

COR451.

From: Pew Environment Group [advocacyemail@pewtrusts.org] on behalf of JoAnn Keller [joannk780@gmail.com]
Sent: Friday, July 08, 2011 5:38 PM
To: COcomments
Subject: Protect Colorado Forests

Jul 8, 2011

U.S. Forest Service

Dear Forest Service,

Colorado's 4.4 million acres of undeveloped national forests are an irreplaceable treasure, protecting valuable water resources and wildlife habitat and providing world-class opportunities to experience the great outdoors.

But the administration's new proposal falls short. It gives less than 13 percent of the state's best backcountry protection it deserves, leaving the remainder more vulnerable to new road-building, drilling and development.

Colorado deserves more! Give top tier protection to all of Colorado's undeveloped national forests, so that the water, wildlife and other bounty of our state will be preserved.

Drilling and development are of the past. Gas and oil are of the past. Clean energy that is highly unprofitable needs to be what we develop. Our planet Earth, here in Colorado and everywhere, must be left along.

Sincerely,

Ms. JoAnn Keller
780 Excalibur St
Lafayette, CO 80026-1911

From: Lor2mol@aol.com
Sent: Monday, July 11, 2011 10:51 AM
To: COcomments
Cc: barbara@wserc.org
Subject: GMUG

The new rule is certainly more clear. However there are still two issues that need to be addressed. First - the 300 foot corridor on either side of existing roads should not be available for siting of drill pads or compressor stations. I think such development would completely destroy the character of the roadless areas. However, I also think that these buffer zones could be used for pipeline construction rather than heading directly through an undeveloped area and disrupting/changing the character of the wildlife habitats in those areas.

Second - a strong effort needs to be made to cancel the "gap" leases. Industry has taken advantage of the "confused" status of the roadless legislation controversy. It's a gamble they should not have taken. It resembles the "nose of the camel under the tent wall". Why should the environment have to make good on their gamble?

Loretta Molitor
18667 Surface Creek Road
Cedaredge CO 81413

From: Tim McFlynn [mcflynn@public-counsel.org]
Sent: Monday, July 11, 2011 10:51 AM
To: COcomments
Subject: Colorado Roadless Rule

PUBLIC COUNSEL OF THE ROCKIES

1280 Ute Avenue

Aspen, CO 81611

July 11, 2011

From: Hollis Kerler [hollis@wi.rr.com]
Sent: Thursday, July 07, 2011 10:20 AM
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:

The Final Colorado Roadless Rule needs stronger restrictions in order to truly protect this valuable resource.

Changes to the final rule should be as follows:

1. The maximum distance allowed for road construction for fuel reduction should be no more than one-quarter mile from roadless boundaries.
2. Expand the acreage in the Upper Tier and increase 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.
3. Eliminate two loopholes in Upper Tier protections. 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.
4. Invalidate or appropriately stipulate 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.

5. 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.

Thank you for strengthening the restrictions in Colorado's Roadless Areas!

Hollis Kerler
Carbondale, CO 81623

Hollis Kerler
820 Main Ct
Carbondale, CO 81623

From: smartin@chiliinteractive.com
Sent: Friday, July 08, 2011 5:58 PM
To: COcomments
Subject: Protect Colorado's Roadless Areas from Development

Form #11-

July 8, 2011
Forest Service Comments

Dear Forest Service Comments,

My Name is _____, I live in [town], [state], and Roadless Areas are very important to me.

Roadless areas are a finite resource with very high value to Colorado state culture and economics. President Obama's Administration pledged that a Colorado Roadless Rule will be at least as protective of roadless areas -- and preferably more protective -- than the 2001 Roadless Rule. Upholding this commitment is personally important to me. To ensure that Colorado's valuable roadless areas receive the level of protection they deserve, a final Colorado Rule must be significantly improved.

Creating an upper tier management category is a welcome development. However, given the wealth of backcountry recreational resources in Colorado, from the mountain passes, crags, trails and rivers, and the enormous social and economic value associated with enjoying these resources, designating only 14% of Colorado roadless areas as upper tier is simply not enough.

To be sufficiently protected from future oil and gas development, all "upper tier" and other roadless lands should be subject to strict No Surface Occupancy stipulations. These areas must not permit the use of "linear construction zones" to facilitate pipelines, transmission lines, or telecommunication facilities, because such developments negatively impact the quality of backcountry recreation.

Protection of the area's roadless qualities and characteristics need to be the agency's top consideration. Broad agency discretion to approve logging projects in the backcountry, new exemptions for road-building to access yet undeveloped water facilities, and expanding authorities to allow "linear construction zones" should all be reworked to ensure that the primary purpose and overriding consideration is protection of these natural lands.

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. This definition of at-risk communities needs to be tightened to focus logging exemptions only where needed.

In addition, 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.

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. To make sure 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 and give priority to maintaining and enhancing roadless characteristics in all the states Inventoried Roadless Areas.

Sincerely,

S. Martin

COR 455

Hopkins Place
Boulder, CO 80301

From: Jim Kiger [Jim.Kiger@OXBOW.COM]
Sent: Tuesday, July 12, 2011 6:59 AM
To: COcomments
Cc: kktu@fs.fed.us; Mike.King@state.co.us; robert.randall@state.co.us; Charlie Beecham (charlie.beecham@blm.gov); Desty Dyer; Jim Cooper
Subject: Oxbow Mining Comments on proposed Colorado Roadless Rule
Attachments: Oxbow CCRA Cover Letter- 7-12-11.pdf; Monarch - Oxbow Currant Creek.pdf; Oxbow Roadless comments.pdf

Please see the attached comments regarding the proposed Colorado Roadless Rule. Note that we have also included a report prepared by Monarch and Associates reviewing the habitat and wildlife condition found in the Currant Creek Area.

Please contact me if there are questions.

*James A. Kiger
Environmental Manager
Oxbow Mining, LLC., Elk Creek Mine
P.O. Box 535
Somerset, Co. 81434
970-929-5806, fax: 970-929-5177*



OXBOW MINING, LLC

3737 Hwy 133 P.O. Box 535 Somerset, Colorado 81434 USA Tel (970)929-5122 Fax
(970)929-5177

July 12, 2011

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

Re: Proposed Colorado Roadless Area Rule.

To whom it may concern:

Oxbow mining thanks the US Forest Service for the opportunity to comment on the subject proposed Colorado Roadless rule, published in the Federal Register on April 15, 2011. Oxbow Mining, LLC operates the Elk Creek Mine, an underground coal mine located in the North Fork Valley of Colorado. Oxbow employs approximately 350 employees mining approximately 5 million tons annually of super compliance, low sulfur, low mercury, high BTU coal that is in high demand by the industrial fuels and electrical power generation industries.

Oxbow mines Federal coal and operates on USFS and BLM managed lands. A significant portion of our Federal coal lease lies within the Spring House Park IRA or now known as the Pilot Knob CRA. The Federal coal lease has an effective date of March, 2001 date so it is not grandfathered as having prior existing rights under the proposed Rule. The management of these lands has a direct effect on the ability of Oxbow to mine these leased coal reserves efficiently and safely.

Further, Oxbow Mining, LLC has recently applied to the Bureau of Land Management for an exploration license to explore unleased Federal coal reserves located on the area called "Oak Mesa." Oak Mesa is located north of Hotchkiss and southeast and adjacent to the Currant Creek CRA. The Oak Mesa Project, if successful could contain enough coal reserves to sustain mining in the North Fork Valley for an additional 20 years. Oxbow Mining is proud to be operating on a property where mining has occurred since 1895, and we are interested in continuing safe and environmentally responsible coal mining in the North Fork Valley.

Sincerely,

James A. Kiger
Environmental Manager

Attachment

Xc: Jim Cooper, OMLLC
Mike King, Colorado DNR
Bob Randall, Colorado DNR
Ken Tu, USFS, Rocky Mtn Region.
Files

Colorado Roadless Rule/EIS Comments:

1. Oxbow supports the Alternative 3.

Oxbow has consistently supported the management of all USFS land for multiple use and thus, we support the alternative where the Forest is managed under Alternative 3 – Forest Plan. We firmly believe in multiple use management and support an alternative where US Forest Service lands remain available and managed for mining, timber harvest including road construction, livestock grazing, OHV use, etc. We believe the local USFS Ranger District Offices are better positioned to make the proper land management decisions rather than a one-size-fits-all Roadless Rule. We also understand the Alternative 3 option could be adversely impacted should the 10th Circuit Court of Appeals find in favor of the 2001 Rule and overturn the U.S. District Court Judge Brimmer order that the 2001 Rule to be enjoined nationwide. Oxbow believes the 2001 Rule should properly remain enjoined nationwide and local Forest planning should prevail.

2. Oxbow does not prefer the Alternative 2 – Colorado Roadless Rule with some upper tier acres.

While Oxbow does not prefer this Alternative 2 we recognize that this is the preferred alternative and likely to prevail. We also recognize that the Alternative 2 provides for the North Fork Coal Mining Area exception, where coal exploration, leasing and mining activities can continue. Obviously, Oxbow supports the continuation of unfettered coal mining activities in the North Fork Valley under any land management scenario. We do question why there is not an alternative similar to the earlier versions (July 2008) of the Colorado Roadless Rule where there are no proposed upper tier areas. Oxbow finds the Alternative 2 presented in the earlier version of the Colorado Roadless Rule far more preferable than the present Alternative 2 with the upper tier acres. Absent the selection of Alternative 3, we strongly encourage the USFS to consider Alternative 2 without the upper tier acres.

3. Oxbow supports the use of temporary roads for use as methane pipeline corridors.

Proposed Rule 30 CFR 294.43(c)(ix) provides the opportunity to locate coal mine methane collection pipelines and other buried infrastructure within the temporary roads for coal-related surface activities within the North Fork Coal Mining area of the GMUG. Oxbow supports this proposal as the beneficial use of coal mine methane after mining operations have ceased will be an important use of this important natural gas resource.

4. Oxbow objects to the removal of the Currant Creek CRA from the North Fork Coal Mining area.

The proposed Rule states that “Approximately 9000 acres of the Currant Creek CRA have been removed from the North Fork Coal Mining Area exception due to public comments regarding wildlife values of this particular CRA and the lack of existing coal leases in the area.” Oxbow takes issue with both of these comments and provides supporting information in the following sections. Oxbow suggests that the exception included in the original 2008 proposal for the Currant Creek Area must be reinstated

Oxbow has attempted to better understand the coal resources and wildlife resources in the Currant Creek area to be able to comments on the USFS proposal. Without actual coal exploration drilling information, it is difficult to fully understand the extent of the coal resources in the area. With assistance from USFS personnel familiar with the geology of the Currant Creek area, we have additional information regarding the assumed mineable coal resources in relation to the environmental resources found in the area. With assistance from Mr. John Monarch, Wildlife Biologist with Monarch and Associates, we have conducted a comprehensive review of the wildlife resources found in the Currant Creek area. Please see the attached report titled "Currant Creek Roadless Area – Habitat and Wildlife Use Evaluation" dated July 11, 2011 for details on the area. Monarch and Associates have determined that the concern for the wildlife resources in the likely mineable area of Currant Creek is undue and lacks technical basis. Monarch finds that coal exploration, leasing and mining related activities can be conducted under existing laws to protect the limited wildlife and environmental values found in the area.

- A. The Currant Creek Area containing mineable coal resources is predominately routine Oakbrush/ Mountain Shrub habitat and not critical habitats.

There is very limited geologic information available for the CCRA. This is one of the reasons why Oxbow believes the CCRA should be left in the North Fork Coal Mining Area exception and available for future coal exploration, leasing and mine planning. Oxbow presently does not have plans for the CCRA, we simply desire the area be "left on the table" and available for future consideration for development of its vast coal resources.

The footprint of the Currant Creek area appears to be approximately 10,780 acres. The upper, or northern most CCRA limit line appears to correspond to a maximum overburden cover of 3,500' above the coal seam. Current underground mining technology limits coal mining in the 2,500' to, at most the 3,000' overburden cover zone. For the CCRA this upper limit of mining generally corresponds to the 8,800' surface contour interval. Please see the attached Map #1 for details of this area. The area generally located below the 8,800' surface contour contains the probable recoverable coal resources and includes approximately 4,430 acres (see Map #2) of the CCRA. Map #3 shows that the 4,430 acre area located below the 8,800' surface contour is comprised almost entirely of the Mountain Shrub/ Oak Brush vegetative community type. The attached Monarch and Associates report has reviewed the wildlife values of the probable coal mineable areas assuming the potential mining areas would be located below this 8,800' contour.

- B. The Currant Creek Area and Adjacent areas contain substantial coal resources that would be abandoned if not included in the North Fork Coal Mining Area.

Oxbow estimates (see Map #2) that the mineable 4,430 acre CCRA area located below the 8,800' surface contour contains at least 40,525,500 tons of coal reserves. The 6,078 acre area located south of the CCRA Forest Boundary is comprised of BLM managed lands and private lands and contains approximately 55,613,000 tons of mineable coal reserves. The total north/south Currant Creek mining block contains a total of approximately 96,138,500 tons of coal. This is a conservative estimate based upon mining only one seam of coal. All three North Fork mines have historically mined 2 to 3 seams of coal and it is conceivable that the Currant Creek block of coal could be substantially larger. It is interesting to note that the south block area

also contains old historic mining areas which were mined near outcrop for domestic coal early in the 20th century.

Oxbow believes that if the CCRA area is not included in a contiguous mining block jointly with the south mining block the entire 96,138,500 tons of coal will be “sterilized” as there is insufficient coal resources in the southern block to justify the capital investment necessary to open a new mine. Additionally, the abandonment of over 96 million tons of coal would result in a loss of approximately \$507,611,280 in severance taxes, property taxes, royalties, bonus bid, and other taxes (see Table 1). The combined north/south Currant Creek mining block, with over 96 million tons of coal would likely support a 20+ year mine life with over 350 miners. With a rule-of-thumb of 4 indirect support jobs for every direct mining job, a loss of the entire Currant Creek mining block could result in the direct loss to the Delta County area of nearly 1,750 jobs for over 20 years. The loss of this substantial mining block would obviously have a staggering adverse impact to the local economy of Delta County communities and the region in general.

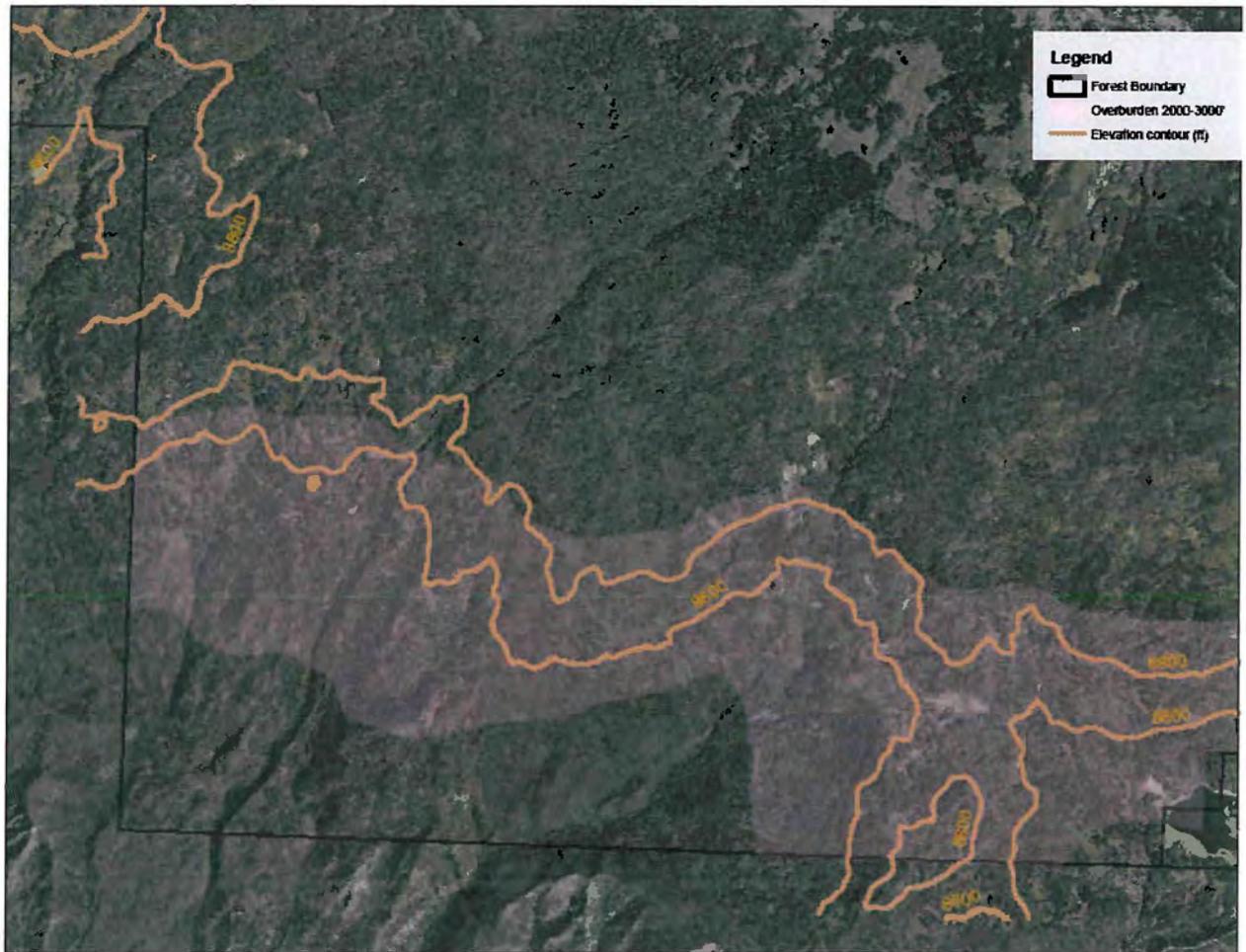
C. The Currant Creek Area is located adjacent to the recently announced Oxbow Oak Mesa Exploration Project.

Recently, Oxbow announced an exploration program for the Oak Mesa Project located north of Hotchkiss and adjacent to the Currant Creek mining block. (See the Attached Map 2 for the location of the exploration area footprint). Oxbow’s intention is to explore the Oak Mesa coal reserve block then proceed with Federal coal leasing activities, and if successful, complete a Mining and Reclamation Plan with the State of Colorado. Similar to the Currant Creek block, the Oak Mesa block of coal also has the potential to support a 20+ year mine life with 350 miners.

