helping to Manage and Protect Colorado's Forests Since 1884

JUL 18 2011

July 10, 2011

Colorado Roadless Rules/EIS
PO Box 1919
Sacramento, CA 95812

Dear Sir,

There is nothing in the proposed Colorado Roadless Rule that the Colorado Forestry Association can support. Over the course of the last 30 years, Colorado has had to suffer thru 2 roadless area reviews, countless EIS studies to promote endangered species, biodiversity, and a whole host of 'other critical issues'.

Today there is something over 4 million acres of dead trees within Colorado forests. Until the US Forest Service adopts and puts into practice managing forests to insure overall forest health-every forest resource and benefit is compromised.

Is this a realistic management goal? Consider the forest of Bavaria which have been managed for 1100 years, in spite of changing public values, insect outbreaks and climate change. Yet the forests today are more productive and provide a broader range of outputs than at there inception.

Every study/and EIS needs to address the maintenance of forest health ; if does not ,it is nothing but a distraction and an inordinate waste of scarce resources of manpower and money.

Respectfully,

A handwritten signature in cursive script that reads "Bill Gherardi".

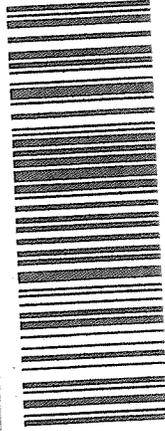
Bill Gherardi
President, Colorado Forestry Association



Colorado Forestry Association
P.O. Box 270132
Fort Collins, CO 80527

Helping to Manage and Protect Colorado's Forests

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*COLORADO ROADLESS RULES
PO BOX 1919
SACRAMENTO, CA 95812*

5501241919



July 13, 2011

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812

JUL 18 2011

Committee:

My name is Thomas F. Panter. I am a life time resident of the state of Colorado. I am a fisherman, hunter, hiker, amateur gold prospector, and outdoorsman. This letter is my protest to the proposed Colorado Roadless rules.

The state of Colorado currently has 43 designated Wilderness Areas. 41 of them are totally contained within the state. These areas cover over 3.7 million acres. These areas are already roadless, non-development areas. If the proposed areas and plans for the roadless proposal are enacted, I think this is a backdoor way to more than double the wilderness area in the state, even though it will not have gone through the process to designate it as wilderness. My feeling is that the current areas of wilderness we have is sufficient.

This proposal will also severely impact the elderly, handicapped, and families with small children. The roadless areas will become virtually inaccessible and will eliminate these groups from being able to enjoy them without undue hardships. These proposals may very possibly violate the Americans With Disability Act because of closing the areas to the above groups.

These proposals also eliminate the true meaning of public land. They will be governed and ruled by elitist groups who have their own agendas in mind and do not care about the average American who should be able to enjoy the areas without having to abide too many rules and possible illegal restrictions.

The forests and BLM land were to be multiple use lands, which will no longer be such if these proposals are enacted. Being able to manage and enhance the use of these lands is supposed to be the work of the agencies designated to do so. These agencies will become but the mouthpiece rubberstamper of the elitist groups who want to eliminate the majority of the

COR711

American population from enjoying these lands.

Finally, it is also my feeling that if these many millions of acres are added in this manner to eliminate so many people from using them, there will be a huge increase in the number of violations of many types in these areas. It could be such things as motorized vehicles in many areas where they would be not allowed, illegal activities in cutting wood, illegal starting of roads, and many other such activities. These activities would take so much time from the people who are to manage the forests, it would keep them from doing any other job.

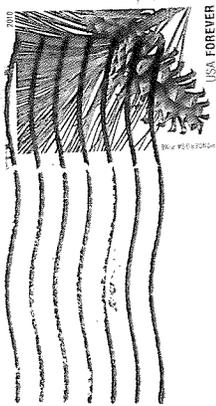
In closing, my statement is a resounding no on allowing this proposed roadless rule to take place in the state of Colorado.

Sincerely,



Thomas F. Panter
452 Grand Avenue
Delta, CO 81416

Thomas Panter
452 Grand Ave.
Delta, CO 81416



COR711

9591231313 6017



JUL 18 2011

COR712.

Comments on the Colorado Roadless Rule proposal

Dear Sirs

We have way too much roadless and wilderness Areas Now. To me there are areas that should not be roadless and wilderness because old road have been closed. Look at how many passes are not through route because of a wilderness is on one side of the pass.

Colorado's forests are tinder boxes and need thinning not made a Roadless Area.

Give back the roadless and wilderness Areas to the public -

NO MORE WILDERNESS
NO MORE ROADLESS

Sincerely

Steve + Jan Doyle

1429 N. Foote Ave

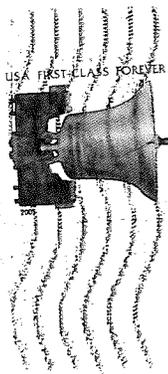
Colo. Sprgs, Co. 80909

(719) 632-2497



Steve Doyle
1429 N Foote Ave.
Colorado Spgs., CO 80909

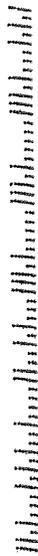
COLORADO SPRINGS
CO 80909
12 JUL 2011 PM



Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812

COR712

5561281919



From: Nicholas Payne [npayne@trcp.org]
Sent: Thursday, July 14, 2011 2:18 PM
To: COcomments
Subject: BHA, BMSA, CBHA, CWF, NWF, TRCP and WNTI Sportsmen Upper Tier Recommendations (1 of 8)
Attachments: CO RR Upper Tier Sportsmen Recommendations Final (7-14-2011).pdf; Sportsmen Upper Tier Criteria Ranking.xlsx

To Whom It May Concern,

Please find the attached, and embedded below, upper tier sportsmen recommendations document, accompanying maps (separate emails) and spreadsheet used for quantitative analysis and ranking for inclusion in the public record on the Colorado Roadless Rule.

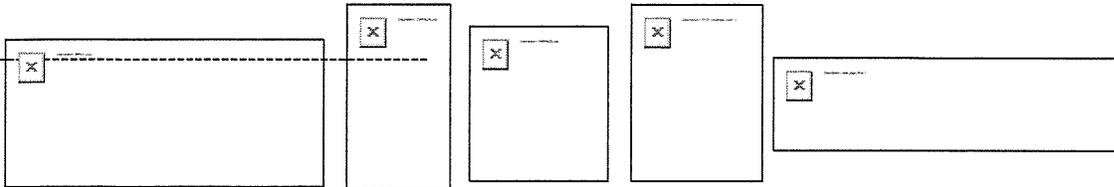
These recommendations are being submitted on behalf of Colorado Backcountry Hunters and Anglers, the Bull Moose Sportsmen’s Alliance, the Colorado Wildlife Federation, National Backcountry Hunters and Anglers, the National Wildlife Federation, the Theodore Roosevelt Conservation Partnership and the Western Native Trout Initiative.

Please send any future correspondences to:

TRCP
1660 L Street NW
Suite 208
Washington, DC 20036
info@trcp.org

And

Nick Payne
Colorado Field Representative
Theodore Roosevelt Conservation Partnership
1440 Williams St.
Denver, CO
847.682.5003
npayne@trcp.org
trcp.org



July 14, 2011

Tom Vilsack
Secretary
U.S. Department of Agriculture
Washington, DC 20250

Tom Tidwell
Chief
U.S. Forest Service
Washington, DC 20250

Dear Mr. Secretary and Chief Tidwell:

Our collective organizations are invested in creating a Colorado roadless rule that benefits fish, wildlife and our hunting and fishing traditions. We developed the accompanying Colorado Roadless Area recommendations and associated maps for an

expanded "upper tier" category in the rule. If incorporated into the final rule, these materials will provide long-term assurances for some of the finest fish and wildlife habitat and hunting and fishing areas in North America.

Our recommendations rank each area in order of importance. All of these areas encompass valuable fish and wildlife habitat and are key hunting and fishing areas that should be incorporated into the preferred alternative upper tier category in the Colorado roadless rule. We also recommend that all 562,000 Alternative 2 upper tier lands included in the proposed rule maintain their upper tier status. All of Colorado's roadless areas are extremely valuable to our community, this list includes only the very highest value roadless areas in the state for hunting and fishing and fish and wildlife.

Our organizations are committed to ensuring a strong Colorado roadless rule that conserves Colorado's fish and wildlife legacy and our Western way of life. Incorporation of these recommended areas into the preferred upper tier category will take one more step toward achieving this outcome.

Thank you for your consideration of our recommendations. We look forward to being of continued assistance as this process advances.

Sincerely,

Jim Akenson
Director
Backcountry Hunters and Anglers

Gaspar Perricone
Co-Director
Bull Moose Sportsmen's Alliance

Executive

John Gale
Co-Chairmen
Colorado Backcountry Hunter and Anglers

Suzanne O'Neill
Executive Director
Colorado Wildlife Federation

Michael Saul
Associate Counsel
National Wildlife Federation

Joel Webster
Director- Center for Western Lands
Theodore Roosevelt Conservation Partnership

Robin Knox
Coordinator
Western Native Trout Initiative

Table 1- Prioritized Colorado roadless areas for inclusion in the alternative 2 "upper tier" category of the Colorado roadless rule.

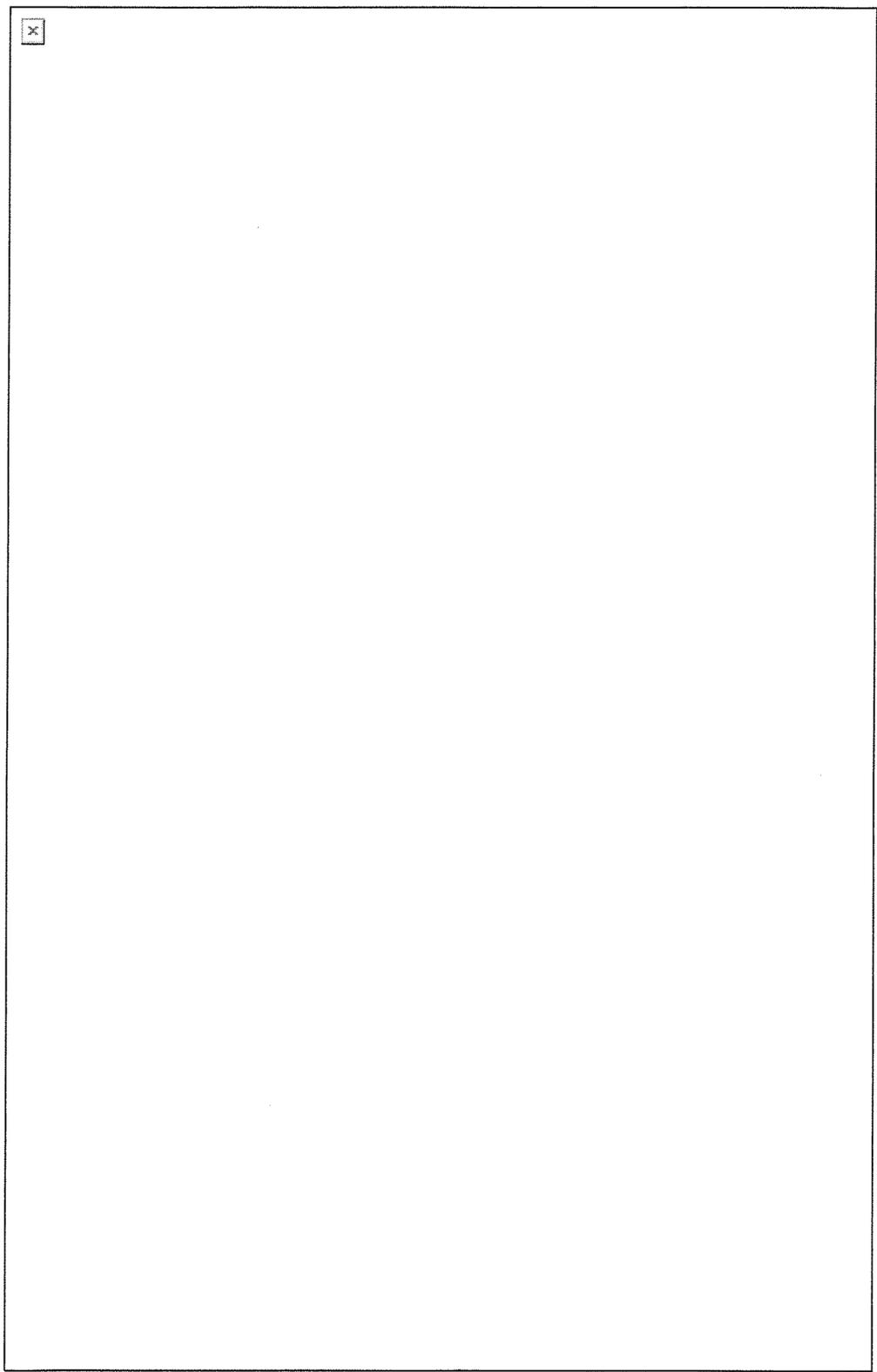
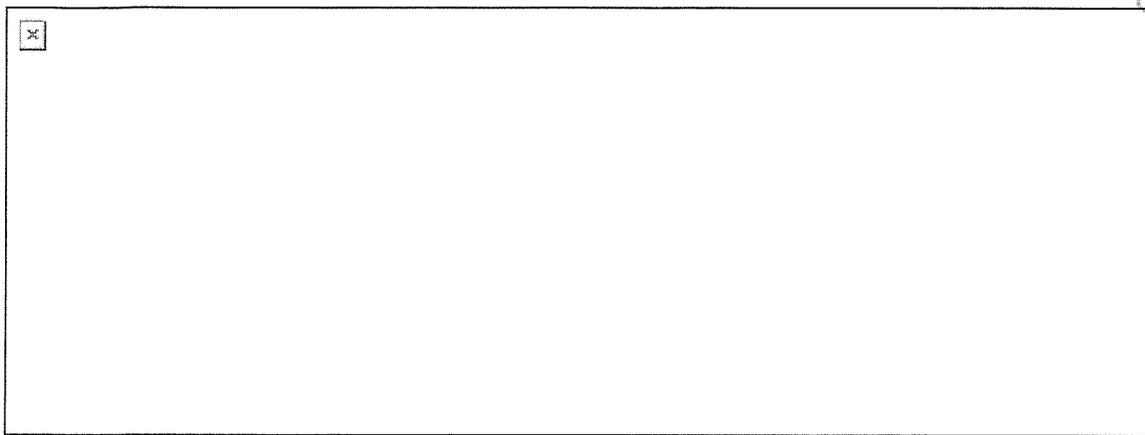


Table 2- Comparison of Colorado roadless areas recommended for inclusion in the alternative 2 "upper tier" category and those Colorado roadless areas already included in the alternative 2 "upper tier"



APPENDIX A – Colorado roadless “upper tier” recommendation criteria

The following criteria were used to evaluate Colorado Roadless Areas (CRA) suitable for inclusion in an “upper tier” category of the Colorado roadless rule. A points system was used to place a quantitative on each roadless area. Points for each criterion are indicated parenthetically below. See Table 1 for a breakdown of total scores.

1. **Colorado sportsmen input (3 pts.):** Sportsmen who live work and are considered experts on local hunting and fishing in communities throughout Colorado identified areas with important fish and wildlife habitat and outdoor recreation values.
2. **Species data:** Fish and Wildlife GIS data from the Colorado Division of Wildlife (CODOW) NDIS system was assessed to identify ecologically important roadless areas for game species (information source: <http://ndis.nrel.colostate.edu/index.html>).
 - **Bighorn sheep (*Ovis canadensis*)(3 pts. possible):** migration corridors/patterns (1 pt.), production area (1 pt.), severe winter range or summer concentration area or summer range or water source or winter concentration area or winter range (1 pt.).
 - **Black bear (*Ursus americanus*)(1 pt. possible):** Summer concentration or fall concentration (1 pt.)
 - **Cutthroat trout (*Oncorhynchus clarki*)(4 pts. possible):** occurrence (4pts.).
 - **Elk (*Cervus canadensis*)(3 pts. possible):** migration corridors/patterns (1 pt.), production area (1 pt.), limited use area or resident population area or severe winter range or summer concentration area or winter concentration area or winter range (1 pt.)
 - **Gunnison Sage Grouse (*Centrocercus minimus*)(2 pts. possible):** brood area or production area (1 pt.), overall range or severe winter range or winter range (1 pt.)
 - **Moose (*Alces alces*)(3 pts. possible):** migration pattern (1 pt.), breeding areas (1 pt.), concentration area or priority habitat or summer range or winter range (1 pt.)
 - **Mountain goat (*Oreamnos americanus*) (3 pt. possible):** migration corridor (1 pt.), production area (1 pt.), concentration area or mineral lick or winter range (1 pt.)
 - **Mule deer (*Odocoileus hemionus*)(3 pts. possible):** migration corridors/patterns (1.5 pts.), critical winter range or severe winter range or winter concentration area or concentration area (1.5 pts.)
 - **Pronghorn antelope (*Antilocapra americana*) (1 pt. possible):** migration corridors/patterns (0.5 pts.), concentration area or limited use area or perennial water or resident population area or severe winter range or winter concentration or winter range (0.5 pts.)
 - **Wild turkey (*Meleagris gallopavo*)(1 pt. possible):** production area or roost sites, (0.5 pts.), winter concentration area or winter range (0.5 pts.)

3. **Gold-medal fisheries (1 pt.):** Colorado roadless areas were evaluated to determine if they fall within a Colorado Division of Water Resources district that encompasses a gold medal fishery.
4. **Motorized use (1.5 pt.):** Roadless areas considered for upper tier generally have few to no motorized routes within CRA boundaries (based on U.S. Forest Service motor vehicle use maps).
5. **Colorado Division of Wildlife "high-priority habitat for threatened and endangered and economically important species" (0.75 pts.)** were given special consideration (darkest overlay only, see link below). (data from: <http://wildlife.state.co.us/NR/rdonlyres/1E85758E-04EE-411F-957D-074641B0B715/0/StatewideAllHybrid1122.pdf>)
6. **Hunter participation rates:** CRAs that fall within game management units in the top 70th percentile for total harvest or total recreation days in 2009 were weighted in favor of upper tier (data from CODOW: <http://wildlife.state.co.us/Hunting/BigGame/Statistics/>).
 - **Bighorn sheep (*Ovis Canadensis*): 1 pt.**
 - **Black bear (*Ursus americanus*): 1 pt.**
 - **Elk (*Cervus canadensis*): 1 pt.**
 - **Moose (*Alces alces*): 1 pt.**
 - **Mountain goat (*Oreamnos americanus*): 1 pt.**
 - **Mule deer (*Odocoileus hemionus*): 1 pt.**
 - **Pronghorn antelope (*Antilocapra americana*): 1 pt.**
7. **Connectivity (1.5 pts.):** CRAs that are part of known wildlife migration corridors were considered for their landscape-scale wildlife connectivity values.
8. **Wilderness adjacency (1 pt.):** CRAs connected to existing wilderness

APPENDIX B: Key features of each Colorado roadless area recommended for inclusion in alternative 2 of the upper tier category of the Colorado roadless rule

1. *All South San Juan Wilderness Adjacent-* Elk winter range and summer concentration area, bighorn sheep summer range, mule deer winter range and concentration area, black bear summer concentration area and cutthroat trout habitat. Migration route for elk and mule deer. Key habitat for elk reproduction. Very little motorized use. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Mount Lamborn- Elk winter range, winter concentration area and severe winter range, Mule deer winter range, winter concentration area, severe winter range and critical winter range, Black bear fall concentration area and cutthroat trout habitat. Elk and mule deer use it as a migration corridor. The gold medal portion of the Gunnison River flows through the same water district as Mount Lamborn. Identified by local sportsmen as a high value area. Cutthroat trout habitat. Very high hunter participation in 2009 for elk, mule deer and black bear.

Lower Piney- Elk winter range, severe winter range and summer concentration area, moose summer range, mountain goat summer range, wild turkey winter range and cutthroat trout habitat. Migration area for elk and

mule deer. Key habitat for elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

Sugarloaf South- Elk summer concentration area, pronghorn antelope overall range, black bear summer concentration area and cutthroat trout habitat. Elk, mule deer and pronghorn antelope migration corridor. Very high hunter participation in 2009 for elk, mule deer and pronghorn antelope.

Spanish Peaks- Bighorn sheep winter range and summer range, wild turkey winter range and winter concentration area, mule deer winter range and black bear summer and fall concentration area. Migration route for bighorn sheep and mule deer. Very high hunter participation in 2009 for elk, bighorn sheep and black bear. Identified by local sportsmen as a high value area.

Crosier Mountain- Elk winter range, mule deer winter range, moose winter range, bighorn sheep winter range, winter concentration area and summer range, black bear summer and fall concentration area and cutthroat trout habitat. This CRA also provides necessary habitat for bighorn sheep and elk migrations. High levels of hunter participation in 2009 for mule deer and black bear. Very little motorized use.

Bristol Head- Elk winter range and summer concentration area, moose winter range, summer range, priority habitat and concentration area and mule deer winter range. Migration corridor for bighorn sheep and elk. Key breeding area for elk. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

2. *Turkey Creek-* Elk summer concentration area, mule deer winter range, wild turkey winter range and cutthroat trout habitat. Migration route for elk. Key habitat for elk and bighorn sheep reproduction. Very little motorized use. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Mendicant- Elk summer concentration area and winter range, black bear fall concentration area and cutthroat trout habitat. Elk use this area for breeding activities and migration. There is a great deal of elk, mule deer and black bear hunting participation in Mendicant and the surrounding area. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Mamm Peak- Elk winter range and summer concentration area, black bear fall concentration area and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Purgatoire- Elk winter range and summer concentration area, mule deer winter range, bighorn sheep winter range, winter concentration area, summer range and severe winter range, wild turkey winter range and winter concentration area and black bear summer and fall concentration area. Migration route for bighorn sheep, elk and mule deer. Breeding grounds for bighorn sheep and elk. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, bighorn sheep and black bear.

Sugarloaf North- Elk summer concentration area, pronghorn antelope overall range, black bear summer concentration area and cutthroat trout habitat. Migration route for mule deer and pronghorn antelope. Elk breeding area. Very high hunter participation in 2009 for elk, mule deer and pronghorn antelope.

Antora Meadows/Bear Creek- Elk winter range and summer concentration area bighorn sheep winter range and summer range, black bear summer and fall concentration area and cutthroat trout habitat. Bighorn sheep, elk and mule deer migration routes and bighorn sheep and elk breeding area.

All Comanche Peak Wilderness Adjacent- Elk winter range, moose winter and summer range, bighorn sheep summer range and black bear summer concentration area and cutthroat trout habitat. Elk use this land for migration and breeding. Turkey breeding areas also occur in this CRA. Very high hunter participation in 2009 for mule deer and black bear.

3. *Graham Park*- Elk winter range, moose winter range, summer range and concentration area, wild turkey winter range, black bear summer and fall concentration area and cutthroat trout habitat. Migration area for bighorn sheep, elk and mule deer. Key habitat for elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mule deer.

Clear Fork- Elk winter range, moose concentration area and cutthroat trout habitat. It is used by elk as a migration corridor and breeding area. Elk and black bear hunting participation is high. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and black bear.

Elk Creek B- Elk winter range and winter concentration area, bighorn sheep winter range, winter concentration area, severe winter range and summer range, mule deer winter range, wild turkey winter range, Black bear summer and fall concentration area and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for bighorn sheep, elk and wild turkey reproduction. Very high hunter participation in 2009 for elk and mule deer.

All Greenhorn Mountain Wilderness Adjacent- Bighorn Sheep winter range, elk winter range and severe winter range, mule deer winter range, black bear summer and fall concentration area and cutthroat trout habitat. Key breeding area for elk and wild turkey. Very high hunter participation in 2009 for mule deer and black bear.

Troublesome North- Elk summer concentration area, moose summer range, priority habitat and concentration area, black bear summer concentration area and cutthroat trout habitat. Migration area for elk, mule deer and moose. Important area for moose reproduction. Lies within the water district of a gold medal fishery. Very high hunter participation in 2009 for moose.

Deep Creek/Boot Mountain- Elk summer concentration area, moose winter range, summer range, priority habitat and concentration area, pronghorn antelope and black bear summer and fall concentration area and cutthroat trout habitat. Important area for elk reproduction. Lies within the water district of a gold medal fishery. Very high hunter participation in 2009 for elk.

White Pine Mountain- Elk winter range and winter concentration area, mule deer winter range, black bear summer concentration area. This area allows very little motorized use, provides uninterrupted habitat and provides excellent opportunities for backcountry enthusiasts.

4. *Hermosa*- Elk winter range, winter concentration area and summer concentration area, black bear summer concentration area and cutthroat trout habitat. Migration route for elk and mule deer. Key habitat for elk reproduction. Very little motorized use. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mule deer.

Woods Lake- Black bear summer and fall concentration area and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mule deer.

Huntsman Ridge- Elk winter range and winter concentration area, moose concentration area and cutthroat trout habitat. Mule deer migration corridor and important habitat for elk breeding activities. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and black bear.

Troublesome South- Elk winter range and summer concentration area, moose winter range, summer range and priority habitat, mule deer winter range, black bear summer concentration. Elk, mule deer and moose migration route. Elk breeding area. Lies within the water district of a gold medal fishery. Very high hunter participation in 2009 for elk, mule deer and moose.

Wason Park- Elk winter range, winter concentration area and winter range, mule deer winter range and severe winter range, Moose winter and summer range and black bear summer and fall concentration area. Provides migration routes for bighorn sheep, elk and mule deer. Provides habitat for elk reproduction. Falls within the water district of a gold medal fishery. Lies within the water district of a gold medal fishery. Very high hunter participation in 2009 for elk.

Highline- Crucial habitat for elk winter range, severe winter range and summer concentration area, mule deer concentration area and winter range, bighorn sheep winter range, winter concentration area, summer range and summer concentration area, black bear summer and fall concentration area and cutthroat trout habitat. Used by bighorn sheep as a migration corridor. High hunter participation for mule deer and pronghorn antelope. Very high hunter participation in 2009 for mule deer and pronghorn antelope.

5. *Treasure Mountain*- Elk winter range, wild turkey winter range and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for elk reproduction. Very little motorized use. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Thompson Creek- Elk summer concentration area and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for Elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Beckwiths- Elk winter range and severe winter range, black bear fall concentration area and cutthroat trout habitat. Provides breeding habitat for elk. High hunter participation rates for elk, mule deer and black bear. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Dome Peak- Elk winter range, severe winter range and winter concentration area, moose summer range, pronghorn antelope overall range and cutthroat trout habitat. Migration route for Elk and mule deer. Important area for elk reproduction. Very high hunter participation in 2009 for elk.

Chama Basin- Elk summer concentration area, bighorn sheep summer range, black bear summer and fall concentration area and cutthroat trout habitat. Elk and mule deer migration route. Very high hunter participation in 2009 for elk.

Jefferson- Key habitat for elk winter range, severe winter range and summer concentration area, mule deer winter range, winter concentration area, severe winter range and critical winter range, moose summer range and mountain goat summer range. Important migration corridor for elk and mule deer. Very high hunter participation in 2009 for mountain goat.

6. *San Miguel-* Elk summer concentration area, bighorn sheep summer range and cutthroat trout habitat. Key habitat for elk reproduction. Very little motorized use. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mule deer.

Dominguez- Elk winter range, winter concentration area, severe winter range and summer concentration area, mule deer winter range, winter concentration area and critical winter range and black bear summer and fall concentration area. Elk and wild turkey rely on this land for breeding. This area allows very little motorized use. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer, bighorn sheep and black bear.

Adam Mountain- Elk winter range and winter concentration area, black bear fall concentration area and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

Pole Mountain/Finger Mesa- Elk summer concentration area and winter range and moose winter range, summer range, priority habitat and concentration area. Elk and moose migration route and breeding area. Very high hunter participation in 2009 for elk. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area.

Tanner Peak- Elk winter range and summer concentration area, mule deer winter range, bighorn sheep summer range and Black bear summer and fall concentration area. High hunter participation for mule deer and pronghorn antelope. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for mule deer and pronghorn antelope.

Mad Creek- Elk winter range, winter concentration area and summer concentration area, moose winter range and summer range. Migration route for elk and mule deer. Elk breeding area. Very high hunter participation in 2009 for elk.

7. *All Weminuche Wilderness Adjacent-* Elk winter range and summer concentration area, moose winter range and summer range, black bear summer and fall concentration and cutthroat trout habitat. Migration route for elk. Key habitat for elk reproduction. Very little motorized use. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area.

Kannah Creek- Elk winter range, severe winter range, winter concentration area and summer concentration area, mule deer winter range, winter concentration area and critical winter range, wild turkey winter range and winter concentration area, black bear summer and fall concentration area. Very little motorized use occurs in this area and it's also a productive hunting ground for mule deer and black bear. It serves as the main water source for Grand Junction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for mule deer and black bear.

Spraddle Creek B- Elk winter range, moose summer range and cutthroat trout habitat. Migration area for mule deer. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

Indian Ridge- Moose winter range and summer range and mountain goat winter range. Elk migration corridor. High elk hunting participation. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

Kreutzer-Princeton- Elk winter range, winter concentration area and severe winter range, moose summer range, mule deer winter range, winter concentration area, severe winter range and critical winter range, bighorn sheep winter range, summer range and severe winter range and mountain goat winter range and concentration area. Important migration route for bighorn sheep and elk. Breeding area for bighorn sheep, elk and mountain goat.

8. *Turner Creek-* Elk winter range and cutthroat trout habitat. Elk migration corridor. Very high hunter participation in 2009 for elk, mule deer and black bear. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area.

Fish Creek- Elk winter range, winter concentration area, severe winter range and summer concentration area and Black bear summer and fall concentration area. Migration area for elk and mule deer. Key habitat for elk reproduction. Very little motorized use. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mule deer.

Buffer Mountain- Elk winter range, severe winter range and winter concentration area, moose summer range and cutthroat trout habitat. Migration area for mule deer. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mountain goat.

Boreas- Mule deer winter range, winter concentration area, severe winter range and critical winter range, moose summer range and mountain goat winter range. Elk and mule deer migration route. Important breeding area for elk and mountain goat. Very high hunter participation in 2009 for mountain goat.

Trout Mountain/Elk Mountain- Elk winter range, winter concentration area and severe winter range, moose winter range and summer range, black bear summer and fall concentration area. Elk and mule deer migration route. Elk breeding area. Falls within the water district of a gold medal fishery. Very high hunter participation in 2009 for elk. Lies within the water district of a gold medal fishery.

9. *Flattops/Elk Park-* Elk summer concentration area, moose concentration area and cutthroat trout habitat. Migration areas for mule deer and elk. High hunter participation rates for elk, mule deer and black bear. Only the northern half of this CRA should be included in the upper tier category due to proposed coal mining activities to the south. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Berry Creek- Elk winter range and severe winter range, moose winter range and summer range, mule deer winter range, severe winter range and critical winter range and cutthroat trout habitat. Migration area for elk and mule deer. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

HD Mountains- Elk winter range, winter concentration area and limited use area, mule deer concentration area, winter range, winter concentration area and critical winter range, wild turkey winter range and winter concentration area and black bear summer and fall concentration area. Migration area for elk and mule deer.

Key habitat for elk and wild turkey reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for mule deer.

Hardscrabble- Elk winter range, mule deer winter range, bighorn sheep winter range and summer range, wild turkey winter range, black bear summer and fall concentration area. Elk breeding area. Very high hunter participation in 2009 for mule deer and black bear.

Wightman Fork to Lookout- Elk summer concentration area, bighorn sheep summer range, black bear summer concentration area. Migration route for elk and mule deer. Important area for elk reproduction. Very high hunter participation in 2009 for elk.

10. *Battlements*- Elk winter range and summer concentration area, black bear fall concentration area and cutthroat trout habitat. Elk and mule deer migration route and elk breeding area. Very high hunter participation in 2009 for elk, mule deer and black bear.

West Brush Creek- Elk winter range, wild turkey winter range and winter concentration area, black bear fall concentration area. Migration area for elk and mule deer. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

11. *Sunnyside*- Elk winter range, mule deer winter range, winter concentration area and critical winter range, bighorn sheep winter range, water source and summer range, black bear fall concentration area. Used as a migration corridor by bighorn sheep, elk and mule deer. Very few motorized vehicles are permitted here and mule deer hunting participation is high. Very high hunter participation in 2009 for elk, mule deer and black bear.

Salt Creek- Elk winter range and cutthroat trout habitat. Migration area for elk, mountain goat and mule deer. Key habitat for elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

12. *Long Canyon*- Elk winter range, winter concentration area and summer concentration area, Mule deer winter range, wild turkey summer range and black bear summer and fall concentration area. Key migration route for elk and mule deer. Breeding habitat for elk and wild turkey. Very high hunter participation in 2009 for elk, mule deer and black bear.

Housetop Mountain- Elk summer concentration area and winter range, mule deer winter range, bighorn sheep water source, winter range and summer range, black bear fall concentration area and cutthroat trout habitat. Migration area for bighorn sheep and elk. Very high hunter participation in 2009 for elk, mule deer and black bear.

13. *Calamity Basin*- Elk winter range, winter concentration area and summer concentration area, mule deer concentration area and winter range, wild turkey winter range and black bear summer and fall concentration area. Key migration route for elk and mule deer. Breeding habitat for elk and wild turkey. Very high hunter participation in 2009 for elk, mule deer and black bear.

West Lake Creek- Black bear fall concentration area and cutthroat trout habitat. Migration area for elk and mule deer. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

14. *Currant Creek*- Elk winter range and summer concentration area, wild turkey winter range and winter concentration area, black bear summer and fall concentration area. Migration corridors for elk and mule deer. Key breeding area for elk and wild turkey. Very few motorized trails run through Currant Creek. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for mule deer.

Deep Creek- Bighorn sheep summer range. Migration area for elk. Key habitat for bighorn sheep reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mule deer.
15. *Matchless Mountain*- Elk winter range and summer concentration area, moose summer range, bighorn sheep winter and summer range, black bear fall concentration area. Key migration lands for bighorn sheep, elk and mule deer. Key reproductive areas for bighorn sheep and elk. This area is used quite frequently for elk hunting. Very high hunter participation in 2009 for elk.
16. *Cottonwoods*- Elk summer concentration area, moose concentration area, and black bear fall concentration area. Elk and deer migration area. Very little motorized use. Very high hunter participation in 2009 for elk, mule deer and black bear.
17. *Granite Basin*- Elk winter range and winter concentration area, Moose summer range, Bighorn Sheep winter and summer range, black bear fall concentration. Migration corridors for elk and mule deer. Very high hunter participation in 2009 for elk.
18. *Roc Creek*- Offers connectivity to Utah public lands. Elk winter range, winter concentration area and limited use area, mule deer winter range, wild Turkey winter range, and black bear summer concentration. Migration route for elk and a breeding area for wild turkey.



July 14, 2011

Tom Vilsack
Secretary
U.S. Department of Agriculture
Washington, DC 20250

Tom Tidwell
Chief
U.S. Forest Service
Washington, DC 20250

Dear Mr. Secretary and Chief Tidwell:

Our collective organizations are invested in creating a Colorado roadless rule that benefits fish, wildlife and our hunting and fishing traditions. We developed the accompanying Colorado Roadless Area recommendations and associated maps for an expanded "upper tier" category in the rule. If incorporated into the final rule, these materials will provide long-term assurances for some of the finest fish and wildlife habitat and hunting and fishing areas in North America.

Our recommendations rank each area in order of importance. All of these areas encompass valuable fish and wildlife habitat and are key hunting and fishing areas that should be incorporated into the preferred alternative upper tier category in the Colorado roadless rule. We also recommend that all 562,000 Alternative 2 upper tier lands included in the proposed rule maintain their upper tier status. All of Colorado's roadless areas are extremely valuable to our community, this list includes only the very highest value roadless areas in the state for hunting and fishing and fish and wildlife.

Our organizations are committed to ensuring a strong Colorado roadless rule that conserves Colorado's fish and wildlife legacy and our Western way of life. Incorporation of these recommended areas into the preferred upper tier category will take one more step toward achieving this outcome.

Thank you for your consideration of our recommendations. We look forward to being of continued assistance as this process advances.

Sincerely,

Jim Akenson
Executive Director
Backcountry Hunters and Anglers

Gaspar Perricone
Co-Director
Bull Moose Sportsmen's Alliance

John Gale
Co-Chairmen
Colorado Backcountry Hunter and Anglers

Suzanne O'Neill
Executive Director
Colorado Wildlife Federation

Michael Saul
Associate Counsel
National Wildlife Federation

Joel Webster
Director- Center for Western Lands
Theodore Roosevelt Conservation Partnership

Robin Knox
Coordinator
Western Native Trout Initiative

Table 1- Prioritized Colorado roadless areas for inclusion in the alternative 2 "upper tier" category of the Colorado roadless rule.