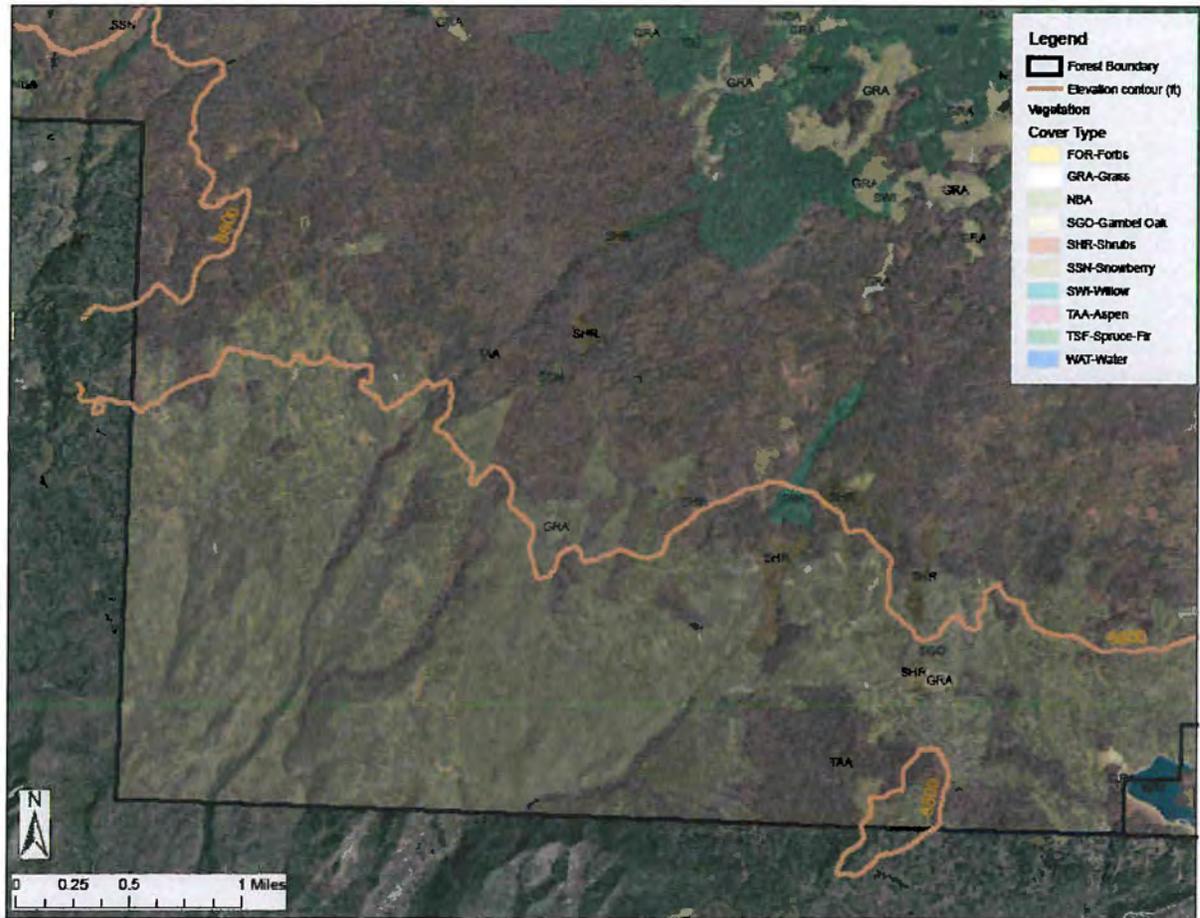
A next logical area for coal exploration and development in the North Fork Valley would be the Currant Creek coal mining block. There is always some potential that both the Currant Creek block and the Oak Mesa block of coal could be developed simultaneously, depending on the future U.S. coal demand, The CCRA must remain in the North Fork Coal Mining Area exception to facilitate the logical development of these valuable coal resources. We strongly support reinstating the coal mining exception for the CCRA.

Even without the adjacent Oak Mesa project, Oxbow questions the logic of eliminating the CCRA from the North Fork Coal Mining Area exception with its known coal resources simply because there is a “lack of existing coal leases in the area.” This is a seemingly illogical way to manage important world class coal resources and ignores the rational development of known coal reserve blocks in an orderly manner.

This concludes Oxbow’s comments to the proposed Colorado Roadless Rule.



Map 1



Map 3

TABLE 1

Current Creek Coal Block	
Tons Mineable (50% Recoverable)	Coal Production Only Taxes/Royalties/Fees
96,138,500	
Severance Tax (\$0.31/ton)	\$29,802,935
Property Taxes (Coal Production Only)	\$13,459,390
Bonus Bid (\$0.25/ton)	\$24,034,625
Federal Royalties (~48% returned to Colorado)	\$323,025,360
Black Lung Tax	\$105,752,350
AML	\$11,536,620
Total	<u>\$507,611,280</u>

COK 456



Monarch & Associates

Ecological Consultants

18482 Eastridge Road • Cedaredge, Colorado 81413 • Phone & FAX (970) 856-7819

July 12, 2011

Jim Kiger
Oxbow Mining, LLC
P.O. Box 535
Somerset, CO 81434

Via E-mail

Re: Currant Creek Roadless Area – Habitat Condition and Wildlife Use Evaluation

Dear Jim:

Attached is a copy of my report titled, "Currant Creek Roadless Area – Habitat and Wildlife Use Evaluation. The report addresses the lack of justification for using habitat and wildlife as one of the reasons for removing the Currant Creek Roadless Area (CCRA) from the North Fork Coal Mining area exclusion in the Colorado Roadless Rule as published in the Federal Register April 15, 2011. The report specifically addresses a 4430 acre portion of the CCRA where underground mining would be possible. The remainder of the CCRA would remain as a roadless area.

Please contact me if you have any questions.

Sincerely,

John Monarch

Attachment



July 11, 2011

Jim Kiger
Oxbow Mining, LLC
P.O. Box 535
Somerset, CO 81434

Re: Currant Creek Roadless Area – Habitat Condition and Wildlife Use Evaluation

Dear Jim:

Following are my comments on habitat and wildlife being used as justification for removing the Currant Creek Roadless Area (CCRA) from the North Fork Coal Mining Area exception. My comments focus on information submitted by the Colorado Division of Wildlife that was used in the decision making process when the CCRA was removed from the North Fork Coal Mining Area exception. I have provided what I believe to be sufficient information to support the position that a portion of the CCRA could be mined without adversely affecting wildlife activities in the area.

EXECUTIVE SUMMARY

Not all statements made in the Colorado Division of Wildlife letter dated October 15, 2009 are supported by CDOW data. Elk and deer do not winter in the area. Bear numbers are high and increasing in the area and fall foraging habitat is not limiting bear numbers in the North Fork Valley. There is mapped lynx habitat in the CCRA, but there have been no lynx occurrences recorded for the area. There is no mapped lynx habitat mapped below the 8800 foot contour. CDOW data does not support the exclusion of mining below the 8800 foot contour in the CCRA.

If the area where coal development could occur is reduced to a 4430 acre area below the 8800 foot contour in the southern portion of the proposed Currant Creek Roadless Area (CCRA), the remaining 6370 acres above the 8800 foot contour would remain as roadless area. Less than two hundred acres of the 10,800 acres in the CCRA would be affected during operations associated with mining. This disturbance would be limited to the 4430 acre area in Gambel oak-mountain shrub habitat. Following cessation of mining activities and reclamation of areas disturbed by road and pad construction the 4430 acres could then be included in the CCRA.

The small foot print resulting from underground coal mining operations in the North Fork Valley are not affecting wildlife. This would be case if exploration and development occurred in the CCRA. Due to the small footprint, elk production in the CCRA will not be adversely affected if coal development were to occur. There are large expanses of suitable elk production habitat in the North Fork Valley and disturbance of small areas in the lower portion of the CCRA will not adversely affect elk productivity.

Data from years of observations show that elk, deer and other wildlife are not adversely affected at the population level at either surface or underground mines.

Disturbances from underground coal mining operations are short term and habitat can actually be improved as a result of good reclamation programs. Current reclamation at the three active mines is very effective and habitat in those areas is actually being improved and wildlife is benefitting.

Based on information presented in this report on habitat and wildlife activity in the 4430 acre area and the fact that data from observations at existing mines show wildlife is not adversely affected by activities associated with mining operations, there is no reason that, at a minimum, the 4430 acre area located below the 8800 foot contour into the CCRA should not be reinstated in the North Fork Coal Mining Area exception.

INTRODUCTION

In July 2008 the proposed Colorado Roadless Rule (CRR) was published in the Federal Register. In that rule there were exceptions made for coal development in the North Fork Valley. One of those exceptions was what is known as the Currant Creek Roadless Area (CCRA). The CRR then went through a 90 day review period. In April 2010 the Forest Service was directed by the Secretary of Agriculture to move forward with the rule making process. In April 2011, the revised Draft EIS was published with a 90 day comment period. In the revised draft the exception for coal development in the Currant Creek Roadless area had been removed.

It is not known exactly how the decision was made to remove the Current Creek area from the North Fork exception area for coal development. It appears that much of the decision was based upon information in a letter dated October 15, 2009 from the Colorado Division of Wildlife (CDOW) to Regional Forester Rick Cables. In that letter the CDOW recommended the CCRA be removed from the North Fork coal mining area because there are high wildlife values in the area. Oxbow Mining, LLC. has requested that Monarch and Associates review the merits of this decision

In preparing these comments, I have utilized knowledge gained about habitat and wildlife during studies and other observations for coal mining and other energy

development activities over the past 37 years. Over those years, I have observed how wildlife respond to energy development activities and how they have changed habits and habituated to activities associated with energy development. During those years, I have been involved with wildlife studies at both surface and underground mines with many of the studies and surveys being conducted over periods of up to 11 years. I have conducted wildlife studies at all three mining operations in the North Fork Valley for 10 years and am very familiar with habitat conditions and wildlife activities in these areas.

GENERAL OBSERVATIONS

The total area of the CCRA is approximately 10,780 acres. Of the 10,780 acres the area that was proposed to be part of the North Fork coal mining area in 2008 was 9,000 acres. It is being proposed by Oxbow Mining, LLC that approximately 4430 acres be removed from the 10,800 acres and the option for coal exploration, leasing and possible development be retained as part of the North Fork coal mining area. The remainder of the area above the 8800 foot contour, approximately 6370 acres, would be managed as roadless area with no development now or in the future. – See Map 1 showing the two areas.

With only minor exceptions, all of the approximately 4430 acres are below the 8800 foot contour. This is the elevation at which overburden above the coal exceeds 2500 feet. With current technology this is the upper limit where underground mining could occur.

If exploration and development were to occur in this lower elevation portion of the CCRA the foot print at any given time would be small. During exploration the combination of roads and pads actively being used would probably not exceed 200 acres or less than 5 percent of the mineable area and approximately 2 percent of the entire CCRA. This is based on the assumption that roadbeds would be 14 to 16 feet wide and drill pads would be one-half acre or less. If the area were ultimately mined the total habitat loss at any one time probably would not exceed 200 acres as vent well sites and roads are reclaimed when they are no longer needed. The amount of surface disturbance would be similar to what has been occurring for a number of years at the three mines in the North Fork Valley. Data from my ten years of annual habitat and wildlife surveys have shown that deer, elk, bear, listed species and other wildlife activity and habitat use has not been affected by the ongoing operations.

HABITAT

Habitat in the 4430 acre area was evaluated by reviewing aerial photo imagery and an on the ground survey in the spring of 2011. This information was supplemented by information provided by Floyd Reed, USFS retired, (2011).

Below the 8800 foot contour the habitat is predominantly Gambel oak dominated shrub habitat. Most of the Gambel oak is mature to overmature. As the Gambel oak

ages it declines in habitat quality for a number of species. Given the current condition of this habitat type in the area it cannot be considered as high quality habitat. The USFS has prepared a map which shows "High priority Habitat for Threatened and Endangered and Economically Important Species in Inventoried Roadless Areas in Colorado". This map was found on the CDOW website with a date of June 17, 2011. That mapping shows much of the 4430 acres to be in the low importance category. It appears when looking at this map that the line generally approximates the lower edge of aspen dominated habitat, which is approximately the 8800 foot contour. There are some small pockets of aspen along drainages and in some small areas where micro climate conditions will support these trees. These areas make up a very small percentage of the habitat in the 4430 acres being proposed for inclusion in the North Fork coal mining area - See Map 2 - Vegetation Map with 8800 foot contour.

There are large expanses of aspen above the 8800 foot contour around the foot of Green Mountain. There are some inclusions of spruce-fir in the aspen stands. At elevations above the aspen stands there are large stands of spruce-fir interspersed with open grass dominated park areas. These are the habitat types the CDOW has mapped as "High Priority Habitat" in the CCRA.

During the ten years of surveys conducted in Gambel oak-shrub habitat at mines in the North Fork Valley it has been observed that habitat actually improves when roads and pads are reclaimed. This is based on the observations that most Gambel oak dominated habitat in the area is overmature and is on the decline. When areas are opened up for roads and pads and then reclaimed and revegetated the diversity and quality of habitat is improved and wildlife responds accordingly.

Habitat will only be disturbed for 2-3 years following road and pad construction. These locations are then reclaimed and revegetated. The grasses and forbs on the reclaimed areas actually add to the mosaic of both vegetation and seral stages in the area. This results in improved conditions for wildlife as evidenced by the density and diversity of species observed during the annual surveys.

It is stated in the RDEIS, "that roads and coal mine facilities would fragment habitat and lead to a major degradation of roadless characteristics". This argument that habitat is fragmented has been used for a number of years as one of the reasons that habitat quality goes down and wildlife numbers decline. In reviewing studies conducted over the years, I find that most of these studies are designed to show negative impacts on wildlife near roads or other human activity. What these studies do not show is what is happening at the population level. There are a multitude of species that have continued to function in stable in numbers or increase even as development has increased. A case in point are elk. When I first started with the CDOW in the early 60's Dick Denny, who was the state big game manager, for the CDOW estimated that elk numbers were about 50,000 in the state. His observation was that due to development that would probably be the peak of numbers in the state. As the human population and associated effects on habitat increased so did elk

numbers. They reached a high of over 400,000 in the early 90's and since that time the CDOW has spent considerable effort in increasing harvest to bring the numbers down and in line with management objectives.

In studies I have conducted over the years in energy development areas the data shows that use of those areas by wildlife have remained relatively unchanged. Elk, deer and other wildlife continue to use the areas with no noticeable change in activities. It is common for elk, deer and other species to take advantage of improved forage conditions and security on the mine properties.

Short term habitat loss would be minimal in the 4430 acre area. The few acres disturbed each year would be reclaimed in 2-3 years and with the first growing season many species that forage or otherwise use grass-forb vegetation will be using the areas. Because mining moves through the area over time only a small portion of the area is actually disturbed at any one time. During any given period of time only a few acres would be unavailable to wildlife.

After all activities associated with mining are completed the area will again be roadless. In many cases habitat will be improved and there will be a net benefit to wildlife in the area. This has been found to be the case at mines in the North Fork Valley, surface mines in other areas and in other areas of energy development.

WILDLIFE

It is stated in the CDOW letter dated October 15, 2009 that, "the CCRA is an important elk and deer calving and fawning area and winter range for deer and elk and is used heavily in the fall by foraging black bear". The letter also states that "higher elevation areas are used by lynx". Each of these species are addressed in the following section. I note here that in the CDOW letter they call the areas elk calving areas. Yet, Map 3 with this report shows the areas as being production areas. In the past the CDOW called the areas calving areas. I am uncertain why there has been a change in nomenclature and the difference in definitions.

ELK

It is bothersome when species such as elk that are pioneering generalists, are used as indicator species. Elk use a wide variety of habitats and readily habituate to the presence of human activity. If they weren't generalists and very adaptable there would not have been the increases in elk numbers that have occurred in the last 50 years in Colorado and other states.

CDOW mapping shows two elk production areas in the CCRA – See Map 3 - CDOW map showing High Priority Habitat in the Currant Creek Roadless Area. One is located between Currant Creek and Surface Creek drainages. The other is located east of Durkee Ridge in the Hells Hole area. In a meeting with Bob Morris, District Wildlife Manager with the CDOW, I raised the question as to how the production

areas were originally mapped. He indicated that he did not know who did the original mapping in the Currant Creek area. John Gray, retired Regional Biologist with the CDW stated that mapping of elk calving areas started in the early 1970's. The method for delineating the areas was based on areas where cows with calves were observed and the outside boundaries of those observations used to draw polygons on a map. We discussed the importance of the Gambel oak-mountain shrub habitat in the two mapped areas in the CCRA for calving as compared to the large aspen stands found at higher elevations. He agreed that oak dominated habitat is not as important as aspen for elk calving habitat. The argument can be made that maybe there should be no mapping of production areas as there are thousands of acres of the same habitat types throughout the Currant Creek area and the larger North Fork area and elk can and do use any area they choose for calving. I will not argue that elk move through the area for calving on their way to aspen stands above the 8800 foot contour in the CCRA. However, randomly moving through an area to a more preferred area for calving really doesn't mean it should be mapped as a production area. Thus, should the areas be remapped and show areas elk move through to the calving areas as one type of habitat use and the actual areas where most calving occurs, if that is doable, as another. Obviously, moving through an area to a more preferred location does not make the area high priority habitat. Under this scenario, I question whether the area below the 8800 foot contour should be mapped as elk production area at all. Information presented later in this report will support this observation.

Other than a very small area near Patterson Reservoir in the very southeast corner of the CCRA there is no mapped elk winter range. The winter mapping is a better reflection of elk habitat use in the area during the winter months.

Elk - Summer Activity

The 4430 acres in the CCRA where mining could occur is almost exclusively in steep country with Gambel oak-shrub being the dominate habitat type. This is not typically the habitat conditions where elk calve. In reviewing CDOW data there are no other areas mapped as elk production areas in the North Fork coal mining area where Gambel oak-shrub habitat is the dominate habitat type. Elk do move from lower to higher elevations during what is called the production period from May 15 to June 15. Most elk follow green up to higher elevations in the spring. Most calving takes place at the upper limits of green up in any given year. Typically, there is more suitable locations for calving at higher elevations in the aspen habitat. Thus, the cows may in some years be in the area during the production period, but during most years calving would be expected to take place in the CCRA at elevations above the 8800 foot contour.

Data used to support the position on impacts to elk presented in the RDEIS paint a picture that all energy development impacts elk negatively. This could not be further from the truth. In the 37 years I have been studying or observing elk where coal mining is occurring there has been no evidence that elk are affected at the

population level. Rather, data shows that elk did not leave the home range area when mining occurred and there was a positive benefit to elk when the mined areas were reclaimed. Anyone who has spent time observing elk on reclaimed surface mine lands in northwest Colorado know this to be a fact. Tom Henry, retired DWM for the CDOW (per. comm.), was on the team in the late 1970's that evaluated the potential impacts of mining to elk at surface mines in northwest Colorado. At that time the team felt that mining would have a severe negative impact on elk in the area. As he pointed out, just the opposite was the case. Elk have taken advantage of the conditions on the reclaimed lands and their numbers increased in those areas.

Elk can and do move freely between areas and within mining areas and are not deterred from using the habitat. During a four year telemetry study conducted at a surface mine in Northwest Colorado reproduction of elk using active mine areas was not different from elk using areas undisturbed by mining (Johnson, 1986). During those same studies it was found that fidelity to calving home ranges was not different from elk using areas undisturbed by mining. Data collected during those studies also showed that cow elk calved within a few hundred feet of active mining operations and remained in those areas throughout the summer. In addition to these observations Johnson observed that even though aspen only accounted for 20% of the habitat 78% of the elk used this habitat type during the calving period. Calving was also documented in mountain shrub habitat, but at a much lower percentage. This points out that for calving purposes Gambel oak-mountain shrub habitat in the 4430 acres is not as important as aspen habitat at higher elevations. During my ten years of surveying wildlife in the North Fork valley, I have observed nearly all cows with calves at higher elevations in aspen dominated habitat.

Floyd Reed, retired range conservationist with the USFS (per. comm. 2011) worked in the North Fork Valley for many years. He continues to assist the USFS in range conservation efforts. Over the years he has had the opportunity to observe elk habitat use and calving activities. His observations indicate that elk calving habitat cannot be delineated. Rather, cow elk will take advantage of any secure area to calve and the secure areas are unlimited on the forest. This includes the CCRA (Note- He has probably spent more time in the Currant Creek area than anyone else from the CDOW or USFS). He also concurs with my observations from years of surveys that elk follow green up to the calving areas which are predominantly in large aspen stands. However, we both agree that green up can vary between years and calving can occur at different elevations between years. This means that in some years calving may occur at lower elevations in Gambel oak mountain shrub habitat.

When looking at calving or production area habitat in the Currant Creek area and elk habitat in general in the North Fork Valley suitable habitat for this purpose is not lacking. There are thousands of acres of similar habitat in the area and elk can readily move to other areas for calving.

In a more recent study (Webb, et al. 2011) found that female elk show high levels of site fidelity even in the presence of high levels of increasing annual land

development. Females did not appear to abandon previously established areas but used ranges in a manner that minimized interaction with development. These studies also showed that despite relatively high levels of site fidelity, females did redistribute their home ranges to areas with fewer developments from one year to the next but still in the same general vicinity as the previous years. Dzialak et al. 2011, found that in the presence of human activity, female elk seek areas of cover away from human development during the day but at night exploit areas nearer to development because human activity is reduced. This points out that many studies which show habitat effectiveness is adversely affected by human activity during the day does not hold true at night. Thus, habitat use is not totally lost when there is development in the area. Rather, the animals adjust to this and utilize habitat near activity at times when humans are not present (Hayden-Wing, per. comm., 2011.).

A study on movements of female elk during calving season by Vore & Schmidt (2001) found that cow elk moved up to one plus miles in the two weeks pre-partum. The actual calving areas were at the edge of or outside the area used during the 14 days pre-partum. It was only in the last 3-4 days pre partum that they actually selected a calving site. They also moved several hundred meters during the first 4 days post-partum. These movements were similar to what Johnson (1986) found during his studies. Johnson did find that some cow elk would move a mile or more in the first few days following calving. These data indicate that cow elk typically do not move great distances for the first few days following calving, but in some cases they will move. From these data one has to surmise that cows are not locked into an area following calving that might expose them to possible disturbance. Rather, the cows will stay in the calving home range, but move further from the disturbance. As Johnson's data showed many cows with calves are very content to stay in the immediate area of mining with their calves.

If cow elk were to calve in Gambel oak dominated shrub habitat within the 4430 acre area cover for calving sites and forage is not lacking. Findings from a study by Barbknecht et al. (2011) showed that parturient elk may select strongly for cover components (microhabitat) for the calving site in areas where high quality forage is available at the macrohabitat scale. This allows the cow to maximize selection for optimal cover at the microhabitat scale without sacrificing foraging ability. If elk do calve in the 4430 acre area the small footprint from roads and pads and the large amount of habitat available means that the chances of these animals being disturbed is minimal. This is especially true if no construction occurs prior to June 15. Over time it would be expected that elk would adjust to ongoing operations such as found at surface mines in northwest Colorado and the North Fork Valley coal mines.

Given the small amount of disturbance if development were to occur in what is lower quality calving habitat and large areas of habitat where calving can occur, the chances of mining operations affecting elk activity and habitat use in the area would be minimal and not detectable at the population level.

During ten years of observing elk activity by Monarch in the 20-mile Park and Axial Basin areas in Northwest Colorado it was found that elk remained near the active mining operations for most of the year. Only heavy winter snows forced them to move to lower elevations to winter. The elk moved onto reclaimed lands in the spring and remained until deep snow forced them to move the next winter. The cows would move into nearby aspen stands or to a lesser degree Gambel oak dominated mountain shrub habitat to calve. In many cases they would calve within a few hundred feet of the active mining operations. These operations included blasting, overburden removal and hauling of the coal. On a daily basis during the summer elk would move into cover for thermal purposes and return to the reclaimed lands in the evening to forage and remain there until the next morning. When it was cool or during the early winter or spring they would not leave the reclaimed areas.

During a two year study conducted by Monarch at the Trapper Mine in Northwest Colorado it was found that on a year around basis elk spent more time on reclaimed lands than in nearby Gambel oak dominated shrub habitat. These data show that elk readily habituate to the presence of activity associated with mining operations. The higher numbers of elk remaining on reclaimed lands for longer periods of time versus use of undisturbed lands points out that elk can and do take advantage of improved habitat conditions on reclaimed mine lands.

It is important to note that the above observations discuss the response of elk in areas of high activity associated with energy development. In all cases elk adjusted to the situation and populations were not adversely affected. In the case of the CCRA, if exploration and development were allowed the amount of surface disturbance and human activity would be significantly lower. This being the case, one has to assume that elk numbers and habitat utilization would not be affected at the population level.

In any given year road and pad construction would be after conditions are dry and the USFS allows the company to initiate work in any given year. Typically, this is after June 15 and if a late spring keeps cow elk at lower elevations most post parturition cows will still have moved to higher elevations. Even if cows calve at lower elevations the presence of roads and pads in the area will not affect movements of cow elk in and through the area to better calving habitat at higher elevations.

Overall elk use of the lands being mined in the North Fork Valley has not changed during my ten years of conducting wildlife surveys in the areas of the three mines. Elk continue to move throughout the areas and are not deterred by the presence of roads and pads. Elk commonly use the constructed access roads as travel routes both day and night. The use of these roads occurs both during the time when there is active use of the roads and following reclamation. Use of the roads occurs both day and night. Because the presence of roads in the mining areas does not affect

movement the same is expected seasonal movements through the area where mineable coal reserves are located in the CCRA.

Elk - Winter Activity

None of the 4430 acres being proposed for retention in the North Fork coal mining area are mapped as elk winter concentration areas by the CDOW. During snowmobile trips to Patterson Reservoirs area during the winters for other purposes, I have never encountered elk when snow depths reached upwards of two feet or more. Elk move down country below the forest boundary on to private land to winter. These wintering areas are shown on the attached CDOW map.

DEER

Deer - Summer Activity

None of the 4430 acre area, or for that matter, the entire CCRA is mapped by the CDOW as important mule deer fawning habitat. Deer do fawn in this area, but in low numbers. Disturbance of a few acres of Gambel oak dominated shrub habitat for a short period of time will have little or no effect on deer use of the area. Like elk, deer habituate to the presence of human activity associated with mining operations. During my years of studying and observing deer at mining operations, I have found that deer readily habituate to the presence of human activity. At some surface mines telemetry studies have shown that deer become year around residents in the mine area. This includes fawning, breeding and wintering within the active mine areas. Like elk the deer take advantage of the reclaimed lands because forage conditions are better there than on lands surrounding the mines.

During the spring to fall period deer are commonly observed in low numbers throughout the areas where mining is occurring in the North Fork Valley. This would undoubtedly be the case if development were to occur in the 4430 portion of the CCRA.

Deer - Winter Activity

CDOW mapped winter range for mule deer is found well below the forest boundary. Deer move out of the area to lower elevations early in the winter and do not return until green-up in the spring. When deer make their seasonal movements up or down country in the spring and fall the presence of roads associated with exploration or vent well operations does not affect those movements. This has been observed at the three mines in the North fork Valley.

Black bear

Black bears are common in the North Fork Valley and observations over the last ten years during surveys around mines and natural gas development indicate their numbers are increasing and habitat is not limiting. Both Bob Morris and Kirk Madariaga of the CDOW (per. comm.) concur with this observation. It has also been observed that energy development has not adversely affected bear use of the areas. It has to be assumed that bears would not be affected in the 4430 acre area proposed to be left in the CCRA, North Fork Coal Mining exception area if activities associated with coal exploration and mining were to occur.

LISTED SPECIES

Listed wildlife species addressed in this document include Federal and State Threatened and Endangered, USFS Sensitive and Management Indicator Species and State Species of Concern. None of the listed species have been formally documented in the area. The primary reason for the lack of observations is lack of suitable habitat for any of these species in the 4430 acre area below the 8800 foot contour.

ENDANGERED SPECIES

No Federal or State Listed Endangered Species have been documented in the 4430 acres of the CCRA that is addressed here. Habitat for all these listed species is lacking in the 4430 acre area.

THREATENED SPECIES

There are no formal records of any Federal or State Listed Threatened species having been observed in the 4430 acre area. The only threatened species known to have occurred near the area is Canada lynx. The lynx is addressed in this report.

Canada Lynx

None of the National Forest lands within the proposed CCRA below the 9000 foot contour has been mapped as Canada lynx habitat by the USFS. The nearest Lynx Analysis Unit (LAU) is the Green Mountain Unit. Spruce-fir habitat mapped as primary habitat is well above the 9000 foot contour. The lower elevation portions of this LAU above the 9000 foot contour is aspen habitat and is mapped as secondary habitat. There is no mapped lynx habitat below the 9000 foot contour.

The presence of lynx habitat was used as part of the justification for removing the area from the North Fork coal area. In addition, it was noted in the CDOW letter of October 15, 2009 that higher elevations in the CCRA are used by lynx. CDOW radio collared lynx monitoring data shows there have been no lynx observations in the 4430 acre area. There are only two records of radio collared lynx in the general area and none since 2005. These locations were northeast of the CCRA in the Leroux Creek drainage. I have run snowshoe track transect surveys in the Green Mountain and other areas on Grand Mesa for the last five years. During those surveys I have

found that snowshoe hare numbers are very low in the Green Mountain area and certainly not enough to support more than possibly one lynx. During those surveys, I have never observed any lynx tracks.

Whether or not lynx may use the area, the fact remains that if mining activities were to occur all surface disturbance would occur below the 9000 contour in Gamble-oak mountain shrub habitat. None of this habitat type is mapped as lynx habitat by the USFS which, precludes the chances of any lynx being affected. By leaving those lands above the lower limits of the large aspen stands (8800 foot contour) undisturbed no mapped lynx habitat would be affected.

USFS SENSITIVE SPECIES

During studies conducted on coal mining properties in the North Fork Valley in habitat similar to what is found in the proposed 4430 acre area USFS sensitive species are rarely encountered. From observations made over the years, use of the areas by these species before and during operations and after roads and well pads are reclaimed remains relatively unchanged. Habitat within the 4430 acre area that any of these species might use is not limiting as these species can move through the area or outside the area to find suitable habitat.

OTHER WILDLIFE

Other wildlife found in the proposed 4430 acre area would be similar to what has been found during 10 years of studies in the North Fork Valley in similar habitat. Suitable habitat for any of these species is not lacking in the North Fork Valley.

SUMMARY

Only a few acres of potential elk calving habitat in the 4430 acre area suitable for coal mining would be affected.

There are large expanses of suitable elk calving habitat both in and around the area that will not be affected.

Elk can and do habituate to the presence of activities associated with energy development.

The minimal number of acres that would be disturbed for a short time will not fragment habitat or affect movements of wildlife in or through the area.

There is no elk or deer winter habitat in the area.

Studies over the last 10 years at existing mines in the North Fork Valley indicate wildlife utilizing similar habitat have not been adversely affected.

No listed species would be adversely affected in the proposed 4430 acre area if exploration and mining development were to occur.

To minimize impacts to habitat and wildlife during mining operations access into the area can be controlled. This would be the same as at other areas where coal mining is ongoing in the North Fork Valley.

REFERENCES AND CONTACTS

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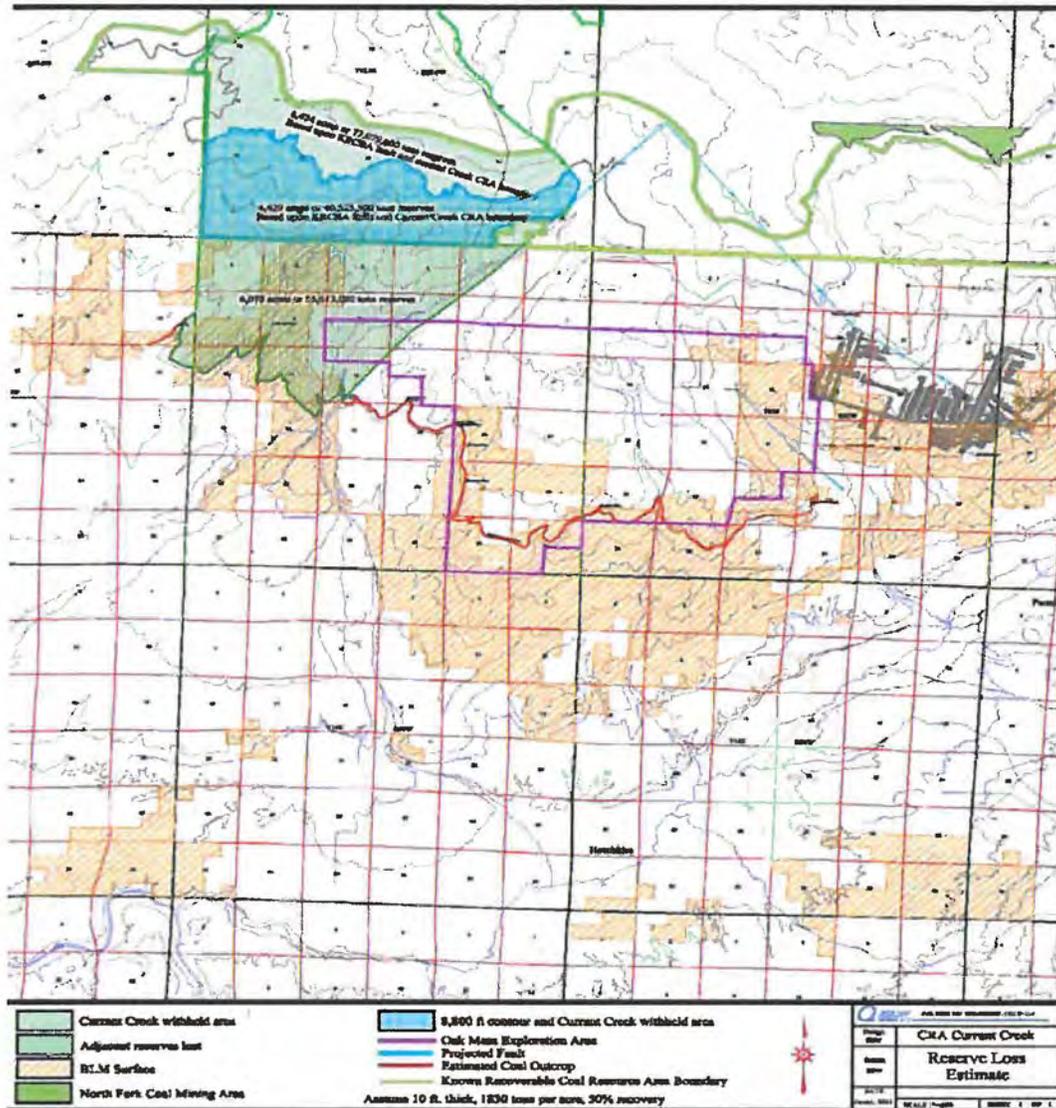
Madariaga, K, Colorado Division of Wildlife. (2011) Personal communications concerning elk and other wildlife activity in the North fork valley.

Morris, R. , Colorado Division of Wildlife. (2011). Personal communication s concerning wildlife and habitat use in the Currant Creek Roadless Area.

Reed, Floyd. Range Conservationist USFS, retired. (2011). Personal communications about elk habitat use in the CCRA and other areas in the North Fork Valley.

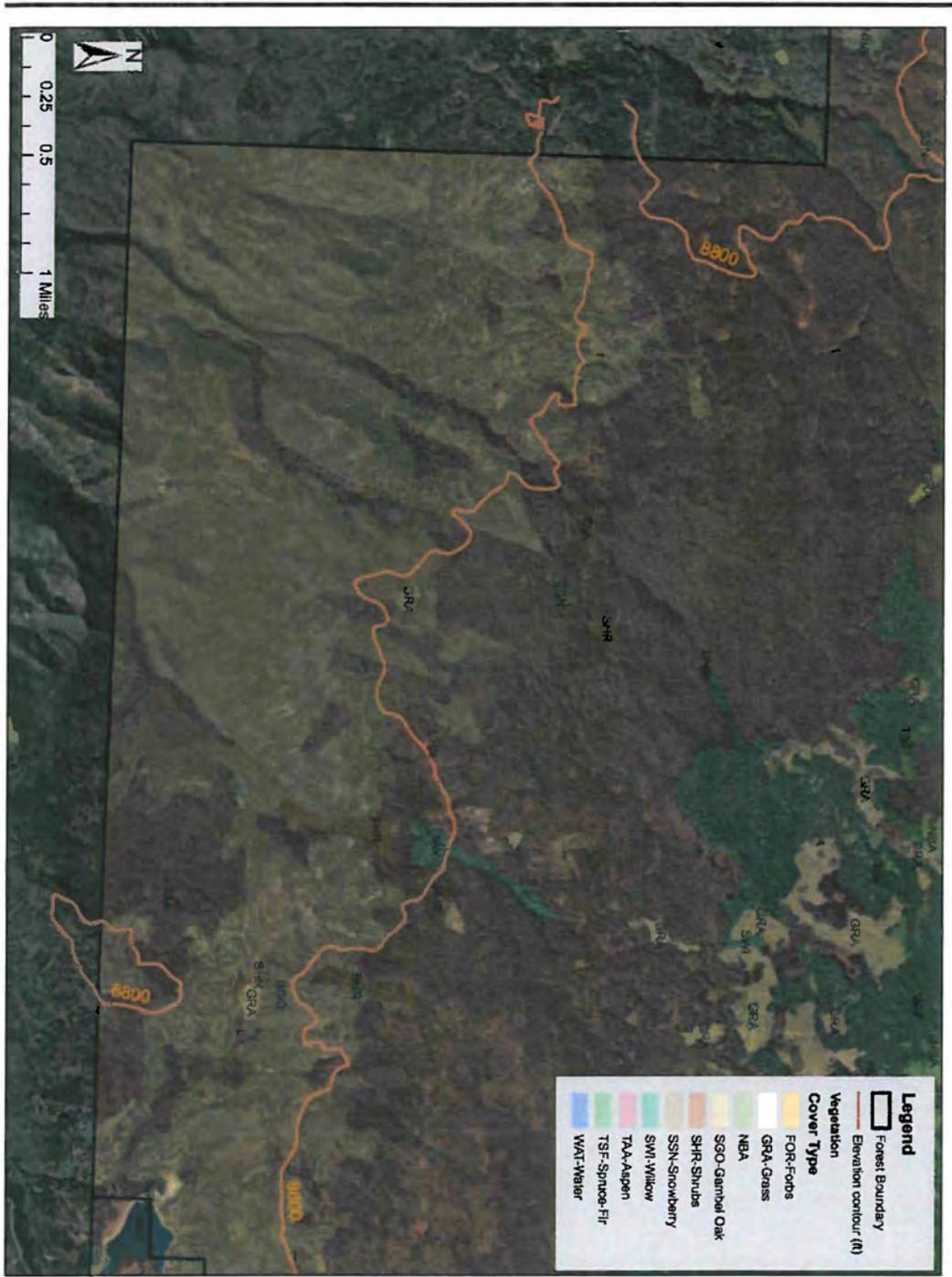
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Webb. S.L, et al. (2011) Influence of land development on home range use dynamics of female elk. Wildlife Research, 38, 163-167.