Ranking per Forest	Overall Ranking	CRA	Forest	Acreage	Points
1	1	All South San Juan Wilderness adjacent	San Juan	34,900	22.75
1	3	Mount Lamborn	Grand Mesa, Uncompahgre and Gunnison	22,600	21.25
1	8	Lower Piney	White River	13,500	18
1	17	Sugarloaf South	Routt	23,200	16.75
1	20	Spanish Peaks	Pike-San Isabel	7,400	16.25
1	27	Crosier Mountain	Arapaho-Roosevelt	7,300	15
1	29	Bristol Head	Rio Grande	46,100	14.75
2	2	Turkey Creek	San Juan	25,300	21.25
2	6	Mendicant	Grand Mesa, Uncompahgre and Gunnison	19,100	19.25
2	11	Mamm Peak	White River	25,300	17.75
2	21	Purgatoire	Pike-San Isabel	16,800	16.25
2	24	Sugarloaf North	Routt	15,000	15.75
2	30	Antora Meadows/Bear Creek	Rio Grande	22,800	14.75
2	48	All Comanche Peak Adjacent	Arapaho-Roosevelt	44,200	13
3	4	Graham Park	San Juan	17,800	20.75
3	12	Clear Fork	Grand Mesa, Uncompahgre and Gunnison	24,500	17.75
3	13	Elk Creek B	White River	7,200	17
3	23	All Greenhorn Mountain Wilderness Adjacent	Pike-San Isabel	14,400	15.75
3	28	Troublesome North	Routt	31,700	15
3	35	Deep Creek/Boot Mountain	Rio Grande	27,600	14.25
3	67	White Pine Mountain	Arapaho-Roosevelt	10,400	8.25
4	5	Hermosa	San Juan	148,100	19.25
4	14	Woods Lake	White River	9,500	16.75
4	16	Huntsman Ridge	Grand Mesa, Uncompahgre and Gunnison	10,600	16.75
4	33	Troublesome South	Routt	47,400	14.5
4	36	Wason Park	Rio Grande	20,500	14.25
4	43	Highline	Pike-San Isabel	22,700	13.75
5	7	Treasure Mountain	San Juan	22,500	19.25
5	15	Thompson Creek	White River	18,500	16.75
5	18	Beckwiths	Grand Mesa, Uncompahgre and Gunnison	18,400	16.5
5	40	Dome Peak	Routt	35,700	14
5	42	Chama Basin	Rio Grande	21,600	13.75
5	54	Jefferson	Pike-San Isabel	10,900	11.25
6	9	San Miguel	San Juan	64,100	17.75
6	19	Dominguez	Grand Mesa, Uncompahgre and Gunnison	12,500	16.25
6	22	Adam Mountain	White River	8,200	15.75
6	46	Pole Mountain/Finger Mesa	Rio Grande	43,900	13.25
6	51	Tanner Peak	Pike-San Isabel	17,700	11.75
6	66	Mad Creek	Routt	24,300	9
7	10	All Weminuche Wilderness adjacent	San Juan	23,600	17.75
7	25	Kannah Creek	Grand Mesa, Uncompahgre and Gunnison	34,600	15.5
7	37	Spraddle Creek B	White River	6,500	14
7	55	Kreutzer-Princeton	Pike-San Isabel	43,300	11.25
7	53	Indian Ridge	Rio Grande	1,600	11.25
8	26	Turner Creek	Grand Mesa, Uncompahgre and Gunnison	12,900	15.25
8	34	Fish Creek	San Juan	13,500	14.25
8	38	Buffer Mountain	White River	11,000	14
8	58	Boreas	Pike-San Isabel	10,200	11
8	60	Trout Mountain/Elk Mountain	Rio Grande	33,100	10.75
9	31	Flattops/Elk Park (North Half)	Grand Mesa, Uncompahgre and Gunnison	37,000	14.75
9	39	Berry Creek	White River	8,600	14
9	49	HD Mountains	San Juan	25,000	13
9	62	Hardscrabble	Pike-San Isabel	7,800	10.75
9	64	Wightman Fork to Lookout	Rio Grande	5,700	9.75
10	32	Battlements	Grand Mesa, Uncompahgre and Gunnison	24,400	14.75
10	52	West Brush Creek	White River	5,900	11.75
11	41	Sunnyside	Grand Mesa, Uncompahgre and Gunnison	10,700	14
11	56	Salt Creek	White River	5,600	11
12	44	Long Canyon	Grand Mesa, Uncompahgre and Gunnison	17,200	13.5
12	57	Housetop Mountain	White River	12,900	11
13	45	Calamity Basin	Grand Mesa, Uncompahgre and Gunnison	12,500	13.5
13	59	West Lake Creek	White River	3,300	10.75
14	47	Currant Creek*	Grand Mesa, Uncompahgre and Gunnison	10,800	13.25
14	65	Deep Creek	White River	9,900	9.5
15	50	Matchless Mountain	Grand Mesa, Uncompahgre and Gunnison	27,000	12.75
16	61	Cottonwoods	Grand Mesa, Uncompahgre and Gunnison	11,200	10.75
17	63	Granite Basin	Grand Mesa, Uncompahgre and Gunnison	25,500	10.75
18	68	Roc Creek	Manti-La Sal	7,700	6.5
			Total	1,473,200	

*The Colorado Wildlife Federation and National Wildlife Federation are treating Currant Creek differently in their formal comments. Please see their individual comments for further details.

Table 2- Comparison of Colorado roadless areas recommended for inclusion in the alternative 2 "upper tier" category and those Colorado roadless areas already included in the alternative 2 "upper tier"

Forest	CRA	Alternative 2 Acres	% of CRA	Recommended Upper Tier Acreage
Pike-San Isabel	Comanche Peak Adjacent Area	17,100	39	44,200
GMUG	Granite Basin	9,300	36	25,500
GMUG	Mendicant	13,900	73	19,100
GMUG	Mount Lamborn	10,000	44	22,600
Routt	Dome Peak	700	2	35,700
San Juan	Graham Park	500	3	17,800
San Juan	Hermosa	63367	43	148,100
San Juan	San Miguel	30900	48	64,100
San Juan	South San Juan Adjacent	11,200	32	34,900
San Juan	Treasure Mountain	<50	0	22,500
San Juan	Turkey Creek	7,700	30	25,300
San Juan	Weminuche Adjacent	2,700	11	23,600
White River	Deep Creek	4,900	49	9,900
White River	Woods Lake	4,600	48	9,500
Totals		176,867		502,800

APPENDIX A – Colorado roadless “upper tier” recommendation criteria

The following criteria were used to evaluate Colorado Roadless Areas (CRA) suitable for inclusion in an “upper tier” category of the Colorado roadless rule. A points system was used to place a quantitative on each roadless area. Points for each criterion are indicated parenthetically below. See Table 1 for a breakdown of total scores.

1. **Colorado sportsmen input (3 pts.):** Sportsmen who live work and are considered experts on local hunting and fishing in communities throughout Colorado identified areas with important fish and wildlife habitat and outdoor recreation values.
2. **Species data:** Fish and Wildlife GIS data from the Colorado Division of Wildlife (CODOW) NDIS system was assessed to identify ecologically important roadless areas for game species (information source: <http://ndis.nrel.colostate.edu/index.html>).
 - **Bighorn sheep (*Ovis canadensis*)(3 pts. possible):** migration corridors/patterns (1 pt.), production area (1 pt.), severe winter range or summer concentration area or summer range or water source or winter concentration area or winter range (1 pt.).
 - **Black bear (*Ursus americanus*)(1 pt. possible):** Summer concentration or fall concentration (1 pt.)
 - **Cutthroat trout (*Oncorhynchus clarki*)(4 pts. possible):** occurrence (4pts.).
 - **Elk (*Cervus canadensis*)(3 pts. possible):** migration corridors/patterns (1 pt.), production area (1 pt.), limited use area or resident population area or severe

winter range or summer concentration area or winter concentration area or winter range (1 pt.)

- **Gunnison Sage Grouse (*Centrocercus minimus*)(2 pts. possible):** brood area or production area (1 pt.), overall range or severe winter range or winter range (1 pt.)
 - **Moose (*Alces alces*)(3 pts. possible):** migration pattern (1 pt.), breeding areas (1 pt.), concentration area or priority habitat or summer range or winter range (1 pt.)
 - **Mountain goat (*Oreamnos americanus*) (3 pt. possible):** migration corridor (1 pt.), production area (1 pt.), concentration area or mineral lick or winter range (1 pt.)
 - **Mule deer (*Odocoileus hemionus*)(3 pts. possible):** migration corridors/patterns (1.5 pts.), critical winter range or severe winter range or winter concentration area or concentration area (1.5 pts.)
 - **Pronghorn antelope (*Antilocapra americana*) (1 pt. possible):** migration corridors/patterns (0.5 pts.), concentration area or limited use area or perennial water or resident population area or severe winter range or winter concentration or winter range (0.5 pts.)
 - **Wild turkey (*Meleagris gallopavo*)(1 pt. possible):** production area or roost sites, (0.5 pts.), winter concentration area or winter range (0.5 pts.)
3. **Gold-medal fisheries (1 pt.):** Colorado roadless areas were evaluated to determine if they fall within a Colorado Division of Water Resources district that encompasses a gold medal fishery.
4. **Motorized use (1.5 pt.):** Roadless areas considered for upper tier generally have few to no motorized routes within CRA boundaries (based on U.S. Forest Service motor vehicle use maps).
5. **Colorado Division of Wildlife "high-priority habitat for threatened and endangered and economically important species" (0.75 pts.)** were given special consideration (darkest overlay only, see link below). (data from: <http://wildlife.state.co.us/NR/rdonlyres/1E85758E-04EE-411F-957D-074641B0B715/0/StatewideAllHybrid1122.pdf>)
6. **Hunter participation rates:** CRAs that fall within game management units in the top 70th percentile for total harvest or total recreation days in 2009 were weighted in favor of upper tier (data from CODOW: <http://wildlife.state.co.us/Hunting/BigGame/Statistics/>).
- **Bighorn sheep (*Ovis Canadensis*): 1 pt.**
 - **Black bear (*Ursus americanus*): 1 pt.**

- Elk (*Cervus canadensis*): 1 pt.
 - Moose (*Alces alces*): 1 pt.
 - Mountain goat (*Oreamnos americanus*): 1 pt.
 - Mule deer (*Odocoileus hemionus*): 1 pt.
 - Pronghorn antelope (*Antilocapra americana*): 1 pt.
7. **Connectivity (1.5 pts.):** CRAs that are part of known wildlife migration corridors were considered for their landscape-scale wildlife connectivity values.
8. **Wilderness adjacency (1 pt.):** CRAs connected to existing wilderness

APPENDIX B: Key features of each Colorado roadless area recommended for inclusion in alternative 2 of the upper tier category of the Colorado roadless rule

1. *All South San Juan Wilderness Adjacent-* Elk winter range and summer concentration area, bighorn sheep summer range, mule deer winter range and concentration area, black bear summer concentration area and cutthroat trout habitat. Migration route for elk and mule deer. Key habitat for elk reproduction. Very little motorized use. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Mount Lamborn- Elk winter range, winter concentration area and severe winter range, Mule deer winter range, winter concentration area, severe winter range and critical winter range, Black bear fall concentration area and cutthroat trout habitat. Elk and mule deer use it as a migration corridor. The gold medal portion of the Gunnison River flows through the same water district as Mount Lamborn. Identified by local sportsmen as a high value area. Cutthroat trout habitat. Very high hunter participation in 2009 for elk, mule deer and black bear.

Lower Piney- Elk winter range, severe winter range and summer concentration area, moose summer range, mountain goat summer range, wild turkey winter range and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

Sugarloaf South- Elk summer concentration area, pronghorn antelope overall range, black bear summer concentration area and cutthroat trout habitat. Elk, mule deer and pronghorn antelope migration corridor. Very high hunter participation in 2009 for elk, mule deer and pronghorn antelope.

Spanish Peaks- Bighorn sheep winter range and summer range, wild turkey winter range and winter concentration area, mule deer winter range and black bear summer and fall concentration area. Migration route for bighorn sheep and mule deer. Very high hunter participation in 2009 for elk, bighorn sheep and black bear. Identified by local sportsmen as a high value area.

Crosier Mountain- Elk winter range, mule deer winter range, moose winter range, bighorn sheep winter range, winter concentration area and summer range, black bear summer and fall concentration area and cutthroat trout habitat. This CRA also provides necessary habitat for bighorn sheep and elk migrations. High levels of hunter participation in 2009 for mule deer and black bear. Very little motorized use.

Bristol Head- Elk winter range and summer concentration area, moose winter range, summer range, priority habitat and concentration area and mule deer winter range. Migration corridor for bighorn sheep and elk. Key breeding area for elk. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

2. *Turkey Creek*- Elk summer concentration area, mule deer winter range, wild turkey winter range and cutthroat trout habitat. Migration route for elk. Key habitat for elk and bighorn sheep reproduction. Very little motorized use. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Mendicant- Elk summer concentration area and winter range, black bear fall concentration area and cutthroat trout habitat. Elk use this area for breeding activities and migration. There is a great deal of elk, mule deer and black bear hunting participation in Mendicant and the surrounding area. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Mamm Peak- Elk winter range and summer concentration area, black bear fall concentration area and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Purgatoire- Elk winter range and summer concentration area, mule deer winter range, bighorn sheep winter range, winter concentration area, summer range and severe winter range, wild turkey winter range and winter concentration area and black bear summer and

fall concentration area. Migration route for bighorn sheep, elk and mule deer. Breeding grounds for bighorn sheep and elk. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, bighorn sheep and black bear.

Sugarloaf North- Elk summer concentration area, pronghorn antelope overall range, black bear summer concentration area and cutthroat trout habitat. Migration route for mule deer and pronghorn antelope. Elk breeding area. Very high hunter participation in 2009 for elk, mule deer and pronghorn antelope.

Antora Meadows/Bear Creek- Elk winter range and summer concentration area bighorn sheep winter range and summer range, black bear summer and fall concentration area and cutthroat trout habitat. Bighorn sheep, elk and mule deer migration routes and bighorn sheep and elk breeding area.

All Comanche Peak Wilderness Adjacent- Elk winter range, moose winter and summer range, bighorn sheep summer range and black bear summer concentration area and cutthroat trout habitat. Elk use this land for migration and breeding. Turkey breeding areas also occur in this CRA. Very high hunter participation in 2009 for mule deer and black bear.

3. *Graham Park-* Elk winter range, moose winter range, summer range and concentration area, wild turkey winter range, black bear summer and fall concentration area and cutthroat trout habitat. Migration area for bighorn sheep, elk and mule deer. Key habitat for elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mule deer.

Clear Fork- Elk winter range, moose concentration area and cutthroat trout habitat. It is used by elk as a migration corridor and breeding area. Elk and black bear hunting participation is high. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and black bear.

Elk Creek B- Elk winter range and winter concentration area, bighorn sheep winter range, winter concentration area, severe winter range and summer range, mule deer winter range, wild turkey winter range, Black bear summer and fall concentration area and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for bighorn sheep, elk and wild turkey reproduction. Very high hunter participation in 2009 for elk and mule deer.

All Greenhorn Mountain Wilderness Adjacent- Bighorn Sheep winter range, elk winter range and severe winter range, mule deer winter range, black bear summer and fall concentration area and cutthroat trout habitat. Key breeding area for elk and wild turkey. Very high hunter participation in 2009 for mule deer and black bear.

Troublesome North- Elk summer concentration area, moose summer range, priority habitat and concentration area, black bear summer concentration area and cutthroat trout habitat. Migration area for elk, mule deer and moose. Important area for moose reproduction. Lies within the water district of a gold medal fishery. Very high hunter participation in 2009 for moose.

Deep Creek/Boot Mountain- Elk summer concentration area, moose winter range, summer range, priority habitat and concentration area, pronghorn antelope and black bear summer and fall concentration area and cutthroat trout habitat. Important area for elk reproduction. Lies within the water district of a gold medal fishery. Very high hunter participation in 2009 for elk.

White Pine Mountain- Elk winter range and winter concentration area, mule deer winter range, black bear summer concentration area. This area allows very little motorized use, provides uninterrupted habitat and provides excellent opportunities for backcountry enthusiasts.

4. *Hermosa-* Elk winter range, winter concentration area and summer concentration area, black bear summer concentration area and cutthroat trout habitat. Migration route for elk and mule deer. Key habitat for elk reproduction. Very little motorized use. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mule deer.

Woods Lake- Black bear summer and fall concentration area and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mule deer.

Huntsman Ridge- Elk winter range and winter concentration area, moose concentration area and cutthroat trout habitat. Mule deer migration corridor and important habitat for elk breeding activities. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and black bear.

Troublesome South- Elk winter range and summer concentration area, moose winter range, summer range and priority habitat, mule deer winter range, black bear summer concentration. Elk, mule deer and moose migration route. Elk breeding area. Lies within the water district of a gold medal fishery. Very high hunter participation in 2009 for elk, mule deer and moose.

Wason Park- Elk winter range, winter concentration area and winter range, mule deer winter range and severe winter range, Moose winter and summer range and black bear summer and fall concentration area. Provides migration routes for bighorn sheep, elk and mule deer. Provides habitat for elk reproduction. Falls within the water district of a gold medal fishery. Lies within the water district of a gold medal fishery. Very high hunter participation in 2009 for elk.

Highline- Crucial habitat for elk winter range, severe winter range and summer concentration area, mule deer concentration area and winter range, bighorn sheep winter range, winter concentration area, summer range and summer concentration area, black bear summer and fall concentration area and cutthroat trout habitat. Used by bighorn sheep as a migration corridor. High hunter participation for mule deer and pronghorn antelope. Very high hunter participation in 2009 for mule deer and pronghorn antelope.

5. *Treasure Mountain-* Elk winter range, wild turkey winter range and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for elk reproduction. Very little motorized use. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Thompson Creek- Elk summer concentration area and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for Elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Beckwiths- Elk winter range and severe winter range, black bear fall concentration area and cutthroat trout habitat. Provides breeding habitat for elk. High hunter participation rates for elk, mule deer and black bear. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Dome Peak- Elk winter range, severe winter range and winter concentration area, moose summer range, pronghorn antelope overall range and cutthroat trout habitat. Migration

route for Elk and mule deer. Important area for elk reproduction. Very high hunter participation in 2009 for elk.

Chama Basin- Elk summer concentration area, bighorn sheep summer range, black bear summer and fall concentration area and cutthroat trout habitat. Elk and mule deer migration route. Very high hunter participation in 2009 for elk.

Jefferson- Key habitat for elk winter range, severe winter range and summer concentration area, mule deer winter range, winter concentration area, severe winter range and critical winter range, moose summer range and mountain goat summer range. Important migration corridor for elk and mule deer. Very high hunter participation in 2009 for mountain goat.

6. *San Miguel*- Elk summer concentration area, bighorn sheep summer range and cutthroat trout habitat. Key habitat for elk reproduction. Very little motorized use. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mule deer.

Dominguez- Elk winter range, winter concentration area, severe winter range and summer concentration area, mule deer winter range, winter concentration area and critical winter range and black bear summer and fall concentration area. Elk and wild turkey rely on this land for breeding. This area allows very little motorized use. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer, bighorn sheep and black bear.

Adam Mountain- Elk winter range and winter concentration area, black bear fall concentration area and cutthroat trout habitat. Migration area for elk and mule deer. Key habitat for elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

Pole Mountain/Finger Mesa- Elk summer concentration area and winter range and moose winter range, summer range, priority habitat and concentration area. Elk and moose migration route and breeding area. Very high hunter participation in 2009 for elk. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area.

Tanner Peak- Elk winter range and summer concentration area, mule deer winter range, bighorn sheep summer range and Black bear summer and fall concentration area. High hunter participation for mule deer and pronghorn antelope. Identified by local sportsmen

as a high value area. Very high hunter participation in 2009 for mule deer and pronghorn antelope.

Mad Creek- Elk winter range, winter concentration area and summer concentration area, moose winter range and summer range. Migration route for elk and mule deer. Elk breeding area. Very high hunter participation in 2009 for elk.

7. *All Weminuche Wilderness Adjacent-* Elk winter range and summer concentration area, moose winter range and summer range, black bear summer and fall concentration and cutthroat trout habitat. Migration route for elk. Key habitat for elk reproduction. Very little motorized use. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area.

Kannah Creek- Elk winter range, severe winter range, winter concentration area and summer concentration area, mule deer winter range, winter concentration area and critical winter range, wild turkey winter range and winter concentration area, black bear summer and fall concentration area. Very little motorized use occurs in this area and it's also a productive hunting ground for mule deer and black bear. It serves as the main water source for Grand Junction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for mule deer and black bear.

Spraddle Creek B- Elk winter range, moose summer range and cutthroat trout habitat. Migration area for mule deer. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

Indian Ridge- Moose winter range and summer range and mountain goat winter range. Elk migration corridor. High elk hunting participation. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

Kreutzer-Princeton- Elk winter range, winter concentration area and severe winter range, moose summer range, mule deer winter range, winter concentration area, severe winter range and critical winter range, bighorn sheep winter range, summer range and severe winter range and mountain goat winter range and concentration area. Important migration route for bighorn sheep and elk. Breeding area for bighorn sheep, elk and mountain goat.

8. *Turner Creek-* Elk winter range and cutthroat trout habitat. Elk migration corridor. Very high hunter participation in 2009 for elk, mule deer and black bear. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area.

Fish Creek- Elk winter range, winter concentration area, severe winter range and summer concentration area and Black bear summer and fall concentration area. Migration area for elk and mule deer. Key habitat for elk reproduction. Very little motorized use. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mule deer.

Buffer Mountain- Elk winter range, severe winter range and winter concentration area, moose summer range and cutthroat trout habitat. Migration area for mule deer. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mountain goat.

Boreas- Mule deer winter range, winter concentration area, severe winter range and critical winter range, moose summer range and mountain goat winter range. Elk and mule deer migration route. Important breeding area for elk and mountain goat. Very high hunter participation in 2009 for mountain goat.

Trout Mountain/Elk Mountain- Elk winter range, winter concentration area and severe winter range, moose winter range and summer range, black bear summer and fall concentration area. Elk and mule deer migration route. Elk breeding area. Falls within the water district of a gold medal fishery. Very high hunter participation in 2009 for elk. Lies within the water district of a gold medal fishery.

9. *Flattops/Elk Park*- Elk summer concentration area, moose concentration area and cutthroat trout habitat. Migration areas for mule deer and elk. High hunter participation rates for elk, mule deer and black bear. Only the northern half of this CRA should be included in the upper tier category due to proposed coal mining activities to the south. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear.

Berry Creek- Elk winter range and severe winter range, moose winter range and summer range, mule deer winter range, severe winter range and critical winter range and cutthroat trout habitat. Migration area for elk and mule deer. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

HD Mountains- Elk winter range, winter concentration area and limited use area, mule deer concentration area, winter range, winter concentration area and critical winter range, wild turkey winter range and winter concentration area and black bear summer and fall concentration area. Migration area for elk and mule deer. Key habitat for elk and wild

turkey reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for mule deer.

Hardscrabble- Elk winter range, mule deer winter range, bighorn sheep winter range and summer range, wild turkey winter range, black bear summer and fall concentration area. Elk breeding area. Very high hunter participation in 2009 for mule deer and black bear.

Wightman Fork to Lookout- Elk summer concentration area, bighorn sheep summer range, black bear summer concentration area. Migration route for elk and mule deer. Important area for elk reproduction. Very high hunter participation in 2009 for elk.

10. *Battlements-* Elk winter range and summer concentration area, black bear fall concentration area and cutthroat trout habitat. Elk and mule deer migration route and elk breeding area. Very high hunter participation in 2009 for elk, mule deer and black bear.

West Brush Creek- Elk winter range, wild turkey winter range and winter concentration area, black bear fall concentration area. Migration area for elk and mule deer. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

11. *Sunnyside-* Elk winter range, mule deer winter range, winter concentration area and critical winter range, bighorn sheep winter range, water source and summer range, black bear fall concentration area. Used as a migration corridor by bighorn sheep, elk and mule deer. Very few motorized vehicles are permitted here and mule deer hunting participation is high. Very high hunter participation in 2009 for elk, mule deer and black bear.

Salt Creek- Elk winter range and cutthroat trout habitat. Migration area for elk, mountain goat and mule deer. Key habitat for elk reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

12. *Long Canyon-* Elk winter range, winter concentration area and summer concentration area, Mule deer winter range, wild turkey summer range and black bear summer and fall concentration area. Key migration route for elk and mule deer. Breeding habitat for elk and wild turkey. Very high hunter participation in 2009 for elk, mule deer and black bear.

Housetop Mountain- Elk summer concentration area and winter range, mule deer winter range, bighorn sheep water source, winter range and summer range, black bear fall concentration area and cutthroat trout habitat. Migration area for bighorn sheep and elk. Very high hunter participation in 2009 for elk, mule deer and black bear.

13. *Calamity Basin*- Elk winter range, winter concentration area and summer concentration area, mule deer concentration area and winter range, wild turkey winter range and black bear summer and fall concentration area. Key migration route for elk and mule deer. Breeding habitat for elk and wild turkey. Very high hunter participation in 2009 for elk, mule deer and black bear.

West Lake Creek- Black bear fall concentration area and cutthroat trout habitat. Migration area for elk and mule deer. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk.

14. *Currant Creek*- Elk winter range and summer concentration area, wild turkey winter range and winter concentration area, black bear summer and fall concentration area. Migration corridors for elk and mule deer. Key breeding area for elk and wild turkey. Very few motorized trails run through Currant Creek. Lies within the water district of a gold medal fishery. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for mule deer.

Deep Creek- Bighorn sheep summer range. Migration area for elk. Key habitat for bighorn sheep reproduction. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk and mule deer.

15. *Matchless Mountain*- Elk winter range and summer concentration area, moose summer range, bighorn sheep winter and summer range, black bear fall concentration area. Key migration lands for bighorn sheep, elk and mule deer. Key reproductive areas for bighorn sheep and elk. This area is used quite frequently for elk hunting. Very high hunter participation in 2009 for elk.

16. *Cottonwoods*- Elk summer concentration area, moose concentration area, and black bear fall concentration area. Elk and deer migration area. Very little motorized use. Very high hunter participation in 2009 for elk, mule deer and black bear.

17. *Granite Basin*- Elk winter range and winter concentration area, Moose summer range, Bighorn Sheep winter and summer range, black bear fall concentration. Migration corridors for elk and mule deer. Very high hunter participation in 2009 for elk.

18. *Roc Creek*- Offers connectivity to Utah public lands. Elk winter range, winter concentration area and limited use area, mule deer winter range, wild Turkey winter range, and black bear summer concentration. Migration route for elk and a breeding area for wild turkey.

Maps sent July 14th via email from Nicholas Payne [npayne@trcp.org]

1) Arapaho-Roosevelt Sportsmen Upper Tier Map.pdf (4MB)

Title:

Arapaho-Roosevelt National Forest

Upper Tier Values by BHA, BMSA, CWF, NWF, TRCP, WNTI

2) GMUG Sportsmen Upper Tier Map.pdf (7MB)

Title:

Grand Mesa, Uncompahgre and Gunnison National Forests

(With CO Portion of Manti La-Sal)

Upper Tier Values by BHA, BMSA, CWF, NWF, TRCP, WNTI

3) Pike-San Isabel Sportsmen Upper Tier Map.pdf (7MB)

Title:

Pike-San Isabel National Forest

Upper Tier Values by BHA, BMSA, CWF, NWF, TRCP, WNTI

4) Rio Grande Sportsmen Upper Tier Map.pdf (5MB)

Title:

Rio Grande National Forest

Upper Tier Values by BHA, BMSA, CWF, NWF, TRCP, WNTI

5) Routt Sportsmen Upper Tier Map.pdf (3MB)

Title:

Routt National Forest

Upper Tier Values by BHA, BMSA, CWF, NWF, TRCP, WNTI

6) San Juan Sportsmen Upper Tier Map.pdf (4MB)

Title:

San Juan National Forest

Upper Tier Values by BHA, BMSA, CWF, NWF, TRCP, WNTI

7) White River Sportsmen Upper Tier Map.pdf (7MB)

Title:

White River National Forest

Upper Tier Values by BHA, BMSA, CWF, NWF, TRCP, WNTI

Spreadsheet sent July 14th via email from Nicholas Payne [npayne@trcp.org]

Sportsmen Upper Tier Criteria Ranking.xlsx (62KB)

Tab 1:

2011 Ranking List per Forest

Columns (see spreadsheet for more detail):

Ranking per Forest, Overall Ranking, CRA, Forest, Acreage, Points

Tab 2:

2011 Ranking

Columns (see spreadsheet for more detail):

Rank, CRA, Forest, Acreage, Game species important habitat...Game species migration area...11. Game species breeding areas...3. Gold medal trout fishery water district...4. Relatively less motorized use (Motor Vehicle Use Map)...5. CO DOW identified high priority habitat...6. Sportsmen-identified key areas...8. Wilderness adjacent...9. Relatively high hunting/fishing participation (CO DOW data; 70th percentile)...CRA forms a landscape-scale corridor with other public lands...Maximum Possible Points

Key:

E=Elk; M=Moose; D=Mule Deer; S=Sheep; P=Pronghorn Antelope; CT=Cutthroat Trout; G=Grouse; GT=Mountain Goat; T=Turkey; B=Bear

Sportsman=3; CT=4; D=1; S=1; E=1; G=1; M=1; Motorized=1.5; Conn.=1.5; Hunter=1; Wilderness=1; Gold Medal=1; GT=1; DOW=0.75; B=0.75; P=0.75; T=1

From: Nicholas Payne [npayne@trcp.org]
Sent: Thursday, July 14, 2011 3:05 PM
To: COcomments
Subject: FW: BHA, BMSA, CBHA, CWF, NWF, TRCP and WNTI Sportsmen Upper Tier Recommendations (1 of 8)
Attachments: Proposed CO Rule Sportsmens Solutions 6_2011.PDF; Proposed CO Rule Sportsmens Solutions Cover Letter 6_2011.PDF

To Whom It May Concern,

Please find the attached sportsmen solutions document and cover letter for inclusion in the public record on the Colorado Roadless Rule.

These recommendations are being submitted on behalf of Colorado Backcountry Hunters and Anglers, the Bull Moose Sportsmen's Alliance, the Colorado Wildlife Federation, Colorado Trout Unlimited, National Backcountry Hunters and Anglers, the National Wildlife Federation, the Theodore Roosevelt Conservation Partnership, Trout Unlimited and the Western Native Trout Initiative.

Please send any future correspondences to:

TRCP
1660 L Street NW
Suite 208
Washington, DC 20036
info@trcp.org

And

Nick Payne
Colorado Field Representative
Theodore Roosevelt Conservation Partnership
1440 Williams St.
Denver, CO
847.682.5003
npayne@trcp.org
trcp.org

BACKCOUNTRY HUNTERS & ANGLERS; BULL MOOSE SPORTSMEN ALLIANCE;
COLORADO BACKCOUNTRY HUNTERS & ANGLERS; COLORADO TROUT
UNLIMITED; COLORADO WILDLIFE FEDERATION; NATIONAL WILDLIFE
FEDERATION; THEODORE ROOSEVELT CONSERVATION PARTNERSHIP; TROUT
UNLIMITED; WESTERN NATIVE TROUT INITIATIVE

June 29, 2011

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Tom Tidwell
Chief
U.S. Forest Service
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Mr. Secretary and Chief Tidwell:

Our collective organizations represent tens of thousands of sportsmen across Colorado and hundreds of thousands of sportsmen across America. We are working together to help create a Colorado roadless rule that benefits fish, wildlife and our sporting traditions. We believe that shortfalls remain in the recently proposed Colorado roadless rule and offer the accompanying "Sportsmen's Solutions" to broker a successful conclusion to this rulemaking process and the lands and people it will affect.

Sportsmen have been meeting with representatives from the state and U.S. Forest Service throughout the development of the Colorado roadless rule. This issue is important to our constituency because Colorado possesses public land hunting and fishing opportunities found nowhere else in America. Exceptions allowing road building and development in roadless areas must be narrowly and clearly defined in order to uphold quality public hunting and fishing and to maintain the more than \$1 billion generated in Colorado each year from hunting- and fishing-related activities.

Similar to a written statement made by USDA Secretary Vilsack in April of 2010, sportsmen believe that Colorado's roadless areas should be conserved at a level, on balance, that is equal to or stronger than the protections afforded by the 2001 national rule. While improved over previous versions, the proposed Colorado rule does not live up to that standard.

Fortunately, we have an opportunity to fix the Colorado rule and ensure the responsible management of these valuable backcountry lands. To that end, we ask that you adopt the accompanying "Sportsmen's Solutions" to resolve problems with the regulatory language in the proposed rule. Many within our community will provide specific recommendations for an expanded upper tier category of lands in the near future.

Sincerely,

Backcountry Hunters & Anglers
Jim Akenson, Executive Director

Bull Moose Sportsmen Alliance
Gaspar Perricone, Co-Director

Colorado Backcountry Hunters & Anglers
David Lien, Co-Chairman

Colorado Trout Unlimited
David Nickum, Executive Director

Colorado Wildlife Federation
Suzanne O'Neill, Executive Director

National Wildlife Federation
John Gale, Regional Representative

Theodore Roosevelt Conservation Partnership
Whit Fosburgh, President & CEO

Trout Unlimited
Steve Moyer, VP for Conservation Programs

Western Native Trout Initiative
Robin Knox, Coordinator

Sportsmen's Solutions for the Proposed Colorado Roadless Rule

Problem 1: At 562,000 acres, the upper tier category in the preferred alternative is too small and fails to include much of the most important fish and wildlife habitat.

Solution: The forest service should significantly increase the acreage of upper tier lands in the preferred alternative. All Alternative 2 lands already placed in upper tier should remain and all upper tier lands in Alternative 4 that are important for fish and wildlife habitat and hunting and fishing should be moved into the preferred alternative upper tier category. Many within our community will provide specific recommendations for an expanded upper tier category of lands in the near future.

Rationale: The upper tier category has been created to balance narrowly defined exceptions in the CO rule such as coal mining, ski area development, and community protection zone logging. This is very similar to the "Primitive" and "Wild Land Recreation" categories used to balance development allowances in the Idaho roadless rule. While important, the preferred alternative (alt. 2) acres are limited to areas where forest plans already prohibit road building. Using these acres as upper tier does not address key fish and wildlife habitat nor does it illustrate a commitment by the Forest Service to go beyond their current plans and create a truly protective rule.

As drafted, about 14% of the overall acreage in the proposed Colorado rule is upper tier while Idaho upper tier areas represent about 33% of the overall acreage. In order for the Colorado rule to be a similar success to the Idaho rule, the final upper tier category must be expanded and include the Colorado roadless areas with key fish and wildlife habitat and high quality hunting and fishing.

Problem 2: Linear Construction Zones are allowed in upper tier areas, threatening the highest value CRAs with transmission corridors, water projects, and oil and gas pipelines.

Solution: Linear Construction Zones should be prohibited in areas designated as upper tier. To correct this problem, § 294.44 should be changed to the following:

§ 294.44 Prohibition on linear construction zones.

- (a) *General.* A linear construction zone may not be constructed or reconstructed in Colorado Roadless Areas except as provided in paragraphs (b) and (c) of this section.
- (b) *Upper Tier Acres.* Notwithstanding the prohibition in paragraph (a) of this section, a linear construction zone may only be constructed or reconstructed in Colorado Roadless Area upper tier acres if the Responsible Official determines that:
 - (1) A linear construction zone is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty.
- (c) *Non-Upper Tier Acres.* Notwithstanding the prohibition in paragraph (a) of this section, the Regional Forester may authorize a linear construction zone within a Colorado Roadless Area outside upper tier acres for:

Rationale: The upper tier category will not truly conserve the highest value roadless areas as long as the linear construction zone loophole exists for this category of lands. The LCZ loophole must be closed.

Problem 3: The proposed CO rule does not require NSO stipulations for oil and gas development in areas designated as upper tier, jeopardizing the characteristics of high value roadless areas.

Solution: The following language should be included in the CO rule:

§ 294.46 Other Activities.

For mineral leases, contracts, permits, and other associated activities authorized after the effective date of this subpart the Forest Service will not recommend, authorize, or consent to road construction, road reconstruction, linear construction zones, or surface occupancy associated with mineral leases in Colorado Roadless Areas designated as upper tier.

Rationale: Colorado roadless areas designated as upper tier should receive maximum safeguards from surface developments that would jeopardize their primitive character. Further, upper tier areas in the Idaho roadless rule received NSO protections and the Colorado roadless rule must do the same in order to replicate this success.

Problem 4: Common variety mineral entry is allowed in upper tier areas, jeopardizing the characteristics of high value roadless areas.

Solution: Withdraw upper tier areas from entry for common variety minerals. The following language should be included in the Colorado rule:

§ 294.46 Other Activities

Common Variety Minerals. After **[final rule effective date]**, the Forest Service will not authorize the sale of common variety mineral materials in Colorado roadless acres designated as upper tier.

Rationale: Colorado roadless areas designated as upper tier should receive maximum safeguards from surface developments that would jeopardize their primitive character. Upper tier areas in the Idaho roadless rule were withdrawn from common variety mineral entry and the Colorado roadless rule must do the same in order to replicate this success.

Problem 5: Linear Construction Zone definition does not keep LCZs within right of ways.

Solution: LCZs should only be allowed within right of ways and the regulatory language should read as follows:

§ 294.44 Prohibition on linear construction zones.

(c) *Linear construction zone decommissioning.* Where a linear construction zone is constructed in a Colorado Roadless Area, installation of the linear facility will be done in a manner that minimizes ground disturbance and shall be located entirely within right-of-ways.

It is also recommended that the definition in §294.41 of the proposed Colorado rule for an LCZ be changed to:

A temporary linear area of surface disturbance located within a right of way that is used for motorized transport by vehicles or construction equipment to install a linear facility. It is not used as a motor vehicle route and is not engineered to road specifications.

Rationale: LCZ should be located within right of ways to minimize surface disturbance and conserve the surface values of roadless areas. Allowing LCZs to be constructed outside of right of ways creates opportunities for abuse where land managers could essentially create temporary roads under the name of LCZs.

Problem 6: Substantially greater environmental damage language in Linear Construction Zone requirements is vague and lacks clarity.

Solution: Clarify the regulatory language by defining the term “substantially greater environmental damage.”

Rationale: Without a clear definition of “substantially greater environmental damage,” it could be difficult for the Forest Service to make consistent decisions when denying and allowing LCZs and those decisions could be legally vulnerable. It is easy to imagine a situation where a roadless mountain range lies between one utility installation and another and the company would have to go all the way around the mountain range, deal with multiple land owners and agencies, and incur much greater costs than simply building the utility over the range. The company could then argue, and would have the financial and other motivations to do so, that by going over the range it would cause less environmental damage. If the Forest Service disagreed, they would have no supporting language in the rule to substantiate their claim.

Problem 7: High Quality Fish and Wildlife Habitat Not Assured After Timber Cutting

Solution: All projects under §294.42(c)(1) through (3) should include the following language:

“Be developed in coordination with the Colorado Division of Wildlife.”

Rationale: Colorado’s roadless areas provide world class fish and wildlife habitat and it is important that those values are maintained and enhanced over the long term. Requiring coordination with the Colorado Division of Wildlife will provide additional certainty that fish and wildlife receive due consideration in the planning and implementation of timber cutting projects.

Problem 8: Language to safeguard cutthroat trout populations during development activities has been weakened in proposed rule.

Solution: Remove the language “over the long term” and add language stating that “activities cannot alter, damage, or destroy native cutthroat trout populations” at § 294.43(b)(2)(iii), § 294.43(c)(2)(iv), and § 294.44(b)(4)(iii).

Rationale: The final Colorado roadless rule petition required that activities within native cutthroat catchments not diminish watershed conditions while the recently proposed rule includes the added language, “over the long term.” Sportsmen believe this could lead to extirpation of small distinct cutthroat populations during activities because there is no prohibition on impacting trout populations, only that they retain watershed conditions over the long term. Even if conditions are restored over the long term, there are no requirements that sustainable native trout populations are retained during a project. Further, “over the long term” is ambiguous. Does this mean 5 years, 20 years, or 100? If this language is to remain, the long term should be defined and additional language should be added requiring the sustainability of native trout populations.

Problem 9: Language regarding determination of whether activities will diminish conditions for native cutthroat trout is problematic at §294.43(b)(2)(iii). The rule makes no mention of what would occur if it was determined the project would diminish conditions.

Solution: Add the following to the regulatory language:

“if it is determined that a non-discretionary project would diminish conditions in the water influence zone and/or in native cutthroat habitat, the Regional Forester will require a plan for protecting native cutthroat populations and their habitat during project activities that insures activities will not alter, damage, or destroy native cutthroat trout populations”.

Rationale: Without adding language for how to proceed in the event a project diminishes conditions in the water influence zone and/or in native cutthroat habitat, there is no assurance that a project would not drastically damage or even destroy a cutthroat population. This omission leaves the Forest Service legally vulnerable and does not adequately protect native trout populations.

From: Jamie Elizabeth Normandin [Jamie.Normandin@Colorado.EDU]
Sent: Thursday, July 14, 2011 1:41 PM
To: COcomments
Subject: Proposed Colorado Roadless Rule
Attachments: RESPONSES ARE DUE BY MIDNIGHT TONIGHT.docx

RESPONSES ARE DUE BY MIDNIGHT TONIGHT—do not need to be a Colorado resident to respond
Send responses to:

cocomments@fsroadless.org

as well as:

Senators Udall and Bennet
United States Senate
Washington, D.C. 20510

(Your Representative)
US House of Representatives
Washington, D.C. 20515

Governor Hickenlooper
136 State Capitol
Denver, CO 80203-1792

Dear :

I am writing to you to voice my opposition to the proposed Colorado Roadless Rule now being considered. As a Colorado resident I actively support fuels reduction activities in Colorado. Unfortunately, in this proposal, all fuels reduction work would be only allowed to happen if it were located within 1.5 miles of a community, unless it was an area specially designated by a Regional Forester as threatening a watershed. That hardly seems worth what I consider the downside.

In my interpretation, it will allow the gas, coal, oil and ski industries to move into areas that they have not previously had available to them. I am also spooked by the viewpoint that we need to change definitions. If this proposal only protects areas that are completely roadless (the 540,000 acres that would be highest tiered), the remaining 3.6 million acres currently protected could be opened to pipeline construction, energy development, and road building with a very small portion near communities for tree cutting. It is less about taking roaded areas that are now being managed and placing them under protected status, than it is about opening already protected areas to development. For me, this is a very slippery slope.

The environmentally disastrous practice of "fracking" for natural gas and the lack of regulatory oversight of this practice as well as other industrial environmental concerns make this a dangerous proposal to support.

There are so few remaining wilderness areas in the country. I ask that you oppose this bill and encourage you to recommend that we revert to the "Clinton Rule" to further protect our rapidly disappearing pristine forests and wildlands.

Sincerely,

Jamie E. Normandin

From: Jim Normandin [gemininv@tds.net]
Sent: Thursday, July 14, 2011 4:29 PM
To: COcomments
Subject: Proposed Colorado Roadless Rules

To Whom it May Concern:

We are writing to you to voice our opposition to the proposed Colorado Roadless Rule now being considered. As Colorado residents, we actively support fuels reduction activities in Colorado.

Unfortunately, in this proposal, all fuels reduction work would be only allowed to happen if it were located within 1.5 miles of a community, unless it was an area specially designated by a Regional Forester as threatening a watershed. That hardly seems worth what we consider the downside.

The downside is that it will allow the gas, coal, oil and ski industries to move into areas that they have not previously had available to them. We are also spooked by the viewpoint that we need to change definitions. If this proposal only protects areas that are completely roadless (the 540,000 acres that would be highest tiered), the remaining 3.6 million acres currently protected could be opened to pipeline construction, energy development, and road building with a very small portion near communities for tree cutting. It is not about creating a new level of protection, rather it is about opening already protected areas to development. This is a very slippery slope.

The environmentally disastrous practice of "fracking" for natural gas and the lack of regulatory oversight of this practice as well as other industrial environmental concerns make this a dangerous proposal to support.

There are so few remaining wilderness areas in the country. We ask that you oppose this bill and encourage you to recommend that we revert to the "Clinton Rule" to further protect our rapidly disappearing pristine forests and wildlands.

Sincerely,
James, Suzie & Jamie Normandin
Registered Colorado Voters

From: Doug Grinbergs [dgrinbergs@mac.com]
Sent: Thursday, July 14, 2011 12:16 PM
To: COcomments
Subject: Colorado Roadless Rule RDEIS comments

Some brief comments on the proposed Colorado Roadless Rule:

I understand that the Obama Administration had pledged that a Colorado Roadless Rule would be at least as protective of roadless areas - and preferably more so - than the 2001 Roadless Rule. However, it now appears the CRR has been watered down significantly (just as some would have expected from the last (terrible neocon) administration and the high-level extractive industry-friendly lobbyists running the henhouse).

As you've seen from the many other comments - personalized or form letters - many of us are greatly concerned about major impacts by the likely (if not guaranteed) extractive industry projects: timber harvesting, oil and gas development, pipelines and transmission lines and, of course, the accompanying road-building damage; not incidentally, watershed/drinking water protection is another concern and wildlife habitat and migration corridor preservation yet another.

The Forest Service should close various (seemingly shifty) roadless rule loopholes and exemptions, including:

- * surface occupancy leases
- * coal mining and methane venting
- * transmission line rights-of-way and other "linear construction zones"
- * roadbuilding for undeveloped water facilities.

My understanding is that close to 65% of lands qualify for upper tier status, yet a remarkably low 13% are being recommended for such protection - that is, the majority - 52% - are *not* being recommended; this seems very inappropriate, if not just plain wrong.

I'm grateful to the various environmental and outdoor recreation groups, such as Colorado Environmental Coalition, Colorado Wildlife Federation, Colorado Mountain Club, Sierra Club, The Outdoor Alliance, Credo Action, and their members and supporters, for raising awareness of this important issue and challenging the Forest Service on this very weak rule proposal.

I hope the Forest Service feels the heat from the people and doesn't capitulate to powerful industry lobbyists and politicians fighting for their various self interests (just follow the money). So many Coloradans love roadless forests and want to maintain as much roadless forest as we can. As anyone who's spent time in the Colorado backcountry has probably seen, the ugly scars from abandoned and supposedly closed roads remain decades and generations later. (:-) In summary, it seems quite disingenuous and ironic to call a "roadless rule" with new roads a "roadless" rule.

--
* Doug Grinbergs * saule@pobox.com * PO Box 17455 * Boulder, CO 80308 USA *

From: Michael Hobbs [mhobbsco@gmail.com]
Sent: Thursday, July 14, 2011 10:20 AM
To: COcomments
Subject: Colorado Roadless Rules

USFS has seen fit to protect a mere 562k acres of pristine CO land from extraction, utility lines and road building. These areas are key to providing habitat for fish and game populations. In just a few short years I have seen the degradation caused by ORV use around the Taylor Park area. The recent oil spill in the Yellowstone shows the economic importance of fishing and hunting to western states. The Colorado Roadless Rule and protected zones should have the same protections included in the 2001 Roadless Area Conservation Rule. I am urging the USFS to adopt Alternate 4 and make good on this promise.

Michael Hobbs
Past President
Denver Chapter of Trout Unlimited

11745 Spring Dr.
Northglenn, CO 80233
303.484.8417

From: Hillary Carroll [hillary@westrangereclamation.com]
Sent: Thursday, July 14, 2011 2:48 PM
To: COcomments
Subject: Colorado Roadless Rules comments

Hello,
Please accept the following comments on behalf of Cody Neff, owner of West Range Reclamation LLC:

My name is Cody Neff and I am the owner of West Range Reclamation LLC. We are a forestry management company working throughout the state of Colorado for the U.S. Forest Service. Through our government stewardship contracts, we are working to provide fuels mitigation services to remove much of the beetle-kill pine.

I feel that the Colorado Roadless Rules need to be revised to allow more access for forestry management. Intelligent and well-planned forestry management is very good for the overall health of the forests and does significantly reduce the threat that unmanaged forests pose.

A Colorado Roadless Rule that is tailored specifically to Colorado rather than a one-size fits all national approach is a better way to solve our state-specific problems. I would support a change to the Roadless Rules that might carve out a specific niche for access to some of these areas for purposes of forestry management and fuels mitigation.

I support the comments submitted below by Carl Spaulding from the Colorado Timber Industry Association regarding the following proposed rules:

§294.42: Given the heightened potential for catastrophic fires in Colorado's national forests, we request that you carefully review and be certain that 1) tree cutting will be allowed for fire suppression, emergencies, public safety, etc, and 2) that any decisions necessary to allow tree cutting for fire suppression, emergencies, public safety, etc will be prompt and will not delay needed actions. We also request that you document that determination in the Record of Decision. We recommend that Forest Supervisors should be the Responsible Official. Elevating determinations under this section to the Regional Forester is not necessary.

§294.42(c)(2): We recommend adding language that would allow tree cutting, sale, or removal as part of a post-fire restoration project.

Further, all of the discussion regarding potential tree cutting in the various alternatives seems to assume that tree cutting will have entirely negative effects. The recent fires in Arizona and New Mexico provide numerous examples of how the lack of management contributed to habitat destruction, and conversely, how active management can reduce the potential for

COR 719

catastrophic fires, with a net benefit to wildlife and forest health. We recommend that you acknowledge the potentially positive benefits of tree cutting on wildlife habitat.

I hope that you will consider my thoughts on this subject when deciding how to proceed with the Colorado Roadless Rules as they relate specifically to the beetle-kill pine epidemic. My company is providing a much needed service for the health of Colorado forests and having access to some of these areas will only help us to try and stay on top of this problem that has been so devastating to our state.

Thank you for your consideration,

Cody Neff
Owner, West Range Reclamation LLC



Hillary Carroll
PO Box 290
Crawford, CO
81415
PH 970.921.5460
FAX 970.921.5461
mail to: hillary@westrangereclamation.com

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From: Jean C Smith [jeancsmith.pinewood@gmail.com]
Sent: Thursday, July 14, 2011 8:31 AM
To: COcomments
Subject: Comments - Jean C. Smith

July 14, 2011

Subject: Colorado Roadless Rule

I have personally reviewed the proposed Colorado Roadless Rule in some detail including all the alternatives. My particular interest is the Pike-San Isabel National Forest which is nearest my former and current home. I visit regularly and have for many years been associated with conservation groups that seek protection for its natural values. It is an inestimable resource for Front Range communities from Denver to the New Mexico border and is essential to the many adjacent rural cities and towns

I urge that the Forest Service ensure that the final Rule be at least as protective as the 2001 National Roadless Rule. To do this it must include the following:

- ***Upper tier protections should be strengthened across all Colorado Forests***

The Forest Service has identified more than 2.8 million roadless acres for 'upper tier' protections in one or another of its environmental study alternatives. To adequately strengthen the proposed rule, these lands deserve protection as upper tier lands.

All 'upper tier' lands must have strict *No Surface Occupancy* stipulations to protect the entire roadless area for any future oil and gas leasing and development. These areas must not permit the use of 'linear construction zones' to facilitate pipelines, transmission lines, and telecomm facilities.

- ***Upper tier areas on the Pike-San Isabel National Forest (PSI) must be significantly expanded.***

I am very concerned that only a few small areas on the Pike-San Isabel National Forest (PSI) are recommended for 'upper tier.' This ignores the high wildlife values, important sources of clean drinking water, and outstanding recreational opportunities of PSI's roadless area and the detailed recommendations of Wild Connections, Central Colorado Wilderness Coalition, Rampart East working group, among others, and the wishes of hundreds of individual citizens.

Therefore, I support the 'upper tier' status for the Roadless Areas identified by Wild Connections, which are listed in their detailed comments that have been submitted to the Forest Service. The list is appended at the end of this letter – please reference Wild Connections comments for details.

Over the past 15 years I have personally hiked, mountain biked or mapped more than half of the roadless areas in the Pike-San Isabel. The descriptions in the Wild Connections comments, which I have read in full, are true to my own experience. These areas deserve 'upper tier' status for their natural values and citizen access to quiet backcountry recreation. I urge you to give this matter your fullest attention.

- ***On all roadless forests priority must be given to the area's roadless qualities and characteristics***

Within the scope of allowed activities in roadless areas, protection of roadless characteristics needs to be the top consideration. Broad discretion to approve logging projects in the backcountry must be tightened. New exemptions for road building to access yet undeveloped water facilities and expanding authorities to allow 'linear construction zones' should be prohibited on all roadless lands.

In conclusion, the protections in the 2001 National Roadless Rule are reasonable and forward thinking and Colorado's National Forests must meet those standards in its new Rule. The final rule needs to expand and strengthen the 'upper tier' protections, expand 'upper tier' areas on the Pike-San Isabel National Forest and give priority to maintaining and enhancing roadless characteristics in all Inventoried Roadless Areas. Our remaining backcountry is simply too great a resource to squander—providing clean water, abundant wildlife, and unsurpassed recreation on a nationally recognized public landscape. Our roadless areas deserve the strongest protections to create a tangible conservation legacy.

Sincerely,

Jean C. Smith
2309 N Logan Ave
Colorado Springs CO 80907

COR 720

719-686-5905

Jeansmith.pinewood@gmail.com

From: Bob Millette [peregrine@rof.net]
Sent: Thursday, July 14, 2011 1:30 PM
To: COcomments
Subject: Comments on Roadless Rule DEIS

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812
Via email: COComments@fsroadless.org

Dear Land Managers:

I would like to thank you for your efforts in crafting the new Colorado Roadless Rule proposal. Although this proposal goes a long way in protecting many of our precious roadless areas, it **must** offer much stronger protection for these areas. I strongly urge that any rule you adopt be at least as protective as the 2001 National Roadless Rule which the Obama administration has defended in federal court. I offer the following specific comments:

- **Upper tier protections must be expanded and strengthened.** Unfortunately, the proposed USDA Roadless Rule DEIS does not go far enough to protect our fish and wildlife habitats. It provides a high level of protection for only 13 percent of Colorado's remaining roadless lands. Any final plan should protect the 2.8 million acres of Upper Tier lands proposed in Alternative 4. Key areas that should receive upper tier protection include Thompson Creek, Deep Creek, Pagoda Peak, Dome Peak, and Lower Piney.

All upper tier lands should have No Surface Occupancy (NSO) stipulations for future oil and gas leases that cannot be waived, modified, or excepted. In addition all linear construction zones, such as those used for pipelines and transmission line, should be prohibited in Upper Tier lands other than for valid and existing rights.

- **The Forest Service should consider invalidating or assuring that gap leases comply with the National Environmental Policy Act.** The Forest Service must take steps to ensure that leases issued in roadless areas after the 2001 Roadless Rule ('gap leases') are not developed in violation of that rule. To comply with agency regulations and other laws, any final Roadless Rule must require that gap leases issued without appropriate stipulations will be invalidated or brought into compliance when the 2001 Rule is upheld. The Forest Service should provide assurance that illegal gap leases will not be grandfathered in by a new Colorado Roadless Rule.
- **A Colorado Roadless Rule must be as protective of endangered species and their habitat as the 2001 Roadless Rule.** The 2001 National Roadless Rule currently protects 50 million acres of pristine national forest nationwide, thus saving America's last road-free lands from auction, bulldozing, and industrial development. The U.S. Forest Service should not submit a watered-down roadless rule for Colorado that will jeopardize our valuable fish and wildlife populations, clean water sources, and the outstanding recreational opportunities these lands provide. Coloradans should not have to accept weaker protections for our public lands. Our State deserves the same gold-standard protections afforded the rest of the country under the 2001 National Roadless Rule.

I greatly appreciate your consideration of these comments.

Sincerely,

Robert Millette
0116 Deer Park Ct.
Glenwood Springs, CO 81601

From: Sherry Schenk [sherryleeschenk@gmail.com]
Sent: Thursday, July 14, 2011 2:01 PM
To: COcomments
Subject: comments on Colorado Roadless Rule

I am writing in support of the proposed changes to the Colorado Roadless Rules particularly the number of acres in Alternative 4 that are given upper Tier protection. It is my hope that we can protect the largest amount of acres possible that qualify for roadless designation with the greatest degree of protection. I hold this hope for many reasons; because I believe we must do all we can to preserve the land for future generations, because roadless areas provide corridors for travel, food and protection for wildlife, fish and native plants, because roadless areas protect our watersheds and the water we drink, and because I believe roadless areas help mitigate the effects of global warming.

I support the changes made in the proposed rule over those in the 2008 rule. Temporary roads as allowed in the 2008 rule can too easily become permanent roads. The upper tier acres would not have roads under the proposed changes even for hazardous fuel tree cutting - a change which I support.

Of the two plans, alternative 2 and 4, I support Alternative 4 because it provides for the greatest number of acres given Upper Tier protection. I am particularly pleased to see that much of Delta, Mesa, Montrose and Garfield counties are given Tier one protection. I would like to see more acreage in San Miguel county changed to Tier 1 protection.

Thank you for your consideration of my thoughts and comments,

--
Sherry L. Schenk

From: Tom Holland [jjelkhunter@hotmail.com]
Sent: Thursday, July 14, 2011 8:39 AM
To: COcomments
Subject: Colorado Roadless Rule comments

As an avid sportsman and retired wildlife biologist I feel these Colorado roadless areas are critical to maintaining wildlife habitat and insuring water quality for future generations.

The final Colorado roadless rule must prohibit road construction for any projects, including water projects, in roadless areas.

More roadless areas should be added to the "upper tier" roadless category, where they have more protection from logging and road construction. The Forest Service has identified about 2.8 million acres that could be added to the upper tier. Electrical and telecommunication lines should not be allowed in roadless areas, especially in the upper tier areas.

Road construction must be prohibited on any oil and gas leases in roadless areas. The oil or gas beneath leased locations within roadless areas can be reached via directional drilling from places outside roadless areas.

The Forest Service cannot properly maintain all the existing roads currently on inventory. Roadless areas provide critical summer, winter, and transitory range for elk, mule deer, bighorn sheep, black bear, and an wide variety of other wildlife, including threatened /endangered, sensitive, and old growth dependent species. These areas should remain intact to protect the fish and wildlife resources. Thank you for including my comments in the official record.

Sincerely,

Thomas M. Holland

21183 Fruitgrowers Road

Austin, Colorado 81410

(970) 835-8761

From: heritage95@comcast.net
Sent: Thursday, July 14, 2011 9:22 AM
To: COcomments
Subject: Roadless Comments

As an avid sportsman I feel Colorado roadless areas are critical to maintaining wildlife habitat, old growth forests and water quality of the future.

The final Colorado roadless rule must prohibit road construction for **any** projects, in roadless areas.

In my opinion, more roadless areas should be protected from logging, gas well drilling and road construction. Additionally, electrical and telecommunication lines should not be allowed in roadless areas, especially in the upper tier areas that offer more stringent protection.

Given the current budget shortfalls (which are only projected to get worse) the Forest Service cannot properly maintain existing roads, much less any new roads, especially in current areas designated as roadless areas. Roadless areas provide critical habitat elk, mule deer, bighorn sheep, and other big game and birds of prey. These roadless areas are critical to the future health and wellbeing of wildlife and the forests themselves. We must ensure they are retained as roadless areas.

I appreciate the opportunity to provide my input and recommendation on this critical decision.

John D. Ottino
17210 Early Star Dr, Monument CO
719-488-0287

From: Sidney and Phyllis Snyder [pksws@hotmail.com]
Sent: Thursday, July 14, 2011 10:39 PM
To: COcomments
Subject: Roadless Rules

Forest Service Officials and Secretary of Agriculture Vilsack,

I live in Southwestern Colorado. A large majority of the acres in our area are "public lands". The economy of the area depends on the multiple use of these public lands. There is hardly a business that does not interact with multiple uses on public lands. We have spent countless hours and piles of comments in trying to protect multiple uses through the many land management plans over the years. These public lands are not destroyed by the public. They are more than big enough for all the users. You are being pressured by those users who do not have the experience nor the education to have learned about sharing uses. They only want their way or no way. These public lands are vast. Millions of acres are naturally inaccessible already because of the terrain and there are already millions of these acres for those who are physically fit and so inclined to hike somewhere to escape reality. Meantime you are taking away the ability of a majority of the public to have any kind of access to enjoy the beauty and diversity of the public lands by closing them off.

These lands have not been properly managed already because of the lack of caring for the natural resources. Timber harvesting is almost at a stand still and therefore we had over growth and got the beetles in to kill millions of trees. Now we have dead trees and have increased the potential for devastating wildfires which will take out private homes and destroy wildlife habitat and ruin water sources.

The poor management and the lack of willingness on the part of land managers stems from a one size fits all land use policy coming out of Washington without regard to different climates, different terrains, and certainly no understanding of what those public lands mean to our communities and our economy.

It seems as though there should be some areas that are public accessible in the millions of acres that the federal government owns. It seems that there should be some areas that are left to the multiple users where there is good access already. I personally do not see "destruction" of the resources from the general public. I do see destruction of the resources when the timber is left to grow too thick for the trees to get adequate sun and water and the beetles kill them and wildfire burns them up.

I do see destruction of the resources when there is no use of the oil and gas that would be so beneficial to the economy of the United States in producing our own fuels and there would be so much benefit to the populations here if there was actual industry to provide jobs. I do see that locking up the public lands from roads, timber harvest, grazing, and general public access creates huge areas of wastelands that then burn like the public lands in New Mexico and Arizona where they have done away with multiple use of public lands in favor of endangered species protections and other excuses to stop any local industry and employment.

Proper land management would be busy taking advantage of the resources available and actually generating revenue from the sale of resources and working hand in hand with local industries and local residents to make these truly public lands. Proper land management would not be antagonizing the very people that you are supposed to be co-existing with. Instead you would be developing more co-operative programs that land users and land managers could work side by side to build these public lands into even more valuable resources for all users.

I know that you have already written the rules and the public comments will not impact the decisions you have already made. I truly hope that I do not live long enough to see the rest of the trees burned up and the mountain landscapes become just rocks and bushes because your land management policies are designed to provide only fuel for "natural" or more likely "man made" fires and we will never have trees on those public lands again. The western United States does not regrow trees during a lifetime and closing all the roads will not save these trees and will not replace these trees but then you would have to actually have a local management plan and input to know that one size doesn't fit all.

Sincerely, Phyllis Snyder 17512 Rd 20 Cortez, CO 81321.

From: Betty Oglesby [bsoglesby@yahoo.com]
Sent: Thursday, July 14, 2011 9:01 PM
To: COcomments
Subject: Roadless Rule Comments

Basing the Colorado Roadless Rule on an accurate, up-to-date inventory of roadless areas in Colorado is an essential prerequisite. Areas with existing roads should not be included in the inventory of 'roadless' areas. Further, the updated inventory of Colorado Roadless Areas must become effective the same day that the Colorado Roadless Rule becomes effective.

I do not support including "upper tier acres" in the Colorado Roadless Rule, either in Alternative 2 or in Alternative 4. Including "upper tier acres" in the Colorado Roadless Rule puts additional restrictions on those acres that go beyond the Purpose of the Rule as stated in §294.40. Further decisions about management of Colorado Roadless Areas, including "upper tier acres", should be made in the forest plans, not in the Colorado Roadless Rule. The Colorado Roadless Rule is already a tremendously restrictive/protective rule, and adding further restrictions is unnecessary and inappropriate. Further, "upper tier acres" were not a product of the collaboration and recommendations of the Roadless Task Force, and neither were they part of the original Colorado Roadless Rule proposal. The proposed direction for "upper tier acres" must be removed from the final rule.

I recommend restoring the 9,000 acres to the North Fork coal mining area. I also recommend that the rule ensure access to electrical and telecommunications lines, and urge that the opportunity to construct, maintain, and improve these facilities be extended to Colorado Roadless Areas where necessary.

I strongly believe that decisions about management of Colorado's national forests, including Roadless Areas, should be made in individual forest plans, not in national or statewide rulemaking. For this rulemaking, however, I support Alternative 2, the proposed Colorado Roadless Rule, with modifications as recommended in this comment letter, not because I like the process or the result, but because it's a better alternative than the 2001 RACR, a top-down rule that was hastily and sloppily analyzed and implemented.

I feel that a Colorado Roadless Rule tailored to site-specific issues and values in Colorado is better than a one-size-fits-all national roadless rule.

Colorado Roadless Areas must use the most accurate mapping information available. Areas with existing roads do not belong in an inventory of "roadless areas". We need to give our handicap of Colorado access to areas familiar to them at the present time.

Betty Oglesby
970-250-4679
601 Miami
Montrose, CO 81401

"I would rather be exposed to the inconveniences attending too much liberty than to those attending too small a degree of it."

Thomas Jefferson

If you would like to be removed from my list, please respond to my email with "REMOVE" in the subject line.

From: grigg121@centurytel.net
Sent: Thursday, July 14, 2011 3:32 PM
To: COcomments
Subject: Roadless rule

To whom it may concern

I am briefly writing to share my overall view on the Colorado Roadless Rule. I am a sportsman whose has lives, hunted and fished in the mountains/backcountry of Colorado my entire life (55 years) and am a member of several organizations that support the responsible stewardship of the state's precious natural and public resources. I strongly encourage you to protect a our wild backcountry/roadless areas with a rule that provides protections greater than or equal to that provided by the 2001 National Roadless Rule.

Colorado has approximately 290,000 elk and nearly 540,000 deer. Our roadless areas currently provide them with abundant secure habitat. Supporting these population numbers would be difficult, if not impossible without preserving public lands and protecting remaining habitat areas. Thankyou sincerely. Kalin Grigg, PO Box 581, Dolores Colorado. 81323

From: Kristin Skoog [k.skoog@comcast.net]
Sent: Thursday, July 14, 2011 8:30 PM
To: COcomments
Subject: Roadless Rule

Hello,

I am writing to encourage you to strengthen the protections of the Colorado Roadless Rule and to include more areas in top-tier protection. Please make sure that the Colorado Roadless rule is at least as strong as the 2001 National Roadless rule. Please expand the areas protected under the rule, and make sure that these areas are free from oil and gas development, pipelines and transmission lines.

As an avid hiker and cross-country skier, I appreciate the quiet and tranquility that can only occur in roadless areas. I have personally enjoyed the following areas, and I advocate strengthened protection as "top-tier" roadless areas.

Please consider more protection for Pikes Peak (East and West) to preserve the legacy of "America the Beautiful" and keep these areas pristine for the benefit of residents and many visitors each year.

Lost Creek South and East are also unique areas, where the streams disappear and reappear, and the rounded rock presents one-of-kind beautiful views.

Buffalo Peaks, with the humps rising from South Park, should be preserved for quiet, roadless recreation.

Silverheels is a fabulous mountain for a hike -- the view are fabulous.

Colorado is famous for its scenery, and unspoiled areas draw residents, tourists, and employers. I encourage you to protect our state's heritage, and keep these areas of Colorado roadless.

Sincerely,

Kristin Skoog
7 Sandra Lane
Manitou Springs, CO 80829

From: Anne Akers-Lewis [anne.akerslewis@wildblue.net]
Sent: Thursday, July 14, 2011 8:14 PM
To: COcomments
Subject: Top tier protections for Colorado's roadless areas

To The US Forest Service,

Colorado has the most magnificent mountains, wonderful wildlife, and rare recreational resources. Future families deserve the opportunity to enjoy these fabulous forests and roadless areas that merit top tier protection. We can and should do better than the 2001 National Roadless Rule. I am so grateful and fortunate to live in the Woodland Park area and be able to see the many birds and deer, and elk by the dozens. The numerous roadless areas that have been identified by Wild Connections, Central Colorado Wilderness Coalition, and Rampart East must be protected in order to preserve the migration corridors and ensure the survival and well-being of these amazing herds. This is important not only to maintain biodiversity and the health of the various species, but also for the valuable hunting opportunities they provide.

Another very important reason to protect these area is to ensure clean water by safeguarding the watersheds. This will only become an increasingly urgent concern as time goes on. Our future health, happiness, and well-being depend on making the right decisions now. That means developing alternative energy solutions rather than allowing gas and oil drilling and logging in these precious Colorado roadless areas. Therefore it is imperative that we give our roadless areas top tier protection with no surface occupancy and no linear construction zones. We must maintain the health of these areas in order to preserve their natural beauty thereby encouraging tourism and recreational pursuits.

The Rampart East Roadless Area is of particular concern due to its unique status as the largest viable wildlife corridor along the Front Range. The Pike-San Isabel National Forest is also especially deserving of upper tier protection. Some of the places that I have seen, and observed the roadless qualities and natural beauty of, include Pikes Peak West, Buffalo Peaks, Thirty-nine Mile Mountain, Weston Peak, Mt. Evans, and Badger Creek. I support the highest protections possible for these areas.

Colorado is a beautiful state and is worthy of *at least* as much protection for its roadless areas as any other state.

Sincerely,

Anne Akers-Lewis
10850 Grenadier Drive
Woodland Park, CO 80863
anne.akerslewis@wildblue.net
719-687-6253

From: Sue Navy [suenavy@gmail.com]
Sent: Thursday, July 14, 2011 8:36 AM
To: COcomments
Subject: Support for Colorado's Roadless Areas

July 14, 2011

Dear Forest Service,

Once again, I am writing to let you know that I support the 2001 National Roadless Rule. In the past ten years, we have seen more and more possibilities for encroachments into what are some of the last remaining roadless areas in the west. These areas are even more worthy (and in need) of protection now than they've ever been.

A Colorado Roadless Rule needs to be as protective as the National rule. There has been far too much damage done in the past ten years to the vast public lands system which belongs to all of us and to the species and waters that depend on its inviolate condition. We mustn't let there be further degradation, particularly that due to incursions by the oil and gas industry.

Colorado deserves the best protection of our environment that we can give. 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.

In particular, Cochetopa Hills, Whetstone Mountain, Currant Creek and the Cannibal Plateau need to be given higher levels of protection than are currently proposed.

With so much attention being paid to carbon footprints, one of the best things we can do is get out in the woods and leave our own footprints, not bulldozer tracks.

Thank you for standing for the strengthening of the Colorado Roadless Rule. As caretakers of the forests, you will be doing the right thing.

Sincerely,

Sue Navy
Box 432
Crested Butte, Colorado 81224

suenavy@gmail.com

From: James Lockhart [jlock@datawest.net]
Sent: Thursday, July 14, 2011 2:50 PM
To: COcomments
Subject: Sierra Club coments on Colorado Roadless Rule RDEIS

James E. Lockhart, Conservation Chair
Pikes Peak Group of the Sierra Club
1718 Lorraine St., Apt. B4
Colorado Springs, CO 80905

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812
via e-mail: COComments@fsroadless.org

July 14, 2011

Dear Forest Service:

This letter is sent on behalf of the Rocky Mountain Chapter of the Sierra Club, 1536 Wynkoop St. 4th Floor, Denver, CO 80202, and contains our comments on the Colorado Roadless Rule Revised Draft Environmental Impact Statement (RDEIS). We support the comments concerning the RDEIS made by Rocky Mountain Wild, Wilderness Workshop, and additional signing groups, but are writing separately to emphasize some additional points:

A WEAKER COLORADO-SPECIFIC ROADLESS RULE IS NOT WARRANTED.

We strongly question the appropriateness of a Colorado-specific roadless rule, insofar as such a rule is weaker than the rule applicable in other states. The impetus for a Colorado-specific rule was the Bush Administration's 2004 Roadless Rule proposal, which sought to repeal the Clinton Administration's 2001 Roadless Rule and replace it with a petitioning process which made designation of roadless areas dependent on the petition of a state's governor. In response to this, during 2005 and 2006, the State of Colorado initiated a series of public hearings and solicited public comment on the development of a Colorado rule. The great majority of public commenters in this process spoke in favor of strong protection for roadless areas, and most definitely did not speak out in favor of a Colorado Rule that was weaker than the national rule that it would replace. Had the public been offered a choice between (1) a weaker Colorado Rule, (2) the 2001 National Rule, and (3) a Colorado Rule that embodied all of the protections of the National Rule, plus additional Colorado-specific protections, we believe that the majority would have favored the third alternative, while a weaker Colorado-specific rule would have received the least support of all. In other words, we do not believe that a weaker Colorado Rule has ever received a mandate from the People of Colorado.

Seen in this light, we agree with Rocky Mountain Wild et al. that the selection of alternatives for evaluation in the RDEIS is flawed by its failure to include a sufficiently protective conservation alternative. When compared with the protections that roadless areas in other states would receive, the analyzed alternatives can best be characterized as "Colorado breaks even" (Alternative 1, a Colorado version of the 2001 Rule); "Colorado gets somewhat less protection" (Alternative 4); "Colorado gets significantly less protection" (Alternative 2, the preferred alternative); and "Colorado gets no protection beyond what would exist if there had never been a roadless rule" (Alternative 3). The alternatives on which the public is being asked to comment may not quite be "heads we win, tails you lose," but they certainly do not provide an option under which the protection of Colorado roadless areas clearly comes out ahead.

We recognize that in some respects, protections afforded Upper Tier areas would be greater than those provided under the 2001 Roadless Rule. However, as discussed below, the proportion of areas receiving this higher protection is inadequate and further changes would be needed to bring the current slate of Colorado alternatives up to the national

level in all respects. Since a clearly more protective alternative is not separately laid out, it is difficult for the public to support or comment on it effectively.

THE DIVISION OF ROADLESS AREAS INTO TIERS IS FLAWED.

We think the division of roadless areas into Upper Tier and Lower Tier areas in the preferred Alternative 2 is highly flawed. Under Alternative 2, Upper Tier areas represent only 13% of roadless acreage in Colorado. In Idaho, the other state to put forward a state-specific plan using a tier concept, more than half of roadless acreage was designated "upper tier." This flaw is exacerbated by the lack of prior public input on the tier concept, the propriety of differential management of differently classified roadless areas, or the rationale for designation of specific areas as upper- or lower-tier. We feel that the additional acreages identified for Upper Tier designation under Alternative 4 are also insufficient. For example, in the Pike/San Isabel National Forests, the Wild Connections group has submitted extensive comments, dated July 14th, identifying and justifying the inclusion of additional areas for Upper Tier protection. We assume that the same will be true for other Forests. Furthermore, we question whether either unilateral agency analysis of prior public comments or last-minute action by the commenting public in selecting or proposing new Upper Tier areas can cure a flaw in the original agency selection template that arbitrarily designated 87% of roadless acreage as "Lower Tier" based on forest plan classifications that in many cases predate the federal roadless initiative. Since the protections currently suggested for Lower Tier areas are significantly less than the protections afforded roadless areas under the nationwide 2001 Rule, the burden should be on the Forest Service to justify why, under a Colorado-specific rule, a specific area in Colorado should be excluded from receiving the higher degree of protection.