Map 1

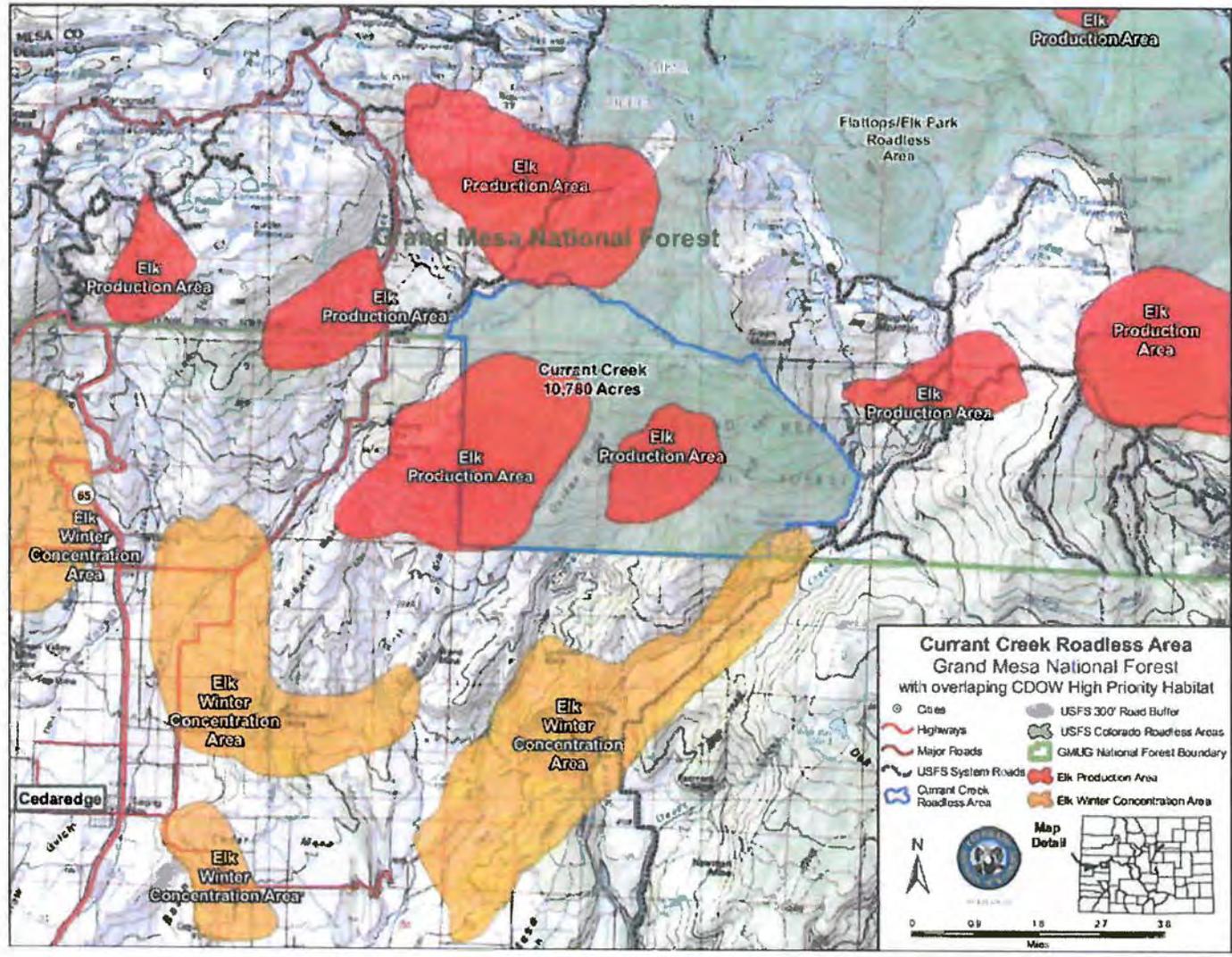
Map showing the 4430 acre mineable area below the 8800 foot contour



Map 2

Vegetation Map with 8800 foot contour

COR 456



Map 3

Map showing CCRA and elk production areas and winter concentration areas

From: Tom Troxel [t_troxel@hills.net]
Sent: Tuesday, July 12, 2011 7:02 AM
To: COcomments
Subject: Comments on CO Roadless Rule
Attachments: CO Roadless Comment Letter 7-11.doc

Attached are comments on the Colorado Roadless Rule from the Colorado Timber Industry Association.
Thank you.
Tom

Tom Troxel
Executive Director
Colorado Timber Industry Assn
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COLORADO TIMBER INDUSTRY ASSOCIATION

P.O. Box 205 Fort Lupton, CO 80621 303-857-0763

July 8, 2011

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

Dear Sir or Madam:

On behalf of Colorado's forest products companies, thank you for this opportunity to submit comments on the proposed Colorado Roadless Rule. The proposed Colorado Roadless Rule is an improvement over the 2001 Roadless Area Conservation Rule, because it has been tailored to site-specific issues and needs in Colorado, instead of a one-size-fits-all national roadless rule.

General 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.

The Proposed Rule, Supplementary Information, and the RDEIS use the terms "roadless areas", "inventoried roadless areas", and "Colorado Roadless Areas" somewhat interchangeably, with no recognition or appreciation for the significant differences between them. We recommend that all three documents be edited to consistently refer to "Colorado Roadless Areas", and not "roadless areas" or "inventoried roadless areas", as the targeted areas for the Colorado Roadless Rule.

We 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.

We recommend restoring the 9,000 acres to the North Fork coal mining area. We 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.

We 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, we support Alternative 2, the proposed Colorado Roadless Rule, with modifications as recommended in this comment letter, not because we 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.

Following are several specific comments and recommendations:

Proposed Rule

§ 294.40, Purpose – We recommend that the first sentence be re-written as “The purpose of this subpart is to provide, within the context of multiple use management, State-specific direction for the protection of Colorado Roadless Areas [emphasis added] on National Forest System lands in Colorado”, to clearly limit the application of the Colorado Roadless Rule to Colorado Roadless Areas.

The second sentence begins with “The intent of this regulation is to protect roadless values ...”; however, there is no definition “roadless values”, and no explanation of how “roadless values” are different from “roadless area characteristics” per the third sentence. We recommend modifying the second sentence to “The intent of this regulation is to protect Colorado Roadless Areas [emphasis added] by ... exceptions.”

§294.41, Definitions - Roadless Area Characteristics – This term is misleading. It gives the false impression that the listed attributes are unique to roadless areas, when, in fact, identification of Colorado Roadless Areas is based on a mapping exercise that is completely independent of the presence or absence of any of the listed “roadless characteristics”. In fact, these same characteristics are generally present in national forest areas in Colorado outside of Colorado Roadless Areas. There are numerous references to “roadless characteristics” in the proposed Colorado Roadless Rule (see sections 294.40, 294.42, 292.43) and the Supplementary Information. We recommend deleting the term “Roadless Area Characteristics” from the Rule, and replacing all references to “roadless area characteristics” with references to “roadless character”, a more accurate and applicable term.

§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(b) – We recommend deleting all references to “Upper Tier Acres”.

§294.42(c)(2) – We recommend adding “or an at-risk community” to both the first and second sentences. We also recommend adding language that would allow tree cutting, sale, or removal as part of a post-fire restoration project.

§294.42(c)(4) – We recommend replacing “habitat for Federally threatened, endangered, proposed, or Agency designated sensitive species;” with “wildlife habitat;”.

§294.43(b) – We recommend deleting all references to “Upper Tier Acres”.

§294.45(b) and §294.47(c) – We recommend adding a requirement that the Forest Service recognize their responsibilities under FLPMA to coordinate with the Commissioners of an affected County.

Supplementary Information in the Federal Register Notice

-Table 2, Comparison of Environmental Consequences by Alternative –

-the Public Safety issue refers to “features common to all alternatives”, but Table 2.2, RDEIS p 45-46, does not contain any discussion regarding fire suppression activities. We recommend adding such a discussion.

-the Biodiversity issue discussion is very speculative, with no explanation of what constitutes “biodiversity” or how “biodiversity” is measured, and no explanation about potential habitat loss or degradation that might occur on national forest lands outside Colorado Roadless Areas. We recommend that you either provide supporting documentation or delete references to Biodiversity.

Revised Draft Environmental Impact Statement

p 33 – We recommend that the Purpose and Need be modified to conform to the Purpose as stated in §294.40, as modified in response to our comments on §294.40. There is a significant difference between ‘providing direction for protection of [Colorado Roadless Areas]’ and ‘providing management direction for conservation of roadless area values and characteristics within roadless areas in Colorado’.

p 34 – We believe the Proposed Action is confusing in proposing to “conserve roadless area characteristics on NFS lands in Colorado”. Most of those characteristics are also present outside Colorado Roadless Areas, but that distinction is not discussed in the RDEIS. We recommend rewriting the Proposed Action as follows - “The Department, in cooperation with the State of Colorado, proposes to promulgate a state-specific rule to manage Colorado Roadless Areas on NFS lands in Colorado”.

p 190 – The discussion regarding effects of the alternatives on terrestrial wildlife and their habitats is very speculative. For instance, there is no information to support the following statement – “Compared to more developed landscapes, a higher degree of habitat diversity and complexity and higher levels of snags and coarse woody debris are typically found in roadless areas”. The section also contains several paragraphs of speculative discussion regarding climate change. We recommend that you either provide supporting, explanatory data or delete this discussion.

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 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.

p 218 – The discussion regarding Cumulative Effects on Terrestrial Species and Habitat is also very speculative, for example “Based on scientific literature ..., it is possible to conclude that with or without conservation of roadless areas, biodiversity is at an increased risk of adverse cumulative effects from increased population growth and associated land uses, land conversions, and non-native species invasions”. There is no discussion of “biodiversity” in the previous 28 pages, and we are puzzled by the jump from effects on “Terrestrial Species and Habitat” to effects on “biodiversity”. We recommend either providing supporting data or deleting this paragraph.

p 287 – According to the third paragraph, “As highlighted in the Vegetation section of this document, wood production would vary by alternative when only considering roadless areas, but Forest-wide commercial timber production levels would remain constant. Production that could not be obtained from roadless areas under a more restrictive alternative would be obtained from non-roadless areas.” We do not understand that conclusion, and cannot find supporting discussion in the Vegetation section. We request that you provide supporting documentation to CTIA and include that documentation in the FEIS.

Thank you for this opportunity to comment.

Sincerely,

/s/ *Carl Spaulding*

Carl Spaulding
President

From: Lee Fyock [Lee.Fyock@OXBOW.COM]
Sent: Tuesday, July 12, 2011 7:42 AM
To: COcomments
Subject: GEC Comments on Colo Roadless Rule DEIS
Attachments: GEC_CRA_DEIS_Comments.pdf

Attached are Gunnison Energy Corporation's comments concerning the Draft EIS for the Colorado Roadless Rule. Thank you, Lee Fyock

Lee Fyock
Gunnison Energy Corporation
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Denver, CO 80202

Phone 303/296-4222
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GUNNISON ENERGY CORPORATION
AN OXBOW COMPANY

Submitted via email: COComments@fsroadless.org

July 12, 2011

U.S. Forest Service
Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812

Re: Comments on the Rule Making for Colorado Roadless Areas

To whom it may concern:

Gunnison Energy Corporation ("GEC") appreciates the opportunity to review and comment on the Rule Making for Colorado Roadless Areas Revised Draft Environmental Impact Statement. GEC has been actively involved and commenting on the various roadless issues for the past eight years. We currently hold valid federal leases within several areas formerly identified as Inventoried Roadless Areas and fully expect to conduct oil and gas exploration and production on those same federal leases.

GEC has consistently supported the management of all U.S. Department of Agriculture, Forest Service ("Forest Service") land for multiple use and thus, we ultimately support the alternative where the Forest is managed under Alternative 3 – Forest Plan. We firmly believe in multiple use management and support an alternative where Forest Service lands remain available and managed for oil and gas, mining, timber harvest including road construction, livestock grazing, OHV use, etc. We believe the local Forest Service Ranger District Offices are better positioned to make the proper land management decisions rather than a one-size-fits-all Roadless Rule. However, we understand the Alternative 3 option could be adversely impacted should the 10th Circuit Court of Appeals find in favor of the 2001 Rule and overturn the U.S. District Court Judge Brimmer order that the 2001 Rule to be enjoined nationwide. GEC believes the 2001 Rule should properly remain enjoined nationwide and local Forest planning should prevail.

Therefore with the above being said, GEC agrees with the Forest Service in their selection of Alternative 2, the proposed Colorado Roadless Rule which is also the Proposed Action. This proposed rule was the result of months of public hearings

and thousands of comments from individuals throughout Colorado and the nation as a whole. It fully acknowledges that roads, development and various other activities now take place within the original inventoried areas resulting in the need for revisions in the outdated current roadless management scheme.

Alternative 2 identifies 562,200 acres of "upper tier" acres where road construction or road reconstruction is prohibited except for existing, reserved or outstanding rights. Most of the areas identified as Alternative 2 Upper Tier have no existing oil and gas rights and would likely go untouched by development of any kind. On the other hand GEC cannot support Alternative 4 which has included 2,614,200 acres of upper tier acres, nearly 5 times that of Alt. 2 acreage with comparable restrictions. Much of the acreage presented in Alternative 4 contains valid rights that would likely be contested resulting in years of litigation costing the tax payers millions of dollars. It makes no sense at all to set unrealistic restrictions on areas that already have valid oil and gas and mineral rights such as those within areas such as the Clear Creek Inventoried Roadless Area in the Gunnison National Forest. The rights go back into the 1970's and are actively being explored and developed. GEC reminds the Forest Service that these same rights resulted from a leasing process where private firms agreed to conditions and stipulations presented at that time and those same conditions and stipulations must remain as presented and written and in the contract. There should be no alterations of any stipulations of any kind. These lease contracts were signed in good faith by the both parties.

The original IRA boundaries were drawn for evaluation of large tracts of land to be evaluated and eventually considered by Congress for wilderness. Those that remained on the original inventory were rejected for various reasons and not presented to Congress. They were not seen as roadless areas as they are today and were drawn with crayons and pencils resulting in boundaries that were ill defined and for the most part not verified on the ground. The re-alignment of boundaries with Alternative 2 takes into account the fact that there were errors in mapping, roads and various other infrastructures have been constructed within the original boundaries, and even that private land was encircled or blocked off in some cases. Implementation of Alternative 1 would be ignoring that these the boundaries were never clear and that changes within those same boundaries have occurred. Alternative 2 would help alleviate many of the issues that have plagued the roadless issue for decades and resulted in drawn out litigation and millions of tax payer dollars to resolve.

Previous comments to the Colorado Department of Natural Resources and Forest Service, requested that 17 CRAs with high oil and gas potential be removed from the inventory in the Final Rule. We are pleased to learn that six of these proposed CRAs were removed from the final inventory, but are disappointed that not all 17 were removed. The remaining 11 areas include: Hightower, Salt Creek in the Grand Mesa Uncompaghre Gunnison National Forest; Roc Creek in the Manti-La Sal National Forest; HD Mountains in the San Juan National Forest; and Baldy Mountain, East

Divide/Four Mile Park, East Willow, Housetop Mountain, Mamm Peak, Reno Mountain, and Thompson Creek in the White River National Forest. All of these areas contain existing oil and gas leases.

Removing the remaining CRAs with high potential for development of oil and natural gas resources from the final inventory would not cause a significant reduction in roadless character in Colorado but would significantly contribute to the limited availability of USFS lands containing valuable natural gas resources for responsible resource development. Accordingly, we recommend that these 11 areas be removed from the final Colorado Roadless Rule.

Temporary roads associated with oil and gas require frequent grading and other maintenance activities that may not necessarily be defined as "reconstruction." We recommend that Forest Service clarify the difference between "reconstruction" and "maintenance" and incorporate appropriate exemptions, waivers, and modifications for the maintenance of temporary roads that are used to service valid existing leases within CRAs.

The use of Linear Construction Zones ("LCZs") would allow for the construction of authorized water conveyance structures, electrical and communication lines and oil and gas pipelines are necessary in many of the proposed Colorado Roadless Areas. LCZs would result in short term disturbance but eliminate greater environmental disturbance that would result by going ten to twenty miles merely to avoid a political boundary. Any area with existing rights will likely benefit from the option to utilize a LCZ. The Forest management options need to remain open for unforeseen issues.

This proposed rule does not allow for existing leases in CRAs to be extended, renewed or reissued. If an active lease produces economic quantities of oil and natural gas at some point during the duration of the lease term, Forest Service should not prohibit renewal, reissuance or extension of the lease. Prohibiting the reissuance of a lease in this scenario could unreasonably force operators to shut-in marketable quantities of oil and natural gas. Further, Forest Service should not impose stipulations or conditions of approval that are inconsistent with existing lease rights in order to prevent the production of economic quantities of oil and gas development on leases in CRAs.

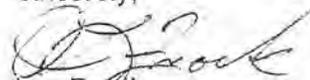
Additionally, the North Fork coal mining area in Delta, Colorado formerly included approximately 9,000 acres of the Currant Creek CRA. This 9,000 acres has been removed North Fork coal mining area yet it contains valuable coal resources. Exploration of the area has only been minimally conducted. Removal of this acreage in a time when our nation needs this potentially valuable source of energy cannot be justified. The CRA, or Alternative 2, should be adjusted to re-include the 9,000 acres back into the North Fork coal mining area.

Page 4

GEC remains concerned that the proposed rule does not differentiate "roadless" from "wilderness." In Judge Brimmer's decision that the Forest Service violated the Wilderness Act in promulgating the 2001 Clinton Roadless Rule, he also found that the Forest Service violated the Wilderness Act by designating millions of acres of lands as *de facto* wilderness. We are still concerned that the final CRAs may be managed as *de facto* wilderness rather than roadless areas. Despite several public comments requesting a clearer definition of "roadless" versus "wilderness," no such clarifications were made in any previous versions or the proposed rule. Before Forest Service finalizes the rule and EIS, it needs to be clearly stated that "Roadless Areas" are not "Wilderness Designations," nor have they ever been necessarily 100% free of "roads". Therefore, they are subject to land use modifications with respect to multiple-use.

GEC appreciates the opportunity to comment on the DEIS.

Sincerely,



Lee Fyock

Gunflison Energy Corporation

From: Julia Johnson [juliamj28@gmail.com]
Sent: Saturday, July 09, 2011 6:52 AM
To: COcomments
Subject: Fwd: Colorado Deserves More!

PLEASE SCROLL DOWN

To Whom It May Concern:

As regards new National Roadless Rulings I am not alone in urging the Forest Service to adopt a ruling on Colorado's Roadless National Forests. It should at least be as protective as the National Roadless Rule the Obama administration defended in federal court. Uphold the protections that are in the 2001 Rule. Definitely DO NOT MANAGE COLORADO'S NATIONAL FOREST TO A LOWER STANDARD!

Consider the following:

Expand the number of areas to be considered in the "upper tier".

Upper tier protections must be expanded and strengthened.

Well more than half (nearly 3 million acres) of Colorado's roadless areas have the important, high-quality values that warrant protection in an 'upper tier.' These are areas known to have particularly high wildlife value, important sources of clean drinking water, and outstanding recreational opportunities.

13% statewide is not enough upper tier designations nor is 17% enough for our GMUG

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

On all roadless forests priority must be given to the area's roadless characteristics.

Even in the case of allowable activities, protection of roadless characteristics needs to be the top consideration. Broad discretion to approve logging projects in the backcountry must be tightened. Other than for existing rights, new exemptions for road building to access yet undeveloped water facilities and 'linear construction zones' should be prohibited on all roadless lands.

Talk about your favorite lands that you want included..

Here is an example of how to make your statement:

Currant Creek (Priest Mountain IRA) should not be included in the North Fork Coal Area. The State of Colorado got it right removing Currant Creek from the North Fork Coal Area. Currant Creek is nowhere near any operating mine, and should not be included in lands that would facilitate this activity. Currant Creek and the adjacent Flattops/Elk Park (the Priest Mountain Inventoried Roadless Area) should be protected with 'upper tier' status.

COR 459

COLORADO DESERVES MORE

From: Mark Webber [mlwebber@hotmail.com]
Sent: Monday, July 11, 2011 3:07 PM
To: COcomments
Attachments: Pretending_to_Listen_Tour_Update[1].docx

US Forest Service/BLM Pretending to Listen Tour Update

Remember the days of Smokey the Bear when most Americans had great respect for the Forest Service? Back when children aspired to become forest rangers and radicals did not dominate the agency....when political agendas did not drive policy. Today's BLM and Forest Service are much different than the old guard. Now they are controlled by the extreme environmentalist movement. Recently, during the Open House Shows that have been put on by these folks, I had a chance to speak with many of the USFS/BLM employees and what an awakening I received.