WHAT A COLORADO ROADLESS RULE SHOULD CONTAIN:

The shortcomings of the proposed alternatives are set out at length in the comments submitted by Rocky Mountain Wild et al. In order to constitute a roadless rule consistent with the public mandate in Colorado, the roadless rule should provide that:

- (1) As a general management principle, activities should be allowed in roadless areas only if they maintain or enhance the roadless character of the areas.
- (2) Logging in roadless areas to reduce the risk of fire should be limited to those operations necessary to reduce the fire threat to nearby homes and other infrastructure. Generally, this would be only the first quarter mile or so from areas needing protection from fire. Given the limited budgets likely to be available for fire protection in the foreseeable future, and the limited period before thinning must be redone, we think that such a focus is necessary as well as appropriate.
- (3) Road construction for water projects through roadless areas should be prohibited.
- (4) Construction of electrical and telecommunications lines should not be permitted in roadless areas.
- (5) Road construction for development of oil and gas leases and surface occupancy within roadless areas should be prohibited. Resources should be accessed instead through directional drilling from places outside the roadless areas; or roadless areas should be withdrawn from oil and gas leasing altogether. Post-2001 "gap" leases should be revoked or brought into compliance with roadless rule requirements.

James E. Lockhart, Conservation Chair, Pikes Peak Group of the Sierra Club
on behalf of the
Rocky Mountain Chapter of the Sierra Club
1536 Wynkoop St., 4th Floor
Denver, CO 80202

From: Todd Fehr [tfehr@developmentinsight.com]
Sent: Thursday, July 14, 2011 9:40 AM
To: COcomments
Subject: Roadless Rule Comment

Dear USDA administrator,

Having moved to the western united states some 22 years ago, I have spent numerous days enjoying Colorado's back country. Most important to me are the roadless areas. These areas are a place where an outdoors person like me can, for just a few brief days, understand and enjoy what it might have been like in the days before settlement in The West.

Some of the places that have been most enjoyable to me have been the roadless areas. These areas have included The Flat Tops Wilderness, Mt. Zirkle Wilderness, The Holy Cross Wilderness areas, just to name a few. While many of these areas are difficult to reach, I value and enjoy them enough to make the additional effort to reach them by foot or on a few occasions, by horseback.

After some study of the issues, I would like my recommendation to reflect the adoption of alternative 4, as it appears to provide the best protections to the areas, ecosystems, fish and wildlife that I love most.

In lieu of expounding on the protections that I would like to see, I can summarize by saying that the areas that I enjoy, because they are untouched, should be left absolutely alone with no man made intrusions of any kind. This lack of human intrusion and activity is precisely what makes these areas special and without the protections, the allowed intrusions, while seemingly minor to some will destroy the wild nature of the places to such a level that they will loose their special, wild appeal.

Please consider my comments while deciding on the fate of the places that I value the most on our federal lands

Sincerely,

Todd Fehr
5668 S. Geneva St.
Greenwood Village, CO 80111

From: Panter Thomas [twfpanter@yahoo.com]
Sent: Thursday, July 14, 2011 6:12 PM
To: COcomments
Subject: Roadless proposal

Colorado RoadlessRule/EIS

My name is Thomas F. Panter. I am a lifetime resident of the state of Colorado. I am a fisherman, hunter, hiker, amateur gold prospector, and outdoorsman. This letter is my protest to the proposed Colorado Roadless Rules.

The state of Colorado currently has 43 designated Wilderness Areas. 41 of them are totally contained within the state. These areas cover over 3.7 million acres. These areas are already roadless, non-development areas. If the proposed areas and plans for the roadless proposal are enacted, I think this is a backdoor way to more than double the wilderness area in the state, even though it will not have gone through the Congressional process to designate it as wilderness. My feeling is that the current areas of wilderness we have is sufficient.

This proposal will also severely impact the elderly, handicapped, and families with small children. The roadless areas will become virtually inaccessible and will eliminate these groups from being able to enjoy them without undue hardships. These proposals may very possibly violate the Americans With Disabilities Act because of closing the areas to the above groups.

This proposal also eliminates the true meaning of public land. These areas will be governed and ruled by elitist groups who have thrie own agendas in mind and do not care about the average American who should be able to enjoy the areas without having to abide by too many rules and possible illegal restrictions. America has been set apart from most other parts of the world because of the way all Americans had access to the public lands.

The forests were to be multpile use lands, which will no longer be such if these proposals are enacted. Being able to manage and enhance the use of these lands is supposed to be the work of the agency designated to do so.

The agency will become but the mouthpiece rubberstampers of the elitist groups who want to eliminate the majority of the American population from enjoying these lands.

Finally, it is also my feeling that if these many millions of acres are added in this manner to eliminate so many people from using them, there will be huge increases in the number of violations of many types in these areas. Ir could be such things as motorized vehicles in many areas where they would be not allowed, illegal activities in cutting wood, illegal starting of roads, and many other such activities. These activities would take so much time from the people who are to manage the forests, it would keep them from doing any other job.

In closing, my statement is a resounding no on allowing this proposed roadless rule to take place in the state of Colorado.

Sincerely,

Thomas F. Panter
452 Grand Avenue
Delta, CO 81416



PEW ENVIRONMENT GROUP

July 14, 2011

JUL 19 2011

The Honorable Thomas Vilsack
 Secretary
 U.S. Department of Agriculture
 1400 Independence Ave., S.W., Suite 200-A
 Washington DC 20250

Dear Secretary Vilsack:

The Pew Environment Group appreciates the opportunity to comment on the Obama administration's proposal to manage national forests inventoried roadless areas in the state of Colorado.¹

Colorado has approximately 14.5 million acres of national forests, with roughly one-third or 4.4 million acres of pristine backcountry categorized as inventoried roadless areas. As the Obama administration has said in its proposal, "Colorado's Roadless Areas are of great importance to the people of Colorado and the Nation. These magnificent landscapes provide a variety of resources and open space opportunities for all Americans. They provide the setting and backdrop for recreational experiences of all kinds, including nonmotorized and/or motorized recreational trail use. They are sources of clean and safe public drinking water. They contain intact habitat for species dependent on large, undisturbed areas of land. The scenic quality of these naturally appearing landscapes is among the highest in the Nation."²

In addition, according to a study by the Geos Institute, Colorado's roadless areas provide about one-third of the state's surface water use, while also specifically supplying the city of Denver with approximately 30 percent of its water.³ Furthermore, these backcountry forests are havens for fish and wildlife, and provide world class recreation opportunities that contribute over \$10 billion annually to Colorado's economy.⁴

The rapid pace of development, particularly in the West, has put increased pressure on our national forests. With a majority already open to commercial development, the 2001 Roadless Area Conservation Rule was issued to protect 58.5 million acres of pristine national forests from most logging, drilling, coal mining and road construction. The national policy was designed to

¹ Department of Agriculture, Forest Service, 36 CFR Part 294, RIN 0596-AC74, Special Areas; Roadless Area Conservation; Applicability to the National Forests in Colorado; [Page 21272, Federal Register / Vol. 76, No. 73 / Friday, April 15, 2011 / Proposed Rules] http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5292794.pdf

² Page 21273, Federal Register / Vol. 76, No. 73 / Friday, April 15, 2011 / Proposed Rules

³ See: http://www.geosinstitute.org/images/stories/pdfs/Publications/FINAL_Clean_Water_report_6.30.11.pdf

⁴ Outdoor Industry Association, Report: The Active Outdoor Recreation Economy: A \$730 Billion Contribution to the U.S. Economy; <http://www.outdoorindustry.org/images/researchfiles/RecEconomypublic.pdf?26>

replace the patchwork of management regulations that left vulnerable old-growth and other ecologically valuable stands under which forests had been governed for decades.

We commend you and the Obama administration for your strong support for the 2001 Roadless Area Conservation Rule, including defending it in court. And while we disagreed with your decision to move forward with a new state-based policy for Colorado, we appreciated your commitment to craft a final rule that is “on balance, at least as protective of roadless areas—and preferably more protective—than the 2001 Roadless Rule.”⁵

However, the current proposal does not measure up to the standards of protection set by the 2001 roadless rule. The administration’s preferred alternative gives only a small fraction of the 4.4 million acres of Colorado’s roadless forests safeguards that come close to those incorporated in 2001 policy. Under the proposal’s two-tier strategy, only 562,200 acres⁶—or roughly 13 percent—are included in a so-called “upper tier.” As a result, more than three-quarters of Colorado’s most pristine national forests would be vulnerable to increased logging, road-building and oil and gas development. In addition, coal mining would be expanded in the state’s North Fork Valley.

In its Revised Draft Environmental Impact Statement (RDEIS), the administration also presented an alternative that offered “upper tier” protection to roughly 2.6 million acres—or more than one-half— of Colorado's roadless areas.⁷ In addition to these 2.6 million acres, roughly 400,000 acres of additional roadless lands on the Pike-San Isabel National Forest, and the Grand Mesa, Uncompahgre and Gunnison National Forests clearly qualify for classification as “upper tier,” based on ground assessments by conservation organizations. As the agency has acknowledged, and as recommended by conservation organizations, these 3 million acres and the values they hold, constitute a significant portion of the national forest lands that deserve upper tier protections

It should be emphasized that loopholes must still be tightened and protections strengthened in order to better align with the standards set by the 2001 roadless rule. This includes placing tighter restrictions on new oil and gas leases and on permits for new water storage and conveyance structures in roadless areas; prohibiting the use of 'linear construction zones' to facilitate pipelines, transmission lines, and telecommunication facilities; and clarifying vague definitions to ensure effective protection and limit the discretion of U.S. Forest Service officials.

Most importantly, the proposal offers no solution to one of the greatest threats—new oil and gas leasing. The current proposal would allow approximately 100 oil and gas leases affecting more than 67,000 acres to move forward⁸, once the new rule becomes final.⁹ This proposal fails to recognize the fact that these leases, which are also known as “gap leases,” were let after the effective date of the 2001 roadless rule, and their validity has been in question in the courts.

Given the acknowledgment by the administration of the values of these lands, Colorado’s 4.4 million acres of inventoried roadless areas should be protected by the 2001 Roadless Area

⁵ Statement from Agriculture Secretary Vilsack on Colorado Roadless Petition, April 6, 2010, available at http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5145340.pdf.

⁶ Page 21275, Federal Register / Vol. 76, No. 73 / Friday, April 15, 2011 / Proposed Rules

⁷ RDEIS p. 156; 76 Fed. Reg. at 21280.

⁸ See: http://www.ourforests.org/pdf/CO_roadless_drilling_report.pdf

⁹ Page 21290, 76 Fed. Reg. 21290, § 294.43(c)(1)(viii).

Conservation Rule, a landmark measure that recognized the county's remaining undeveloped national forests should be safeguarded through a single national policy. If the administration moves forward with its state-based approach, the areas incorporated in "upper tier" protection must be dramatically expanded, multiple loopholes closed and a solution found to the roughly 100 new oil and gas leases that would be allowed to move forward. As part of our official comments, we are including a legal analysis prepared by the Denver-based law firm of Kaplan Kirsch & Rockwell that provides specific recommendations on closing some loopholes and strengthening the protections provided by the administration's proposal.¹⁰

Thank you very much for your commitment to protect the country's last wild national forests in Colorado and throughout the nation.

Sincerely,



Robert C. Vandermark
Manager, U.S. Public Lands
Pew Environment Group

cc:

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812
Fax: 916-456-6724

¹⁰ <http://www.kaplankirsch.com/>



KAPLAN KIRSCH ROCKWELL

MEMORANDUM

TO: Pew Environment Group/Heritage Forests Campaign

FROM: Kaplan Kirsch & Rockwell

DATE: June 23, 2011

SUBJECT: Review of the April 15, 2011 Proposed Colorado Roadless Rule and Revised Draft Environmental Impact Statement

EXECUTIVE SUMMARY

The Obama Administration has repeatedly expressed support for the 2001 Roadless Area Conservation Rule (“2001 Rule”) and has committed to adopting a Colorado-specific rule only if it is at least as protective as the 2001 Rule. Based on the Administration’s analysis, however, the current proposal, under consideration in a Revised Draft Environmental Impact Statement released in April 2011 (“RDEIS”), provides less protection for Colorado’s roadless areas than the 2001 Rule.¹

With some changes, the Proposed Rule could be strengthened in specific ways to approach the level of protection provided by the 2001 Rule. We recommend such changes in Section V of this memorandum. These include:

- expanding upper tier acreage;
- expanding protections in the upper tier;
- restoring some of the roadless area inventory eliminated by the proposed rule;
- requiring reclamation bonds before permitting any new roads or LCZs in roadless areas, in order to ensure timely and adequate decommissioning;
- placing tighter restrictions on new oil and gas leases and on permits for new water storage and conveyance structures in roadless areas; and
- clarifying vague definitions to ensure effective protection and limit the discretion of Forest Service officials.

With these changes, the proposed Colorado-specific roadless rule, while it may not achieve the full protections of the 2001 Rule, will arguably result in an increase in certain types of protec-

¹ Revised Draft Environmental Impact Statement, April 15, 2011. The 2011 draft is a revision of a Draft Environmental Impact Statement issued on July 25, 2008 analyzing a previous version of a proposed Colorado-specific roadless rule. See Notice of Proposed Rulemaking, 76 Fed. Reg. 21272 (April 15, 2011).

July 6, 2011
Page 2

tion, in both upper tier and non-upper tier areas, relative to the 2001 Rule. In the absence of these or similar revisions, Colorado's rule will leave the state's roadless areas with fewer protections and more vulnerable to development than they were under the 2001 Rule.

INTRODUCTION

In an April 2010 memorandum, Kaplan Kirsch & Rockwell showed that Colorado's most recent petition to the Forest Service for a state-specific roadless rule (the "2010 Petition") failed to provide as much protection for roadless areas as the 2001 Rule. In April 2011, the Forest Service issued a new proposed rule for Colorado along with the RDEIS, which considers three other alternatives in addition to the proposed rule. This memo analyzes the four alternatives in the RDEIS and considers whether Colorado's 2010 Petition, as amended by the Forest Service's draft rule ("the Proposed Rule") is as protective as the 2001 Rule and how it could be improved. Based on data provided by the Forest Service in the RDEIS, we conclude that the Proposed Rule is not as protective of roadless areas as the 2001 Rule. Finally, we offer recommendations for increasing the protections provided by a Colorado-specific rule.

In order to properly assess the environmental impacts of the various alternatives, it is important to understand the legal status quo currently governing Colorado's roadless areas, which is characterized by uncertainty that the Forest Service does not adequately acknowledge in the RDEIS. This requires going back to May 2005, when the Forest Service attempted to rescind the 2001 Rule and replace it with the 2005 "State Petitions Rule." A number of states and environmental groups challenged the new rule, and in October 2006, the United States District Court for the Northern District of California set aside the State Petitions Rule and reinstated the 2001 Rule, enjoining the Forest Service "from taking any further action contrary to the [2001 Rule] without undertaking environmental analysis consistent with this opinion."² The Forest Service appealed that decision to the Ninth Circuit. While the appeal was pending, the United States District Court for the District of Wyoming held that the 2001 Rule had been promulgated improperly and permanently *enjoined* the 2001 Rule throughout the country.³ That order has been appealed to the Tenth Circuit Court of Appeals by environmental groups and the Forest Service.⁴ Although oral argument was held over a year ago, the Tenth Circuit has not yet issued a ruling in the case.

Back in 2008 when the Wyoming district court issued its injunction, the Forest Service found itself facing competing court orders, one requiring that it follow the 2001 Rule and another forbidding it to follow the same rule. In response, the Forest Service requested that both the California and the Wyoming district courts limit the scope of their injunctions so that the agency would not face contradictory injunctions covering the same forest lands. The Wyoming court denied the request. The California court granted the request for a partial stay in December 2008, issuing an order limiting the scope of its injunction to all the states within the Ninth Circuit and New Mex-

² *California ex rel. Lockyer v. United States Dep't of Agriculture*, 459 F. Supp.2d 874, 919 (N.D. Cal. 2006).

³ *Wyoming v. United States Dep't of Agriculture*, 570 F. Supp. 2d 1309, 1355 (D. Wyo. 2008).

⁴ *Wyoming v. United States Dep't of Agriculture*, No. 09-8075 (10th Cir.) (oral argument held March 10, 2010).

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ico, which was a plaintiff in the *Lockyer* case.⁵ That partial stay, however, was authorized *only during the pendency of the appeal*. When the Ninth Circuit affirmed the district court's holding the original injunction became operative again, reinstating the 2001 Rule nationwide.⁶ Thus, as of August 5, 2009, when the Ninth Circuit issued its decision, the Forest Service was again enjoined from violating the 2001 Rule nationwide at the same time that it was forbidden to follow it. The agency still faces these conflicting mandates, although the Wyoming order is still subject to reversal, while the Ninth Circuit's ruling is a final decision.

The Forest Service does not recognize this conundrum in the RDEIS. Instead, it ignores the nationwide reach of the Ninth Circuit opinion and asserts that Colorado is "under the Wyoming court's ruling," and therefore Colorado's roadless areas are currently governed by the forest plans.⁷ We disagree with this position, which colors much of the environmental analysis in the RDEIS. In our 2010 memo, KKR recommended that the Forest Service postpone action on Colorado's 2010 Petition until the Tenth Circuit issued a decision regarding the validity of the 2001 Rule.⁸ We renew our recommendation that no final action be taken until the Tenth Circuit has issued a decision on the 2001 Rule. Should the Tenth Circuit reverse the Wyoming injunction and reinstate the 2001 Rule, the Forest Service will no longer face a conflict, and the 2001 Rule will govern management of roadless areas throughout the country.⁹ This would allow the Forest Service to provide much clearer information to the public regarding the potential impacts of the proposed Colorado Rule as compared against the option of not adopting a state-specific rule.

I. The Alternatives Analyzed in the RDEIS

The RDEIS analyzes four alternatives: two versions of the Proposed Rule, adoption of the 2001 Rule as a Colorado-specific rule, and an alternative in which the forest plans govern roadless areas. The alternatives are described below.

Alternative 1 (2001 Roadless Rule): Alternative 1 adopts the provisions and roadless area boundaries of the 2001 Rule as a state-specific rule, effective as of the date of adoption of the final state-specific rule (likely in 2012).¹⁰ This approach would implement the provisions of the 2001 Rule in Colorado regardless of the Tenth Circuit's decision in the *Wyoming* case. This approach

⁵ *California ex rel. Lockyer v. United States Dep't of Agriculture*, 710 F. Supp. 2d 916 (N.D. Cal. 2008).

⁶ *California ex rel. Lockyer v. U.S. Dep't of Agriculture*, 575 F.3d 999 (9th Cir. 2009). The California district court partially stayed its injunction pursuant to Federal Rule of Civil Procedures 62(c), which explicitly authorizes modification or suspension of an injunction only during the pendency of the appeal in a case.

⁷ RDEIS at 31.

⁸ *Wyoming v. United States Dep't of Agriculture*, No. 09-8075 (10th Cir.) (oral argument held March 10, 2010).

⁹ Except for Idaho's forests, which are governed by a state-specific rule. See 36 C.F.R. §§ 294.20 through 294.29.

¹⁰ RDEIS at 31.

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would not make the provisions retroactive to 2001, however, which a Tenth Circuit decision reversing the Wyoming court and aligning with the Ninth Circuit's decision in *Lockyer*, would do.

Alternative 2 (Proposed Rule): Alternative 2 is the Proposed Rule. Developed largely from Colorado's petition (but with some changes made by the Forest Service), it proposes a two-tiered structure of protection for roadless areas. The Proposed Rule designates 562,000 acres, or 13.4% of Colorado Roadless Areas, for the highest level ("upper tier") protection.¹¹

The inventory of roadless areas has been reconfigured in the Proposed Rule from the 2001 IRAs protected by the 2001 Rule and Alternative 1 to what are referred to as Colorado Roadless Areas ("CRAs"). The new inventory removes acres that (1) were congressionally designated after 2001 for particular status (e.g., new wilderness areas), (2) are privately owned lands, or (3) are "substantially altered acres" on which road construction and/or substantial logging had taken place. In addition, 409,000 acres of new "high quality" roadless areas were identified and added to the inventory. As a result of these changes, the CRAs comprise 4,186,000 acres, or 57,600 fewer acres than the IRA inventory under the 2001 Rule.

Alternative 3 (the forest plans): Under Alternative 3 as described in the RDEIS, no state-specific rule is adopted and as a result, according to the Forest Service, Colorado's roadless areas would be governed by forest plans. The National Environmental Policy Act ("NEPA") requires agencies to include a no-action alternative in an environmental impact statement ("EIS"), and based on its interpretation of the impact of the Wyoming district court injunction against the original 2001 Rule, the Forest Service has identified Alternative 3 as the no-action alternative.¹² Until the Tenth Circuit rules on the validity of the 2001 Rule, however, and depending on the outcome of conflicting injunctions issued in the Ninth and Tenth Circuits, the Forest Service has no way of identifying the "no action" alternative.¹³

The Forest Service's position that Colorado's roadless areas are governed by forest plans is puzzling, given that it is *defending* the 2001 Rule in the Wyoming litigation, and has taken the position that (a) the 2001 Rule was validly promulgated and (b) the district court lacked the authority to issue injunctive relief outside the state of Wyoming.¹⁴ Given this legal posture, it is perplex-

¹¹ See Section III(A) below for a discussion of the management prescriptions for upper tier areas.

¹² RDEIS at 31 ("In August 2008 ... the Wyoming District Court set aside and enjoined the 2001 Roadless Rule. Colorado is under the Wyoming Court's ruling, thus the consequences of taking no action ... means that IRA's in Colorado would be managed according to direction set forth in the applicable forest plan (alternative 3).")

¹³ See *People of the State of California ex rel. Lockyer v. U.S. Dep't of Agriculture*, 575 F.3d 999, 1016 (9th Cir. 2009) (holding that when it adopted the State Petitions Rule in 2005, the Department of Agriculture "unreasonably ignored the possibility that the Tenth Circuit would reverse the [injunction issued by the District Court for the District of Wyoming] and reinstate the Roadless Rule, in spite of the admitted uncertainty surrounding the Roadless Rule").

¹⁴ Opening Brief of Federal Defendants-Appellants at *State of Wyoming v. United States Dep't of Agriculture* (10th Cir., No. 2:07-cv-00017), Opening Brief of Federal Defendants-Appellants (filed Nov. 2, 2009) at 23-25; 64-66.

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ing that the RDEIS barely acknowledges that the Forest Service itself appealed the Wyoming district court's injunction and argued in support of the validity of the 2001 Rule. It is also odd that the Forest Service does not recognize that the Ninth Circuit's (nationwide) reinstatement of the 2001 Rule also governs Colorado's roadless areas.¹⁵

In its Final Environmental Impact Statement ("FEIS"), the Forest Service needs to recognize that the original 2001 Rule may be the no-action alternative. One of the primary reasons given by the State of Colorado for petitioning for a state-specific rule in the first place was to provide an "insurance policy for protection of [Colorado's] roadless areas, in the event the 2001 Rule and the *Lockyer* decision are struck down."¹⁶ This logic is undermined if the 2001 Rule is reinstated and the Wyoming injunction is vacated.

Alternative 4 (Proposed Rule with additional upper tier acres): Alternative 4 implements the provisions of the Proposed Rule, but designates 2.6 million acres (62% of CRAs) for upper tier protection. The Forest Service calls this the "Colorado Roadless Rule with Public Proposed Upper Tier," but does not describe the process by which the 2.6 million acres were selected. Also, oddly, the 2.6 million acres do *not* include all of the upper tier acres from Alternative 2. Only 335,000 of the 562,000 acres in Alternative 2 are part of the 2.6 million in Alternative 4. There is no explanation in the RDEIS for why 227,000 acres identified for upper tier protection in Alternative 2 were not included in the upper tier in Alternative 4.

II. The Proposed Rule Does Not Provide More Protection Than the 2001 Roadless Area Conservation Rule

In a statement issued last spring, Secretary of Agriculture Tom Vilsack announced that the Forest Service would craft a final rule that is "on balance, at least as protective of roadless areas – and preferably more protective – than the 2001 Roadless Rule."¹⁷ Subsequently, he reiterated that "[w]e've made it very clear we are supportive of the Clinton roadless rule ... and people should be very clear about what our position has been and will continue to be."¹⁸

Three key measures of the effectiveness of roadless area protection provide a basis for comparison between the 2001 Rule and the Proposed Rule: (a) the amount of road construction, (b) the amount of tree-cutting, and (c) the potential for adverse impacts to water quality. *On all three of these measures, the 2001 Rule provides more protection than the Proposed Rule.*

¹⁵ RDEIS at 31; *see also* RDEIS Appendix E at E-3 (discussing legal uncertainty surrounding the 2001 Rule).

¹⁶ Letter from Governor Bill Ritter to Mark E. Rey, Department of Agriculture (April 11, 2007) (presenting Colorado's 2007 Petition for state-specific roadless rule).

¹⁷ Statement from Agriculture Secretary Vilsack on Colorado Roadless Petition, April 6, 2010, available at http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5145340.pdf.

¹⁸ Statement from Secretary Vilsack, quoted in *Forest chief nominee will uphold rules, Vilsack says*, THE BEND BULLETIN, September 15, 2009.

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In the RDEIS, the Forest Service projects the following levels of road construction in the analysis area,¹⁹ identifying adoption of the 2001 Rule as a Colorado-specific rule (Alternative 1) as resulting in the fewest miles per year of road construction:²⁰

	<u>2001 Rule</u> (Alternative 1)	<u>Proposed Rule</u> (Alternative 2)	<u>Forest Plans</u> (Alternative 3)	<u>Add'l Upper Tier</u> (Alternative 4)
Oil and Gas	10	9.3	11	9.3
Coal	1	3	5	3
General Purpose ²²	3	7	13	5
Total miles per year²³	14	20	28	18

According to projections based on these annual estimates, ten years after adoption of the Proposed Rule, there would be *60 more miles* of roads in roadless areas than the 2001 Rule would have allowed. Note that the General Purpose roads (defined in footnote 22 below) currently account for the greatest difference between the 2001 Rule and the Proposed Rule.

The Forest Service also projects the following levels of tree-cutting in the analysis area, broken down by the purpose of the cutting. As with road construction, adoption of the 2001 Rule would result in the fewest acres of timber cutting:

¹⁹ The analysis area for the RDEIS combines lands in the IRAs and the CRAs. RDEIS at 79 (“the analysis area for all of the alternatives is the same in order to compare the environmental effects of each alternative ... the area of analysis is NFS lands within (1) the CRAs; and (2) the 2001 IRAs, excluding proclaimed Wilderness and other congressionally designated areas.”)

²⁰ The RDEIS does not estimate miles of road construction per year under a reinstatement of the original 2001 Rule, under which many of the oil and gas leases that were sold after 2001 would not be valid.

²¹ Adapted from RDEIS at pp. 85-87, Tables 3-4, 3-5, 3-6, and 3-7.

²² This category includes roads built for hazardous fuels treatments, maintenance and restoration of the ecosystem, ski areas, private residence access, roads for water conveyances and utilities, and roads for the general exceptions for health and safety, Federal Highways, and CERCLA. See RDEIS at 85.

²³ Totals may not add up due to rounding.

<i>Average Annual Tree-Cutting Acres in the Analysis Area Projected by Alternative²⁴</i>				
	<u>2001 Rule</u> (Alternative 1)	<u>Proposed Rule</u> (Alternative 2)	<u>Forest Plans</u> (Alternative 3)	<u>Add'l Upper Tier</u> (Alternative 4)
Hazardous fuels reduction	1,800	5,900	13,100	2,200
Restore and maintain ecosystem	500	1,000	3,500	800
Habitat improvement	<5	<100	300	<5
Other ²⁵	80	<200	300	<200
Total²⁶ (maximum)	2,400	7,200	16,900	3,200

Adoption of the 2001 Rule as a Colorado-specific rule is projected to produce 2,400 acres/yr of tree-cutting, of which 1,800 acres/yr would come from cutting for hazardous fuels reduction in the analysis area (defined above at footnote 19). By contrast, the Proposed Rule is projected to result in 7,200 acres/yr of tree-cutting – three times the amount under the 2001 Rule. Of the 7,200 acres, 5,900 would result from hazardous fuels reduction projects. Increasing the upper tier acreage in the Proposed Rule to 2.6 million (Alternative 4) cuts that figure by more than half, to approximately 3,200 acres/yr, although it still results in more tree-cutting than the 2001 Rule.

Other projections:

- For coal mining, the 2001 Rule is projected to result in a total of 7 miles of new roads in IRAs. The Proposed Rule is projected to result in 50 miles of new roads in CRAs.²⁷

²⁴ See DEIS Table 3-2, p. 83. Acreage is rounded to the nearest 100 for purposes of calculating totals.

²⁵ “Other” includes tree-cutting that is incidental to implementation of a management activity and tree-cutting for personal or administrative use.

²⁶ Totals may not add up due to rounding.

²⁷ 76 Fed. Reg. 21281.

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- For Linear Construction Zones (LCZs), although the Proposed Rule sounds more protective than the 2001 Rule, the Forest Service projects an *equal number of miles of LCZs constructed per year* for both the 2001 Rule and the Proposed Rule (3.2 miles/year).²⁸ This supports the argument that the exceptions to the Proposed Rule's general restriction on LCZs are so broad that it will result in just as many miles of LCZ construction as the 2001 Rule.
- For ski areas, the Proposed Rule permits road building and tree-cutting on 1,700 more acres than the 2001 Rule.

Overall, according to the Forest Service's own analysis, adoption of the 2001 provisions as a Colorado-specific rule will pose

- the least risk for adverse impacts to water quality;
- the least risk to sensitive plants;
- the least risk for adverse impacts to aquatic species (other than cutthroat trout);
- the least risk to terrestrial species and habitat;
- the least risk to scenic resources;
- the greatest opportunities to protect biodiversity; and
- the greatest opportunities to retain roadless areas in primitive or semi-primitive conditions.²⁹

These projections refute the claim that the Proposed Rule provides more protection for roadless areas than the 2001 Rule. Maximizing upper tier acreage and increasing upper tier protections will improve the Proposed Rule, but may not achieve fully the protections offered by the 2001 Rule.

III. Specific Areas of Concern

We review some of the most critical parts of the Proposed Rule below: the upper tier concept and acreage; the impact of the Rule on the "gap leases," the impact on coal exploration and development; and the role of LCZs.

A. The Upper Tier

The upper tier was devised as a mechanism to provide a higher level of protection than the 2001 Rule for certain roadless areas. It is a critical element in any argument that the Proposed Rule provides more protection for roadless areas than the 2001 Rule. In the Proposed Rule, 562,200

²⁸ DEIS at 88, 156.

²⁹ 76 Fed. Reg. 21282-21283.

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acres are designated for upper tier protection. In the Proposed Rule with Additional Upper Tier Acres, 2.6 million acres are designated as upper tier.

1. Selection Criteria

In the Proposed Rule, the upper tier acres are located in areas identified by the current (or existing draft) forest plans as prohibiting or tightly restricting road construction and tree-cutting.³⁰ Thus, as the Forest Service recognized, the upper tier acres “[are] already designated for higher levels of protection in either draft or final forest plans.”³¹ Except for the GMUG and San Juan National Forests, which are in the process of revising their forest plans, all the other forest plans already designate the upper tier areas for higher levels of protection than the 2001 Rule (because they allow fewer exceptions to the prohibitions on road construction and tree-cutting). In the GMUG and San Juan forests, draft plans were used to identify the land designated for upper tier protection.

Thus, in the Proposed Rule, the upper tier acres are consistent with management prescriptions in the forest plans or draft forest plans and therefore provide no additional substantive protections. By making it more difficult for the Forest Service to change the management prescription, however, the Proposed Rule would provide more *durable* protection for these areas.³²

With a total of 2.6 million acres in the upper tier, the Proposed Rule with additional upper tier acreage (Alternative 4) is a significant improvement over the Proposed Rule with 562,200 acres in the upper tier. However, in this proposal (Alternative 4), no selection criteria are offered in the Preamble to the Proposed Rule or in the RDEIS to explain how lands were identified and designated for the upper tier. Moreover, the 2.6 million upper tier acres in this alternative do not encompass all of the upper tier acres in the Proposed Rule, suggesting that the selection criteria for this alternative did not incorporate the forest plans. The Forest Service intimates that there was a process for the public to propose extra upper tier lands, but that process is not described or documented in the RDEIS.³³ The Forest Service should document in the RDEIS how the upper

³⁰ 76 Fed. Reg. 21274 (acres were selected to become upper tier “based on their roadless characteristics and that they were already designated for higher levels of protection in either draft or final forest plans”).

³¹ *Id.*

³² Subject to a NEPA analysis, management prescriptions in a forest plan can be amended incrementally to accommodate site-specific proposals that are not consistent with the plan. 36 C.F.R. § 219.10. Thus, the higher level protections in the forest plans could be whittled down for project-specific needs, which would not be the case if the areas were designated for the higher level protection by a rulemaking (such as adoption of a Colorado Roadless Rule). The Proposed Rule specifies that “[t]he prohibitions and restrictions established in this [Rule] are not subject to reconsideration, revision, or rescission in subsequent project decisions or land management plan amendments or revisions undertaken pursuant to 36 C.F.R. Part 219.” 76 Fed. Reg. 21292, § 294.48(d). Its protections can only be changed by a new rulemaking process.

³³ The Forest Service describes this alternative as the “Colorado Roadless Rule with Public Proposed Upper Tier.” *See, e.g.*, DEIS at 60.

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tier lands in Alternative 4 were designated and explain why some of the upper tier areas in the Proposed Rule are not designated for the upper tier in Alternative 4.

The Forest Service specifically seeks comment on what lands should be included in the upper tier and on the management prescriptions that should apply there.³⁴ The Pew Heritage Forests Campaign should urge the Forest Service to select Alternative 4, with 2.6 million acres in the upper tier, or alternatively, to expand significantly the upper tier acres beyond what is currently in the Proposed Rule.

2. Management prescriptions

a. *Road construction* in the upper tier is permitted only where a road is needed pursuant to reserved or outstanding rights, or as permitted by statute or treaty.³⁵ None of the exceptions for road construction for water conveyance structures, reduction of wildfire hazard, or maintenance and restoration of the characteristics of an ecosystem apply to the upper tier.³⁶ The 2.6 million upper tier acres in Alternative 4 contain some existing oil and gas leases, however, so some road construction associated with such leases would be permitted in the upper tier if the Proposed Rule with 2.6 million upper tier acres is selected as the final rule.

The Proposed Rule also requires the Responsible Official to make certain determinations before approving road construction in the upper tier: that (a) motorized access is not technically feasible without a road; (b) if the proposed road is a forest road, that a temporary road would not be sufficient; and (c) road construction will not diminish, over the long term, conditions in the water influence zone and in native cutthroat trout habitat.³⁷ In many cases, however, a Forest Service official will not have the authority to veto a road based on such determinations. For example, if the Responsible Official were to find that a proposed road would diminish cutthroat trout habitat, the Rule should clarify whether this finding could provide the basis for requiring that the proposed road be relocated or not built at all.

b. *Linear Construction Zones* are permitted in the upper tier, in conjunction with:

- construction or maintenance of water conveyance structures associated with a pre-existing water court decree establishing a point of diversion inside a roadless area;³⁸
- electrical power lines and telecommunication lines;³⁹ and

³⁴ 76 Fed. Reg. 21274- 21275.

³⁵ 76 Fed. Reg. 21290, §294.43(b).

³⁶ DEIS pp. 54-55; 76 Fed. Reg. 21290, § 294.43(b).

³⁷ *Id.*

³⁸ Water conveyance structures must be operated pursuant to a pre-existing water court decree issued prior to the final effective date of the rule. DEIS at 55.

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- oil or gas pipelines.

Oil and gas leases in roadless areas may still be issued after the effective date of a Colorado Rule, and although road construction will be prohibited for those leases, linear construction zones are permitted for new oil and gas leases, even in the upper tier. The exceptions for LCZs in the upper tier should be narrowed further. We make specific recommendations for accomplishing this in Section V below.

c. *Tree cutting* is permitted in the upper tier only if it is incidental to another permitted use or needed “for personal or administrative use.”⁴⁰ As with road construction, tree-cutting will be permitted in conjunction with existing oil and gas leases in upper tier lands. In addition, because LCZs are permitted in the upper tier, tree-cutting incidental to construction of a LCZ will be allowed in the upper tier as well.

B. Oil and Gas Development and the Gap Leases⁴¹

Under the 2001 Rule, road construction on oil and gas leases in IRAs can occur only on leases sold before the effective date of the rule (March 13, 2001). The Proposed Rule, however, permits road construction on leases sold up until *its* effective date, which would likely be sometime in 2012.⁴² According to the RDEIS, road construction related to oil and gas exploration and development will be permitted under any of the alternatives as needed to develop leases issued prior to the effective date of the Colorado Rule.⁴³ Specifically, the RDEIS emphasizes that adoption of the provisions of the 2001 Rule as a state-specific rule (Alternative 1) “would not revoke, suspend, or modify any permit, contract or other legal instrument authorizing the occupancy and use of National Forest lands issued before the effective date of the final Rule.”⁴⁴ The Forest Service explains in the Preamble to the Proposed Rule that the proposed rule “is not designed or intended to alter previously approved decisions”⁴⁵ Although this language is unremarkable in

³⁹ Unlike water conveyance structures, electrical power lines and telecommunication lines are not required to be authorized as of the date of the final rule. *Id.*

⁴⁰ 76 Fed. Reg. 21289, § 294.42(b).

⁴¹ BLM continued to sell oil and gas leases after the effective date of the 2001 Rule, even though that Rule prohibits road construction associated with leases issued after it took effect. In the 2008 DEIS for the 2008 proposed Colorado Rule, the Forest Service estimated that 67,500 acres of oil and gas leases in roadless areas in Colorado were sold after January 2001, either (1) without stipulations prohibiting surface occupancy, or (2) with stipulations tying surface occupancy to the fate of the 2001 Rule in the courts. These are known as the “gap leases.”

⁴² 76 Fed. Reg. 21290, § 294.43(c)(1)(viii).

⁴³ RDEIS at 68.

⁴⁴ RDEIS at 31.

⁴⁵ 76 Fed. Reg. 21278. In Section V below, we recommend that this language be revised to clarify that the Forest Service intends to recognize valid existing rights as of the effective date of the rule but not to establish the validity or invalidity of pre-existing rights.

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most contexts, given the uncertainty surrounding the fate of the gap leases, it needs to be more explicit. If the Forest Service's intention with respect to the gap leases is to recognize valid existing rights, and only valid existing rights, the rule should spell that out.⁴⁶

In the 2008 DEIS, which analyzed the first proposed Colorado Rule, the Forest Service estimated that 67,500 acres of oil and gas leases in roadless areas in Colorado were sold after January 2001 either without stipulations prohibiting surface occupancy, or tying surface occupancy to the fate of the 2001 Rule in the courts (the gap leases).⁴⁷ In estimating the impact of oil and gas activity under the alternatives in the RDEIS, the Forest Service consistently presumes validity of the gap leases. None of the analysis in the RDEIS provides for possibility that the Tenth Circuit will reverse the Wyoming court's injunction and reinstate the 2001 Rule, leaving the validity of the gap leases in question and potentially subject to cancellation. This must be remedied in the FEIS, and any state-specific rule should make clear that the Forest Service is not using this rulemaking to establish retroactively whether the gap leases were lawfully issued. We make specific recommendations along these lines in Section V below.⁴⁸

Because all of the proposals considered in the RDEIS purport to recognize any leases sold up to the date of implementation of a Colorado Rule, the RDEIS projects *the same acreage of surface disturbance* associated with oil and gas development for all of the action alternatives analyzed in the RDEIS.⁴⁹ The Forest Service estimates 144 miles of new road construction and 1,275 acres of surface disturbance, with 686 wells under Alternatives 1, 2, and 4. Under all three of these alternatives, leases issued in IRAs or CRAs after the date of the Colorado Rule would prohibit road construction but would otherwise be available for development, including linear construction zones and tree-cutting to clear space for well pads.⁵⁰

⁴⁶ Moreover, adoption of any Colorado-specific rule appears to have the impact of relieving the gap leases from the constraints of the Ninth Circuit's reinstatement of the 2001 Rule (see discussion in the Introduction section of this memo). This would be a key impact of adopting any of the alternatives that has been left entirely unexamined by the Forest Service.

⁴⁷ 2008 Draft Environmental Impact Statement (DEIS) at 117.

⁴⁸ Various officials in the Colorado Department of Natural Resources ("DNR") have reportedly expressed the opinion that reinstatement of the 2001 Rule would have the effect of voiding the gap leases by operation of law. See, e.g., David O. Williams, *Yet another draft of the Colorado Roadless Rule draws enviro fire*, REAL VAIL, April 15, 2011. This is a legal determination that would have to be made by a court; a prospective rulemaking will not alter the status of leases issued prior to adoption of the new rule. The impact of the rule on the gap leases should be clarified in this regard, and we include a specific suggestion in Section V below.

⁴⁹ DEIS at 126.

⁵⁰ DEIS at 138.

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In addition, under the Proposed Rule, any Surface Use plans associated with development of an oil or gas lease in a CRA must go through extensive review.⁵¹ This review is aimed at minimizing the impact of surface disturbance associated with oil and gas extraction, but is not projected to reduce the number of miles of roads constructed or acres disturbed. As stated above, the RDEIS shows equal amounts of surface disturbance and miles of new roads for adoption of the 2001 Rule as a state-specific rule (Alternative 1), which does not have the same requirements for reviewing proposed Surface Use plans, as for the Proposed Rule, which does have the requirement.⁵²

C. Coal

The Proposed Rule is not more protective than the 2001 Rule when it comes to development of coal resources. It permits expansion of existing coal mines as well as exploration and development of new mines, with accompanying surface infrastructure (including roads for methane vents) on 20,000 roadless acres in the North Fork area of the GMUG. It also permits exploration and development of new coal leases on at least 5,000 acres of IRAs that are not in CRAs and hence not covered by the Proposed Colorado Rule.⁵³ The RDEIS projects 16 miles of new road construction under the 2001 Rule (Alternative 1), versus 52 miles under the Proposed Rule (regardless of upper tier acreage).⁵⁴ The Proposed Rule also requires that roads constructed for coal mining be decommissioned and the landscape restored after the road is no longer needed in conjunction with coal mining activity.⁵⁵

Permitting road construction and other development on the 20,000 acre North Fork coal mining area has nothing to do with protection of roadless areas. Rather, according to Forest Service officials, the North Fork coal mining area is set aside for development because it protects 2,200 jobs on the West Slope.⁵⁶ This jobs estimate does not match the figures in the RDEIS, however, and it inflates the difference between the Proposed Rule and adoption of the 2001 Rule for Colorado.

In the RDEIS, the Forest Service estimates 1,033 coal-related jobs under the 2001 Rule (Alternative 1), and 1,912 under the Proposed Rule or the forest plans (Alternatives 2, 3, and 4), resulting in a difference of 879 jobs – not 2,200 – between adoption of the 2001 Rule and the other alter-

⁵¹ 76 Fed. Reg. 21291 (§ 294.46(b)). As part of the review, the Responsible Official will require that roads, well sites, and facilities be located on pre-existing areas of surface disturbance to the extent possible, and that other best management practices identified by the Forest Service be implemented to the extent possible or practicable.

⁵² 76 Fed. Reg. 21280.

⁵³ RDEIS at 131.

⁵⁴ DEIS at 125. Under Alternative 3, the Forest Service projects 73 miles of new road construction. *Id.*

⁵⁵ 76 Fed. Reg. 21291, § 294.43(d).

⁵⁶ See, e.g., David O. Williams, *New roadless draft draws heat from green groups*, REAL ASPEN, April 14, 2011.

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natives.⁵⁷ In addition, the jobs figures do not account for tourism and recreation-related jobs lost as a result of development of coal mines, which could further reduce the difference in jobs between the alternatives. When considering the potential economic value of the Proposed Rule, the Forest Service must consider the *difference* between jobs associated with it and jobs associated with the 2001 Rule, rather than merely citing the total number of jobs associated with the Proposed Rule.

One coal-related improvement that Colorado made between its 2008 Petition and its 2010 Petition was the removal of a roadless area called Currant Creek from the area which has been opened for coal development.⁵⁸ This is an important change that was made in response to public demands. Interestingly, however, the number of coal-related jobs and total coal production is projected to be the same under the Proposed Rule (without Currant Creek in the coal area) as under the forest plans, suggesting that the exclusion of the Currant Creek area from new coal exploration will have *no impact* on coal production or job creation.⁵⁹ Understanding why that is the case might illuminate other portions of the North Fork area that could be removed from the 20,000 acres designated for existing and new coal mines.

D. Linear Construction Zones

As defined by the Proposed Rule, linear construction zones are corridors that are a minimum of 50 inches wide (but with *no maximum width*) that are used for motorized transport of equipment and materials necessary to construct linear facilities like pipelines, power lines, and water conveyance structures.⁶⁰ Under the Tenth Circuit's decision in the so-called Bull Mountain case, the 2001 Rule's prohibition against road construction does not prohibit linear construction zones needed for construction or maintenance of authorized facilities or infrastructure, if the infrastructure itself is not otherwise prohibited by the Rule.⁶¹ One of the ways in which the Proposed Rule is said to improve upon the 2001 Rule is by issuing a general prohibition on construction of LCZs.

⁵⁷ DEIS at 74, 301.

⁵⁸ DEIS at 33 (“The North Fork coal mining area previously included approximately 9,000 acres of the Currant Creek CRA. Currant Creek remains in the CRA acreage but not in the North Fork coal mining area.”)

⁵⁹ *Id.*

⁶⁰ 76 Fed. Reg. 21277, § 294.44.

⁶¹ *Wilderness Workshop v. U.S. Bureau of Land Management*, 531 F.3d 1220 (10th Cir. 2008). In this case, named for the Bull Mountain pipeline, the court upheld the Forest Service's decision to permit construction of a natural gas pipeline running through three roadless areas in Colorado. The Forest Service interpreted the 2001 Rule to allow the creation of a 50-foot wide construction corridor in addition to the 50-foot wide right-of-way for the pipeline, resulting in a 100-foot corridor to accommodate heavy trucks and equipment needed to build the pipeline. The court held that the agency's interpretation of the 2001 Rule, under which the definition of “road” did not include construction corridors, was not arbitrary or capricious. The Forest Service did not consider the construction zone a road because its sole purpose was to accommodate equipment needed to construct and install the pipeline. The Tenth Circuit upheld this interpretation of the 2001 Rule.

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This prohibition is accompanied by “limited exceptions,” but the exceptions include almost every type of linear infrastructure contemplated for construction in roadless areas: water conveyances, power lines, telecommunication lines, and pipelines for oil and gas. In addition, as discussed above, there is no prohibition on LCZs in the upper tier.

The Proposed Rule does provide some new protections by placing other restrictions on LCZs, requiring that:

- (1) new pipelines may not simply pass through a roadless area – they must connect to something inside it;
- (2) new utility lines (electric power lines or telecommunication lines) may be located in a roadless area only if constructing them outside CRAs would cause substantially greater environmental damage;
- (3) construction of an LCZ must not diminish, over the long-term, conditions in the water influence zone or native cutthroat trout habitat; and
- (4) LCZs must use existing rights-of-way where feasible, and must be reclaimed as provided in a reclamation plan provided by the Responsible Official.⁶²

In addition, since LCZs are allowed only for the exceptions listed in the rule, the general prohibition will prohibit LCZs from being built in conjunction with, for example, new wind and solar facilities or other new types of infrastructure or facilities that are not listed with the exceptions.

Thus, the Proposed Rule only closes the “Bull Mountain loophole” for the narrow category of pipelines that pass through CRAs without connecting to anything inside them and for infrastructure and facilities not listed as exceptions. Generally, the exceptions for linear construction zones overwhelm the general prohibition against them. According to data in the RDEIS, the Proposed Rule’s “no through pipelines” provision has no impact on the number of total projected miles of LCZs.

The RDEIS projects *identical* average annual LCZ miles constructed under the 2001 Rule (adopted as a state-specific rule) and the Proposed Rule, suggesting that *there is no effective difference* between the 2001 Rule, which does not prohibit LCZs and the Proposed Rule, which prohibits LCZs but provides an exception for every major type of linear infrastructure.⁶³

In the Notice of Proposed Rulemaking (NPRM) issued on April 15, 2011 for the Proposed Rule, the Forest Service specifically requested comments regarding effective means of “managing linear facilities,”⁶⁴ suggesting the agency is open to more or different rules governing LCZs and the linear infrastructure associated with them. We include a number of recommendations in

⁶² 76 Fed. Reg. 21291, § 294.44(b).

⁶³ RDEIS at 88.

⁶⁴ 76 Fed. Reg. 21275.

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Section V below as to how the restriction on LCZs, both generally and in the upper tier, could be made more meaningful.

E. Other Issues

1. Inventory

The inventory of roadless acres in the Proposed Rule (the CRAs) is 57,000 acres less than the inventory of IRAs, and eliminates over 467,000 acres previously identified as having roadless characteristics from protection. Supporters of the Proposed Rule argue that this loss should be balanced against the addition of 409,000 acres to the roadless area inventory that were not protected under the 2001 Rule. Those acres should be included in a final rule. However, the elimination of 467,000 acres that were accorded protection under the 2001 Rule because they have been “altered” by road construction and/or logging is not explained or justified in the RDEIS. Instead of deleting these acres from the inventory, many of those areas should be identified for reclamation or decommissioning of roads and restoration of roadless characteristics.

2. Transmission Corridors and Water Conveyances

The Proposed Rule allows road construction in non-upper tier areas as needed to allow for the construction, reconstruction, or maintenance of an authorized water conveyance structure (the water conveyance must be operated pursuant to a pre-existing water court decree). It also allows tree-cutting in both upper and non-upper tier areas that is incidental to implementation of a management activity not otherwise prohibited by the rule (including construction of water conveyance structures). And it permits linear construction zones in both upper and non-upper tier areas in conjunction with construction or maintenance of a water conveyance structure or existing or future power lines or telecommunications lines (so long as there is no opportunity for the utility line to be located outside the Roadless Area without causing substantially greater environmental damage).⁶⁵

When it promulgated the 2001 Rule, the Forest Service explicitly considered and rejected exceptions for roads providing access to water storage and conveyance structures, as well as power lines.⁶⁶ Accordingly, road building for these purposes under the 2001 Rule is limited to infrastructure projects, including water storage and conveyance structures, that held permits as of Jan. 12, 2001.⁶⁷ The RDEIS provides no justification for allowing this new exception.

The Proposed Rule would roll back the 2001 Rule protections on this issue by allowing, with some restrictions, road building, LCZs, and the attendant tree cutting necessary for construction

⁶⁵ 76 Fed. Reg. 21291, § 294.44.

⁶⁶ 66 Fed. Reg. 3256 (Jan. 12, 2001).

⁶⁷ *Id.* at 3272, § 294.12(b)(3).

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and maintenance of new water conveyance structures, including new dams or reservoirs, and new electric power lines and telecommunications lines.

The RDEIS does not provide any projections for the acreage likely to be affected by the provision for water conveyances. Likewise, it provides no estimate for miles of power lines and telecommunications lines projected to be located in roadless areas. Both of these should be remedied in the RDEIS, in order to be able to compare the acreage likely to be altered with road construction and tree-cutting under the Proposed Rule with that under 2001 Rule.

3. Temporary Roads

Under the Proposed Rule, “temporary roads” are no longer time-limited. The Forest Service deleted “long term temporary roads,” initially identified for use in conjunction with coal mines and oil and gas development, from the Proposed Rule. Instead, the Proposed Rule combines long-term temporary and temporary roads into one category, called temporary roads. Consequently, the elimination of long-term temporary roads is little more than a semantic change. The only difference between long-term temporary roads in the 2010 Colorado Petition and the temporary roads permitted under the Proposed Rule in the RDEIS is that long-term temporary roads were to be included in a forest transportation atlas, whereas the temporary roads will not.⁶⁸ As a result, temporary roads may be constructed for long term projects like oil and gas development and coal mines, and may be in use for decades.⁶⁹

The Proposed Rule contains the following provisions concerning temporary roads:

- Temporary roads may be built to provide access to existing oil and gas leases, existing coal leases, and new coal leases in 20,000 acres of the North Fork area.
- A temporary road must be decommissioned when it is determined that the road is no longer needed for the established purpose, or upon termination or expiration of the authorization or permit issued for the road.⁷⁰ However, there is no maximum length of time a temporary road can be used before it must be decommissioned.
- Authorization of temporary roads requires the Regional Forester to find that motorized access without road construction is not technically feasible, and that road construction will not diminish over the long term conditions in the water influence zone or in native cutthroat habitat.⁷¹ These terms are not defined in the rule and provide little security against road construction.

⁶⁸ 73 Fed. Reg. 43561; 76 Fed. Reg. 21289.

⁶⁹ 76 Fed. Reg. 21289.

⁷⁰ 76 Fed. Reg. 21290. The 2001 Rule contains the same requirement: roads constructed pursuant to oil and gas development must be “obliterated” when no longer needed for the purpose of the lease. 66 Fed. Reg. 3273, § 294.12(b)(7).

⁷¹ *Id.* (§ 294.43(c)(2)).

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- With limited exceptions, all roads constructed under the Proposed Rule must be closed to public motorized vehicles, including off-highway vehicles.⁷²

If the Forest Service is serious about decommissioning roads and restoring roadless qualities when the road is no longer needed for its permitted purpose, it must establish a reliable source of funding to accomplish this. We recommend that the Proposed Rule be amended to include a reclamation bond requirement for any roads associated with a special use permit issued to a non-public entity.

4. Insect and Wildfire Provisions and Ecosystem Restoration and Maintenance

The “flexibility” in the Proposed Rule to “treat” hazardous fuels near communities is one of the changes from the 2001 Rule most frequently cited as an important improvement, especially given the large number of beetle-killed trees in CRAs and their proximity to communities.

However, tree-cutting of “generally small diameter timber” that “will maintain or improve one or more of the roadless area characteristics” *is permitted under the 2001 Rule.*⁷³ The cutting is permitted “[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 climatic period.”⁷⁴

The principal difference between the 2001 and Proposed Rule is that the Proposed Rule allows *road construction* in conjunction with hazardous fuels treatment within half a mile of communities. Although it allows for hazardous fuels treatment or maintenance or restoration of ecosystem composition and structure, the 2001 Rule does not permit road construction in conjunction with the tree-cutting. The Proposed Rule ignores the Forest Service’s finding in the preamble to the 2001 Rule that “[b]uilding roads into inventoried roadless areas would likely *increase* the chance of human-caused wildfire . . . [f]ire occurrence data indicates that prohibiting road construction and reconstruction in inventoried roadless areas would not cause an increase in the number of acres burned by wildland fires or in the number of large fires.”⁷⁵

5. Native Cutthroat Trout Habitat

The restrictions on road construction and construction of LCZs in the Proposed Rule include a requirement that it be determined that “within a native cutthroat trout catchment or identified recovery watershed, a [road or LCZ] will not diminish, over the long term, conditions in the water

⁷² *Id.* at 21291 (§ 294.43(d)(4)).

⁷³ *See* 66 Fed. Reg. 3273 (§ 294.13(b)).

⁷⁴ *Id.*

⁷⁵ 66 Fed. Reg. 3253 (emphasis added).

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influence zone and in the native cutthroat habitat.”⁷⁶ This provision may provide a measure of protection not included in the 2001 Rule, but it lacks the detail and direction to ensure it is used effectively. The Proposed Rule does not specify who must make the determination or provide any standards for assessing whether conditions are likely to be diminished “over the long term.”

6. NEPA Compliance for Projects in Roadless Areas

The NEPA requirements in the Proposed Rule need more specificity. Under the Proposed Rule, an EIS (rather than an EA) must be prepared for any proposed actions that would “substantially alter the undeveloped character” of a roadless area.⁷⁷ Without guidelines for determining what constitutes a substantial alteration of undeveloped character (any road construction? road construction over a certain percentage of the roadless area? how much tree-cutting? all activity related to development of oil, gas, or coal leases?), this provision opens the door for the Forest Service to approve a variety of surface-disturbing projects in roadless areas on the basis of an EA alone.

IV. Contrast with Other Environmental and Federal Land Management Statutes

The RDEIS pays almost no attention to the value of maintaining a uniform national conservation rule, *i.e.*, providing a national standard for governing roadless areas that is not subject to local pressures. This may be partly because the Forest Service has taken the position in the RDEIS that the 2001 Rule has been declared invalid and is not in effect in Colorado.⁷⁸

As a general rule in other federal environmental and land management statutes that contain a federal component but also allow for a state-specific program, the federal statute and regulations set a “floor” below which state programs may not drop. States may implement their own program tailored to the particular circumstances faced by the state, but their program may not be *less* protective or more permissive than the federal standards.

For example, the Clean Water Act, at 33 USC § 1342(b), governs state programs for permitting discharges from a point source into waters of the United States. The statute allows states to administer their own National Pollutant Discharge Elimination System (NPDES) program under certain conditions, but the EPA standards regarding discharge of pollutants must act as a floor. State programs may impose more stringent regulations than the national standards, but they may not impose less stringent standards.⁷⁹ All permits issued must comply, at a minimum, with all applicable federal requirements.

⁷⁶ 76 Fed. Reg. 21291, §§ 294.43(a) and (b), 294.44(b).

⁷⁷ 76 Fed. Reg. 21291, § 294.45.

⁷⁸ As noted above, this is somewhat ironic, given that the Forest Service is defending the 2001 Rule in the Tenth Circuit.

⁷⁹ See 33 U.S.C. § 1342(b); 40 C.F.R. § 123.1.

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Likewise, the Surface Mining Reclamation and Control Act (“SMCRA”) establishes minimum federal standards for the regulation of coal mining. It permits states to propose a state regulatory program to govern surface mining, but any state program must contain performance, bonding and reclamation standards that are at least as strict as the federal standards.⁸⁰

Adopting a state-specific roadless rule that is less protective than the national rule (assuming the 2001 Rule is reinstated) directly conflicts with this general principle of federal environmental law. It would authorize the managers of national forests in Colorado to permit activities that violate what should be the minimum level of protection – the 2001 Rule. Any state specific rule should be adopted only if it is *more stringent* than the national rule. As demonstrated above and stated in the RDEIS, neither the Proposed Rule nor the Proposed Rule with additional upper tier acres passes this test.

V. Changes Recommended to Strengthen the Proposed Rule

1) Gap Leases:

- a) Change the Proposed Rule to clarify that the Forest Service intends to recognize valid existing rights under oil and gas leases issued as of the effective date of the rule but does not intend the Rule to establish the validity or invalidity of pre-existing rights, including the gap leases.
- b) Revise the language of the Proposed Rule to clarify that pursuant to the Ninth Circuit’s opinion in *Lockyer* reinstating the 2001 Rule, road construction is permitted in conjunction with oil and gas lease development only if that development is consistent with the constraints contained in the 2001 Rule and the injunction issued in the *Lockyer* case. Specifically, amend § 294.43(c)(viii) to read as follows:

(viii) A temporary road is needed within a Colorado Roadless Area pursuant to *valid existing rights associated with* the exploration or development of an existing, *lawfully issued* oil and gas lease that does not prohibit road construction or reconstruction, including the construction of infrastructure necessary to transport the product, on National Forest System lands that are under lease *lawfully* issued by the Secretary of the Interior as of [final rule effective date]. The Forest Service shall not concur in, request or authorize the Bureau of Land Management to grant any request for a waiver, exception, or modification to any oil or gas lease if doing so would result in any road construction or tree cutting within a Colorado Roadless Area beyond that which was *lawfully* authorized by the terms and conditions of the lease at the time of issuance;

⁸⁰ See 30 U.S.C. § 1211.

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- 2) **Inventory**: Support inclusion of the 409,000 acres identified by Colorado as “high quality” roadless areas into the CRAs, but identify “substantially altered acres” deleted from the inventory that are good candidates for restoration of roadless characteristics and request they be included in CRAs. Given that the Proposed Rule requires decommissioning of roads and LCZs and seems to assume that decommissioning can successfully restore roadless area characteristics, there is no reason to abandon protection of all of the “substantially altered acres” in the IRAs.
- 3) **Upper Tier Inventory**:
- a) Recommend selection of Alternative 4 (with 2.6 million acres designated for upper tier protection), with the addition of all upper tier acres identified in Alternative 2 that are not already included in Alternative 4’s 2.6 million upper tier acres.
 - b) In conjunction with this expanded upper tier, adopt the language of the 2001 Rule to allow cutting, sale or removal of small diameter timber in the upper tier to maintain or restore the characteristics of ecosystem composition and structure (such as to reduce the risk of uncharacteristic wildfire effects).⁸¹
 - c) Recognize the removal of Currant Creek from the North Fork coal mining area as an improvement over earlier versions of the proposed Colorado Rule, but give it upper tier protection and insist it *not* be restored to the North Fork area in a final rule.
- 4) **Stronger Protection for Upper Tier**:
- a) Recommend stronger protections from future mineral leasing in the upper tier. Currently, the rule prohibits road construction on new oil and gas leases but does not generally prohibit LCZs or surface disturbance. Strengthen this by adopting the following language, which mirrors the Idaho Rule:

For mineral leases, contracts, permits, and other associated activities authorized after the effective date of this rule, *the Forest Service will not recommend, authorize, or consent to road construction, reconstruction, linear construction zones, or surface occupancy associated with mineral leases in areas designated as upper tier.*⁸²
 - b) **LCZs for water storage or conveyance**: Prohibit LCZs in the upper tier for any water storage or conveyance structure or linear facility other than those associated with absolute rights under a pre-existing water court decree. In other words, allow development of new water storage or conveyance structures on upper tier acres *only where necessary pursuant to valid existing rights*.

⁸¹ See 66 Red. Reg. at 3273 (Jan. 12, 2001), § 294.13(b)(1)(i).

⁸² See 36 C.F.R. § 294.25(c)(1).

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5) **Linear Construction Zones:**

- a) Include maximum width in the definition of LCZ: Amend the definition of “linear construction zone” to provide a maximum width for the corridor. The rights-of-way for the Bull Mountain pipeline included a 30-year, 50-foot ROW for the pipeline and an additional 50-foot temporary use permit for a construction corridor, yielding a total of 100 feet for movement of vehicles and construction of the pipeline. Request that LCZs be limited to a maximum width of 50 feet beyond the right of way issued for the linear facility itself. Specifically, amend the definition of LCZ at § 294.41 to read:

Linear Construction Zone: A temporary linear area of surface disturbance over 50 inches wide but no wider than 50 feet that is used for motorized transport by vehicles or construction equipment to install a linear facility. It is not used as a motor vehicle route and is not engineered to road specifications.

- b) In addition to prohibiting LCZs for pipelines running through a roadless area without connecting to facilities inside the CRA, prohibit LCZs for water conveyance structures running through roadless areas unless they are needed to connect to a previously authorized point of diversion or water storage facility in the roadless area.
- 6) **Coal:** Restrict road construction in the North Fork coal mining area to roads needed for establishing methane vents, and secure protection for the Currant Creek Roadless Area by giving it upper tier status.
- 7) **Road Reclamation Bonds:** Road decommissioning and surface use reclamation are expensive. Any time the Forest Service issues a permit to a non-public entity for construction of a road or an LCZ, the Proposed Rule should require the permittee to post a reclamation bond to cover the costs of decommissioning and reclamation of the road or LCZ as a condition of their right-of-way or permit. Without this, the requirement that temporary roads and LCZs be decommissioned, which is a critical component of the Proposed Rule, will be virtually impossible to enforce.
- 8) **Clarify Definitions:** Provide definitions for currently undefined terms that are central to decisions made by Forest Service officials regarding activities in roadless areas, including
- a) “diminished conditions” in cutthroat trout habitat (*e.g.*, provide specific conditions to be assessed such as turbidity, water temperature, dissolved oxygen concentration, presence of pollutants, presence of non-native organisms, vegetation cover, etc.);
 - b) “over the long term,” as used with “diminished conditions” and maintenance of roadless area characteristics (*e.g.*, limit the “long term” to a maximum of 5 years or less);
 - c) “changed circumstances” as a basis for modification of roadless area inventory;
 - d) “substantially alter the undeveloped character” of a Colorado Roadless Area for purposes of whether to require an EIS for a proposed action; and
 - e) “substantially greater environmental damage” for purposes of permitting a power line or telecom line through a CRA instead of routing it around the roadless area.

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- 9) **Clarify the legal status quo:** Revise the RDEIS to acknowledge that the Forest Service is confronted with competing injunctions that both purport to cover roadless areas throughout the country, including Colorado. Colorado is not simply “under the Wyoming court’s ruling,” and moreover the Wyoming court’s order is subject to reversal.
- 10) **Wait for a Ruling from the Tenth Circuit:** Delay issuance of a final Rule until the Tenth Circuit has ruled on the validity of the 2001 Rule, possibly determining what rule currently governs roadless areas in the states making up the Tenth Circuit. Based on the court’s decision, ensure the FEIS correctly identifies the environmental impacts of adopting a state-specific rule against the correct no-action alternative.

CONCLUSION

According to the RDEIS, *the Proposed Rule is not more protective of roadless areas than the 2001 Rule*. The Forest Service’s own analysis predicts that adopting the 2001 Rule as a state-specific rule will result in the *least* tree-cutting, the *least* road building, and the *least risk* to water quality even as compared to the Proposed Rule with 2.6 million acres in the upper tier.⁸³ The Forest Service and Colorado argue that upper tier protections in Alternative 2 (covering 562,200 acres) more than outweigh the “narrowly targeted” exceptions for road construction and tree-cutting in the Proposed Rule, but the data in the RDEIS do not support this conclusion. The closest any of the current proposals comes to matching the protection of the 2001 Rule is the Proposed Rule with 2.6 million acres in the upper tier, but even this alternative, without additional protections, falls short of the 2001 Rule.

The principal arguments made by supporters of the Proposed Rule that it provides more protection than the 2001 Rule cannot stand up to scrutiny. These arguments are:

1. The Proposed Rule provides heightened protection for almost one million acres over the 2001 Rule.⁸⁴
 - o *Response:* After subtracting the 467,000 acres removed from the inventory and the 562,000 acres in the upper tier that were already protected under the forest plans, the only net increase in protection is in the durability of upper tier protections as compared to the forest plans.
2. The Proposed Rule restricts LCZs, while the 2001 Rule does not.⁸⁵

⁸³ RDEIS p. 156; 76 Fed. Reg. at 21280.

⁸⁴ Statement made by Forest Service officials at press conference held jointly by the United States Forest Service and the Colorado Department of Natural Resources, April 14, 2011.

⁸⁵ Statement made by Forest Service officials at May 17, 2011 public meeting regarding Proposed Rule.

- *Response:* The RDEIS demonstrates that there are so many exceptions to the prohibition on LCZs that there is no difference in miles of LCZs likely to be constructed under the 2001 Rule vs. the Proposed Rule. Even the required findings associated with LCZs under the Proposed Rule do not result in fewer project miles of LCZ construction.
3. The Proposed Rule is superior to the 2001 Rule because it addresses needs and challenges that are unique to Colorado such as reducing the heightened risk of severe wildfires associated with millions of acres of beetle-ravaged trees; responding to the need to develop coal, oil, and gas resources; and accommodating ski areas.⁸⁶
- *Response:* Neither beetle-kill, wildfire risk, fossil fuel extraction, municipal water needs, ski areas, or the need to protect local economies is unique to Colorado. States all over the Mountain West face these challenges. These issues cannot justify a state-specific rule that deprives roadless areas of the protections afforded by the 2001 Rule and leaves them vulnerable to piecemeal exploitation or excessive hazardous fuels treatments.

The Obama Administration has committed to adopting a Colorado-specific rule only if it is at least as protective of roadless areas as the 2001 Rule. If the administration makes good on this pledge, it will not adopt the Proposed Rule in its current form. In the absence of agreement between the Ninth and Tenth Circuits that the 2001 Rule was properly promulgated (and therefore currently governs Colorado's roadless areas), adoption of the 2001 Rule as a state-specific rule provides the most protection for Colorado's roadless areas. If some form of the Proposed Rule is adopted, however, the maximum acreage should be included in the upper tier. In addition, the recommendations above would significantly strengthen the Proposed Rule over its current form, particularly for the upper tier acres.

⁸⁶ RDEIS p. 34.

The Pew Environment Group
01 E Street NW
Washington, DC 20004

JUL 19 2011

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812



From: richrudin@cs.com
Sent: Thursday, July 14, 2011 7:29 PM
To: COcomments
Subject: Roadless Comments from Concerned Citizens of Delta County

To whom it may concern,

This letter to serve as comments from the Concerned Citizens of Delta County (CCDC) a member of the North Fork Coal Working Group, concerning new Roadless Rules/Areas

It is our suggestion that IF POSSIBLE a short period of negotiation between the original negotiators (at State Level) be convened. If not possible, it is CCDSs' understanding that the "proposed" roads would be predominately in Oak Brush. If this is true than we have no problem allowing this, as we see Oak Brush as THE renewable resource.

Richard Rudin
CCDC
PO Box 1607
Paonia, Co 81428

From: Sam Brown or Tara Miller [tarasam@tds.net]
Sent: Thursday, July 14, 2011 12:14 PM
To: COcomments
Subject: Roadless Comments

I would like to see more protection for Colorado roadless areas. I prefer to recreate away from motor vehicles and I am concerned about wildlife habitat and water shed areas. I

I like the idea of the upper tier category and would like to see more land put in that category such as roadless areas next to existing wilderness areas or other areas with great natural value. Please do not allow linear construction in the upper tier areas.

In the two plans submitted I would like to see all the upper tier lands in both plans protected.

Also do not put the Currant Creek roadless area (Priest Mountain) in the North Fork Coal Area, it is not close to any existing mine.

Colorado roadless areas are an extremely precious resource that should be conserved. The Rocky Mountains are the watershed of the country and provide benefits that can not be replaced.

Thank You for taking my comments, Samuel Brown

From: Bob Allen [boballen@allendurango.com]
Sent: Thursday, July 14, 2011 12:40 PM
To: COcomments
Subject: Road less rules comment

Hi and to whom it may concern.

Disclaimer: I am a Durango resident. I have lived in Durango for 30 years. I was a member of the original Trails 2000 founding board of directors. I still contribute to Trails 2000.

Personal: I am 52 years old. I have one very bad knee. It makes most load bearing activity like hiking and backpacking out of the question. Despite the physical handicap that restricts my activities, I remain as active as possible. I am still able ride bikes which is low impact on my knee(s) and I swim.

Comment: The existing "road less" Wilderness Areas of the four corners are closed to bikes/mechanized vehicles. I can't hike in those areas because of my knee condition. I don't have or ride horses. I am shut out of recreational access to or reasonable recreational use of the existing Wilderness areas. Allowed uses of the Wilderness Areas discriminate against me.

I car camp a lot. My wife and I recently purchased a truck mounted camper to enhance this outdoor experience that is possible for us. We cherish the opportunity. Being able to access and car camp in remote areas of the national forest is my wilderness experience. Road closures will simply be another layer of restrictions discriminating against my use of the public land in the national forest.

Please give careful consideration to and reasonable analysis of my use capabilities and those of others like me when considering road closures in the national forest.

Respectfully

Bob Allen
boballen@allendurango.com
www.allendurango.com

From: Earthjustice [info@earthjustice.org] on behalf of Kimberly Rowlett [duchessoftn@aol.com]
Sent: Thursday, July 14, 2011 6:48 PM
To: COcomments
Subject: RIN 0596-AC74: Colorado Deserves The National Roadless Rule

Jul 14, 2011

U.S. Forest Service
Colorado Roadless Rule/EIS, P.O. Box 1919 Sacramento, CA 95812

Dear Forest Service,

As someone who cares about protecting America's pristine forests for future generations, I strongly urge you to abandon the Colorado Roadless Rule, a dangerously weak proposal, and replace it entirely with the stronger National Roadless Rule.

Colorado is home to seven National Forests, which contain some of the last truly unspoiled lands in the country, including 4.4 million acres of pristine roadless areas. These lands are a haven for wildlife -- home to many imperiled species, including the northern goshawk and cutthroat trout. Many of Colorado's most important rivers have headwaters in roadless watersheds -- providing drinking water to millions of Americans and Colorado residents.

Colorado's roadless and backcountry areas also provide world-class recreational opportunities, which not only help sustain the state's tourism and recreation-based economy but also its residents' quality of life.

Unfortunately, the proposed state-specific roadless rule will only provide a high level of protection for less than 12 percent of Colorado's remaining roadless lands and also contains several gaping loopholes that will allow more logging and road-building and exempts 20,000 acres of roadless areas so that the coal industry can bulldoze the land with roads and drill it with holes.

Decades of road-building, logging, and mining have already degraded much of Colorado's national forests, and less than a third remain as roadless areas. Roads fragment habitat and bring pollution, noise, and noxious weeds, which rapidly eat away at the territory left safe for imperiled species. Roads also bring erosion and sedimentation, scarring sensitive landscapes and muddying clear mountain streams.

The 2001 National Roadless Rule currently protects 50 million acres of pristine national forests nationwide, sparing America's last unroaded lands from auction, bulldozing, and commercial logging. The Obama Administration's Forest Service should not put forward a watered-down roadless rule for Colorado that will jeopardize fish and wildlife populations and clean water and threaten the recreational opportunities and other important benefits provided by these lands. Colorado shouldn't have to accept weaker protections. It deserves the same gold-standard protections afforded to the rest of the country under the 2001 National Roadless Rule.

We need to prevent road construction and widening in areas where it is not needed, such as in the historic SE TN, and NW Georgia areas, where there are wetlands, watersheds, natural springs, the most famous at Red Clay State Park feeds into the Coosa River, and it's and other springs, may affect Georgia's water quality, quantity and may be another very important, and interesting part of Georgia's "water wars", as these kinds of areas allow us to understand that it is not just the Tennessee River, that Georgia should be concerned about, it is also the environmental health small streams, springs, etc. Future and current major road development plans will bring new sources of potential hardous chemicals, and other pollutants into these areas, which should remain natural, quiet and scenic, such as Apsion, Collegedale, Ooltewah, Summit, McDonald, Black Fox, Lebanon, Flint Springs, Blue Springs, and into NW Georgia areas, of Cohutta, Dalton, Whitfield Co., Catoosa Co., Ringgold, Tunnel Hill, Ga., etc. We need to preserve the landscapes of these areas, and the

COR 738

current historic roads also, as they are a major part of our history, via the Civil War, as well as Native American, etc. These areas also have endangered species such as black bear, whooping cranes, bobwhites. We need to prevent big roads from being constructed in these and other areas, now and always!