They want us to believe that roads and trails have caused extreme degradation of the forest, from the watersheds to the animal populations. None of these assertions are true. They speak of peer reviewed research that supports their specious arguments. According to management, all 'known evidence' supports their claim that animal populations are dwindling. In other words, all of their research supports the baloney they have been force feeding us. This sort of unsubstantiated nonsense has completely drained the great reservoir of respect the old guard of the Forest Service built up over the decades. They have come so far so fast....in the wrong direction.

Two local USFS biologists who were present at these Open House Shows were spewing some of this junk science. They told me that the welfare of the animal populations we are "destroying" outweigh the rights of humans to access public lands. I'm pretty sure they aren't from around here. I believe one of them comes from Mars and the other from a different galaxy altogether. These are truly scary people folks, and if they have their way, humans will eventually be banned from our public lands. I wonder why the number of hunting permits issued continues to rise if the animal populations are dwindling. How can they be taken at their word when they constantly demonstrate that they will use disinformation and ruses to fool us into submission? You might expect this from an adversary but not a friend or caretaker of our public lands.

I often ride my mountain bike several times a week in the Boggy Draw system and I have been on every trail out there. I have hunted, ridden horses, ATV's and I drive my four wheel drive pickup truck there too. Where's all the damage they are talking about? No doubt in the nearly one million acres of the San Juan National Forest, there is bound to be many examples of abuse from some numbskull. Where is it? The way they talk, you would think that it would be obvious and everywhere. Of course they believe that anyone who can't see this phantom damage is simply too stupid, despite the fact that none of the federal employees at the Open House Show could tell me where to look for it. Areas where trails divert around mud holes, can't be considered as this sort of damage. They could have easily fixed those

problems decades ago by simply adding a little gravel to the trail in low lying areas inside drainages. There are nearly no places where they have even tried this cheap common sense solution.

While on the subject of cheap common sense solutions, where are all of the signs explaining the rules when accessing and using our public lands? People will follow reasonable rules and will assist in preventing violations of those rules, but they need to know what they are. I for one would report anyone abusing the land and everyone else I know would do the same. Unfortunately the new US Forest Service/BLM won't consider common sense solutions before attempting to implement draconian liberty robbing measures.

Speaking of my fellow mountain bikers, you are about to find out about something that should outrage you. Did you know that the USFS intends to restrict bicycles in exactly the same way they intend to restrict any other motorized wheeled vehicle? That's right! That's what I was told at the Open House Show. They are trying to divide us...user group by user group. I hope you will join us in preserving our freedom to use our public lands however we like....as long as it is done in a responsible and legal manner.

So now they've adapted to our resistance by pretending to desire input. If our input had any value to them, why did they reintroduce Modified Alternative B in nearly the exact same version, almost one year after dozens of individuals and groups provided the input they claim to want? If they truly wanted to know how we felt, why did they not adopt even one of the requests made to them from this feedback? What a slap in the face! So, the next time you hear or read that this bunch wants our input, the translation on this is: the Forest Service and BLM could literally not care less what we think because they believe we are too stupid to recognize their brilliance. Nonetheless, it is essential that all of us respond during the comment period and reject their radical plans so that we can stay in the fight to save our public land from them.

Some agency employees have taken an oath to uphold the constitution of the United States and as long as they do that, they remain in compliance with that oath. They're personally protected from any legal action that may be brought to prevent their takeover plans. During the past three weeks, two of these managers have dared us citizens to take them to court if we want to stop this. Can you imagine that? Public employees daring the people to try to stop them with legal action, is something we could not even imagine only a few short years ago. They should know that if that challenge is accepted, any federal employee who is found acting in violation of the law may be held personally liable for those actions. We must stand up to this tyranny.

More recent observations from the southwestern front:

The CO State Department of Wildlife has thrown in with the BLM and Forest Service in an effort to close large chunks of the forest to motorized travel. I was surprised to learn that the USFS and BLM requested that they provide their own security during the Open House Shows... to protect them from the people. Can you imagine that? Apparently they believe that anyone who does not agree with their radical agenda is capable of violence....and evidently, they don't trust our local law enforcement agencies. There was a DOW enforcement officer present at both of the Shows. I asked him why he felt the need to provide armed patrol of the room when we already had local law enforcement on hand. He told me that he has far more training than the Cortez Police Department officers and therefore he was more capable of providing security. I'm happy to report that we did not need his protection from the actions of federal personnel. He said his supervisor requested he attend in his official capacity. This state agency has no business sending their citizen-funded advocates to support the radical agenda of the Forest Service. Who is this supervisor and what authority does he have to advocate for this plan? This needs to be investigated.

The maps used by the USFS and BLM at the Open House Shows were wildly inaccurate as they conveniently did not show many miles of existing trails. By refusing to acknowledge the existence of these trails, they don't believe they have to admit that they are closing them. These are deliberate attempts to mislead the public and as such may be illegal. Again, as long as employees actions are within the law, USFS/BLM personnel are protected from personal liability. Once they stray outside the law, whether purposely or accidentally, they are on their own. Reports of implied threats by this bunch to withhold grazing leases from those who oppose them or unauthorized barter with federally owned or managed property may qualify as just this type of misdeed. Other possible violations of law could include deliberately hiding or offering demonstrably false data to justify the implementation of their agenda.

The decision making process practiced by the current management in the USFS and BLM appear to be arbitrary and capricious under color of law because they are apparently fallaciously offering cherry picked 'scientific studies' to justify their actions. They are acting outside normal peer reviewed scientific methods which prove that they seek validation and not truth. This inevitably leads to false conclusions. They have sought studies that may support their agenda and evidently ignore evidence that does not support it. They want to restrict our liberty based on flimsy data and they like to claim that there are far more people supporting this agenda than there are opposing it. Evidently those people did not feel the need to attend the Open House Shows and the Public Hearings. Sounds like something straight out of the infamous 1971 publication, "Rules for Radicals".

Why have the USFS and BLM not offered Alternative A? Alternative A is the "NO CHANGE" plan. Attention everyone, this is the alternative we need. Let's send a strong message that we want no change to the current plan now in operation.

Finally, I would like to commend county commissioner Steve Chappell for his work and loyalty in supporting our county residents. He has taken an active role in attempting to gain some sort of control over these renegade federal agencies' desires to rob us of our access rights. He has put his personal interests aside. I believe he would do the same even if he needed these agencies assistance in keeping an existing grazing lease in place.

Mark Webber

From: Tamra Allen [tallen@garfield-county.com]
Sent: Monday, July 11, 2011 2:20 PM
To: COcomments
Cc: Carey Gagnon; Carolyn Dahlgren; Andrew Gorgey; Fred Jarman
Subject: Garfield County Comments on Roadless Rulemaking
Attachments: Garfield County BOCC Comment Letter 07.11.11.pdf

Mr. Vilsack and Mr. Tu – Please see attached for comments from Garfield County, Colorado in regards to the Colorado Roadless Rule as proposed in the Colorado Roadless Areas Revised Draft EIS.

Respectfully,

Tamra Allen
Garfield County
Long Range Planner
tallen@garfield-county.com
970-945-1377 x1630

Tom Jankovsky
District 1

John Martin, Chair
District 2

Mike Samson, Chair Pro Tem
District 3



July 11, 2011

Submitted Via Email: COComments@fsroadless.org

Dear Mr. Tom Vilsack and Mr. Ken Tu:

The Garfield County Board of County Commissioners (BOCC) wishes to express their preference that the USFS not promulgate a Colorado Roadless Rule as proposed in the Colorado Roadless Areas Revised Draft Environmental Impact Statement, "Preferred Alternative" (Alternative 2). Instead, the BOCC supports the USFS taking the "No-Action Alternative" (Alternative 3), thereby not establishing a state-specific roadless rule for Colorado. Alternative 3 ensures that all lands in Colorado's national forests are managed according to direction in the 8 separate Forest Plans.

The Garfield County BOCC believes that Alternative 3, "No-Action," best represents the wishes of the local communities in regards to the treatment, designations, management and conservation of roadless areas within each forest, and specifically within the White River National Forest. The Board formally requests that Alternative 3 be recommended as the Preferred Alternative in the Rulemaking for Colorado Areas Final Environmental Impact Statement, assuring performance with each discrete Forest Plan.

Respectfully,


John Martin, Chair
Garfield County Board of County Commissioners

From: A F Taylor [annftaylor@gmail.com]
Sent: Monday, July 11, 2011 2:02 PM
To: COcomments
Subject: Feedback Submission

RE: Clear Creek County Property Rights

BOWLAND – 13347A 4.933 ACRESUU 19-3-74 423/783 598/580

To Whom It May Concern:

This proposed regulation is of great concern to me. I hold this land for possible future mining and probably residency.

This ruling would hinder, and possibly eliminate, access to my property for any and all uses.

This proposed regulation is also of great concern to me because of the unnecessary restrictions which would limit or eliminate

access to privately held property and the historical roads that are already in place. The maintenance of these accessways is

vital for fire protection, renewable energy sources, water resources and the enjoyment of our forests.

There are already an abundance of rules, regulations and laws that make future mining very difficult.

These new restrictions will effectively strip the land owners of their ability to develop their land. And strip everyone of their

ability to enjoy the national forests in safety.

There are already more than enough laws and regulations on the books to protect these lands – more are not needed. More are not necessary.

COR 462

Ann Farwell Taylor

fka: Jodie Ann Littlehorn

10681 E. Calle Nopalito

Tucson, Arizona 85748

--

I do not feel obligated to believe that the same God
who has endowed us with sense, reason and intellect
has intended us to forgo their use.

-- Galileo Galilei

From: Julie Hemming [juliecontactme@hotmail.com]
Sent: Tuesday, July 12, 2011 5:29 AM
To: COcomments
Subject: please help

I am in support of roadless areas, the flora and fauna deserve to have areas where human beings will not disrupt their habitat.

Please help make this happen in as much space as possible

Thank you very much.

Sincerely,

Julie Hemming

1415 Elm Ave

GJ CO

81501

From: wayne.bachmann@insightbb.com
Sent: Tuesday, July 12, 2011 4:19 AM
To: COcomments
Subject: Colorado Roadless Rule

Wayne Bachmann
300 S, Bayly ave.
Louisville, KY 40206-2507

July 12, 2011

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

Dear Tom Vilsack:

I would like to say that I travel to your state for a month a year to enjoy MOUNTAIN biking in your state. I drive from Louisville KY for this wonderful experience. It would be a real shame to see this opportunity dissappear.

Thank you

Wayne Bachmann

Sincerely,

Wayne Bachmann

From: Jim O'Neal [jimoneal77@hotmail.com]
Sent: Tuesday, July 12, 2011 6:32 AM
To: COcomments
Subject: Colorado Roadless Rule

As an avid ATV recreationalist, I certainly support the multiple use of our public lands and therefore support the acreage reduction in Roadless areas provided by Alternative 2 of the Colorado Roadless Rule. My family is involved in trail maintenance and do what we can to make our public lands a better, cleaner place for the people to enjoy. Thank you considering my brief comments. Jim O'Neal, Delta, Colorado.

From: Laura Hansen [CanaryLeather@comcast.net]
Sent: Tuesday, July 12, 2011 6:30 AM
To: COcomments
Subject: Roadless Rule, protect our peace and tranquility.

To whom it may concern:

I am in favor of keeping the backcountry less accessible to vehicle traffic. There are fewer and fewer places to go where one can simple be in peace. Where there is access, motor traffic follows, erosion happens and the wild things are disturbed. There are already plenty of places the folks who want to have noisy fun can go. Let the last undisturbed places remain, undisturbed.

Sincerely,
Laura P. Hansen

This email was scanned by VIPRE version 4.0.4194 when it was sent, using definitions version 9841

From: R. C. Jacobs [rcjacobs@covad.net]
Sent: Tuesday, July 12, 2011 7:26 AM
To: COcomments
Subject: Roadless proberty

Please take steps to protect all roadless property in Colorado and adopt whatever measures are necessary to do so. Wilderness areas must be protected. Sincerely, Dr. Robert C. Jacobs

From: Colorado Environmental Coalition [info@ourcolorado.org] on behalf of Connie Ohlson [zub@verinet.com]
Sent: Thursday, July 07, 2011 7:11 AM
To: COcomments
Subject: Please protect Colorado's Roadless Areas

Jul 7, 2011

Colorado Roadless Comments

Dear Comment Team Roadless Comments,

I urge you to ensure that any rule it adopts is at least as protective as the National Roadless Rule, which the Obama administration has defended in federal court.

Our land and water resources are too precious to gamble with further degradation and destruction due to the continuing pursuit for additional oil and gas extraction. Its time to say NO to more roads for development and fossil fuel extraction when we should be moving towards clean renewable fuels instead.

Colorado's National Forest roadless lands include some of the state's largest and most critical unprotected wildlands -- safeguarding important habitat and wildlife migration routes; securing healthy watersheds; and providing world-class opportunities to explore Colorado's great outdoors.

To ensure that these valuable lands get the level of protection they deserve, a final rule must ensure the following:

* Upper tier protections must be expanded and strengthened

The agency has identified more than 2.8 million acres for 'upper tier' protections in one or another of its DEIS alternatives. These are areas known to have particularly high wildlife value, important sources of clean drinking water for millions of downstream Americans, and unique and outstanding recreational opportunities.

Well more than half of Colorado's roadless areas have the important, high-quality values that warrant protection in an 'upper tier.' To adequately strengthen the proposed rule, all of these lands deserve protection as upper tier lands.

In addition, all 'upper tier' lands must 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, and telecomm facilities.

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

Even in the case where permitting allowable activities, protection of the area's roadless qualities and characteristics need to be the agency's top consideration. Broad discretion to approve logging projects in the backcountry must be tightened. New exemptions for roadbuilding to access yet undeveloped water facilities and expanding authorities to allow 'linear construction zones' should be prohibited on all roadless lands.

*Currant Creek (Priest Mountain IRA) should not be included in the North Fork Coal Area.

The State of Colorado got it right removing Currant Creek from the North Fork Coal Area. Currant Creek is nowhere near any operating mine, and should not be included in lands that would facilitate

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this activity. Currant Creek, and the adjacent Flattops/Elk Park (the Priest Mountain Inventoried Roadless Areas), should be protected with 'upper tier' status.

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. 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 and give priority to maintaining and enhancing roadless characteristics in all the state's Inventoried Roadless Areas.

Sincerely,

Connie Ohlson
1304 Green St
Fort Collins, CO 80524-4205

From: WildEarth Guardians [action@wildearthguardians.org] on behalf of Elisabeth Dicharry [gdicharry@gmail.com]
Sent: Tuesday, June 28, 2011 12:41 PM
To: COcomments
Subject: Rules for Colorado Roadless Forests

Jun 28, 2011

Tom Tidwell

Dear Tidwell,

Please leave the roadless areas of Colorado roadless. I am a back country horse rider, fly fisherman, and hiker. Many people rely on Colorado, now more than ever, for pristine vacation meccas. We are seeing our forests destroyed from fires all over New Mexico and Arizona. Sadly, almost all, if not all, these fires were started in areas with roads. I also understand the importance of "thinning". Hand crews, not clear cutting, should be done to accomplish this task.

Please accept these comments on the proposed rule for Colorado's roadless national forests. I urge the Forest Service to keep the National 2001 Roadless Rule for Colorado (Alternative 1), which the Obama administration has supported and defended in federal court.

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 following ways:

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. 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, the 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. 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. 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. A final Colorado Rule should ensure that all "upper tier"

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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.

Thank you for this opportunity to provide comment.

I support the protections embodied in the National 2001 Roadless Rule and do not support managing Colorado's National Forests to a lower standard.

Colorado's remaining wildlands provide clean water, abundant wildlife, and unsurpassed recreation. The Forest Service's management of roadless areas must match the Obama administration's commitment to strong environmental protections of roadless areas.

Sincerely,

Elisabeth Dicharry
1818 Los Lentos Rd NE
Los Lunas, NM 87031-9320

From: Colorado Environmental Coalition [info@ourcolorado.org] on behalf of Angela Murgel [angjm99@yahoo.com]
Sent: Friday, July 08, 2011 10:51 AM
To: COcomments
Subject: Please protect Colorado's Roadless Areas

Jul 8, 2011

Colorado Roadless Comments

Dear Comment Team Roadless Comments,

I urge you to ensure that any rule it adopts is at least as protective as the National Roadless Rule, which the Obama administration has defended in federal court.

I have lived in Colorado all my life, and don't believe that the corporations and companies who would be allowed in our forests would make the health of our environment (and therefore our people) a priority for a single second. Any job opportunities they might bring would be short-lived, and not worth the trade-off in decreased air and water quality, decreased usability of our natural playground, and likely increased healthcare costs for the trouble.

Colorado's National Forest roadless lands include some of the state's largest and most critical unprotected wildlands -- safeguarding important habitat and wildlife migration routes; securing healthy watersheds; and providing world-class opportunities to explore Colorado's great outdoors.

To ensure that these valuable lands get the level of protection they deserve, a final rule must ensure the following:

* Upper tier protections must be expanded and strengthened

The agency has identified more than 2.8 million acres for 'upper tier' protections in one or another of its DEIS alternatives. These are areas known to have particularly high wildlife value, important sources of clean drinking water for millions of downstream Americans, and unique and outstanding recreational opportunities.

Well more than half of Colorado's roadless areas have the important, high-quality values that warrant protection in an 'upper tier.' To adequately strengthen the proposed rule, all of these lands deserve protection as upper tier lands.

In addition, all 'upper tier' lands must 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, and telecomm facilities.

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

Even in the case where permitting allowable activities, protection of the area's roadless qualities and characteristics need to be the agency's top consideration. Broad discretion to approve logging projects in the backcountry must be tightened. New exemptions for roadbuilding to access yet undeveloped water facilities and expanding authorities to allow 'linear construction zones' should be prohibited on all roadless lands.

*Carrant Creek (Priest Mountain IRA) should not be included in the North Fork Coal Area.

The State of Colorado got it right removing Carrant Creek from the North Fork Coal Area. Carrant Creek is nowhere near any operating mine, and should not be included in lands that

would facilitate this activity. Currant Creek, and the adjacent Flattops/Elk Park (the Priest Mountain Inventoried Roadless Areas), should be protected with 'upper tier' status.

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. 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 and give priority to maintaining and enhancing roadless characteristics in all the state's Inventoried Roadless Areas.

Thank you for listening---

Angie

Sincerely,

Angela Murgel
1300 S Monaco Pkwy
6j
Denver, CO 80224-2047

From: Carol Pierce [carolcolo@yahoo.com]
Sent: Friday, July 08, 2011 5:45 AM
To: COcomments
Subject: roadless rules

Colorado Roadless Rule/EIS

P.O. Box 1919

Sacramento, CA95812

Via email: COComments@fsroadless.org

Dear Land Managers:

As a 57 yr. old Colorado native and someone who has enjoyed nothing more in life than to be out in nature for the peace and regeneration I hardily encourage you to keep this state's roadless rules strong. There will still be millions of acres that have roads, there will still be millions of acres where sportsmen and hunters can hunt without motors and roads. Shouldn't that be sufficient? If we industrialize more and more of the forests there won't be adequate space to support the wildlife and unadulterated beauty and quiet that so many come to this state to enjoy.

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.