Thank you for considering my comments.

Sincerely,

Ms. Kimberly Rowlett
3342 Tunnel Hill Rd SW
Cleveland, TN 37311-8338

From: Colorado Environmental Coalition [info@ourcolorado.org] on behalf of Mark Schofield [schofima@hotmail.com]
Sent: Thursday, July 14, 2011 8:38 PM
To: COcomments
Subject: Please protect Colorado's Roadless Areas

Jul 14, 2011

Colorado Roadless Comments

Dear Comment Team Roadless Comments,

Thank you for accepting my comments on the proposed rule for Colorado's national forest roadless areas.

Though I currently live in Washington State (where all 2,000,000+ acres of inventoried roadless areas are fully protected by the 2001 Roadless Area Conservation Rule), I feel a deep connection to Colorado's roadless wildlands. I was born and raised in Colorado, and have lived 25 of my 36 years there. Throughout that time, I took countless excursions into forested wildlands/roadless areas. I'm especially fond of roadless areas in the Pike-San Isabel and Grand Mesa-Uncompahgre-Gunnison National Forests. These forests have inspired me, taught me and challenged me.

It pains me to think that Colorado's roadless areas would receive any less protection than roadless areas in Washington or elsewhere throughout the country. If the U.S. Forest Service moves forward in adopting a rule for Colorado's roadless areas, then that rule should be at least as protective as the 2001 Roadless Rule.

The protective status of the "upper tier" designation should be strengthened (including the addition of No Surface Occupancy stipulations) and applied widely across Colorado's roadless areas. Here are examples of some of the specific roadless areas I believe deserve "upper tier" protection...

- Kannah Creek: This source of clean drinking water for tens of thousands in the city of Grand Junction is crucial to human health and well-being. The most protective roadless status for Kannah Creek will help ensure that road building (e.g. for natural gas drilling) will not harm water quality.

- Kelso Mesa: Because it is the largest remaining area of intact roadless area on the Uncompahgre Plateau's national forest land, it represents the best opportunity to maintain big core habitat on the plateau.

- Dominguez: This roadless area is contiguous with Dominguez Canyon Wilderness and should be similarly protected from road building or other activities that would compromise its wilderness characteristics.

- Clear Fork: This area is vitally important as core wildlife habitat and helps maintain habitat connectivity between the Grand Mesa and West Elk Mountains. Road building for gas drilling or other development would harm these values.

Each of the areas listed above contain relatively low- and mid-elevation habitat, which is generally underrepresented in protected areas across the GMUG National Forest. Along those lines, it is most glaring that there are no roadless areas on the Grand Mesa slated for upper tier protection in the Colorado Roadless Rule. This is unacceptable.

COR 739

A final rule must ensure that an area's overall roadless qualities and characteristics be enhanced and maintained, and must tighten the overly broad discretion that would allow logging far into the backcountry.

New roads of any type should not be allowed to access or develop future water facilities, nor should the idea 'linear construction zones' be expanded to permit new transmission, utility, and telecommunication lines. Any construction corridors on roadless forests must be limited to existing rights-of-way.

Thank you for this opportunity to provide comment. I support the protections embodied in the National Roadless Rule and do not support managing Colorado's National Forests to a lower standard.

Sincerely,

Mark Schofield
400 Whatcom St
Bellingham, WA 98225-5220

From: Matthew Walsh [mrwalsh@mymail.mines.edu]
Sent: Thursday, July 14, 2011 9:33 AM
To: COcomments
Subject: No need for more roads

The economic benefit of Colorado's open spaces and road-free back country is hard to quantify. That said, it is clear that sacrificing any of the remaining wilderness for lumber is not worth it. There is almost no societal benefit to logging in Colorado (though I admit there is a small economic benefit in the form of jobs), but the societal and economic cost in the form of lost wilderness (one of the main attractions of the state) outweighs the benefit in almost all cases (gas wells being an obvious exception as energy is a necessity) when lost wilderness is in question. Matt Walsh

From: Jon Easdon [noj23jon@gmail.com]
Sent: Thursday, July 14, 2011 2:56 PM
To: COcomments
Subject: keep our backcountry pristine!!

As a 3rd generation native, and an avid outdoorsman, I cannot stress enough the fact that we need to leave our backcountry alone. In my life, I have seen places I used to go when I was young simply disappear. With the backcountry already being invaded, we cannot afford to destroy the most precious resource Colorado has to offer. I speak for throngs of people when I write this. We do not need roads, subdivisions, or hoards of development invading the very thing that makes Colorado so special. I would like to be able to show my children our backcountry one day. If this development plan goes through, that will be a very slim possibility. Please, keep it the way it is...leave it alone.

--

Thanks, Jon

Bl!nds!de
Jon Easdon
293 S. 21st. ST.
Colo. Spgs. CO.
80904
719-636-1554
www.blindsidecolorado.net

From: Kristine Johnson [johnson.k@bresnan.net]
Sent: Thursday, July 14, 2011 2:52 PM
To: COcomments
Subject: Improved protection for roadless areas

Thank you for taking these comments in favor of improved protection for roadless areas.

This is a complex subject and I appreciate the endless hours put in by the Forest Service on the public's behalf for decades on roadless projects. I have been a hiker, wildflower enthusiast, boater and supporter of wilderness/roadless areas in Colorado (and beyond) since the early '70's. The renewal and mental/physical health I find on the mountain trails remain pivotal to my well being. I was recently in Alaska and was reminded once again, how developed and suburban our beloved Colorado is. We must remember what makes Colorado, Colorado and draw these roadless lines on the side of the wild.

I am also concerned about water, water sheds, wildlife/habitat issues and our over reliance on fossil fuels. Our planet and civilization are in peril and these improved roadless protections are steps toward sanity and the preservation of the quality of life we hold so dear in Colorado.

Please honor the critical importance of water sheds in the upper tiers and increase the upper tier designations. Curtail or prohibit water projects in upper tiers as well. Use directional drilling for oil and gas instead of roads in roadless areas. Fire mitigation appears to need only a half mile or so near homes, etc. and perhaps loopholes could be prevented by disallowing more distance.

I am proud that Colorado came up with a plan when the former administration wiped out Clinton's ruling. Now the Federal ruling is looking better than the Colorado plan. Take the best of both and Good Luck with this difficult task.

Sincerely,

Kristine Johnson
82 Big Bend Loop
Durango, CO 81301

From: Michael Gibson [michael.gibson@carebase.com]
Sent: Thursday, July 14, 2011 2:50 PM
To: COcomments
Subject: I support strong protections for Colorado's Roadless Areas

Dear Comment Team [Decision Maker],

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA95812
Via email: COComments@fsroadless.org

Dear Land Managers:

(Please note last paragraph that has been added :)

The Final Colorado Roadless Rule needs stronger restrictions on logging and road construction in roadless areas. The maximum distance allowed for road construction for fuel reduction should be no more than one-quarter mile from roadless boundaries.

I support expanding the acreage in the Upper Tier and increasing protection of Upper Tier areas. The Forest Service should combine Alternative 4 Upper Tier lands with Alternative 2 Upper Tier lands to create meaningful protection for most of Colorado's Roadless Areas.

Two loopholes in Upper Tier protections must be eliminated. First, all upper tier lands should have NSO stipulations for future oil and gas leases that cannot be waived, modified, or excepted. Second, all linear construction zones should be prohibited in Upper Tier lands other than for valid and existing rights.

The Forest Service should consider invalidating or appropriately stipulating gap leases to comply with the National Environmental Policy Act. Any final environmental analysis must consider the impacts of invalidating gap leases.

To comply with agency regulations and other laws, any final rule must require that gap leases issued without appropriate stipulations will be invalidated or brought into compliance when the 2001 Rule is upheld.

The Forest Service and Bureau of Land Management must take affirmative steps to ensure that leases issued in roadless areas after the 2001 Roadless Rule are not developed in violation of that Rule.

The Forest Service should not give the impression that illegal gap leases will be grandfathered by a new Colorado Roadless Rule.

A Colorado Rule must be as protective of endangered species and their habitat as the 2001 Roadless Rule.

Further, as new solar panel production methodologies, improved efficiencies, etc., as testified in Congress as reaching cost parity with natural gas electrical generation in just two years, and coal in 8 years, there is no longer any need to give coal companies any more subsidies or rights to free incursion in our national forests. Please do not give them the right to make any more roads, including for ventilation tunnels or any other means, in our Colorado forests. It's time for King Coal's free ride to end.

Sincerely,
Michael Gibson
Glenwood Springs, CO

COR 743

Michael Gibson
75 Casa del Monte Ct.
Glenwood Springs, CO, CO 81601

From: Rich Davis [rich@lightningtrigger.net]
Sent: Thursday, July 14, 2011 9:59 PM
To: COcomments
Subject: Hermosa Creek Roadlees Area

Dear Folks,

I have hiked, hunted, camped and biked the Hermosa Creek drainage for over ten years. This area is an exceptional and pristine Wilderness area that I can only compare to Gates of the Arctic in the Brooks Range of Alaska. Any option, other than Wilderness designation of the Hermosa Creek drainage will be a failure of humanity and a triumph for human greed.

Best regards,

Rich Davis

From: John Harris [cmtrajohn@gmail.com]
Sent: Thursday, July 14, 2011 3:12 PM
To: COcomments
Subject: Comments: Colorado Roadless Rule/EIS

Good Day,

Thank you for taking the time to thoroughly review my comments regarding the Colorado Roadless Rule/EIS. I am writing to voice my support of the proposed reduction in acres included in Alternative 2 and my adamant opposition to Alternative 4 and the theory of Upper Tier. I also oppose any increase in included acreage in the Pike/San Isabel and San Juan Forests.

I am opposed to the entire theory of Roadless, as it does not provide the USFS any additional management tools or processes, in fact it reduces flexibility for the USFS to manage the forest as they were trained and deem necessary for the health of the forest and recreation opportunities for the public. Roadless is simply an additional way to restrict responsible access to, and recreation on public lands. If these areas have such unique characteristics they should be included in a Wilderness proposal. Roadless really is watered down Wilderness that avoids Congressional approval. These areas are not appropriate for Wilderness, and thus such action is inappropriate, which is obviously why the Roadless theory was born. Just another way to keep the public off public land. It's a sad time for my state and country. Please help conserve recreation and the resulting health and welfare of our children and families, instead of driving the public out of the forest.

Most importantly, **it will cost the Colorado economy \$100 million just to support the Upper Tier theory, not including Roadless as a whole.** I absolutely will not support my tax dollars paying for a fake Wilderness program that makes the life of land managers more difficult. The EIS goes to great lengths to address the need for flexibility in dealing with fuels issues on the forests, this entire plan spits in its face.

However I do support the continued management of dispersed motorized recreation in all areas per the Travel Management Planning process. I also support the elimination of the Roadless theory. How much time and money must be wasted before the majority becomes educated enough to stop the loss of public land and healthy, responsible recreation. The public needs more opportunities, not less, and the USFS needs more flexibility, not less. Doing more with less is a farce.

Thank you for your time, please don't lock me and my family out of the forest and into the suburbs and unhealthy video games and couch surfing. Have a great day.

John Harris
CMTRA - President
Colorado Motorcycle Trail Riders Assoc.
Manitou Springs, CO 80829
(719) 337-5179

From: Ann Swope [ann@townofdolores.com]
Sent: Thursday, July 14, 2011 9:43 AM
To: COcomments
Cc: manager@townofdolores.com
Subject: Comments on Roadless Rule

July 14, 2011

Department of Agriculture
Forest service
Colorado Roadless Rule/EIS
Ken Tu, Team Leader
P O Box 1919
Sacramento CA. 95812

Components of the Colorado Roadless rule were discussed with representatives of the NSFS, Dolores Ranger District at the Town of Dolores Workshop session held June 27, 2011. We were surprised to learn that the potential for negative impacts on businesses in Dolores and therefore our sales tax collections were not addressed by anyone. Myself and several board members were also not happy with the failure of the study to address access for elderly and handicapped. I therefore object to adopting any EIS until these issues have been addressed.

Sincerely,

Duvall Truelsen,
Mayor Town of Dolores

P O Box 458
Dolores, CO. 81323
970-739-6415

PUBLIC SUBMISSION

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Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0209
Comment on FR Doc # 2011-09119

Submitter Information

Name: Nancy C Jacques
Address:
2609 Columbine Ave
Durango, CO, 81301
Email: nan.c.jacques@gmail.com
Phone: 970-903-7245

General Comment

While the Federal Roadless Area Conservation Rule is, by far, superior to what is being proposed in having states design their own rules, I wish to comment on what Colorado is proposing.

1. Upper tier acreage being protected of 500,00 acres is far too limited. The difference between 2.8 million acres and 500,000 hardly needs to be pointed out. I would like to see this acreage increased and see absolutely no reason why it shouldn't be.

2. Tier two lands need to be increased.

3. Exclusions seem okay.

4. If the above is out of the question, and if the Federal law could be overturned, Colorado's plan is better than nothing. Still why not honor the standards set forth in the Federal law?

The RACR received overwhelming national support during the public processes. What a shame that we can never put to rest protection issues and honor, for a change, what the public has wanted, not special interests, oil and gas exploitation, and organized recreational groups.

Nancy Jacques

COR748.

PUBLIC SUBMISSION

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Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0220
Comment on FR Doc # 2011-09119

Submitter Information

Name: Kelsey Jeanette Delaney
Address:
5400 Grosvenor Lane
Bethesda, MD, 20814
Email: delaneyk@safnet.org
Phone: 301-526-8354
Fax: 301-897-3690
Organization: Society of American Foresters

General Comment

Please accept the attached comments on the 2011 Proposed Colorado Roadless Rule by the Colorado/Wyoming SAF State Society and the National Society of American Foresters. We thank you for your time and consideration.

Thank you,

Attachments

CO-WY SAF_National SAF Comment on Proposed Colorado Roadless Rule



July 13, 2011

Colorado Roadless Rule/EIS
 P.O. Box 1919
 Sacramento, CA 95812

Re: Special Areas; Roadless Area Conservation; Applicability to the National Forests in Colorado

Submitted via <http://www.regulations.gov>

On behalf of the Society of American Foresters (SAF), the national scientific and educational organization representing the forestry profession in the United States, please accept the following comments on the proposed Colorado Roadless Rule (hereafter referred to as the Proposed Rule). As the organization chartered to advance the science, education, technology, and practice of forestry for the benefit of society, SAF has been actively involved with the management of forestlands in both the public and private sectors since its inception. These comments have been developed and submitted jointly by the Society of American Foresters, representing over 14,000 professional foresters nationwide, and by the CO/WY State Society, representing over 400 members in the Colorado and Wyoming Chapters of SAF. The Society of American Foresters hopes this effort will bring the roadless issue to a conclusion in the State of Colorado as long-term uncertainty in management objectives results in negative impacts for the forest and the surrounding communities.

SAF commends the process and joint effort the US Forest Service and the State of Colorado used to develop this Proposed Rule. This collaboration provides a better framework to integrate local and national concerns on contentious issues like roadless areas and their future management. SAF believes that recognizing the need for some level of active forest management activities to address heavy fuel loadings in Colorado Roadless Areas (CRA's) near at-risk communities is an important component for effective land management in roadless areas.

SAF's concerns with the Proposed Rule are primarily a lack of clarity on management objectives, the lack of discussion on concerns related to the significant mountain pine beetle outbreak in northern and central Colorado, the misplaced guidance on cutting only small-diameter trees, and the high-level management approvals required for activities. These concerns are explained in greater detail below.

A road network is a critical component for the management of healthy forests. Roads provide the access to areas by both personnel and equipment. Road availability and condition are critical factors in the cost and feasibility of most forest management activities. SAF recognizes that roads can also create some of the greatest impacts to the forest ecosystem, whether through erosion, sediment deposition in waters, conduits for invasive species expansion, or through increased human use. However, regarding the following statement on page 4 of the *Rule Making for Colorado Roadless Areas Revised Draft Environmental Impact Statement* (hereafter referred to as the Summary Document):



“As recognized in the 2001 Roadless Rule, tree-cutting, sale or removal, and road construction/reconstruction have the greatest likelihood of altering and fragmenting landscapes...”

While there was evidence to support that statement in 2001, the large intense wildfires and major mountain pine beetle infestations over the past 10 years have shown that forests are dynamic and influenced by many other stressors that impact the forest landscape.

SAF has the following specific concerns about the draft regulations:

Upper Tier Designations

In the Federal Register (p. 21275), the Forest Service specifically requested comments on the “concept, management, and rationale for designation of specific areas within the Colorado Roadless Rule identified as ‘upper tier.’” SAF believes that a more detailed explanation for how upper tier areas are delineated needs to be provided, and the management objectives of these ‘upper tiers’ need to be defined in a format understandable to the average reader.

The Summary Document (p. 14) for this Proposed Rule contains the following:

“This alternative designates 562,200 acres as CRA upper tier acres. These areas were identified in forest plans, or during forest plan revision processes, as areas where tree-cutting and road building restrictions would be appropriate.”

There must be an error in the second sentence because, as written, it seems to contradict the intent of upper tier areas. Perhaps the word ‘inappropriate’ should replace ‘appropriate’? Continuing with the premise that there is an error at the end of the sentence, the identification “...in forest plans, or during forest plan revision processes ...” does not provide enough information to determine if the boundaries of the upper tier areas were drawn arbitrarily or through use of sound criteria (for example, areas in approved Forest Plans with Management Prescriptions 1.2 or 1.31). It should be further noted that the upper tier acres included on the GMUG National Forest did not go through a formal forest plan comment period on management prescriptions before being designated as upper tier in the Proposed Rule.

The Proposed Action, as described in the Summary Document (p. 4), states that this rule is intended to provide direction on how roadless areas should be managed in the future, to wit:

“The Department, in cooperation with the State of Colorado, proposes to promulgate a state-specific rule to manage roadless areas and conserve roadless area characteristics on NFS lands in Colorado.”

However, SAF reviewers had a very difficult time trying to determine exactly what this management would entail. If experts in the forestry profession are unable to determine the management direction of the Proposed Rule, the general public will likely have a difficult time as well. Using a format similar to the 2003 Revised Medicine Bow National Forest Plan, Table 2-2 of Chapter 2 would be helpful, where the

reader can easily determine if specific uses such as road construction, timber harvesting, and motorized recreation are permitted in particular Management Prescription Areas.

An area of potential concern by our reviewers pertains to the use of chainsaws to fell hazardous, dead standing trees or to remove fallen trees from established trails in upper tier areas. Reviewers were unable to determine whether or not this was addressed in the Proposed Rule and given the high mountain pine beetle activity in Colorado and the long-term work effort, the necessary tools need to be directly defined.

Mountain Pine Beetle Outbreak

While the Draft Environmental Impact Statement of the Proposed Rule does mention the significant mountain pine beetle outbreak in northern and central Colorado, there was no discussion of how the Proposed Rule would affect the mitigation of dead standing tree hazards or the future recovery of these forests (for example, refer to above comments on upper tier areas).

Broad Tree Cutting Restrictions

SAF recommends that the Proposed Rule avoid establishing broad restrictions on the type of harvesting and tree cutting that is recommended for fuels reduction in CRAs. For example, projects that are "...focused on small diameter trees to create fuel conditions to modify fire behavior ..." (Federal Register, p. 21276) may not be appropriate in many of the forest types that are found in CRAs. Although the Proposed Rule recognizes that this should be done to the "maximum extent practical" (*sic* – should be practicable, not practical), this rule would set up an expectation that only small trees would be removed for hazardous fuels reduction.

The types of harvesting needed for fuels treatments and forest health should be in concert with the recommendations of a certified silviculturist who has viewed the specific area on the ground. Lodgepole pine types and spruce/fir types may require the removal of larger trees to reduce fuels or address insect and disease problems. The Proposed Rule ignores the possible need for forest health treatments, such as aspen enhancement at higher elevation mixed-conifer stands. This could be very critical for climate change adaptation treatments, and the cutting/removal of large-diameter remnant aspen or overstory conifers may be needed to promote aspen regeneration. As the Proposed Rule currently reads, these aspen treatments could only be conducted through a fuels treatment or a project to improve habitat for "...Federally threatened, endangered, and proposed sensitive species ..." (Federal Register, p. 21276). The success of aspen treatments could be compromised by restricting cutting to only the small-diameter trees.

Finally, there is also the question of what constitutes a "small-diameter" tree. In other words, at which diameter is a tree considered large and should be left standing.

Distances from CPZ

As we understand it, tree harvesting and treatments can take place up to 1½ miles from the boundary of Community Protection Zone (CPZ), provided there is Community Wildfire Protection Plan. However, road construction would still be limited to one-half mile from a CPZ. Given current economic conditions, the road construction restriction will severely limit wood product removal for utilization purposes (to help fund the fuels treatment) and/or to further improve fuels reduction efforts for areas greater than 1,000 feet from a road. Therefore, SAF is concerned that these areas will not receive the treatments needed for effective fuels reduction.

As stated earlier in these comments, the biggest threat to roadless area landscapes may not be tree cutting but rather fire and insects. Many areas that underwent tree harvesting in the past still have a high degree of naturalness and natural integrity. For example, areas that were 'tie-hacked' in the 1920s are still part of today's roadless inventory on several National Forests. But many of these roadless areas have been or will be burned over by wildfire or attacked by epidemic populations of bark beetles. While an area may still retain its roadless characteristic, other environmental services (e.g. wildlife habitat, watershed protection, etc.) could be compromised by the dynamic forces of nature and the loss of opportunity for more effective management.

Regional Forester Decision Official

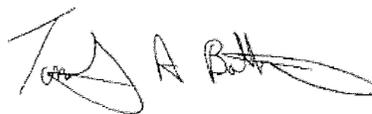
SAF recommends that the Forest Service reconsider having the Regional Forester designated as the "Responsible Official" for decisions under this Proposed Rule. While understandably required for activities in congressionally designated Wilderness Areas, requiring approval at that high a level in the Forest Service for activities in agency-designated CRAs is unnecessary and excessively burdensome. SAF recommends that the Responsible Official be the Forest Service employee with the normal authority to make authorizations and other decisions in these areas (usually a District Ranger or Forest Supervisor). These officials already have responsibilities to ensure that the activities they approve meet the myriad of existing regulatory requirements, and SAF believes that these forestry professionals possess the competencies necessary to implement the Proposed Rule.

SAF considers decisions made related to road networks, such as those in the proposed Colorado Roadless Rule, are of critical importance in the long-term management of forestland. We appreciate your consideration of the above comments.

Sincerely,



Roger A. Dziengeleski, CF
President, Society of American Foresters



Timothy A. Bottomley
Chair, Colorado/Wyoming SAF State Society

PUBLIC SUBMISSION

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Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0224
Comment on FR Doc # 2011-09119

Submitter Information

Name: Barbara J Hughes
Address:
1848 Hunters Ct
Steamboat Springs, CO, 80487
Email: skibarb@zirkel.us

General Comment

When I first visited Colorado, over 30 years ago, I was impressed by the beauty of the National Forests, the clear water and the abundant wildlife. After living in Routt County, Colorado for 14 years, I have an even greater appreciation for roadless areas and the benefits they provide for people, birds, fish and wildlife. As a birder and volunteer for the Colorado Division of Wildlife and the U.S. Forest Service, and a member of a number of state environmental organizations, I am now even more aware of how critical it is to have undisturbed habitat for both wildlife and clean watersheds.

After reading the Rulemaking for Colorado Roadless Areas Revised Draft Environmental Impact Statement, I am somewhat confused as to which alternative would provide the greatest protections. I am writing to express my opinion that instead of creating exceptions to the 2001 federal roadless rule, Colorado should be a leader in creating additional upper tier protections.

Thank you for giving the public the opportunity to comment on this important issue. Our children and grandchildren will thank us for making the effort to protect Colorado's incredible environment for future generations of people and wildlife to enjoy.

PUBLIC SUBMISSION

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Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0223
Comment on FR Doc # 2011-09119

Submitter Information

Name: Kurt Rene Schwarz
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9045 Dunloggin Ct.
Ellicott City, MD, 21042
Email: krschwa1@verizon.net
Phone: 410-461-1643
Submitter's Representative: Conservation Chairman
Organization: Maryland Ornithological Society

General Comment

The Maryland Ornithological Society appreciates the opportunity to comment on the proposed rule for Special Areas, Roadless Area Conservation in Colorado National Forests. Please see the attached document for our detailed comments.

Attachments

MOSColoradoRoadlessRuleJuly2011

MARYLAND ORNITHOLOGICAL SOCIETY, INC.



9045 Dunloggin Court
Ellicott City, Maryland 21042
krschwa1@comcast.net

July 13, 2011

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812
COComments@fsroadless.org

To the Forest Service:

The Maryland Ornithological Society (MOS) appreciates the opportunity to submit these comments on the proposed Colorado roadless areas rule and draft environmental impact statement (DEIS). This is in response to the notice published in the *Federal Register* on April 15, 2011.

Members of MOS have visited roadless areas in Colorado, as they contain important habitat for birds and other forms of wildlife. MOS commented on the proposed rule change in 2008, at which point we called for continued application of the 2001 Roadless Rule. We would like to reiterate our support for the continued application of the 2001 Roadless Rule, and hence support Alternative 1. While the "upper tier" protections contained in other alternatives appear on the surface to be attractive, we do not believe deviation from a national standard will benefit the habitat in question nor the birds and other wildlife which reside there.

We believe adoption of Alternatives 2-4 would harm the national interest by weakening the protection given to roadless areas by the national Roadless Area Conservation Rule adopted in January 2001. We urge that it be rejected.

MOS is a statewide nonprofit organization established in 1945 and devoted to the study and conservation of birds. Currently we have 15 chapters and approximately 2,000 members. Some are scientists and naturalists, but our membership includes people of all ages and all walks of life, from physicists to firefighters, legislators to landscapers. Birding is one of the fastest-growing outdoor recreational activities. MOS members travel to national forests on birding and nature-watching vacations throughout the United States. We spend money on food, lodging, guide services, books, and souvenirs to support the local economy wherever we go.

Thank you for considering these comments.

Sincerely,

Kurt Schwarz
Conservation Chair

COR751.

PUBLIC SUBMISSION

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Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0221
Comment on FR Doc # 2011-09119

Submitter Information

Name: steve l graham
Address:
Po Box 3664
1410 CR 500
Pagosa Springs, CO, 81147
Email: sledtools@centurytel.net
Organization: red blooded american

General Comment

I strongly prefer a "no action" option. There is enough protection and oversight of public lands at this time. We should not restrict ourselves as a state or country by eliminating any lands from potential development. We will soon need every resource at our disposal to continue the momentum we have built as a nation.

The natural resources of this country are what enabled us to become a world superpower. This we should not forget.

“Do what you can, with what you have, where you are.”

Theodore Roosevelt

COR752.

PUBLIC SUBMISSION

As of: July 15, 2011
Received: July 13, 2011
Status: Draft
Tracking No. 80ec16e3
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0219
Comment on FR Doc # 2011-09119

Submitter Information

Name: Phil & Sally Buckland
Address:
P.O. Box 56
Empire, Colorado, 80438
Email: madcreek@ieee.org
Phone: 303-569-2988
Organization: Self

General Comment

We are private land owners with property included within the proposed Colorado Roadless Rule (CRR) as outlined in preferred Alternative 2 in the Federal Register notice (76 FR 21272). Roads have and do exist in these areas which mean the areas do not meet the criteria for roadless designation.

Our family has owned land included in the CCR Alternative west of Empire and in the Mad Creek Watershed since the 1860's predating the formation of the U.S. Forest Service. The proposed Colorado Roadless Rule upper tier areas are not roadless and we as property owners were not contacted by the U.S. Forest Service or the State of Colorado in the rulemaking process as required by Colorado laws. The rule as depicted in Alternative 2 would constitute a significant taking. We have and continue to pay property taxes in accordance with their lawful uses. These properties are properly zoned under Colorado law. We have access rights to our properties under Federal and Colorado law. The proposed Colorado Rule works to impede and diminishes our property rights and safeguards.

We also obtain our domestic, irrigation and hydro-electric power from the Mad Creek Basin which has always had roads in the basin. The roads have always been used for watershed and hydro management. The proposed Colorado Roadless Areas would preclude forest health management involving tree-cutting and may lead to larger areas of dead trees and potentially larger and more damaging wildfires. These restrictions will result in a greater risk of severe events

and increased costs to us and entire Town of Empire.

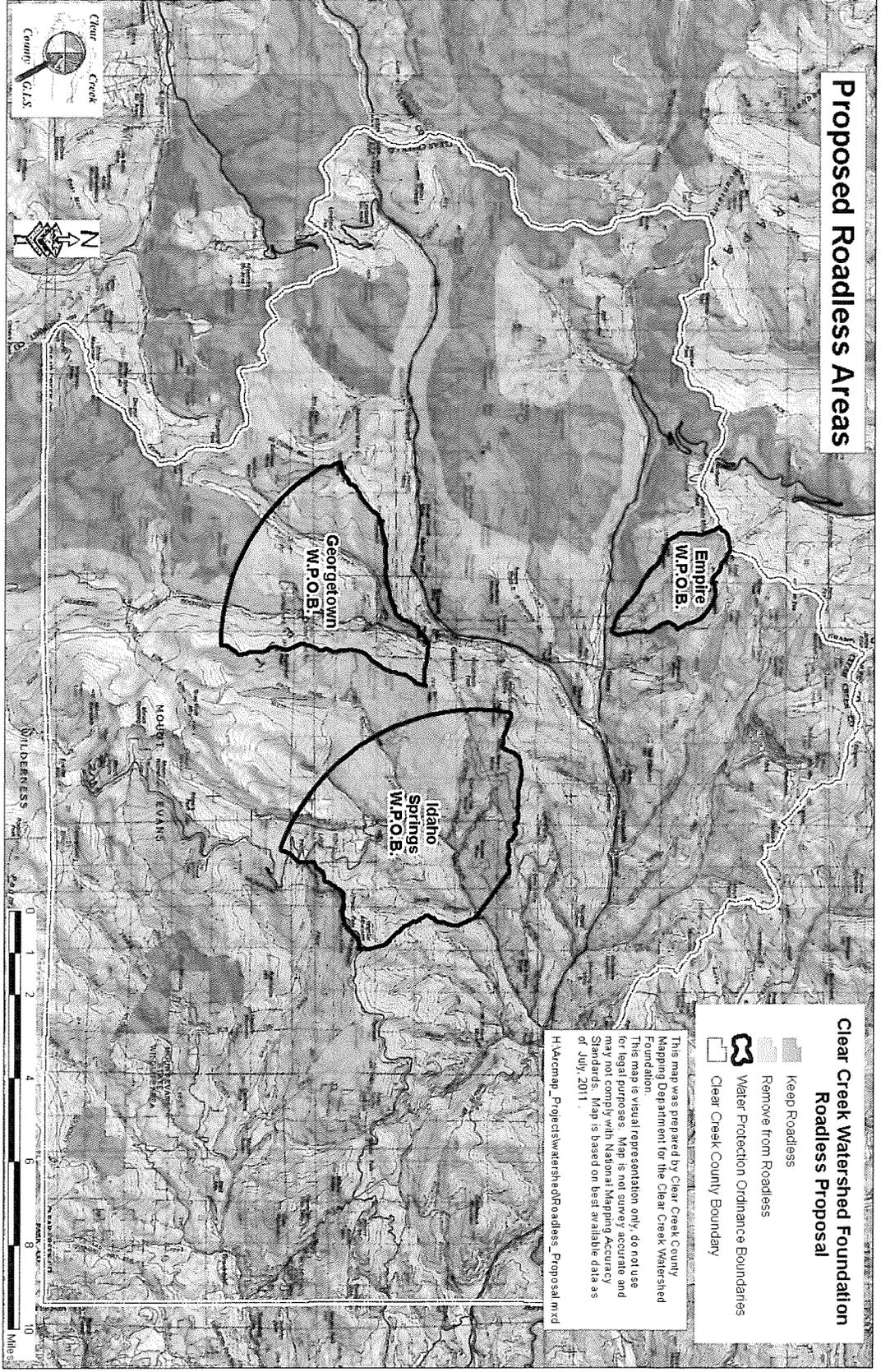
Watershed protection ordinances are already in place for municipalities authorized under Colorado law. The Town of Empire under Colorado is empowered to protect their and our water source.

We respectfully request that specific access corridors be designated into all private properties within the CCR. We request that the upper tier designations be removed from the CCR.

Attachments

CRR Mad Creek Map

Proposed Roadless Areas

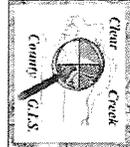


Clear Creek Watershed Foundation Roadless Proposal

-  Keep Roadless
-  Remove from Roadless
-  Water Protection Ordinance Boundaries
-  Clear Creek County Boundary

This map was prepared by Clear Creek County Mapping Department for the Clear Creek Watershed Foundation.
 This map is visual representation only, do not use for legal purposes. Map is not survey accurate and may not comply with National Mapping Accuracy Standards. Map is based on best available data as of July, 2011.

H:\Arcmap_Projects\watershed\Roadless_Proposal.mxd



PUBLIC SUBMISSION

As of: July 15, 2011
Received: July 13, 2011
Status: Draft
Tracking No. 80ec16b4
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0217
Comment on FR Doc # 2011-09119

Submitter Information

Name: LARRY CLEVER
Address:
PO BOX 460
GRAND JUNCTION, CO, 81502
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Phone: 970-242-7491
Fax: 970-242-9189
Organization: UTE WATER CONSERVANCY DISTRICT
Government Agency Type: Local

General Comment

ALTERNATIVES 2 & 4 COULD HAVE EFFECTS ON THE OPERATION AND MAINTENANCE OF EXISTING WATER FACILITIES - SPECIFICALLY DAMS AND RESERVOIRS.

ACCESS TO THOSE WATER FACILITIES MUST BE MAINTAINED TO PROVIDE FOR THE PROPER OPERATION, MAINTENANCE AND REHABILITATION. IT IS ESSENTIAL THAT WATER PROVIDERS BE ABLE TO GET EQUIPMENT AND MATERIAL INTO THESE SITES TO DO THE WORK REQUIRED. IF AN ATV TRAIL OR ROAD NEEDS TO BE WIDENED TO GET THE REQUIRED EQUIPMENT INTO THE SITE THAT MUST BE ALLOWED OF IF EFFECT THE FOREST SERVICE WILL BE TAKING THOSE WATER RIGHTS AWAY FROM THE OWNERS BECAUSE THE FOREST SERVICE WILL NOT ALLOW ACCESS AND THE STATE ENGINEER REQUIRES THAT WORK WILL BE DONE. THIS WILL RESULT IN A TAKINGS BY THE FOREST SERVICE AND WILL RESULT IN LITIGATION.

ADEQUATE ACCESS TO WATER FACILITIES IS CRITICAL TO THE HEALTH AND SAFETY OF THE FOREST AS WELL AS THE PUBLIC.

PUBLIC SUBMISSION

As of: July 15, 2011
Received: July 13, 2011
Status: Draft
Tracking No. 80ec16b7
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0218
Comment on FR Doc # 2011-09119

Submitter Information

Name: STEVE RYKEN
Address:
2190 H 1/4 ROAD
GRAND JUNCTION, CO, 81505
Email: SRYKEN@UTEWATER.ORG
Phone: 970-242-7491
Fax: 970-242-9189
Organization: UTE WATER CONSERVANCY DISTRICT
Government Agency Type: Local

General Comment

WE ARE CONCERNED ABOUT ADEQUATE ACCESS TO THE RESERVOIRS THAT WE OWN AND OUR NEED TO MAINTAIN OUR FACILITIES. WE ARE VERY CONCERNED ABOUT THE UPPER TIER ACRES IN BOTH ALTERNATIVES 2 AND 4 AND THE EFFECT THOSE WILL HAVE ON THE OPERATION AND MAINTENANCE OF EXISTING SPECIAL USE FACILITIES, SPECIFICALLY DAMS AND RESERVOIRS. IT IS OUR UNDERSTANDING THAT, IN THOSE INSTANCES WHERE NO DEFINED ROAD NOW PROVIDES ACCESS TO THE FACILITY, ROAD CONSTRUCTION AND OR MATERIALS NEEDED FOR DAM MAINTENANCE WOULD NOT BE ALLOWED. EVEN IN THOSE INSTANCES WHERE AN ATV TRAIL EXISTS, IT WOULD NOT BE ALLOWED TO BE WIDENED IN ORDER FOR PASSAGE OF EQUIPMENT AND MATERIALS NEEDED FOR REPAIR OF A DAM OR OUTLET WORKS. THERE ARE INSTANCES WHERE EQUIPMENT CAN PROBABLY ACCESS A FACILITY JUST FINE, BUT THE TRUCKS HAULING SAND FOR DRAINS IN DAMS, OR CONCRETE IN OUTLET WORKS CANNOT PASS WITHOUT ADDITIONAL WIDTH ON THE ACCESS ROUTES. IN MOST INSTANCES THOSE MATERIALS ARE REQUIRED BY THE STATE OF COLORADO DAM ENGINEERS AS PART OF THE DAM DESIGNS NECESSARY TO ADDRESS HAZARD LEVELS. UTE WATER OWNS AN INTEREST IN OVER 31 RESERVOIRS ON THE GRAND MESA NATIONAL FOREST THAT COULD BE AFFECTED.