**Sincerely,
Carol Pierce**

COR 471

42326 Hwy. 133
Paonia, CO 81428

From: John Hoffmann [jhoffmann@carbondaleco.net]
Sent: Saturday, July 09, 2011 4:08 PM
To: COcomments; jhof@rof.net
Cc: AgSec@usda.gov; ttidwell@fs.fed.us

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

Dear Comment Team:

I assure you my sentiments are in line with the goals of the roadless rule. Thus I wish to take this opportunity to encourage protection for Colorado's roadless forests. National forest roadless lands include some of Colorado's largest and most critical unprotected backcountry—safeguarding important habitat and wildlife migration routes and providing world-class opportunities to explore the great outdoors. The quality-of-life for our residents, and a draw for visitors and guests, depends on these backcountry areas.

As Trustee of Carbondale, Colorado I understand the value these backcountry lands have for our community. Our national forest roadless areas include the source waters for many municipal supplies; including nettle creek in the Hay Park Roadless Area, which provides water for the town of Carbondale.

But after nearly a decade of protection under the National Roadless Rule, Colorado's forests could soon be managed to a weaker standard. While the Obama administration has pledged to craft a Colorado rule that is 'as protective or preferably more protective' than the National Roadless Rule, the draft proposal still falls short of meeting that commitment.

An improvement in the current proposed rule from earlier versions, is the 'upper tier' of protection for high quality roadless lands. The agency has identified more than 2.8 million roadless acres for 'upper tier' protections in one or another of its environmental study alternatives but is only proposing just over 560,000 acres, about 13%, of the state's roadless areas for these protections. And flaws in the proposed rule put even these few roadless areas at risk from oil and gas development, pipelines, and transmission lines.

If the Forest Service proceeds with adopting a rule, it should ensure that such is at least as protective as the National Roadless Rule by adopting the following recommendations:

Upper tier protections should be expanded and strengthened Well more than half (around 3 million acres) of Colorado's roadless areas have the important, high-quality values that warrant protection in an 'upper tier.' These are areas known to have particularly high wildlife value, important sources of clean drinking water, and outstanding recreational opportunities. All these lands deserve special protection.

To adequately strengthen the proposed rule, 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. Upper tier lands must not permit the use of 'linear construction zones' to facilitate pipelines, transmission lines, and telecomm facilities.

On all roadless forests priority must be given to the area's roadless characteristics Even in the case of allowable activities, protection of roadless characteristics needs to be the top consideration. Broad discretion to approve logging projects in the backcountry must be tightened. Other than for existing rights, new exemptions for road building to access yet undeveloped water facilities and 'linear construction zones' should be prohibited on all roadless lands.

Currant Creek (Priest Mountain IRA) should not be included in the North Fork coal mining area. The State of Colorado got it right removing Currant Creek from the North Fork mining area. Currant Creek is nowhere near any operating mine, and should not be included in lands

that would facilitate this activity. Currant Creek and the adjacent Flattops/Elk Park (the Priest Mountain Inventoried Roadless Area) should be protected with 'upper tier' status.

Thank you for your consideration of these comments. In closing, I support the protections embodied in the 2001 Roadless Rule. Colorado's roadless national forests deserve at least this level of protection. To craft a rule that is 'on balance' as protective as the 2001 Rule, the upper tier must be expanded significantly and the protections for these lands must be strengthened. Of course all our roadless forests deserve special consideration, and a final rule should make their protection its top priority.

Sincerely,

John Hoffmann
Chief Tom Tidwell, USFS

Cc: Sect. Thomas Vilsack, USDA,

From: WildEarth Guardians [action@wildearthguardians.org] on behalf of Maggie Schafer [feline@wyo2u.com]
Sent: Tuesday, July 05, 2011 9:26 AM
To: COcomments
Subject: Rules for Colorado Roadless Forests

Jul 5, 2011

Tom Tidwell

Dear Tidwell,

Please accept these comments on the proposed rule for Colorado's roadless national forests. I urge the Forest Service to keep the National 2001 Roadless Rule for Colorado (Alternative 1), which the Obama administration has supported and defended in federal court.

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 following ways:

- 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. 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, the 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. 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. 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. A 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.

Thank you for this opportunity to provide comment.

COR 473

I support the protections embodied in the National 2001 Roadless Rule and do not support managing Colorado's National Forests to a lower standard.

NOBAMA is attempting to destroy wilderness, forests, wildlife, and all that is of value to the people! STAND UP AND DEFY THIS! We are tired of elected officials going off the rails and following their own agendas to support special interests!

Colorado's remaining wildlands provide clean water, abundant wildlife, and unsurpassed recreation. The Forest Service's management of roadless areas must match the Obama administration's commitment to strong environmental protections of roadless areas.

Sincerely,

Maggie Schafer
4371 Pali Way
Boulder, CO 80301-3825
(303) 443-1947

From: WildEarth Guardians [action@wildearthguardians.org] on behalf of Mona Petersen [rockcanyon@hughes.net]
Sent: Wednesday, July 06, 2011 11:58 AM
To: COcomments
Subject: Rules for Colorado Roadless Forests

Jul 6, 2011

Tom Tidwell

Dear Tidwell,

Please accept these comments on the proposed rule for Colorado's roadless national forests. I urge the Forest Service to keep the National 2001 Roadless Rule for Colorado (Alternative 1), which the Obama administration has supported and defended in federal court.

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 following ways:

- 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. 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, the 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. 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. 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. A 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.

Thank you for this opportunity to provide comment.

I support the protections embodied in the National 2001 Roadless Rule and do not support managing Colorado's National Forests to a lower standard.

Colorado's remaining wildlands provide clean water, abundant wildlife, and unsurpassed recreation. The Forest Service's management of roadless areas must match the Obama administration's commitment to strong environmental protections of roadless areas.

COR 474

These Forest lands are not yours, not Obama's, nor any corporations to destroy forever - It's our Constitutional right that you protect these lands ..The entire reason we even have a US Forest Service is to protect and serve the forest lands for future generations---as it has been done for at least 100 years. Serve the people and the environment
- not some weak politicians and greedy coporations that will be long gone - but their mass destruction will remain.

Sincerely,

Mona Petersen
3355 Emmanuel Way
Alpine, CA 91901-3494

From: WildEarth Guardians [action@wildearthguardians.org] on behalf of Dave Van Manen [mpec@hikeandlearn.org]
Sent: Wednesday, July 06, 2011 2:38 PM
To: COcomments
Subject: Colorado Roadless Forests: Places in the wet Mountains

Jul 6, 2011

Tom Tidwell

Dear Tidwell,

Please accept these comments on the proposed rule for Colorado's roadless national forests. I urge the Forest Service to keep the National 2001 Roadless Rule for Colorado (Alternative 1), which the Obama administration has supported and defended in federal court.

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 following ways:

- 1) Upper Tier Roadless Area Protection: Upper tier protections for roadless lands must be expanded and strengthened. In particular, the Roadless Areas in the Wet Mountains, including Scraggy Peaks, Babcock Hole, Hardscrabble, Highline, Greenhorn Mountain and St. Charles Peak provide valuable low and mid-elevation wildlife habitat, much ecosystem diversity, and deserve Upper Tier Designation. The Scraggy Peaks area in particular, west of Beulah, contains numerous wilderness qualities, as well as being a valuable outdoor classroom for disadvantaged Pueblo area students through outdoor-education programs provided by the non-profit Mountain Park Environmental Center. Located in the 611-acre Pueblo Mountain Park, MPEC utilizes many trails in the Scraggy Peaks Roadless Area for their award winning programs. They recently completed a \$1.7million green renovation of the historic Horseshoe Lodge in the park, which was a part of the first efforts of conservationist Arthur Carhart in his vision for our nation's National Forests. The lodge is now a center for environmental education and Nature retreats...the Scraggy Peaks Area is the neighbor of this vibrant center and deserves upper tier protection. The area is extremely rich in botanical diversity, having the highest diversity of deciduous trees in the state in Squirrel Creek Canyon. 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. A 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.
- 2) 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. 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, the 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. 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. 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. A 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.

I am a frequent visitor to many of these areas, particularly in the Wet Mountains, and, as a professional environmental educator, I know first-hand the ecological, educational and cultural significance of these areas. Thank you for this opportunity to provide comment.

I support the protections embodied in the National 2001 Roadless Rule and do not support managing Colorado's National Forests to a lower standard.

Colorado's remaining wildlands provide clean water, abundant wildlife, and unsurpassed recreation. The Forest Service's management of roadless areas must match the Obama administration's commitment to strong environmental protections of roadless areas.

Sincerely,

Dave Van Manen
8929 Apache Ave S
Beulah, CO 81023-9743
485-3191

From: WildEarth Guardians [action@wildearthguardians.org] on behalf of Ruth Leibowitz [jackiepooh@optonline.net]
Sent: Sunday, July 03, 2011 11:20 AM
To: COcomments
Subject: Rules for Colorado Roadless Forests

Jul 3, 2011

Tom Tidwell

Dear Tidwell,

Please accept these comments on the proposed rule for Colorado's roadless national forests. I urge the Forest Service to keep the National 2001 Roadless Rule for Colorado (Alternative 1), which the Obama administration has supported and defended in federal court.

Please help protect the amazing, & breathtaking natural beauty of our planet, for it would be so heartbreaking, & totally shameful to let it all get destroyed, & disappear forever due to hasty, & the totally wrong decisions. The natural beauty, & the creatures that reside in these habitats, is what makes our planet, & our lives so special, & so beautiful to know such amazing beauty is part of our world, for if it all disappears forever, our world would not be so special anymore. They are truly the precious jewels of our planet.

Oil, & gas drilling would only totally devastate it, & bring it all to its demise. With so much loss of habitats on our planet already, & extinction, & near extinction of an abundant amount of wildlife species, we really should protect what still is part of this world, for any more loss, & destruction would totally be heartbreaking. Please let this habitat be, & please help keep it natural, & beautiful the way that God created it to be, for all his creatures, & creations are so wonderful, & amazing, & we must always protect, & respect all that the Almighty created, for it is a total sin to let it all get destroyed, & disappear forever.

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 following ways:

- 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. 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, the 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. 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. 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. A 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.

Thank you for this opportunity to provide comment.

I support the protections embodied in the National 2001 Roadless Rule and do not support managing Colorado's National Forests to a lower standard.

Colorado's remaining wildlands provide clean water, abundant wildlife, and unsurpassed recreation. The Forest Service's management of roadless areas must match the Obama administration's commitment to strong environmental protections of roadless areas.

Please save the precious beauty of our world for us, for future generations, & for all eternity to endure the breathtaking beauty this planet really has to offer.

Sincerley,
Ruth M. Leibowitz
137 Seabreeze Way
Keansburg, NJ 07734

Sincerely,

Ruth Leibowitz
137 Seabreeze Way
Keansburg, NJ 07734-1067

From: dennis atwater [datwaters@yahoo.com]
Sent: Monday, July 11, 2011 4:05 PM
To: COcomments
Cc: datwaters@yahoo.com
Subject: Colorado Roadless Rule Comments
Attachments: Colorado Roadless Rule, Comments.wps

Dennis Atwater

20325 Road 25

Dolores CO 81323

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

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

Page 2

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.

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

Page 3

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.

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

COR 477

well as other Federal, State and County laws. It must therefore be retracted in its entirety.

Dennis Atwater

From: Colorado Environmental Coalition [info@ourcolorado.org] on behalf of David Armstrong [mausmann@aol.com]
Sent: Wednesday, July 06, 2011 4:14 PM
To: COcomments
Subject: Please protect Colorado's Roadless Areas

Jul 6, 2011

Colorado Roadless Comments

Dear Comment Team Roadless Comments,

I generally dislike form letters, and I suspect that you do too. But please don't ignore this one.

Our last remaining roadless lands must be maintained. "They're not making any more of it." They are invaluable now. Imagine what they will be for future generations--of people and other native species.

I've spent a professional lifetime trying to understand Colorado's native mammalian fauna. Roadless areas are where natural systems persist, intact. They must be preserved for future generations--of heather voles, and pine martens, and the host of other species that are taking their last stand on roadless National Forest lands.

I urge you to ensure that any rule it adopts is at least as protective as the National Roadless Rule, which the Obama administration has defended in federal court.

Colorado's National Forest roadless lands include some of the state's largest and most critical unprotected wildlands -- safeguarding important habitat and wildlife migration routes; securing healthy watersheds; and providing world-class opportunities to explore Colorado's great outdoors.

To ensure that these valuable lands get the level of protection they deserve, a final rule must ensure the following:

* Upper tier protections must be expanded and strengthened

The agency has identified more than 2.8 million acres for 'upper tier' protections in one or another of its DEIS alternatives. These are areas known to have particularly high wildlife value, important sources of clean drinking water for millions of downstream Americans, and unique and outstanding recreational opportunities.

Well more than half of Colorado's roadless areas have the important, high-quality values that warrant protection in an 'upper tier.' To adequately strengthen the proposed rule, all of these lands deserve protection as upper tier lands.

In addition, all 'upper tier' lands must 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, and telecomm facilities.

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

Even in the case where permitting allowable activities, protection of the area's roadless qualities and characteristics need to be the agency's top consideration. Broad discretion to approve logging projects in the backcountry must be tightened. New exemptions for roadbuilding to access yet undeveloped water facilities and expanding authorities to allow 'linear construction zones' should be prohibited on all roadless lands.

COR 478

*Currant Creek (Priest Mountain IRA) should not be included in the North Fork Coal Area.

The State of Colorado got it right removing Currant Creek from the North Fork Coal Area. Currant Creek is nowhere near any operating mine, and should not be included in lands that would facilitate this activity. Currant Creek, and the adjacent Flattops/Elk Park (the Priest Mountain Inventoried Roadless Areas), should be protected with 'upper tier' status.

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. 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 and give priority to maintaining and enhancing roadless characteristics in all the state's Inventoried Roadless Areas.

Sincerely,

David Armstrong
2939 N County Road 31d
Loveland, CO 80538-9763

From: Jackie & Dusty Day [jackndust@bresnan.net]
Sent: Monday, July 11, 2011 8:57 PM
To: COcomments
Subject: roadless review team

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

Roadless Review Team,

Thank You for the opportunity to comment:

The Uncompahgre Valley Trail Riders (UVTR) ATV/ Snowmobile Club represents approximately 100 families and several businesses in Western Colorado who enjoy recreating on our public lands

with ATV's and snowmobiles. UVTR is a volunteer based non-profit organization that has focused on preserving and enhancing the opportunities of all our users in the local area since 1999.

UVTR members provides thousands of volunteer hours to keep trails maintained and usable.

It is important to note that UVTR does not expend its energy opposing other forms of recreation or user groups or try to undermine other activities on public lands. We recognize the diverse interests and

needs of ALL Colorado residents and applaud rather than oppose them.

We believe the provisions provided by the Colorado Roadless Rule proposal is better than the existing Roadless Rule. Therefore UVTR supports the acre reduction in designated Roadless areas provided

by Alternative 2 of the proposed Colorado Roadless Rule. We are adamantly opposed to Alternative 4 of the proposal. We are strong supporters of the travel management planning process that

allows the continued management of dispersed motorized recreation in Roadless areas. While we support Alternative 2, we do not support the theory of upper tier areas included in this proposal.

The Roadless Rule is an ongoing source of confusion and frustration for the user of the forest and to include another layer of interpretation and restrictions would be fruitless. The upper tier area

theory will make the frustration and confusion experience by the forest user worse. In addition to the frustration, the upper tier theory makes no sense in terms of providing flexibility to managers

to address local fire prevention concerns. Alternative 4 makes no sense from this perspective as it provides for upper tier areas.

Given the large amount of pine beetle killed trees in Colorado, it is critical that forest managers have full range of options to address the most cost effective way to reduce the risk of forest fires.

The EIS goes to great lengths to address the need for flexibility in dealing with fuel issues on the forest. The upper tier theory directly conflicts this analysis!

We, that live and make a living in Western Colorado, were astounded at the negative economic impact that will result from the upper tier theory. Given the poor state of the Colorado economy now

and in the foreseeable future why make it worse with the upper tier areas?

The reduction of 9 thousand acres from the 2008 Roadless to the 2011 Roadless proposal for coal mining operations in the North Fork area is an economic disaster locally and would have a

devastating effect on coal mining employment in the local area.

Also, we have concerns regarding the 107,300 acre increase in the Pike San Isabel forest and the 22,300 acre increase in the San Juan forest. These expansions are in direct conflict with the stated need

for flexibility in fire management that is discussed in the EIS. These areas, if put into the roadless designation, will reduce the tools available to manage fire mitigation issues.

Sincerely,

Richard Jakino

President Uncompahgre Valley Trail Riders

richj@dsc2380.com

From: John and Brenda Davenport [jandb.davenport@mac.com]
Sent: Tuesday, July 12, 2011 7:07 AM
To: COcomments
Subject: Roadless Areas in Colorado

Dear Forest Service,

As a citizen and frequent user of the National Parks and public lands I urge you to extend maximum protection to the land in your charge. Economic gain for any one or any area can not be an overriding factor when considering the irreversible course that development puts on these pristine areas. Do not turn the roadless areas of America into Bulgaria, Poland, and Estonia. We are smarter than that. You've spent a lot of time working on this. Ask yourselves who is enriched by development of these areas currently under public trust. The enrichment of lives of children and adults of both human, animal, and plant species can not be weighed against the short term enrichment of a few. Put maximum protection in place. No one "needs" development in these places. They may "want" development because it is cheaper and easier. Stay strong. You have an awesome responsibility and unique ability to do the right thing. My family certainly hopes you do.

Sincerely,
John and Brenda Davenport
4426 Wolff St
Denver, CO 80212

From: Joseph M. III [montoya.joseph@gmail.com]
Sent: Tuesday, July 12, 2011 5:42 AM
To: COcomments
Subject: Roadless areas

As a fly fishing guide, I urge you to protect as much roadless area as possible. I depend on healthy fish populations for my living, and show countless individuals the benefits of having these natural resources. I appreciate your consideration.

-Joe Montoya

From: David Schuessler [david.schuessler@ccsdre1.org]
Sent: Thursday, July 07, 2011 2:19 PM
To: COcomments
Subject: roadless rule

To whom it may concern,

I would ask that the Forest Service protect as many "Roadless Areas" as initially proposed and in particular maintain the water quality of all the current "Roadless" streams and lakes in the proposal. Of particular concern is maintaining quality streams that allow for the reproduction of trout and in particular the native cutthroat trout.

The US Forest Service can not maintain properly the current roads that exist, which increases erosion and decreases water quality. Adding roads will only add to the number of roads and areas that are not properly monitored or maintained.

Please keep all these "Roadless Areas" intact.

Sincerely,

David Schuessler
Athletic Director CCHS/MS
Head Boys Basketball Coach
Clear Creek High School
W:303 679 4618 C:303 881 2564
david.schuessler@ccsdre1.org

From: Ben Furimsky [fflyfish@benfurimsky.com]
Sent: Sunday, July 10, 2011 9:20 AM
To: COcomments
Subject: Roadless areas

To whom it may concern:

As a resident of Colorado for 15 years and active outdoorsman and fly fishing guide, I see it imperative to strengthen the roadless area protection. I mention my fly fishing work because over the years I have seen many streams become much more susceptible to sediment due to road expansions. In fact, I sit here today writing because I am unable to work after recent rains have muddied the waters which never used to get muddy prior to some road development for gas and logging. I strongly suggest you consider the following:

- Activities should only be allowed in roadless areas if they maintain or enhance the character of roadless areas.
- I Insist that 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. Why should these billion dollar companies be allowed to profit from public land while taking away from my profession!
- I insist that logging 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.
- More roadless areas must be added to the "upper tier", where they have more protection against logging and road construction. One of several improvements from earlier versions of the proposed Colorado Roadless Rule is the introduction of an "upper tier" of protections for high-quality roadless lands - those with particularly important wildlife, watershed and recreational values. Unfortunately, only 13% of the state's Inventoried Roadless Areas are proposed for the upper-tier protections.
- Electrical and telecommunication lines must not be allowed in roadless areas, especially in the upper tier areas.
- Currant Creek (Priest Mountain Inventoried Roadless Area) should not be included in the North Fork Coal Area. Currant Creek is nowhere near any operating mine, and should not be included in lands that would facilitate coal mining. Currant Creek and the adjacent Priest Mountain Inventoried Roadless Area should be protected with 'upper tier' status, not open to coal development.