COR755.

PUBLIC SUBMISSION

As of: July 15, 2011
Received: July 13, 2011
Status: Draft
Tracking No. 80ec1621
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0216
Comment on FR Doc # 2011-09119

Submitter Information

Name: Steve Holmer
Address:
3139 Adams Mill Rd NW
Washington, DC, 20010
Email: steve_holmer@yahoo.com

General Comment

To Whom It May Concern:

I am strongly opposed to this rulemaking. The Roadless Rule of 2001 is the better rule, and it is of great concern to me that this administration seeks to weaken it. The science is clear, these areas merit protection, and should not have the many exceptions for development you have opened up. What's more, the rulemaking ignores the overwhelming public support expressed for the 2001, including the overwhelming majority of Colorado comments. It is very disappointing that this administration is not taking a stronger stand in support of roadless area conservation on National Forests and other publicly owned lands. I urge you to abandon this rule and stick with the 2001 Rule.

Very disappointed supporter of the President,

PUBLIC SUBMISSION

As of: July 15, 2011
Received: July 13, 2011
Status: Draft
Tracking No. 80ec1552
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0215
Comment on FR Doc # 2011-09119

Submitter Information

Name: Mike Mooney

General Comment

More roadless better.

COR757.

PUBLIC SUBMISSION

As of: July 15, 2011
Received: July 13, 2011
Status: Draft
Tracking No. 80ec10ec
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0214
Comment on FR Doc # 2011-09119

Submitter Information

Name: Rick Ash
Address:
400 South Ingalls Street
Lakewood, CO, 80226
Email: avsfan4ever@gmail.com
Phone: 303-922-2022

General Comment

I would not be in favor of any changes of the current rule for the purposes of expanding a business (e.g. expanding a ski resort, logging interests or drilling etc. by an energy company).
I would be in favor of efforts to reduce wildfire threats.
Natural habitats and the pristine nature of them must be protected. Big business should not be allowed to tear down and diminish the size of our forests for financial gain.

COR758.

PUBLIC SUBMISSION

As of: July 15, 2011
Received: July 13, 2011
Status: Draft
Tracking No. 80ec0f72
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0213
Comment on FR Doc # 2011-09119

Submitter Information

Name: Christopher Russelavage

General Comment

The bottom line is, once areas are "developed", they can never revert to anything resembling their original state. Please, please continue to set these "roadless" areas aside, so that a few spots in this state remain true to what makes Colorado so unique.

If energy extraction companies are prevented from accessing resources in these roadless areas, it will hardly affect their business operations, and the world at large will not be affected in the least. On the other hand, if the areas are opened for development, then Colorado loses yet another of it's dwindling supply of beautiful, natural, pristine wilderness.

Wildfires have burned through our forests for years, and will continue to do so regardless of our intervention. They do not need fire mitigation; indeed, the request for "fire access" roads reeks of an excuse to build roads for other purposes.

Please be revolutionary in your thinking, and find a new logic, that places value on things that cannot be quantified. Leave our roadless areas as they are, as one more small island of wildness in an increasingly crowded world.

COR759.

PUBLIC SUBMISSION

As of: July 15, 2011
Received: July 13, 2011
Status: Draft
Tracking No. 80ec0edb
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0211
Comment on FR Doc # 2011-09119

Submitter Information

Name: Christopher Lish
Address:
Olema, CA,

General Comment

See attached file(s)

Attachments

110712_fs_frdoc_0001-1051_colorado_roadless_rule

Tuesday, July 12, 2011

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812

Subject: I Strongly Support the National Roadless Rule for Colorado and all our national forests -- Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado (Document ID FS_FRDOC_0001-1051)

Dear Forest Service Comment Team,

Please accept these written comments on the proposed rule for Colorado's roadless national forests. As someone who cares about protecting America's pristine forests for future generations, I strongly support the protections embodied in the National 2001 Roadless Rule for all of America's national forests, including every eligible acre in Colorado. I strongly urge you to abandon the Colorado Roadless Rule, a dangerously weak proposal which would strip Colorado's roadless areas of their protection, and to instead replace it entirely with the stronger National Roadless Rule, which the Obama administration has supported and defended in federal court.

"It is horrifying that we have to fight our own government to save the environment."

-- Ansel Adams

Colorado is home to seven National Forests, which contain some of the last truly unspoiled lands in the country, including 4.4 million acres of pristine roadless areas. Roadless area protection is vastly popular across the country, including among Coloradans, and protects the multiple uses of our national forests, including wildlife habitat, clean drinking water, recreation, and fishing. These lands are a haven for wildlife and home to many imperiled species. For example, in Colorado, there are at least six animal and one plant species that are threatened which depend on roadless areas for survival, including the Canada lynx, the northern goshawk, and the greenback cutthroat trout. Many of Colorado's most important rivers—such as the North and South Platte Rivers and the Colorado River—have headwaters in roadless watersheds and provide drinking water to millions of Americans and Colorado residents.

"Every man who appreciates the majesty and beauty of the wilderness and of wild life, should strike hands with the farsighted men who wish to preserve our material resources, in the effort to keep our forests and our game beasts, game-birds, and game-fish—indeed, all the living creatures of prairie and woodland and seashore—from wanton destruction. Above all, we should realize that the effort toward this end is essentially a democratic movement."

-- Theodore Roosevelt

Colorado's roadless and backcountry areas also provide world-class recreational opportunities, which not only help sustain the state's tourism and recreation-based economy but also its residents' quality of life. The proposal for removing the National Roadless Rule from Colorado's roadless areas would threaten wild places that are some of the state's best recreation areas, like the Pagoda Peak area, the summer range for part of the largest elk herd in North America. Research has found that introducing roads into roadless areas reduces, and in extreme cases even eliminates, elk populations. Roadless area protection is also vital to buffer developed areas from wildfires and storm waters, to slow the spread of invasive species, and to preserve our wild heritage for future generations.

"Our government is like a rich and foolish spendthrift who has inherited a magnificent estate in perfect order, and then has left his fields and meadows, forests and parks to be sold and plundered and wasted."

-- John Muir

Unfortunately, the proposed state-specific roadless rule will only provide a high level of protection for approximately 12 percent of Colorado's remaining roadless lands and also contains several gaping loopholes that will allow more logging and road-building and exempts 20,000 acres of roadless areas so that the coal industry can bulldoze the land with roads and drill it with holes.

Amongst the proposed Colorado Rule's shortcomings are the provisions pertaining to:

- 1) Oil and Gas Leases: The proposed Colorado Rule would allow development to go forward on approximately 100 new oil and gas leases in some of Colorado's best backcountry. These "gap leases" were illegally issued by the Bush administration after the Roadless Rule was adopted in 2001. If, instead of adopting the National Roadless Rule, the USFS persists in adopting a different rule for the national forests in Colorado, any Colorado Rule must be accompanied by an agreement that applies "no-surface occupancy" requirements for the approximately 100 oil and gas gap leases, or other guarantees that the affected roadless areas are never damaged. Also, any Colorado rule must provide for "no-surface occupancy" on all new oil and gas leases on all Forest Service roadless lands.
- 2) Logging: The proposed Colorado Rule contains an overly-broad definition of "at-risk community." The rule's proposed list includes more than 340 so-called "communities," some of which are not even located on current State maps and may no longer be inhabited. If, instead of adopting the National Roadless Rule, the USFS persists in adopting a different rule for the national forests in Colorado, this definition of at-risk communities needs to be tightened to focus logging exemptions only where needed.
- 3) Linear Construction Zones: I disagree with the draft Colorado Rule's allowance of road building (euphemistically called "linear construction zones") for new developments. If, instead of adopting the National Roadless Rule, the USFS persists

in adopting a different rule for the national forests in Colorado, new roads of any type should not be allowed to access or develop future water facilities, nor should the “linear construction zones” be expanded to permit new transmission, utility, and telecommunication lines. Any construction corridors on roadless forests must be limited to existing rights-of-way.

- 4) Upper Tier Roadless Area Protection: Upper tier protections for roadless lands must be expanded and strengthened. The draft Colorado Rule provides enhanced “upper tier” protection for only 13% of Colorado roadless areas, despite the fact that well over half are known to provide exceptional wildlife habitat, important sources of clean drinking water for millions of downstream Americans, or unique and outstanding recreational opportunities. Further, loopholes put even the few “upper tier” roadless areas at risk from oil and gas development, pipelines, and transmission lines. If, instead of adopting the National Roadless Rule, the USFS persists in adopting a different rule for the national forests in Colorado, the final Colorado Rule should ensure that all “upper tier” lands and other roadless lands have strict No Surface Occupancy stipulations to protect the entire roadless area from any future oil and gas leasing and development. These areas must not permit the use of “linear construction zones” to facilitate pipelines, transmission lines, or telecommunication facilities.

To ensure that Colorado’s valuable wild lands receive the level of protection they deserve, a final Colorado Rule must be significantly improved in the ways described above or simply replaced with the National 2001 Roadless Rule.

“As we peer into society’s future, we—you and I, and our government—must avoid the impulse to live only for today, plundering for our own ease and convenience the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow.”

-- Dwight D. Eisenhower

Decades of road-building, logging, and mining have already degraded much of Colorado’s national forests, and less than a third remain as roadless areas. Roads fragment habitat and bring pollution, noise, and noxious weeds, which rapidly eat away at the territory left safe for imperiled species. Roads also bring erosion and sedimentation, scarring sensitive landscapes and muddying clear mountain streams.

“Our duty to the whole, including to the unborn generations, bids us to restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wildlife and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose and method.”

-- Theodore Roosevelt

The 2001 National Roadless Rule currently protects 50 million acres of pristine national forests nationwide, sparing America's last unroaded lands from auction, bulldozing, and commercial logging. The Obama Administration's Forest Service should not put forward a watered-down roadless rule for Colorado that will jeopardize fish and wildlife populations and clean water and threaten the recreational opportunities and other important benefits provided by these lands. Colorado shouldn't have to accept weaker protections. It deserves the same gold-standard protections afforded to the rest of the country under the 2001 National Roadless Rule.

"Then I say the Earth belongs to each generation during its course, fully and in its own right, no generation can contract debts greater than may be paid during the course of its own existence."

-- Thomas Jefferson

I support the protections embodied in the National 2001 Roadless Rule and do not support managing Colorado's National Forests to a lower standard. To ensure that any state-specific rule is at least as protective as this landmark conservation tool, a final rule needs to expand and strengthen the "upper tier" protections, must tighten the overly broad discretion that would allow logging far into the backcountry and building of "linear construction zones," and ensure that Colorado's oil and gas "gap leases" are not developed. Colorado's remaining wildlands provide clean water, abundant wildlife, and unsurpassed recreation on a nationally recognized public landscape. They are simply too great a resource to squander. The Forest Service's management of roadless areas must match the Obama administration's commitment to strong environmental protections of roadless areas. I ask in the strongest possible terms that you retain the protections of the 2001 Roadless Rule for Colorado's national forests.

"A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise."

-- Aldo Leopold

Thank you for this opportunity to provide comment. Please do NOT add my name to your mailing list. I will learn about future developments on this issue from other sources.

Sincerely,
Christopher Lish
Olema, CA

PUBLIC SUBMISSION

As of: July 15, 2011
Received: July 12, 2011
Status: Draft
Category: NA
Tracking No. 80ec0ea1
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0210
Comment on FR Doc # 2011-09119

Submitter Information

Name: Roger A Pennington
Address:
164 Sandia Circle
Bayfield, CO, 81122
Email: rogerap@msn.com
Phone: 970-884-2101
Fax: 970-884-2101

General Comment

To Whom it May Concern:

I feel that of the 4 alternatives that Alternative 3 is the best.

The bottom line is we already have millions of acres of Wilderness and only 10% of the population use our current Wilderness. There is no need to set aside more land that will be managed almost like a wilderness. We need to open up more of the National Forest for Multiple Use Recreation. The statistics have proven that more and more people are using our Forests. Statistics have proven that more and more people are using motized recreation on our Forests and you are working to put more and more people in smaller and smaller areas. This is only going to cause more conflict and for these areas to be over used.

You have been saying we have to set aside pristeen areas for future generations but all you are doing is setting it aside for the few elite who are able to use these non-motorized areas.

One thing you are forgetting when you close areas to motorized recreation and set it aside for non-motorized is the Americans with Disabilities Act. It says any place you allow someone without a

disability has to be accessible by someone with a disability. One of these days you are going to find yourself looking at a big law suit for not providing access for the disabled everywhere you are allowing access by others without a disability.

I think personally you should forget the roadless rule all together and do as President Roosevelt set the Forest Service up to do. " to provide recreation opportunities for the common man and an unending supply of wood products"

Thank You for your time.

Sincerely,

Roger A Pennington

PUBLIC SUBMISSION

As of: July 15, 2011
Received: July 12, 2011
Status: Draft
Tracking No. 80ec0db5
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0206
Comment on FR Doc # 2011-09119

Submitter Information

Name: Patricia Francesca Del Tredici
Address:
311G Cement Creek Rd
Crested Butte, CO, 81224
Email: pdel_tredici@hotmail.com

General Comment

Dept of Agriculture
Forest Service
Re National Forests in Colorado: Colorado Roadless Rule and the Revised Draft EIS

Thank you for the copy of the Revised Draft EIS.

- 1) Activities should only be allowed in roadless areas if they maintain or enhance the character of roadless areas.
- 2) Logging should be limited to those areas where it is needed to reduce the fire threat to nearby infrastructures.
- 3) More roadless areas need to be added to the "upper tier".
- 4) Electrical and telecommunication lines should not be allowed in roadless areas, especially in the upper tier areas.
- 5) Currant Creek (Priest Mt. Inventoried Roadless Area) should not be included in the North Fork Coal Area.

In general: do all you can to protect the Roadless Areas from being degraded.

Thank you for the opportunity to comment.

Patricia F. El Tredici

COR762.

PUBLIC SUBMISSION

As of: July 15, 2011
Received: July 12, 2011
Status: Draft
Tracking No. 80ec0cb0
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0204
Comment on FR Doc # 2011-09119

Submitter Information

Name: Chris Hamilton
Address:
178 Canyon Creek Tr.
Durango, CO, 81301

General Comment

The closure of any roads or tracks that are currently accessible to the elderly, disabled, or otherwise infirm will effectively deny access to the closed areas to such people. Many elderly or disabled persons are able to access wild areas by ATV or other motorized vehicle that they cannot access any other way. By removing access to these areas via motorized vehicle, the Forest Service will be effectively limiting access to the young and fit who are able to walk or ride horses to an area. The denial of access may be appropriate in areas of extremely heavy use, but in many areas that are sparsely populated, a denial of access is not fair to those with disabilities who will be unable to enjoy their public lands.

From: Lee Patton [lee_patton@hotmail.com]
Sent: Wednesday, July 13, 2011 11:47 AM
To: COcomments
Subject: BETTER PROTECTION FOR OUR ROADLESS AREAS

Hello,

I am a frequent visitor to Colorado's national forests for hiking, biking, camping, quiet escape from the urban corridor, enjoyment of wild lands, and volunteer field work in environmental restoration. Existing roadless areas deserve the highest level of protection from further resource development and motorized intrusion. I hope the final ruling will enhance and increase roadless areas in Colorado's national forests, all of which ensure habitat health, viable wildlife corridors, and clean, healthy watersheds.

I agree with the following points about the Colorado roadless rule and hope you will include them in your considerations:

--Activities should only be allowed in roadless areas if they maintain or enhance the character of roadless areas.

--Logging should be limited to only those areas where it is needed to reduce the fire threat to nearby homes and other infrastructure. Generally, this would be only the first quarter mile or so from areas needing protection from fire.

--The final rule prohibit road construction for water projects in roadless areas.

--More roadless areas be added to the "upper tier", where they have more protection against logging and road construction. The Forest Service has identified about 2.8 million acres that could be added to the upper tier.

--Electrical and telecommunication lines should not be allowed in roadless areas, especially in the upper tier areas.

--Road construction be prohibited on any oil and gas leases in roadless areas. The oil or gas beneath leased locations within roadless areas can be reached via directional drilling from places outside roadless areas.

Thanks for these, and all your efforts in protecting Colorado's wild lands.

Sincerely,

Lee Patton
832 S. Pearl St.
Denver CO 80209
lee_patton@hotmail.com
303-777-4396

From: Derrick Martin [derrick_martin13@yahoo.com]
Sent: Wednesday, July 13, 2011 4:21 PM
To: COcomments
Subject: Public comment

Greetings,

I am writing to submit my comment regarding the roadless area proposals currently under review.

I use national forest lands for hiking and camping only. With an increase in population to the state of Colorado, it is imperative that most of these areas remain completely wild.

Activities should only be allowed in roadless areas if they maintain or enhance the character of roadless areas.

Logging should be limited to only those areas where it is needed to reduce the fire threat to nearby homes and other infrastructure. Generally, this would be only the first quarter mile or so from areas needing protection from fire.

The final rule must prohibit road construction for water projects in roadless areas.

More roadless areas should be added to the "upper tier", where they have more protection against logging and road construction. The Forest Service has identified about 2.8 million acres that could be added to the upper tier.

Electrical and telecommunication lines should not be allowed in roadless areas, especially in the upper tier areas.

Road construction should be prohibited on any oil and gas leases in roadless areas. The oil or gas beneath leased locations within roadless areas can be reached via directional drilling from places outside roadless areas.

Thank you for hearing my comments.

Sincerely,

Derrick Martin

1302 Kremer Drive, Unit 1

COR 764

Bayfield, CO 81122

(970) 884-9859

From: Philip Beranato [pberanato@gmail.com]
Sent: Tuesday, July 12, 2011 8:38 PM
To: COcomments
Subject: Support the Protection of Colorado's Roadless Lands

U.S. Department of Agriculture,

As a now longtime Colorado resident - one who moved from out of state and is still enamored with the 'natural world' of Colorado - I cannot express my utmost wishes for you to designate the absolute maximum number of acres possible for strict high level regulations in all of the National Forests that are impacted. I have spent time in every one of Colorado's Forests with the Rio Grande perhaps my favorite (? - not enough visits) , and the Routt, A-R, Pike-San Isabel, my most frequented.

Please support and push to fulfill the following conditions listed below.....and trust me, **there are thousands more people with this same desire who have not contacted you for whatever the reason.**

- Adopt the conservation alternative, Alt. 4. Alternative 4 would protect 2.6 million acres in the upper tier category and safeguard fish and wildlife. This is critical to keeping stream banks in tact and water quality high. As an addicted fly fisherman I make many trips to the Rio Grande (among many other rivers and streams), hire guides, spend a ton of money at the bar, rent rooms --- all to catch quality fish in beautiful environments. This is what keeps me coming back. Please help protect as much of these lands as possible!
- Protect roadless areas with No Surface Occupancy (NSO) stipulations and not grant waivers. This will keep development from disturbing the surface inside roadless areas and creating harmful impacts such as erosion, invasive species, chemical contamination, habitat fragmentation, damage to waterways, and visual degradation. ALL of these factors need to be kept in check to ensure water quality to keep both native and introduced fish populations healthy.
- Keep Linear Construction Zones (LCZs) out of upper tier areas. Upper tier areas are the best of the best lands in the state of Colorado. These areas are too valuable to allow any new development. I among many others believe the Forest Service should make these lands off limits to any kind of development - period; no exceptions [especially] for mining and logging companies.
- Create strong language that requires any project in a roadless area to *maintain the viability* of fish and wildlife populations *throughout the duration* of the project. Language in the proposal regarding cutthroat trout does not require that projects refrain from harming fish and wildlife during the project, only that they retain conditions over the long term. This could allow populations to be exterminated even if the conditions we're returned to pre-project conditions years after the project was complete. Language needs to be fully thought out and factor in how it will hold up in court; is it written to truly protect the lands?
- Protect our hunting and angling heritage and the economic opportunities they create. As mentioned earlier I travel the state and contribute to many outdoor economies which rely on hunting, fishing and wildlife viewing dollars that wouldn't be possible without pristine public lands. Hunting, fishing and wildlife viewing contribute nearly \$2 billion and over 20,000 jobs annually to Colorado's economy. Additionally, nearly 60% of all native cold water fisheries habitat in Colorado is in roadless areas and the 15 most hunted game management units are all over 50% roadless.
- Protect our cool, clean water sources. Remind the Forest Service that over 16,000 streams originate in Colorado's roadless backcountry and provide much of our drinking water, recreational opportunities, and fish and wildlife habitat.

- Protect key fish and wildlife habitat in all of our forests. Remind the Forest Service that the Pike San Isabel, Routt, and Rio Grande National Forests have tens of thousands of high value roadless backcountry acres that are worthy of upper tier protections and not to leave them out of upper tier designation.

The above are all extremely important to maintaining what the great state of Colorado has to offer its residents and those of the United States and beyond. Please keep America, "AMERICA"! There is no doubt our wild lands separate us from what the rest of the world has to offer - especially the West.

Thank you for the time and effort putting forth your proposal, please finalize your efforts by being firm with strong language that will survive the courts and protect these American assets for us here now and the generations to follow.

Sincerely,

Philip Beranato
pberanto@gmail.com

From: Misha Gill [misha4455@gmail.com]
Sent: Tuesday, July 12, 2011 10:44 AM
To: COcomments
Subject: In favor of keeping wilderness wild

Dear USDA,

Historically, our country has been extremely lax in preventing the so called "tragedy of the commons" whereby our natural resources are used in an unsustainable manner because there are no safeguards in place. Such does not need to be the case in this instance. Please help stem the tide of irresponsibility by rejecting any plans to "improve" wild territory by adding roads.

I essentially adopt all of Trout Unlimited's views on this matter. Our suggestions are the following:

- Adopt the conservation alternative (Alt. 4). This alternative would protect 2.6 million acres in the upper tier category and safeguard fish and wildlife.
- Protect roadless areas with No Surface Occupancy (NSO) stipulations and do not grant waivers. This will keep development from disturbing the surface inside roadless areas and creating harmful impacts such as erosion, invasive species, chemical contamination, habitat fragmentation, damage to waterways, and visual degradation.
- Keep Linear Construction Zones (LCZs) out of upper tier areas. Upper tier areas are the best of the best lands in the state of Colorado. These areas are too valuable to allow any new development. These areas should be off limits to any kind of development.
- In any potential initiative, please ensure that strong language makes its way into the proposal, i.e. language that requires any project in a roadless area to maintain the viability of fish and wildlife populations throughout the duration of the project. **Please note that language in the proposal regarding cutthroat trout does not require that projects refrain from harming fish and wildlife during the project, only that they retain conditions over the long term.** This could allow populations to be exterminated even if the conditions we're returned to pre-project conditions years after the project was complete.
- Protect our hunting and angling heritage and the economic opportunities they create. Roadless areas are of immeasurable importance. Hunting, fishing and wildlife viewing dollars that wouldn't be possible without pristine public lands. Hunting, fishing and wildlife viewing contribute nearly \$2 billion and over 20,000 jobs annually to Colorado's economy. Additionally, **nearly 60% of all native cold water fisheries habitat in Colorado is in roadless areas and the 15 most hunted game management units are all over 50% roadless.**
- Protect our cool, clean water sources. Over 16,000 streams originate in Colorado's roadless backcountry and provide much of our drinking water, recreational opportunities, and fish and wildlife habitat.
- Protect key fish and wildlife habitat in all of our forests. The Pike San Isabel, Routt, and Rio Grande National Forests have tens of thousands of high value roadless backcountry acres that are worthy of upper tier protections. Please do not to leave them out of upper tier designation.

Thank you for your attention to this matter.

Respectfully,

Michael Gill

From: Dan Ervin [danielaervin@yahoo.com]
Sent: Tuesday, July 12, 2011 9:24 AM
To: COcomments
Subject: Protecting Colorado's Roadless Areas

Dear USDA,

First of all I wanted to thank you for working for over five years to develop this proposal, but I just don't think it goes far enough and I respectfully request that you add the following, critical provisions to this proposal:

- Adopt the conservation alternative (Alt. 4). I grew up hunting and fishing in Colorado and my father and I used hunting season as an excuse to learn about new parts of the state going from the Routt National Forest / Mt. Zirkel Wilderness hunting elk and deer, fishing in the Yampa and tributary streams, Flat Tops / White River National Forest outside of Sleepy Cat hunting elk and deer and fishing in the White River, through the San Isabel National Forest / Collegiate Peaks Wilderness hunting deer, elk and bighorn and fishing in the headwaters of the Arkansas, to the Rio Grande / West Elk Wilderness for deer, elk, bear and fishing the tributaries of the Rio Grande and Taylor. This was only possible because these lands were available and undisturbed. I'm now teaching my sons to hunt and fish and learn their role as stewards of the land. This education becomes much more difficult as the number of areas available to us diminishes. This way of life is in jeopardy and the consequences are much greater than the general public realizes. **Once these areas are gone, we will never get them back.** We're watching the oil and gas companies pump diesel fuel into the ground, sink gas wells all over the western part of the state and it feels like we're losing this battle of unrecoverable natural assets to the drive for short-term profits that devastate the communities nearby.
- We must protect roadless areas with No Surface Occupancy (NSO) stipulations and not grant waivers. One of the first things that became obvious to me as a child learning to hunt with my father was that as soon as a road, or in many cases even a trail, into these areas it was no use wasting time hunting there. The erosion increases, non-native species start to take over and the game leave. In other words you get easy access to something that gets destroyed by providing access.
- We must keep Linear Construction Zones (LCZs) out of these upper tier areas. Upper tier areas are the best of the best lands in the state of Colorado. These areas are too valuable to allow any new development and they must remain off limits.
- If we must allow a project in a roadless area it has to require the viability of fish and wildlife populations to be monitored and maintained throughout the duration of the project. Language in the proposal regarding cutthroat trout does not require that projects refrain from harming fish and wildlife during the project, only that they retain conditions over the long term.
- We've all watched the abuse of the Endangered Species Act destroy what was a healthy and productive elk herds in Idaho, Montana and Wyoming and the subsequent damage to the local economies. If we don't protect our hunting and fishing heritage and the economic opportunities they create, we will suffer similar irreversible impacts. Hunting, fishing and wildlife viewing contribute nearly \$2 billion and over

20,000 jobs annually to Colorado's economy. Additionally, nearly 60% of all native cold water fisheries habitat in Colorado is in roadless areas and the 15 most hunted game management units are all over 50% roadless. This can be lost forever.

- Protect our cool, clean water sources. Remind the Forest Service that over 16,000 streams originate in Colorado's roadless backcountry and provide much of our drinking water, recreational opportunities, and fish and wildlife habitat.

Thank you for all of the hard work that you put into this and please help us pass along the traditions of stewardship that are disappearing so quickly from our society. This type of action will differentiate the United States for all generations to come.

Best regards,

Dan Ervin

From: Jon Weimer [weimerj@earthlink.net]
Sent: Tuesday, July 12, 2011 5:44 PM
To: COcomments
Subject: Upper tier designations for roadless areas in Colorado

I'm writing this letter, asking that USDA (Forest Service) do the following:

--increase the upper tier designation of roadless areas in Colorado from 562 thousand acres to 2.6 million acres.

--preclude development in designated upper tier areas, **including** pipelines and power lines.

--require No Surface Occupancy stipulations for oil and gas operations in upper tier areas.

-- and eliminate loopholes that threaten native fish.

Thank you.

Jon P. Weimer
700 Washington Street
Denver, CO 80203

From: Jim Kubichek [greenbackcut@yahoo.com]
Sent: Tuesday, July 12, 2011 6:47 PM
To: COcomments
Subject: Colorado's Roadless Backcountry needs your protection

Dear Sir or Madam,

Please protect our National Forests' roadless lands. Please adopt the conservation alternative (Alt. 4). This alternative would protect 2.6 million acres in the upper tier category and safeguard fish and wildlife. Please protect roadless areas with No Surface Occupancy (NSO) stipulations and not to grant waivers. Keep Linear Construction Zones (LCZs) out of upper tier areas. Upper tier areas are the best of the best lands in the state of Colorado. Remind the Forest Service that over 16,000 streams originate in Colorado's roadless backcountry and provide much of our drinking water, recreational opportunities, and fish and wildlife habitat.

Dont let these tough economic times be an excuse to weaken our environmental protections and preservation of wild lands. When they are gone.....they are gone. Thank you for all of your efforts in the past and now to preserve and protect our wild lands and wildlife!

Sincerely,

Jim Kubichek
37 Ott Wata Connection
Red Feather Lakes, CO 80545

From: Britt Newsome [brittnewsome@gmail.com]
Sent: Wednesday, July 13, 2011 5:51 PM
To: COcomments
Subject: Protect Colorado's Roadless Areas

Dear United States Department of Agriculture,

I am writing to let you know that I care deeply about Colorado's wilderness areas. I have a daughter (3 years old) and a son (6 months old), and I am terrified that all of our wild places will be irreparably changed and unavailable for my children as they grow up. I am specifically asking you to adopt the conservation alternative (alternative 4) in protecting Colorado's roadless areas that would protect 2.6 million acres in the upper tier category and safeguard fish and wildlife. I am very concerned about the effects of alterations to wildlife areas on our municipal watersheds and the adverse ecologic effects of changes to these wildlife areas. These roadless areas are dwindling in number, and we need to protect them aggressively because we will never get them back.

I urge you to protect roadless areas with No Surface Occupancy (NSO) stipulations and not to grant waivers. This will keep development from disturbing the surface inside roadless areas and creating harmful impacts such as erosion, invasive species, chemical contamination, habitat fragmentation, damage to waterways, and visual degradation.

I also implore you to keep Linear Construction Zones (LCZs) out of upper tier areas. Upper tier areas are the best of the best lands in the state of Colorado. These areas are too valuable to allow any new development. These areas should absolutely be off limits to any kind of development.

It is imperative to create strong language that requires any project in a roadless area to maintain the viability of fish and wildlife populations throughout the duration of the project. Language in the proposal regarding cutthroat trout does not require that projects refrain from harming fish and wildlife during the project, only that they retain conditions over the long term. This could allow populations to be exterminated even if the conditions we're returned to pre-project conditions years after the project was complete.

Please, please protect our hunting and angling heritage and the economic opportunities they create. The outdoor economy is incredibly important, and local communities rely heavily on hunting, fishing and wildlife viewing dollars that wouldn't be possible without pristine public lands. Hunting, fishing and wildlife viewing contribute nearly \$2 billion and over 20,000 jobs annually to Colorado's economy. Additionally, nearly 60% of all native cold water fisheries habitat in Colorado is in roadless areas and the 15 most hunted game management units are all over 50% roadless.

Please remember that over 16,000 streams originate in Colorado's roadless backcountry and provide much of our drinking water, recreational opportunities, and fish and wildlife habitat. Additionally, the Pike San Isabel, Routt, and Rio Grande National Forests have tens of thousands of high value roadless backcountry acres that are worthy of upper tier protections and not to leave them out of upper tier designation.

Thank you so much for the hard and important work you do. I hope that you will continue to fight for the integrity of our wild places.

Sincerely,

Britt B. Newsome MD MPH MSPH

COR771.

PUBLIC SUBMISSION

As of: July 12, 2011
Received: July 09, 2011
Status: Draft
Tracking No. 80ebd885
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0201
Comment on FR Doc # 2011-09119

Submitter Information

Name: Robert Shoemaker
Address:
1860 Parrish Ave
Hamilton, 45011-4617
Email: shoe7@fuse.net
Submitter's Representative: Theodore Roosevelt Conservatin Partnership

General Comment

I am a sportsman who cares deeply about quality fish and wildlife habitat and the future of hunting and fishing on national forest lands in Colorado. The 4.2 million acres of backcountry roadless areas in the Centennial State provide important habitat for numerous big-game species and wild trout. Please consider my comments on the proposed Colorado roadless rule.

More than 259,000 hunters and 660,000 anglers take to Colorado's woods and waters every year. With untold miles of Gold Medal streams and more elk and mule deer than any other state, Colorado is a sportsmen's paradise. Responsible management of roadless backcountry is necessary to safeguard our outdoor legacy.

Specifically, I ask that the 2.6 million acre upper tier category of lands proposed in Alternative 4 be incorporated into the Preferred Alternative in the final rule. The upper tier category provides additional certainty for backcountry lands that have been identified as being of highest value. The lands included in Alternative 4 were originally recommended for upper tier by the hunting and fishing community because they have outstanding fish and wildlife values, receive considerable use by sportsmen and provide high-quality recreational experiences.

I request that the loopholes in the Colorado roadless rule be closed. Transmission corridors,

COR 771

pipelines and water projects do not belong in our highest-quality lands, and the upper tier linear construction zone exception should be eliminated. I also request that a more balanced approach be taken for oil and gas development. Modern technologies allow for directional drilling, and "no surface occupancy" requirements should be incorporated into the rule to allow development but ensure that it is done in a way that safeguards the surface values of roadless areas.

Thank you for considering my comments on the Colorado roadless rule.

COR772.

PUBLIC SUBMISSION

As of: July 15, 2011
Received: July 13, 2011
Status: Draft
Tracking No. 80ec0f71
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0212
Comment on FR Doc # 2011-09119

Submitter Information

Name: Ryan Auclair

Address:

10210 Lakeside Vista Dr
Riverview, 33569-2942

Email: ryan_auclair@hotmail.com

Submitter's Representative: Theodore Roosevelt Conservatin Partnership

General Comment

I am a sportsman who cares deeply about quality fish and wildlife habitat and the future of hunting and fishing on national forest lands in Colorado. The 4.2 million acres of backcountry roadless areas in the Centennial State provide important habitat for numerous big-game species and wild trout. Please consider my comments on the proposed Colorado roadless rule.

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I request that the loopholes in the Colorado roadless rule be closed. Transmission corridors,

CO R772

pipelines and water projects do not belong in our highest-quality lands, and the upper tier linear construction zone exception should be eliminated. I also request that a more balanced approach be taken for oil and gas development. Modern technologies allow for directional drilling, and "no surface occupancy" requirements should be incorporated into the rule to allow development but ensure that it is done in a way that safeguards the surface values of roadless areas.

Thank you for considering my comments on the Colorado roadless rule.

COR773.

PUBLIC SUBMISSION

As of: July 12, 2011
Received: July 06, 2011
Status: Draft
Tracking No. 80eba29d
Comments Due: July 14, 2011
Submission Type: Web

Docket: FS_FRDOC_0001
Recently Posted FS Rules and Notices.

Comment On: FS_FRDOC_0001-1051
Special Areas; Roadless Area Conservation: Applicability to the National Forests in Colorado

Document: FS_FRDOC_0001-DRAFT-0196
Comment on FR Doc # 2011-09119

Submitter Information

Name: Bill Dvorak

Address:

17921 hwy 285

Nathrop, 81236-9701

Email: bill@dvorakexpeditions.com

Submitter's Representative: Theodore Roosevelt Conservatin Partnership

General Comment

I am a sportsman who cares deeply about quality fish and wildlife habitat and the future of hunting and fishing on national forest lands in Colorado. The 4.2 million acres of backcountry roadless areas in the Centennial State provide important habitat for numerous big-game species and wild trout. Please consider my comments on the proposed Colorado roadless rule.

More than 259,000 hunters and 660,000 anglers take to Colorado's woods and waters every year. With untold miles of Gold Medal streams and more elk and mule deer than any other state, Colorado is a sportsmen's paradise. Responsible management of roadless backcountry is necessary to safeguard our outdoor legacy.

Specifically, I ask that the 2.6 million acre upper tier category of lands proposed in Alternative 4 be incorporated into the Preferred Alternative in the final rule. The upper tier category provides additional certainty for backcountry lands that have been identified as being of highest value. The lands included in Alternative 4 were originally recommended for upper tier by the hunting and fishing community because they have outstanding fish and wildlife values, receive considerable use by sportsmen and provide high-quality recreational experiences.

I request that the loopholes in the Colorado roadless rule be closed. Transmission corridors,

COR773

pipelines and water projects do not belong in our highest-quality lands, and the upper tier linear construction zone exception should be eliminated. I also request that a more balanced approach be taken for oil and gas development. Modern technologies allow for directional drilling, and "no surface occupancy" requirements should be incorporated into the rule to allow development but ensure that it is done in a way that safeguards the surface values of roadless areas.

Thank you for considering my comments on the Colorado roadless rule.

COLORADO ROADLESS RULE COMMENT

COR774.

FROM:

DAVID JACOBSON

229 GRAND AVE

Ste 1A

PAONIA COLO 81428

david@colowordsandpictures.com

970-527-4267

JUL 14 2011

Why the 600 ft Setback Around Existing Roads in the Colorado Roadless Rule Inventory Must be Eliminated

This comment applies to any Colorado IRA with an existing road(s) which has a 600 ft. setback- 300 ft. or one football field-to either side, within which there are no roadless protections. It's just ordinary Forest Service land.

I- Bomb on the Shelf in Colorado Roadless Rule

If existing post 2001 leases in the IRAs were invalidated by the courts in upholding the Clinton 2001 rule, or if the leaseholders simply walked away from expiring 2002-2003 leases because they were uneconomic, or if the leases were eliminated for any other reason, would IRAs would be free of the threat of drilling since the CRR prohibits future leasing after enactment?