Thank You,
Ben Furimsky

From: Janet Hassell [janethassell@gmail.com]
Sent: Sunday, July 10, 2011 12:38 PM
To: COcomments
Subject: Please Protect Roadless Wilderness areas

We appreciate the work the Forest Service and the Grand Mesa Uncompahgre National Forest has done to protect high quality roadless lands, but additional protection is needed. Specifically, these are:

Currant Creek (Priest Mountain) must not be included in the North Fork Coal Area. The State of Colorado got it right removing Currant Creek from the North Fork Coal Area. Currant Creek is nowhere near any operating mine, and should not be included in lands that would facilitate this activity.

Expanding and strengthen upper tier protections to protect forest lands from unregulated pipelines, transmissions lines and telecom facilities.

The wilderness is only a wilderness when it preserved as such. Allowing it to become a playground or commercial activity robs it of its inherent character. Wilderness undone cannot be recovered.

From: Jon Esty [jonesty4@gmail.com]
Sent: Sunday, July 10, 2011 12:59 PM
To: COcomments
Subject: CO Roadless National Forests

To the Forest Service:

We are writing to you to encourage you adopt rules which would be at least as protective as the existing National Roadless Rule and not accept any lower standard. We would also encourage to strengthen and expand any area that are being considered to be in the upper tier of preservation. It is important in a world of diminishing natural resources that we preserve as much nature, undisturbed space as possible. Spaces that provide fresh drinking water, wildlife habitat, and low impact recreational opportunities should have the highest priority for preservation. If disturbed, we may never get them back to a natural state again.

No oil or gas development program or corridors for infrastructure should as pipelines and electrical transmission lines must never be allowed in these areas and any logging practices must be tightened to make sure the ground is disturbed as little as possible.

Thank you,
Jon & Rosemary Esty
1137 Pleasant Point Drive
Ridgway, CO 81432
970-626-3466

From: Earthjustice [info@earthjustice.org] on behalf of Diane Brower [dbrowerco@yahoo.com]
Sent: Friday, July 08, 2011 5:02 PM
To: COcomments
Subject: RIN 0596-AC74: Colorado Deserves The National Roadless Rule

Jul 8, 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. Additionally, recent research has shown that on-third of Colorado's water comes out of roadless areas -- another reason that the quality of these areas must not be impaired

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.

Thank you for considering my comments.

Sincerely,

Ms. Diane Brower
642 Evans St
Steamboat Springs, CO 80487-4917

7/8/11
Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, CA 95812

JUL 12 2011

Dear land managers:

I am writing to tell you of my support for the Colorado roadless rule specifically in regards to the area known as Thompson Divide. This area is currently under threat of natural gas drilling, an activity which will totally destroy this pristine area. While the gas leases have not been acted upon at this time, there is an application pending at the BLM to make the parcels active.

This area and others need protection because of the unique wild life, watershed and recreation assets they possess.

As a citizen and taxpayer, I wish to go on record opposing road building and gas drilling in this and all roadless areas under consideration in Colorado.

Thanks
Larry Tallmadge
Carbondale, CO



Larry Tallmadge
310 Oak Run Rd.
Carbondale, CO 81623

COR457



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

95812\$1919



Paul and Barbara Weinhold
 19080 CR 37.5
 Sterling, CO 80751

JUL 12 2011

July 9, 2011

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

Dear Sir/Madam:

We are owners of property in an area to be designated as Roadless. These properties consist of 3 historic patented lode mining claims known as the Little Selma, Little Mamie, and the St. Louis.

We feel that these claims and access to them should not be designated Roadless areas. The enclosed map copies show present and prior road access to these claims. The road passing by the Little Mamie extends from U.S. Hwy. 40 to the county road that terminates at the Henderson Mine facility. The east end of the road was cut off from access when U.S. Hwy. 40 was converted to a 3 lane highway a few years ago. The road to the St. Louis claim is shown on the U.S.G.S. map which was photorevised in 1974. This road basically follows nearby Ruby Creek up to timberline. At that point it continues on up to the ridgeline on Woods Mtn. making a number of switchbacks along the way. We have seen a map produced in the 1880's that shows the road to the St. Louis. We have enclosed portions of U.S.G.S. and Forest Service maps indicating the locations of the 3 mine claims.

We fully support Roadless designations where they would be appropriate. But, in these particular locations we feel that it is not feasible. First, due to the pine beetle devastation in the area, fire fighting equipment must have access to fight potential fires that is a result of the danger of all the dead trees created by the beetles. Second, we feel that cutting off access to our claims may constitute Federal Takings of our properties.

Thank you for your consideration in this matter!

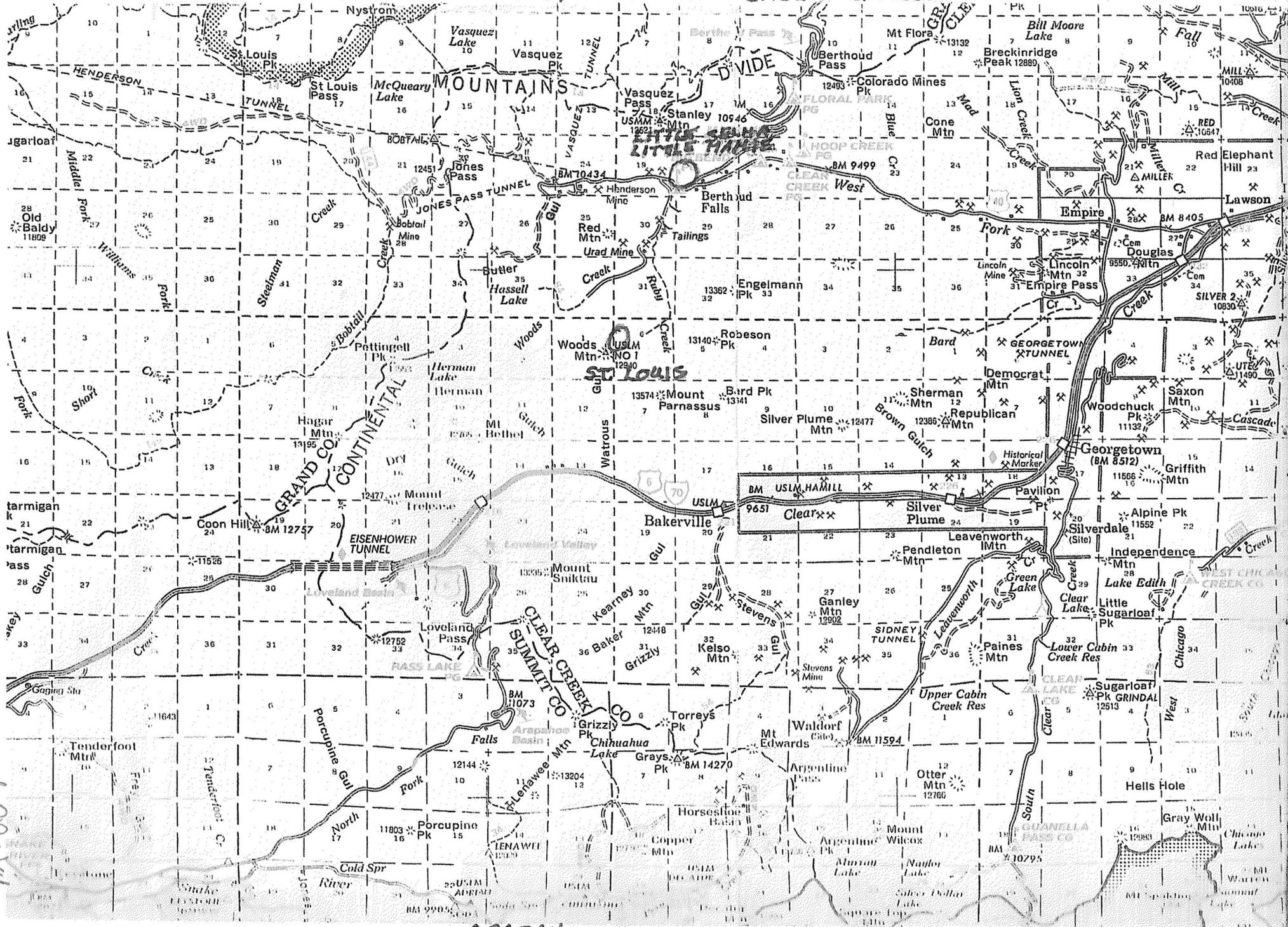
Sincerely,


 Paul Weinhold


 Barbara Weinhold

Cc: Julie Schaffer, U.S. Forest Service
 Senator Mark Udall
 Senator Michael Bennet
 Representative Cory Gardner
 Mike King, Colorado Department of Natural Resources
 Tim Mauck, Clear Creek County Commissioner

MINE CLAIMS INDICATED WITH GREEN CIRCLES



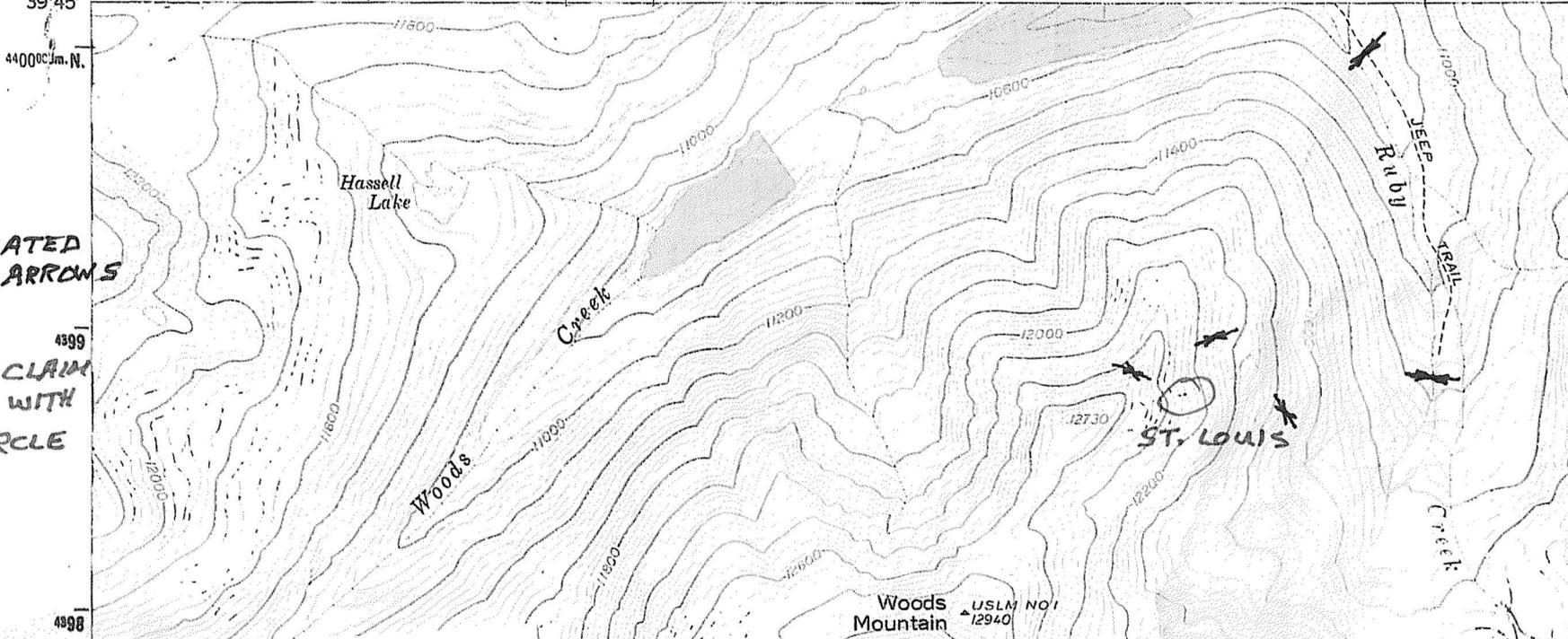
10R-148

ARAPAHO NATIONAL FOREST MAP

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

4863 IV SW
(BYERS PEAK)

105°52'30" 426000m. E. 427 428 50' 429 430' (BERT)



NOTE: ROAD INDICATED
WITH BLUE ARROWS

NOTE: ST. LOUIS CLAIM
INDICATED WITH
GREEN CIRCLE

GEOLOGICAL SURVEY, RESTON, VIRGINIA-1976
435000m. E. 105°45'

ROAD CLASSIFICATION

- Light-duty road, hard or improved surface
- Unimproved road
- U. S. Route
- State Route

(MOUNT EVANS)
4863 II SW

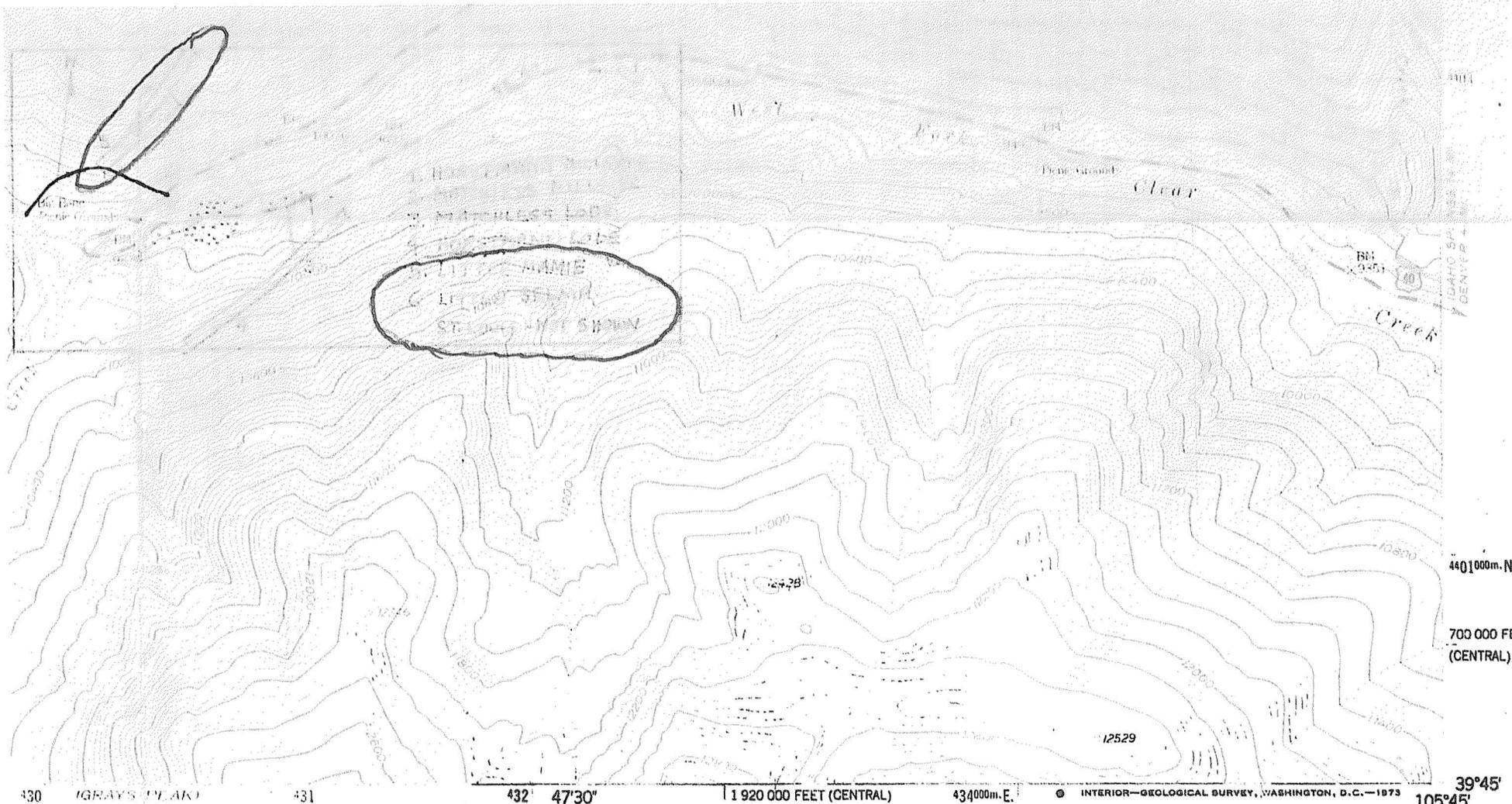
GRAYS PEAK, COLO.
NE/4 MONTEZUMA 15' QUADRANGLE
N3937.5-W10545/7.5

1958

PHOTOREVISED 1974

AMS 4863 III NE-SERIES V877

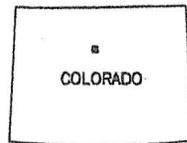
60R498



430 GRAYS PEAK
431
SCALE 24,000



CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL



QUADRANGLE LOCATION

EXISTING ROAD INDICATED IN BLUE
ACCESS TO THE EAST END WAS SHUT OFF
WHEN U.S. 40 WAS WIDENED TO 3 LANE

MINE CLAIMS INDICATED IN GREEN

CONFORMS WITH NATIONAL MAP ACCURACY STANDARDS
PUBLISHED BY THE GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
A LIST OF GEOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

ROAD CLASSIFICATION
Medium-duty _____ Light-duty _____
Unimproved dirt _____
U.S. Route

BERTHOUD PASS, COLO.

SE/4 FRASER 15 QUADRANGLE
N3945-W10545/7.5

1957

AMS 4863 IV SE - SERIES V877

4401000m. N
700 000 FE
(CENTRAL)

39°45'
105°45'

(GEO) 1863

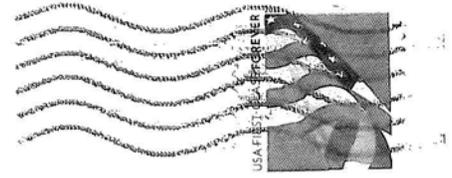
COR 448

Paul & Barbara Weinhold
19080 CR 37.5
Sterling, CO 80751

COR 468

DENVER CO 802

09 JUL 2011 PM 6 T



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

95812+1919



From: darlene@cacd.us
Sent: Tuesday, July 12, 2011 10:35 AM
To: COcomments
Subject: CO Roadless Public Comment
Attachments: Public comment by CoACD to CO Roadless Rule.doc

Please find attached the CO Roadless Rule public comment from the Colorado Association of Conservation Districts. Thank you.

Darlene Jensen, Executive Vice-President Colorado Association of Conservation Districts /76
Conservation Districts Mailing Address: P.O. Box 4138, Woodland Park, CO 80866
Phone/Fax: 719-686-0020 Cell: 719-322-5232 / www.cacd.us Natural Resources Youth Camp:
www.camprocky.colostate.edu
Emails: darlene@cacd.us or darhorseman@netzero.net "Conservation Districts; the original
conservationists established in 1937 by Congressional Act." (3,000 districts nationwide)



Colorado Association of Conservation Districts

Mailing address: P.O. Box 4138, Woodland Park, CO 80866

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Republican River Watershed
Flagler, CO

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Vice-President
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darlene@cacd.us
www.cacd.us

July 13, 2011

Re: Public Comment Response to Colorado Roadless Rule
To Whom It May Concern:

The Colorado Association of Conservation Districts (CACD), representing the 76 Conservation Districts of the State of Colorado, is writing to express its position with respect to the Colorado Roadless Rule, specifically the upper tier concept. Alternative 4 proposes to restrict access for the proper management of our forests. Given the exceptionally high fuel loads present in Colorado, it is critical that forest managers have all possible options available to them to cost effectively manage our forests. The upper tier area concept will directly impact local communities' ability to effectively address forest management and fire prevention as a result of upper tier designations.