No, because there a huge bomb on the shelf waiting to go off: There is a 600 ft wide setback around existing roads in IRAs which is ordinary National Forest land without the CRR re-leasing ban. Therefore, the land within the setback could be re-leased by any future national administration. When natural gas prices go back up, it's likely that gas drillers would nominate this land, since there's plenty of acreage to site wellpads merely within the setback: One football field to either side of existing roads, running the entire length of the road. Plus easy access to the pads via the existing road which would merely need upgrading.

This affects all IRAs with existing roads, but particularly Springhouse Park, which has two roads--Buck Mtn Trail #804 and Thousand Acre Flats Trail, which penetrate to the core of the large IRA, just about all of which--17,000 acres--has been leased. With, say, one wellpad every half mile, that would provide for 12 pads along Buck Mtn # 804 alone, from which a majority of the IRA to the north and south could be directionally drilled.

If that happened, the public--which also uses the same roads--would enjoy Springhouse Park from an industrial corridor of rigs, pipes, tanks and noisy compressor stations. (The resource underneath is coalseam gas, which must be compressed to suck it out of the ground.)

II It's a giveaway to the natural gas drillers By saving them costs they can't afford

1. The setback

actually makes possible drilling programs that would otherwise not happen.

These are general comments, but focus on Springhouse Park: It's most at risk and has highest value--

--17000 Acres leased, almost all by Petrox which has already issued comprehensive 20 well drilling program

--This is 2d largest # of leases in all GMUG IRAs, these were all leased 2002-2003, thus are close to expiration and subject to immediate Petrox effort to hold &/or develop.

--There are 2 roads going to center of IRA, easy access that the 600 ft setback makes even easier.

--Here is high recreational value to be lost w/ gas drilling: Close to North Fork, old growth Aspen, little SAD, long distance views of mtns around Anthracite Pass, the 2 roads make recreation access easy also.

2. Why the Drilling is Not Inevitable. It's Not Realized how thin is Petrox Economic Margin, how just a small increase in costs would push them over edge. Consider how Garfield County drilling economics, in center of Piceance Basin, nicely survived the crash in natgas prices to \$4/Mcf, in 2009-2011, but Gunnison County (Springhouse Park) economics did not.

The table on the next page in the right column shows the source of the 2007 Gunnison County cost and profit numbers from a report by Bill Barrett Co. on their Gibson Gulch field five miles SE of Silt. The following page shows how those Garfield County numbers changed in 2011, compared to 2011 numbers for Gunnison County-Springhouse Park.

Piceance Basin - Gibson Gulch

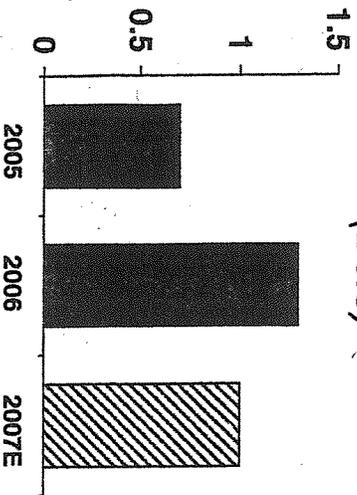
Williams Fork - Colorado

Illustrative Drilling Costs

	<u>Bcfe</u>
EUR (gross)*	1.0
NRI	81%
EUR (net)	0.81
Drilling Completion Total	<u>\$ 0.7</u> <u>1.2</u> <u>\$1.9</u>
Incremental drilling cost (per Mcfe)	\$2.34

*20-acre and estimated 10-acre

Historical EUR (Bcfe)



Illustrative Economics

Gas Price (Rockies strip) ¹	\$ 6.83
MMBtu/ sales adjustment - Gas Liquids	0.83
Realized Price (per Mcfe)	\$ 7.66
LOE, Gathering & Transportation	(0.92)
Production taxes	(0.45)
Gross margin (cash flow)	\$ 6.29
Incremental drilling cost (per Mcfe)	(2.34)
Net Margin	\$ 3.95
ROR	30%
CIG Price Required 10% ROR	\$ 4.90

¹ Rockies strip through 2010 as of August 10, 2007 - \$6.83

For illustrative purposes only, does not represent formal guidance (See "Forward-Looking and Other Cautionary Statements" on slide 2)

Garfield Co Economics

2007		2011
Denver natgas price	\$6.83	\$4.00
Gas Liquids	0.83	3.00 went up with oil
Realized Price/Mcf	\$7.66	\$7.00
Lease Operating Costs + Pipelines: Gathering & Garfield Co-Denver	(0.92)	(0.92)
Taxes	(0.45)	(0.45)
Gross Margin Cash	\$6.29	\$5.63
Drilling Cost/Mcf	\$2.34	(\$2.34)
Net Margin	\$3.95	\$3.29 <i>Very Close--Saved by the Gas Liquids</i>

Gunnison Co Economics 2011 Springhouse Park

Denver NatGas Price/Mcf	\$4.00
NatGas Liquids/Mcf	\$0.00
Realized Price/Mcf	\$4.00
Costs: Lease Operating + Gathering & Pipeline fee Garfield Co to Denver	(0.92) <i>Generous--Costs higher in Springhouse Park</i>
Pipeline: Springhouse Park to Garfield Co: Bull Mtn & Sheep Pipe line fees	(0.30)
Taxes	(0.45)
Gross Margin-Cash Flow	\$2.33
Drilling Cost/Mcf	(\$2.34) <i>Generous--costs higher in Springhouse Park</i>
Net Margin	(0.01)

Garfield Co survived the crash of gas prices to \$4/Mcf due to bonus of natgas liquids (NGLs): 3-4 gal/Mcf @ \$1. Gunnison Co did not: Springhouse Park's gas producing formation is coalseams, which are bone dry.

What you've just seen is worse than it looks...

-Coalseam gas takes time to start producing: Dewatering for up to a year, plus slow incline to a plateau vs conventional gas like that in Garfield Co. which starts up at a high level. Coalgas makes you wait, so has a lower present value. Coal gas operating costs are higher: requires compression to suck gas out of wellbore.

Upshot--nobody, but nobody is drilling for coalgas nationwide w/ \$4 prices for dry gas.

--Costs have been made the same and held constant in above table 2007-2011 for both Garfield & Gunnison, but actual costs in Springhouse Park would be much higher due to distance from service & supply infrastructure, contrasted with Garfield Co. where it's all right around the corner.

3. What Does Petrox Do? Cut Costs wherever it can. The 600 ft Setback is a Huge Advantage for Them:

--The two roads give ready made cheap access to the heart of the lease bloc. The main road is boggy (see photos) but w/ no roadless protection due to 600 ft setback, both roads can be upgraded under ordinary FS standards. Two football fields of setback for the entire length of both roads leaves plenty of acres with no roadless protection to site well pads-conveniently, right in the only place Petrox can afford.

—*But if there were no setback, roadless protections would give FS the authority to deny such massive upgrading, forcing Petrox to carve entirely new roads thru drier ground, if it was available. FS cannot deny leaseholder access if there are no NSO strips, but w/ roadless protections, FS would have maximum leverage to control such access to protect sensitive wetlands. Petrox response would be:*

"This is the last straw. We can't afford this cost, too. Let uneconomic leases expire in 2012-13."

4--Petrox Alternatives--Which the 600 ft Setback Also Makes Possible

--a-**Wait for gas prices to go up.** Seek to unitize leases, allow to hold whole block w/ just one or minimal # of wells drilled to establish production. Alas, *same result: 600 ft setback is a unitizer's dream: Allows upgrading of just part of existing main road to site one well in center of leasehold. No company could afford building a new road just to drill one well.*

--b- **Sell Springhouse Park leases to GE/SG who enjoy lower cost leverage.** They own Bull Mtn/Sheep pipelines, can save 30c/Mcf in pipeline fees. *Same result once again: GE/SG uses same advantage of being able to upgrade one of the two existing roads, w/ no roadless protections, to get access for one centrally located well to unitize all the acres.*

COR774

David Jacobson
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Paonia, CO 81428
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970-527-4267

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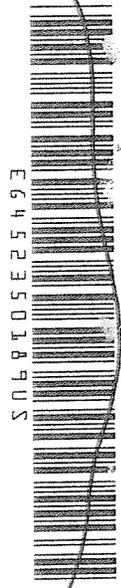


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EP13F

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From: Maxkiefer [maxkiefer@hotmail.com]
Sent: Thursday, July 14, 2011 9:53 AM
To: COcomments
Subject: Colorado Roadless Rule

Dear Forest Service,

As a long-time Colorado native backcountry enthusiast, hiker and angler, I regard Colorado's mountains and water as precious, irreplaceable, resources.

These valuable resources, including over 16,000 streams originating in Colorado's roadless backcountry provide, the drinking water, recreational opportunities (and associated economic prospects), fish and wildlife habitat that help quench the thirst of Colorado (and beyond) and define the Colorado wilderness experience. It is that experience, with no/limited development or ORVs, that creates the high-integrity of the Colorado backcountry.

Colorado's backcountry, hunting and angling heritage are critical to the future health of the wilderness. Additionally, the associated outdoor economy and reliance of local communities on hunting, fishing and wildlife viewing dollars would not be possible without pristine public lands. Annually, hunting, fishing and wildlife viewing contribute nearly \$2 billion and over 20,000 jobs to Colorado's economy. Additionally, nearly 60% of all native cold water fisheries habitat in Colorado is in roadless areas and all of the 15 most hunted game management units are over 50% roadless.

I urge you to create strong language requiring ANY project in a roadless area to maintain the viability of fish and wildlife populations throughout the duration of the project. The current language in the proposal regarding cutthroat trout does not require projects to refrain from harming fish and wildlife during the project; only that they retain "conditions" over the long term. This oversight allows for the potential that fish and wildlife populations could be significantly harmed or even exterminated during the course of the project even if pre-project conditions are achieved upon project completion.

In addition, there are key wildlife habitats that deserve upper tier protection from development. The Pike, San Isabel, Routt and Rio Grande National Forests all have tens of thousands of high-value roadless backcountry acres. They must be protected!

With this in mind, I strongly urge you to implement conservation alternative 4; protect roadless areas with NSO stipulations including NO waiver grants; keep linear construction zones out of upper tier areas and create language requiring that roadless projects maintain fish and wildlife populations throughout the project's duration.

Thank you for the past years of work to develop this proposal and please give these roadless areas the needed protection. Roadless wilderness is precious for all of us.

Thank You,

Max Kiefer

From: cedarkyes@yahoo.com
Sent: Thursday, July 14, 2011 11:38 AM
To: COcomments
Subject: Colorado Roadless Rule

Cedar Kyes
5201 Victor Ave
Richmond, CA 94804-4406

July 14, 2011

Tom Vilsack
Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812

Dear Tom Vilsack:

Lets keep the place pure!!!
There are so many other places you can drive but fewer and fewer places that you can't.

Sincerely,

Cedar Kyes

From: Steve and Claudia [wolff2@montrose.net]
Sent: Thursday, July 14, 2011 2:22 PM
To: COcomments
Subject: Colorado Roadless rule

We strongly feel that any rule adopted by the forest service for Colorado's inventoried roadless areas should include a substantial amount of acreage for "Upper Tier" protection. At a minimum we would like to see the forest service go with Alternative 4. Even better would be to include all of Alternative 4 and those lands in Alternative 2 that are not included in Alternative 4 for a total of about 2.8 million acres for "Upper Tier" protection.

We support the restrictions proposed for lands given "Upper Tier" protection. However, we could see some minimal tree cutting being allowed for fire lines associated with prescribed burns for wildlife habitat improvement.

We have enjoyed hiking, backpacking, cross country skiing, fishing and hunting in national forest inventoried roadless areas throughout the state for decades. From our personal experience, we know that there is already an over abundance of roads within the national forests throughout Colorado for those visitors who only want to travel into areas where they can take their cars, trucks and SUV's. The areas that are still roadless, like those on the Uncompahgre Plateau and Grand Mesa, deserve special protection for the many people like us, in the present and future generations, who like to get away from roads.

We have lived in southwestern Colorado for almost 19 years, after previously living for many years in various areas along Colorado's front range.

Charles S. "Steve" and Claudia Wolff
Ridgway, Colorado

From: mrbecher3@centurytel.net
Sent: Thursday, July 14, 2011 3:18 PM
To: COcomments
Subject: Colorado Roadless Rule

To Whom it May Concern,

The Forest Service didn't hold any meetings in or for Montezuma County Residents on the Roadless Rule and therefore hasn't taken any comments from the public on this matter. This could add to the economic problems Colorado is already having. Public lands should be open and useful to the public.

Rick Becher
P.O. Box 537
Cortez, Colorado 81321
970-883-4292
mrbecher3@centurytel.net

From: Misi Ballard [MisiBallard@comcast.net]
Sent: Thursday, July 14, 2011 3:24 PM
To: COcomments
Subject: Colorado Roadless Rule

Please accept these comments on the proposed rule for Colorado's roadless National Forests. I urge that the Forest Service ensure that the rule is at least as protective as the 2001 National Roadless Rule.

As a property owner in South Park, Colorado, I spend much of my time hiking the spectacular backcountry of the Pike/San Isabel National Forests and the various BLM lands of the Park County area. I have personally witnessed a tremendous increase in the use of off-road vehicles on our public lands, some of which is legal, much of which is not.

I am also personally very concerned that so little public land in the Pike/San Isabel National Forest area is being considered for "upper tier" protection. **I strongly support "upper tier" status for the Roadless Areas identified by Wild Connections (of which I am a member)**, and the comments being submitted by Wild Connections on this matter. More of our roadless areas should be given this protection, including the "No Surface Occupancy" stipulations, to also protect our roadless areas from any future oil and gas leasing and development.

Areas that are of particular concern to me include Farnum Peak, Lost Creek South, Lost Creek West, Schoolmarm Mountain, the Puma Hills, Buffalo Peaks East, Buffalo Peaks South, Boreas, Thirtynine Mile Mountain and Jefferson. These are areas I have personally hike and camped in for years and want to see them protected for future generations to also enjoy. These areas are home to a large number of wildlife populations, including elk, pronghorn, bighorn sheep, deer, mountain lion, in addition to having some of the best blue-ribbon fishing waters in the state. The development of roads in these environmentally sensitive areas cuts wildlife populations off from traditional migratory routes, stresses wildlife populations with increased noise and air pollution, creates potential for stream degradation and opens environmentally sensitive areas up to potential destruction.

Priority must be given to our forests' roadless qualities and characteristics. Logging in the backcountry must be prohibited and NO "linear construction zones" should be allowed on any of our roadless areas.

In closing, I support the protections in the 2001 National Roadless Rule and do not support managing Colorado's National Forests to a lower standard. We must protect what precious, valuable roadless areas we have left for the benefit of future generations to know the peace and tranquility of true wilderness, for the wildlife that call these lands home, and for the health of our planet. Also, the final rule must expand and strengthen the "upper tier" areas of Pike/San Isabel National Forest and give priority to maintaining and enhancing roadless characteristics in all Inventoried Roadless Areas. Our remaining backcountry is simply too great a resource to squander.

We are responsible to future generations to give the greatest protection to these irreplaceable public lands.

Thank you,
Misi N. Ballard
105 Rock Creek Way,
Jefferson, CO 80456

5630 S. Berry Lane
Greenwood Village, CO 80111

From: Charles Hensel [cphensel@gmail.com]
Sent: Tuesday, July 12, 2011 8:59 PM
To: COcomments
Subject: Colorado Roadless Rule

Please support Alternative #4 for the Grand Mesa-Gunnison-Uncomphagne National Forests to protect watersheds via roadless area designations. There are many pristine areas that will remain so under Alternative #4. Protecting habitat for elk and native trout populations via roadless designations will reduce disturbances to the elk calving areas and streambed disturbances for trout spawning and fry development. Damage to watersheds and streams from unnecessary vehicle traffic poses threats to the continued existence of native trout and other wildlife that rely on clean, unsilted, unpolluted water.

I have seen firsthand the streambed damage resulting from inconsiderate ATV use where streams were crossed inappropriately, banks were compromised, and mud and silt were deposited downstream resulting in gravel beds being filled in.

Alternative #4 helps provide a higher level of protections than Alternative #2 and should be pursued for the benefit of both sportsmen and wildlife as well as recreation for the greater public and future generations.

Thanks you,
Charles Hensel

From: Defenders of Wildlife [ecomunications@defenders.org] on behalf of Katherine Delanoy [kdelanoy@antiochne.edu]
Sent: Tuesday, July 12, 2011 4:54 PM
To: COcomments
Subject: Colorado Roadless Rule

Jul 12, 2011

Forest Service Roadless Rule
CO

Dear Roadless Rule,

As someone who lives in very roaded Colorado, I'd like to see the roadless areas left alone. I support the protections laid out in the National Roadless Rule and do not support managing Colorado's National Forests to a lower standard.

Thank you for considering my comments.

Sincerely,

Ms. Katherine Delanoy
PO Box 144
Eagle, CO 81631-0144
(970) 471-0188

From: Defenders of Wildlife [ecomunications@defenders.org] on behalf of Ashley Nelligan
[ashleynelligan@ymail.com]
Sent: Tuesday, July 12, 2011 5:23 PM
To: COcomments
Subject: Colorado Roadless Rule

Jul 12, 2011

Forest Service Roadless Rule
CO

Dear Roadless Rule,

PLEASE DO ALL YOU CAN TO HELP OUR WILDLIFE.THANK YOU.

Sincerely,

Miss Ashley Nelligan
3450 S Eagle St Unit 202
Aurora, CO 80014-3966
(720) 220-0412

From: Scott Carney [coracefans@comcast.net]
Sent: Tuesday, July 12, 2011 6:15 PM
To: COcomments
Subject: Colorado Roadless Rule

The Colorado Roadless Rule proposed by the USDA Forest Service could have lasting effects and be a huge mistake if not handled right. I'm a native of Colorado, and love this beautiful state. I've fly fished many streams, rivers and lakes throughout Colorado for half of my life and I'm very grateful to have backcountry places that are special. As stewards of nature it's our responsibility to protect habitat for fish and wildlife. If the proposed comes to be without important stipulations in place, damaging developments in upper tiers would be devastating to vital habitats. Be smart, respectful and responsible with the Colorado Roadless Rule proposal. KEEP OUR COLORADO BEAUTIFUL!!

Thank you,
Scott Carney
Colorado Native

From: Alan Iannacito [alan@aciassociatesinc.com]
Sent: Tuesday, July 12, 2011 2:42 PM
To: COcomments
Subject: Colorado Roadless Rule

Directors:

In a society that will take everything we give them and then take more – why not hold back?

Why grant access to unspoiled property just so a few people can take advantage of another place to sully?

Soon enough there will be no place worth the hike, no place that isn't developed by energy, mining and timber interests. I grew up in the mining industry, worked in the mining industry, am familiar with timber harvest and still I do not agree that everything has to be developed.

Please let nature take its course without us opening more ways for erosion and degradation of what is left.

Thank you for your attention.

Alan Iannacito

Alan C. Iannacito, FASA, CEA

ACI Associates Inc.
P.O. Box 620428
Littleton, Colorado 80162-0428

Phone: 303-972-9142

Cell: 720-318-6282

Website: www.aciassociatesinc.com

And www.machineryreserve.com

Email: alan@aciassociatesinc.co

Or alaniannacito@comcast.net

From: stephenwest8@gmail.com
Sent: Tuesday, July 12, 2011 10:29 AM
To: COcomments
Subject: Colorado Roadless Rule

Stephen West
3743 Cedarlodge St
Boulder, CO 80301-3248

July 12, 2011

Tom Vilsack
Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812

Dear Tom Vilsack:

Dear Mr Vilsack:

I am a Colorado native for whom the hills of our state have meant profound joy and discovery throughout my life. I now have a family and the thing we treasure the most together is hiking, camping, skiing, snowshoeing and playing in the vast wilderness we are so blessed to know as Coloradans.

Please preserve as much as possible with the nation's most thorough protections of roadless areas.

Thank you,

Stephen West and family
Boulder, CO

Sincerely,

Stephen West

From: Defenders of Wildlife [ecomunications@defenders.org] on behalf of Jacqueline Trump Burch [jacquetb@q.com]
Sent: Tuesday, July 12, 2011 11:54 PM
To: COcomments
Subject: Colorado Roadless Rule

Jul 13, 2011

Forest Service Roadless Rule
CO

Dear Roadless Rule,

Please protect Colorado's roadless forests. The national roadless rule is expiring and I believe it is vital for the good of the land, animals and people of Colorado to shelter and protect our wild places. Please work toward a state law that surpasses the protections previously offered by the federal government. I am 100% behind you!

Sincerely,

Ms. Jacqueline Trump Burch
620 S 46th St
Boulder, CO 80305-6040
(303) 494-7219

From: Kenny Malara [kamalara@hotmail.com]
Sent: Wednesday, July 13, 2011 1:01 PM
To: COcomments
Subject: Colorado Roadless Rule

I am a native of Colorado and I strongly support the Alternative 4 for its bold designation of over 2.6 million acres as CRA upper tier land.

Colorado is already littered with roads, we need to work to limit new and remediate the old.

Colorado is a special place, one the entire nation holds in high regard. We are at a crossroads keep it wild or rape the land. The choice is simple.

I instruct you to adopt Alternative 4.

Kenny Malara
46 Rio Vista Circle
Durango, Colorado 81301
(970) 769-1578

Sunny Durango Colorado

Don't take down a fence until you know why it was put up.
-Robert Frost

From: Meghan McCormick [meghanmccormick@gmail.com]
Sent: Wednesday, July 13, 2011 8:46 AM
To: COcomments
Subject: Colorado Roadless Rule

Dear Forest Service,

I was very troubled to hear of the Forest Service's proposal to overturn the Colorado Roadless Rule. Colorado is a wonderful place to live, work, and play due almost entirely to its wilderness areas. I recently moved to Colorado from Indiana, a state whose natural resources have been squandered in the name of big business, and am proud to be associated with a group of citizens who care about public lands, wildlife, and protecting them from corporate interests.

I urge you to reconsider your decision. Please provide the highest level of protection for our state's fish and wildlife, not only for our recreational pleasure but for the sake of the entire ecosystem. Protecting these areas keeps harmful chemicals out of our water and food supply and keeps clean the air we breathe. Overturning the Colorado Roadless Rule does a disservice to some of our state's (and nation's) most treasured lands and prevents our future children and grandchildren from enjoying the wonderful quality of life we've all been afforded up until now.

Sincerely,
Meghan McCormick
317-752-4067

From: Arvin & Janice Shepherd [a.and.j.shepherd@gmail.com]
Sent: Wednesday, July 13, 2011 11:27 AM
To: COcomments
Subject: Colorado Roadless Rule

Hi,

Thank you for taking comments on the proposed Roadless Rule for Colorado. My husband and I live in Colorado and enjoy hiking and downhill skiing. Both activities bring us into contact with visitors from other states. These out of state visitors often comment that what impresses them about Colorado are the grand vistas of pristine forest that they can see from places like Craig's Crest on the Grand Mesa, on top of various 14ers and from the slopes of Snowmass ski resort.

I've recently driven some long highways in Mississippi and Louisiana. The highways are carefully lined with trees to give the appearance of grandeur, but looking past the handful of rows you often see a mess of clear-cutting immediately behind. So their highways give the appearance of great forests while in reality they are just fake store fronts like on a Hollywood set. So thank you for working on keeping our forests in Colorado truly grand. It is important to have more areas designated upper-tier not only for the pleasure it gives in viewing the landscape but for the health of our wildlife, and our water.

Here in Grand Junction our drinking water comes from the top and slopes of the Grand Mesa. The protection of this water shed is key to the prosperity of this area. Without safe drinking water, many people would leave the area. The protection of upper tier is needed for the Grand Junction watershed.

I support designated more areas in Colorado with upper tier protection.

Janice Shepherd
2310 Cypress Court
Grand Junction, CO 81506

From: Defenders of Wildlife [ecomunications@defenders.org] on behalf of Bruce Berger [bberger@rof.net]
Sent: Tuesday, July 12, 2011 8:53 AM
To: COcomments
Subject: Colorado Roadless Rule

Jul 12, 2011

Forest Service Roadless Rule
CO

Dear Roadless Rule,

Given the frequency of spills, an oil pipeline through roadless wilderness, protected for its integrity, would be a lapse of duty. The obvious solution: don't do it.

Sincerely,

Mr. Bruce Berger
PO Box 482
Aspen, CO 81612-0482

From: Defenders of Wildlife [ecomunications@defenders.org] on behalf of Gail Marcus [gmarcus211@comcast.net]
Sent: Tuesday, July 12, 2011 8:54 AM
To: COcomments
Subject: Colorado Roadless Rule

Jul 12, 2011

Forest Service Roadless Rule
CO

Dear Roadless Rule,

I've been going to our wonderful Rocky Mountains since I was a kid.
We must protect them from the fossil fuel development that would destroy habitat.

Please create a strong Colorado Roadless Rule that protects our environment and our wildlife for us all and our future generations.

Please protect our pristine public lands.

Thank you.

Sincerely,

Ms. Gail Marcus
1105 York St Apt 5
Denver, CO 80206-3056
(303) 393-6154

From: D Demuth [grandpademuth@yahoo.com]
Sent: Thursday, July 14, 2011 8:37 AM
To: COcomments
Subject: Colorado Roadless Rule

Thank-you for acknowledging my comment.

All actions concerning the Colorado Roadless Rule need to be stopped in order to protect the rights of those of us who are physically to reach these great outdoor recreation sites in this great state. We also need to protect the rights of our future generations who will enjoy OHV travel.

Thank- you,
Dale Demuth
7604 Angelholn
Rd.
Colorado

COR792

Springs, Colorado
80908

From: Paul Vertrees [sawtooth63@hotmail.com]
Sent: Thursday, July 14, 2011 8:13 AM
To: COcomments
Subject: Colorado Roadless Rule

Please consider my comments for your upcoming work on the Colorado Roadless Rule. ***Colorado needs a rule that provides protection greater than or equal to that provided by the 2001 National Roadless Rule!*** As a fifth-generation Coloradan, a traditional hunter and angler, and a man raising a family, I value our wild and roadless backcountry, not only for myself and my family, but also for what it means for millions of other Colorado residents. Roadless and wilderness areas in Colorado are the last true haven for big game populations and important trout habitat. Colorado's booming population has whittled down the backcountry corridors and protected watersheds that big game and wild trout must have to thrive. There must be a responsible balance with regard to logging, oil and gas exploration, and recreational motorized vehicle use. Protection of our watersheds and the habitat they flow through is of the utmost importance. Please consider the input you've received from Colorado sportsman's and environmental groups when you formulate a roadless rule for our state. A watered-down roadless rule is not the way to go. We only have one chance at responsible protection for Colorado's roadless backcountry...let's make it count and do it right.

Sincerely,

Paul A. Vertrees
Pike National Forest Representative
Colorado Backcountry Hunters and Anglers

From: Defenders of Wildlife [communications@defenders.org] on behalf of Adam Beauregard [beauregardconstruction@gmail.com]
Sent: Thursday, July 14, 2011 7:06 AM
To: COcomments
Subject: Colorado Roadless Rule

Jul 14, 2011

Forest Service Roadless Rule
CO

Dear Roadless Rule,

We have a pack of goats that we use for camping and hunting in Roadless areas and I hope to continue our adventures for several generations to come.. Please protect them.. These are truly a "once they are gone they can never be replaced" item..

Thank you for considering my comments.

Sincerely,

Mr. Adam Beauregard
PO Box 770974
735 Pahwintah
Steamboat Springs, CO 80477-0974
(970) 879-0953

From: jr_vgriffin@juno.com
Sent: Wednesday, July 13, 2011 7:06 PM
To: COcomments
Subject: Colorado Roadless Rule

To Whom It May Concern:

I have had the privilege of using the backcountry in Colorado for the past 36 years. When I first started to fly fish and hike in the back country, it was unusual to see any other people; peace and solitude ruled. Since that time, there has been a significant increase in the number of people using the back country. This has created additional pressure on a limited fragile resource. I would ask that in considering the Colorado Roadless Rule, you take the following points into consideration so that the proposed rule will:

- Prevent damaging development in upper tier areas.
- Keep harmful chemicals, produced water, and drilling rigs out of the most valuable fish and wildlife habitat.
- Eliminate loopholes that threaten native fish.
- Provide the highest level protection for the last, best habitat for fish and wildlife in Colorado.

Please remember, we only have 1 Mother Earth. Be kind to your Mother.

Regards,
John R. Griffin

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From: Defenders of Wildlife [ecomunications@defenders.org] on behalf of Amber Nelligan
[amberneligan@yahoo.com]
Sent: Wednesday, July 13, 2011 4:27 PM
To: COcomments
Subject: Colorado Roadless Rule

Jul 13, 2011

Forest Service Roadless Rule
CO

Dear Roadless Rule,

Hello,I am wrriting today to ask you if you would be so kind as to do what you can to help our suffering wildlife.It would be so very much appreciated.Thank you so much for your time.Bye.

Sincerely,

Miss Amber Nelligan
3450 S Eagle St Unit 202
Aurora, CO 80014-3966

From: Defenders of Wildlife [ecomunications@defenders.org] on behalf of Wallace White [wallyllama@frontier.net]
Sent: Tuesday, July 12, 2011 6:54 PM
To: COcomments
Subject: Colorado Roadless Rule

Jul 12, 2011

Forest Service Roadless Rule
CO

Dear Roadless Rule,

I have lived in Colorado more than 60 years and, as an elected official for the past 6 1/2 years, have learned that my constituents (over 50,000 in La Plata County) want to retain the protections of the Clinton era Roadless Rule. Our economy is largely tourist based and these people want to see our wilderness retained for future generations. Colorado will lose the major attraction for both local and tourist dollars if our forests are not managed to protect what we have now.

As someone who is concerned with safeguarding Colorado's roadless areas, I support the protections laid out in the National Roadless Rule and do not support managing Colorado's National Forests to a lower standard.

To ensure that the Colorado rule is at least as protective as the landmark national level tool, a final state rule needs to expand and strengthen the 'upper tier' protections and give priority to maintaining and enhancing roadless characteristics in all of the state's Inventoried Roadless Areas.

Colorado's National Forest roadless lands safeguard important habitat and wildlife migration routes and provide healthy watersheds for millions of Americans. To ensure that these valuable lands get the level of protection they deserve, a final Colorado Roadless rule must ensure the following:

*The agency has identified more than 2.8 million acres for 'upper tier' protections. These are areas known to have particularly high wildlife value for species like lynx, and important sources of clean drinking water for millions of downstream Americans. All 2.8 million acres of these additional lands warrant protection in an 'upper tier' and should be included in this category in the final rule.

*In addition, all 'upper tier' lands must have strict No Surface Occupancy stipulations to safeguard them from any future oil and gas leasing and development and prevent the use of 'linear construction zones' that allow for things like pipelines and transmission lines.

Protection of each area's roadless qualities and characteristics needs to be the agency's top consideration. Broad agency discretion to approve logging projects in the backcountry, new exemptions for roadbuilding to access yet undeveloped water facilities, and expanding authorities to allow 'linear construction zones' should all be revised to ensure that a strong standard places roadless characteristics as the primary purpose and overriding consideration for activities on these natural lands.

Thank you for considering my comments.

Wallace White
La Plata County Commissioner
Durango, Colorado

Sincerely,

Mr. Wallace White

589 High Llama Ln
Durango, CO 81301-6886

COR797

From: Bob Millette [peregrine@rof.net]
Sent: Sunday, July 10, 2011 11:27 AM
To: COcomments
Subject: Comments on the Colorado Roadless Rule DEIS

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812
Via email: COComments@fsroadless.org

Dear Land Managers:

The Roaring Fork Sierra Club Group would like to thank you for your efforts in crafting the new Colorado Roadless Rule proposal. Although this proposal goes a long way in protecting many of our precious roadless areas, it must offer much stronger protection. We strongly urge that any rule you adopt be at least as protective as the 2001 National Roadless Rule which the Obama administration has defended in federal court. We offer the following specific comments:

1) The Final Colorado Roadless Rule needs stronger restrictions on logging and road construction in roadless areas. The maximum distance allowed for road construction for fuel reduction should be no more than one-quarter mile from roadless boundaries.

2) Upper tier protections must be expanded and strengthened. Unfortunately, the proposed state-specific roadless rule provides a high level of protection for only 13 percent of Colorado's remaining roadless lands. The Forest Service should combine the 2.8 million acres of Upper Tier lands proposed in Alternative 4 with Alternative 2 to increase the level of upper tier protection for Colorado's Roadless Areas. Key areas that should receive upper tier protection include Thompson Creek, Deep Creek, Pagoda Peak, Dome Peak, and Lower Piney.

Two loopholes in Upper Tier protections must be eliminated: i) all upper tier lands should have No Surface Occupancy (NSO) stipulations for future oil and gas leases that cannot be waived, modified, or excepted; ii) all linear construction zones should be prohibited in Upper Tier lands other than for valid and existing rights.

3) The Forest Service should consider invalidating or assuring that gap leases comply with the National Environmental Policy Act. The Forest Service and Bureau of Land Management must take affirmative steps to ensure that leases issued in roadless areas after the 2001 Roadless Rule ('gap leases') are not developed in violation of that Rule. To comply with agency regulations and other laws, any final rule must require that gap leases issued without appropriate stipulations will be invalidated or brought into compliance when the 2001 Rule is upheld. The Forest Service should provide assurance that illegal gap leases will not be grandfathered in by a new Colorado Roadless Rule.

4) A Colorado Roadless Rule must be as protective of endangered species and their habitat as the 2001 Roadless Rule. The 2001 National Roadless Rule currently protects 50 million acres of pristine national forest nationwide, thus saving America's last road-free lands from auction, bulldozing, and industrial development. The U.S. Forest Service should not submit a watered-down roadless rule for Colorado that will jeopardize our valuable fish and wildlife populations, clean water sources, and the outstanding recreational opportunities these lands provide. Coloradans should not have to accept weaker protections for our public lands. Our State deserves the same gold-standard protections afforded the rest of the country under the 2001 National Roadless Rule.

We greatly appreciate your consideration of these comments.

Respectfully submitted,

COR 798

Robert Millette
Conservation Chair
Roaring Fork Sierra Club Group

From: Mary Janss [maryjanss@comcast.net]
Sent: Tuesday, July 12, 2011 7:26 AM
To: COcomments
Subject: Roadless please!

I urge you to protect our roadless areas. Thank you in advance.

Sincerely,
Mary Janss

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812
Via email: COComments@fsroadless.org

Dear Land Managers:

The Roaring Fork Sierra Club Group would like to thank you for your efforts in crafting the new Colorado Roadless Rule proposal. Although this proposal goes a long way in protecting many of our precious roadless areas, it must offer much stronger protection. We strongly urge that any rule you adopt be at least as protective as the 2001 National Roadless Rule which the Obama administration has defended in federal court. We offer the following specific comments:

- 1) The Final Colorado Roadless Rule needs stronger restrictions on logging and road construction in roadless areas.** The maximum distance allowed for road construction for fuel reduction should be no more than one-quarter mile from roadless boundaries.
- 2) Upper tier protections must be expanded and strengthened.** Unfortunately, the proposed state-specific roadless rule provides a high level of protection for only 13 percent of Colorado's remaining roadless lands. The Forest Service should combine the 2.8 million acres of Upper Tier lands proposed in Alternative 4 with Alternative 2 to increase the level of upper tier protection for Colorado's Roadless Areas. Key areas that should receive upper tier protection include Thompson Creek, Deep Creek, Pagoda Peak, Dome Peak, and Lower Piney.

Two loopholes in Upper Tier protections must be eliminated: i) all upper tier lands should have No Surface Occupancy (NSO) stipulations for future oil and gas leases that cannot be waived, modified, or excepted; ii) all linear construction zones should be prohibited in Upper Tier lands other than for valid and existing rights.

- 3) The Forest Service should consider invalidating or assuring that gap leases comply with the National Environmental Policy Act.** The Forest Service and Bureau of Land Management must take affirmative steps to ensure that leases issued in roadless areas after the 2001 Roadless Rule ('gap leases') are not developed in violation of that Rule. To comply with agency regulations and other laws, any final rule must require that gap leases issued without appropriate stipulations will be invalidated or brought into compliance when the 2001 Rule is upheld. The Forest Service should provide assurance that illegal gap leases will not be grandfathered in by a new Colorado Roadless Rule.

- 4) A Colorado Roadless Rule must be as protective of endangered species and their habitat as the 2001 Roadless Rule.** The 2001 National Roadless Rule currently protects 50 million acres of pristine national forest nationwide, thus saving America's last road-free lands from auction, bulldozing, and industrial development. The U.S. Forest Service should not submit a watered-down roadless rule for Colorado that will jeopardize our valuable fish and wildlife populations, clean water sources, and the outstanding recreational opportunities these lands provide. Coloradans should not have to accept weaker protections for our public lands. Our State deserves the same gold-standard protections afforded the rest of the country under the 2001 National Roadless Rule.

We greatly appreciate your consideration of these comments.

COR 799

Respectfully submitted,

Robert Millette
Conservation Chair
Roaring Fork Sierra Club Group