To manage our forests for the benefits described within CACD policy below, it is essential to provide access for their proper maintenance. *CACD recognizes the value of managing public and private forests as an important natural resource for maximum economic and environmental benefit through strategic silvicultural treatment and supports silviculture techniques and advanced, scientifically proven forest management practices to promote the growth and maintenance of healthy, multi-aged forests, reducing the susceptibility to widespread insect or disease outbreaks, wildfire danger, and soil erosion, and providing for improved water quality, bio-diversity, increased carbon sequestration, wildlife habitat, recreation, and wood products.*

An areas' designation as roadless will reduce the tools available to forest managers to properly manage our forests for the described benefits, including fire mitigation.

CACD also recognizes prescribed grazing of our forests as a best management practice. Livestock grazing permit holders must be allowed to enter roadless areas with their vehicles for the purpose of constructing and maintaining fencing and holding areas. The Roadless Rule lists features present in a roadless area, which include plants, animals, and motorized recreation, among others. Permitted livestock grazing is not included in this list of features and should be added to the list.

CACD is in opposition to the Roadless Rule upper tier concept and expansion of roadless areas. It is essential that our forests remain accessible for the purpose of healthy forest management, as without the proper management of these natural resources, the catastrophic results are evident.

Sincerely,

Harley L. Ernst
President CACD Board of Directors

From: Jim Manley [jmanley@mountainstateslegal.com]
Sent: Tuesday, July 12, 2011 10:33 AM
To: COcomments
Subject: Roadless Rule Comments
Attachments: Roadless Rule Comments 7.12.11 .pdf; ATT00001.htm

Please see attached.

Best,
Jim Manley
Staff Attorney
Mountain States Legal Foundation

303-292-2021
303-292-1980 (fax)
2596 South Lewis Way, Lakewood, Colorado 80227

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MOUNTAIN
STATES
LEGAL
FOUNDATION

2596 South Lewis Way
Lakewood, Colorado 80227
303-292-2021 • FAX 303-292-1980
www.mountainstateslegal.org

July 12, 2011

VIA E-MAIL AND U.S. MAIL CERTIFIED #7001 2510 0009 2593 5733

Colorado Roadless Rule/EIS
P.O. Box 1919
Sacramento, California 95812
Email: COComments@fsroadless.org

Re: Comments on the proposed Colorado Roadless Rule, 76 Fed. Reg.
21,272 (April 15, 2011).

Dear Reader:

Mountain States Legal Foundation ("MSLF") respectfully submits the following comments on the proposed Colorado Roadless Rule, 76 Fed. Reg. 21,272 (April 15, 2011), prepared pursuant to the State of Colorado's petition to initiate a state-specific rulemaking to govern so-called roadless areas in Colorado, including what uses, if any, will be allowed in the applicable National Forest areas.

STATEMENT OF INTEREST

MSLF is a non-profit, public interest law firm organized under the laws of the State of Colorado. MSLF is dedicated to the defense and preservation of individual liberty, the right to own and use property, limited and ethical government, and the free enterprise system. Many of MSLF's members work and recreate in Colorado. Many of these members have visited and will continue to visit National Forest lands located in Colorado that were identified as roadless by the proposed Colorado Roadless Rule. Many of these members depend on the continued development of the minerals, oil and gas, and timber located in the applicable National Forest areas. Many of these members use these areas for camping, hiking, and motorized recreation. The proposed Colorado Roadless Rule will affect these members.

INTRODUCTION

I. Wilderness Lands, 1924–1964.

In 1924, the Forest Service established the first *de facto* wilderness area, the Gila Wilderness in New Mexico. H.R. Rep. No. 1538 (1964), *as reprinted in* 1964 U.S.C.C.A.N. 3615, 3616. By 1964, the Forest Service had created 88 *de facto* wilderness areas consisting of 14,598,681 acres. *Id.* These areas were classified administratively as wilderness (6,898,143 acres), wild (1,336,254 acres), canoe (886,673 acres), and primitive (5,477,740 acres). *Id.*

The Wilderness Act of 1964 (“Wilderness Act”) did away with this administrative classification of federal lands possessing “wilderness” characteristics. The Wilderness Act classified more than 9 million acres of these lands as part of the National Wilderness Preservation System. 16 U.S.C. § 1131(a). As part of the Wilderness Act, Congress retained sole authority to establish new “wilderness areas.” 16 U.S.C. § 1132(b). Thus, Congress revoked any implied authority the Forest Service may have had to create *de facto* wilderness areas. 1964 U.S.C.C.A.N. 3615, 3616. Congress also directed the Forest Service to study, by September 3, 1974, all areas classified as primitive as of the date of the Wilderness Act for suitability for designation as wilderness. 16 U.S.C. § 1132(b). Approximately 56 million acres of roadless and undeveloped lands were identified for consideration for possible further study for designation as wilderness.

II. Roadless Area Review and Evaluation I.

Pursuant to the Wilderness Act, the Forest Service completed the Roadless Area Review and Evaluation I (“RARE I”) in 1973. 16 U.S.C. § 1132(b). RARE I was not intended to recommend expansions to the National Wilderness Preservation System or roadless areas. David Stewart, *Creating the New American Wilderness in America’s Untrammeled Backcountry: The Roadless Area Conservation Rule and the Ninth Circuit*, 28 Okla. City U. L. Rev. 829, 834 (2003). Instead, RARE I was a preliminary examination and identification of existing roadless areas for further study as “New Study Areas,” which might then in the future be classified as wilderness by Congress. *Id.*

RARE I proposed the selection of 274 New Study Areas from an inventory of 1,449 areas comprising approximately 56 million acres of undeveloped National Forest lands. *Wyoming v. U.S. Dep’t of Agric. (Wyoming I)*, 277 F.Supp.2d 1197, 1205 (D. Wyo. 2003), *vacated as moot*, 414 F.3d 1207, 1212 (10th Cir. 2005). RARE I was completed in less than one year, causing a number of problems addressed in later court challenges. William D. Doron, *Legislating for the Wilderness: RARE II and the California National Forests* 30-37 (1986). “The Forest Service decided to abandon RARE I after the courts held that the evaluation procedure used by the agency failed to comply with [the National Environmental Policy Act’s (“NEPA”)] environmental assessment procedures.” Robert L. Glicksman, *Traveling in Opposite Directions: Roadless Area Management Under the Clinton and Bush Administrations*, 34 *Envtl. L.* 1143, 1150 (2004). Specifically, the

Tenth Circuit enjoined development of lands surveyed under RARE I pending completion of an environmental impact statement (“EIS”) and compliance with NEPA. *Wyoming Outdoor Coordinating Council v. Butz*, 484 F.2d 1244, 1250 (10th Cir. 1973), *overruled in part by Village of Los Ranchos De Albuquerque v. Marsh*, 956 F.2d 970, 973 (10th Cir. 1992).

Several other weaknesses in the RARE I process were identified through subsequent litigation. For example, some roadless areas were subdivided and considered as individual parts rather than as a whole. Criteria for inventory were too general, resulting in boundaries that excluded actual undeveloped areas. Some roadless areas were missing altogether. Also, RARE I was focused on the West and little attention was given to lands in the East. See John Klein-Robbelaar, *Judicial Review of Forest Service Timber Sales: Environmental Plaintiffs Gain New Options Under the Oregon Wilderness Act*, 35 Nat. Resources J. 201, 205 (1995) (citing 42 Fed. Reg. 59,688 (Nov. 18, 1977)).

III. Roadless Area Review and Evaluation II.

After the failure of RARE I, the Forest Service began a new Roadless Area Review and Evaluation (“RARE II”) in 1977. “RARE II, like its predecessor, was administratively initiated for the purpose of identifying those roadless and undeveloped areas which could be designated as ‘wilderness areas’ pursuant to the Wilderness Act.” *Wyoming I*, 277 F.Supp.2d at 1205 (citing *Mountain States Legal Found. v. Andrus*, 499 F. Supp. 383, 387 (D. Wyo. 1980)).

“RARE II was an attempt by the Forest Service to identify and consider for wilderness designation the remaining roadless national forest lands. . . . RARE II was intended to be a rational allocation of roadless areas to wilderness or nonwilderness uses.” Paul Mohai, *Rational Decision Making in the Planning Process: Some Empirical Evidence From RARE II*, 17 Env'tl. L. 507, 529 (1987). RARE II was designed to consider the entire National Forest System in order to minimize local variations in inventory and allocation of roadless areas. RARE II did not replace the land and resource management effort, but merely assisted that effort by resolving roadless area allocation questions. See United States Dept. of Agric., *Final Environmental Statement, Roadless Area Review and Evaluation (RARE II)* at 6 (1979).

As with RARE I, courts held that RARE II was unlawful for its failure to comply with NEPA. *California v. Bergland*, 483 F.Supp. 465, 501 (D.C.Cal. 1980), *aff'd in part, rev'd in part sub nom. California v. Block*, 690 F.2d 753, 762 (9th Cir. 1982). For example, the State of California challenged the adequacy of the EIS as the basis for decisions to manage areas in California for purposes other than wilderness. *Block*, 690 F.2d at 759. The Ninth Circuit ruled that the RARE II process violated NEPA because it was not site specific and because it failed to consider an adequate range of alternatives. *Id.* at 762. As a result, a statewide injunction on further designation or recommendation of wilderness lands was instituted and lands eligible for wilderness designation continued to be managed under multiple-use practices. *Bergland*, 483 F.Supp. at 476, 501.

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IV. Roadless Area Conservation Rule.

In 2001, twenty-five years after RARE II, the Forest Service purportedly attempted to identify and protect inventoried roadless areas on National Forest System lands by creating the Roadless Area Conservation Rule. 66 *Fed. Reg.* 3,244 (January 12, 2001). In adopting the 2001 Roadless Area Conservation Rule, the Forest Service relied on the twenty-five year-old maps prepared for RARE II, which were, in part, based on the maps completed for RARE I. *Id.* The Forest Service identified 58.5 million acres of inventoried roadless areas for this Rule. *Id.*

The 2001 Rule was the subject of nine lawsuits in federal district courts in Idaho, Utah, North Dakota, Wyoming, Alaska, and the District of Columbia. On July 14, 2003, in litigation involving the State of Wyoming, the U.S. District Court for the District of Wyoming issued a permanent nationwide injunction and set aside the Roadless Rule. *Wyoming I*, 277 F.Supp.2d at 1197. The *Wyoming I* court held that the Forest Service, having failed to use RARE I and RARE II to designate more wilderness, simply passed the Roadless Area Conservation Rule to usurp congressional authority by creating *de facto* wilderness areas. *Wyoming I*, 277 F.Supp.2d at 1236. This ruling was appealed; however, adoption of the State Petitions Rule, *infra* Part V., rendered the litigation moot and therefore the decision in *Wyoming I* was vacated. *Wyoming v. United States Dep't of Agric. (Wyoming II)*, 414 F.3d 1207, 1212 (10th Cir 2005).

V. State Petition Rule.

After the Forest Service's failures with RARE I and II and its illegal attempt to create *de facto* wilderness with the 2001 Roadless Rule, the Forest Service published the State Petition Rule for Inventoried Roadless Area Management in 2005. 70 *Fed. Reg.* 1055 (March 14, 2005). In October 2006, the Northern California District Court held that the State Petitions Rule was promulgated in violation of NEPA and the ESA and therefore the 2001 Roadless Rule that had been struck down in *Wyoming I* should be reinstated. *California ex rel. Lockyer v. U.S. Dep't of Agric. (Lockyer I)*, 459 F.Supp.2d 874, 919 (N.D.Cal. 2006), *aff'd*, 575 F.3d 999, 1020 (9th Cir. 2009). Following the Northern California District Court's decision in *Lockyer I*, in January 2007 the State of Wyoming renewed its challenge to the 2001 Roadless Rule and the Wyoming District Court again struck down the 2001 Roadless Rule. *Wyoming v. U.S. Dep't of Agric. (Wyoming III)*, 570 F.Supp.2d 1309, 1318 (D.Wyo. 2008), *appeal docketed*, No. 09-8075 (10th Cir. Aug. 14, 2009). In December 2008, the Northern California District Court limited the scope of its ruling to the states within the Ninth Circuit and the plaintiff State of New Mexico. *Lockyer I*, 2008 WL 5102864 (N.D.Cal. Dec. 12, 2008) (order partially staying injunctive relief in the interests of comity pursuant to Fed. R. Civ. P. 62(c)).

Under the State Petitions Rule, a governor could, before November 2006, petition the Secretary of Agriculture to promulgate regulations establishing management

requirements for any inventoried roadless areas within his State. The inventoried roadless areas were based on a set of inventoried roadless maps contained in the Final EIS for the 2001 Roadless Area Conservation Rule. 73 Fed. Reg. 43,544 (July 25, 2008).

When the Secretary of Agriculture accepted such a petition, the Forest Service coordinated with the petitioner to initiate a state-specific rulemaking that addressed the proposed changes put forth in the petition. This rulemaking included publishing a proposed rule for public review and comment and preparing the appropriate NEPA documentation. The Secretary of Agriculture makes all final decisions regarding the petition with advice and recommendations from a national advisory committee. *Id.*

While the litigation described above was underway, the Colorado legislature passed Senate Bill 05-246 to create a task force to recommend to the Governor of Colorado how inventoried roadless areas should be managed. *Id.* For purposes of the task force, Colorado Revised Statutes § 36-7-301 defines “Applicable Forest Areas” as the approximately 4,400,000 acres of Forest Service lands in Colorado identified as roadless in the Final EIS conducted for the 2001 Roadless Area Conservation Rule. Additionally, Colorado Revised Statutes § 36-7-302 provides that the task force “shall consider and give weight to . . . written comments from affected counties, cities, city and counties, special districts, forest stakeholder groups, and any other Colorado citizens.” MSLF submitted comments similar to those submitted herein to the Colorado Roadless Areas Review Task Force on March 27, 2006.

The Task Force held nine public meetings throughout the State and purportedly reviewed more than 40,000 public comments. 73 Fed. Reg. 43,544 (July 25, 2008). After receiving the recommendations of the Task Force, Governor Bill Owens submitted Colorado’s petition to initiate a state-specific rulemaking on November 13, 2006. *Id.* On April 11, 2007, Governor Bill Ritter resubmitted the petition with a substantive letter of transmittal that revised portions of the 2006 petition. *Id.* In June 2007, Colorado and the Forest Service presented the 2006 petition with some modifications to the Department of Agriculture’s Roadless Area Conservation National Advisory Committee (“RACNAC”). *Id.* In August 2007, based on the advisory committee’s review and report, the Secretary of Agriculture accepted the State’s petition and directed the Forest Service to work in cooperation with Colorado to initiate rulemaking. *Id.* To this end, the Forest Service and Colorado entered into a Memorandum of Understanding (“MOU”) on January 8, 2008. *Id.*

Consistent with the MOU, the Forest Service proposed state-specific rules for governance of roadless areas in Colorado on July 25, 2008. The rules proposed a system of Colorado Roadless Areas (“CRAs”). The 2008 Colorado Roadless Rule (“CRR”) was intended to supercede the 2001 Roadless Rule struck down by the Wyoming District Court. *Wyoming I*, 277 F.Supp.2d at 1197; *but see Lockyer*, 459 F.Supp.2d at 919 (reinstating 2001 Roadless Rule within the 9th Circuit and the State of New Mexico). A draft EIS was completed in July 2008 and a regulatory risk assessment was completed in August 2008. Comments were solicited on the proposed rule, the draft environmental

impact statement, and the regulatory risk assessment. 73 Fed. Reg. 43,544 (July 25, 2008); 73 Fed. Reg. 54,125, (Sept. 18, 2008). MSLF submitted comments similar to those submitted herein to the Forest Service on October 23, 2008.

On August 3, 2009, the Colorado Department of Natural Resources proposed revisions to the 2008 CRAs. Letter from Mike King, Colorado Dep't of Natural Res. Deputy Dir., to Colorado Roadless Stakeholders (hereinafter "Stakeholders Letter"), available at <http://www.dnr.state.co.us/roadlessrule>; Colorado Roadless Rule – Final Language as of July 28, 2009 §§ 294.30–294.38, available at <http://www.dnr.state.co.us/roadlessrule> (hereinafter "2009 CRR"). These revisions were purportedly made in response to public comments to the 2008 CRR. Stakeholders Letter at 1. The revised 2009 CRR adds 160,000 acres of roadless forests to the 2008 CRAs and further restricts human activity in the CRAs. 2009 CRR §§ 294.30–294.38. Deputy Director King's letter to Colorado Roadless Stakeholders states that "[d]uring the next 60 days, the Colorado Department of Natural Resources will solicit further public input. Following the comment period, the state will consider making additional adjustments before finalizing its recommendations to the U.S. Department of Agriculture." Stakeholders Letter at 2. MSLF submitted comments similar to those submitted herein to the Colorado Department of Natural Resources on October 2, 2009.

On April 6, 2010, the State of Colorado submitted a revised state petition to the Forest Service ("2010 CRR"). The revised Colorado proposal includes an updated inventory that locks up more than 400,000 roadless acres not included in the 2001 Roadless Area Conservation Rule, disallows nearly all construction projects in roadless areas, and allows minimal flexibility for community wildfire protection, ski slope expansion, and existing coal mine operations.

On April 15, 2011, the Forest Service published a proposed Colorado Roadless Rule ("2011 CRR") based on the 2008 CRR and the revisions contained in the 2010 CRR. 76 Fed. Reg. 21,272 (April 15, 2011). The Forest Service also prepared a revised draft environmental impact statement ("2011 revised DEIS"). *Id.* Public comments were solicited regarding "changes to exceptions and prohibitions on activities in roadless areas that have been developed in response to public comments on the 2008 Proposed Rule." *Id.* Public comments were also specifically requested on Colorado Roadless Areas identified as "upper tier." *Id.* These areas incorporate fewer exceptions than the 2001 Rule for road construction and reconstruction and tree cutting, even for public health and safety. *Id.* at 21,273.

COMMENTS

I. The Wilderness Act Preempts Administrative Wilderness Designations.

Prior to passage of the Wilderness Act in 1964, no uniform federal system existed for the preservation of federal lands having “wilderness” characteristics. Instead, lands possessing “wilderness” characteristics were administratively classified as wilderness, wild, canoe, and primitive. 1964 U.S.C.C.A.N. 3615. Additionally, only wilderness areas were recognized by statute, leaving the remaining areas vulnerable to change by administrative action. *Id.* at 3616. This management scheme was not uniform and offered no long-term certainty for the federal lands at issue.

The Wilderness Act did away with administrative classifications of federal lands possessing wilderness characteristics. 16 U.S.C. § 1132. The Wilderness Act created two categories of federal lands for wilderness purposes: wilderness and non-wilderness. *Id.* The Wilderness Act, in effect, converted to “wilderness” the lands previously classified as wilderness, wild, and canoe. *See id.* Furthermore, the Wilderness Act provided long-term certainty through federal statutory protection for the congressionally designated wilderness lands. *Id.* In passing the Wilderness Act, Congress recognized that “[a] statutory framework for the preservation of wilderness would permit long-range planning and assure that no future administrator could arbitrarily or capriciously either abolish wilderness areas that should be retained or *make wholesale designations of additional areas in which use would be limited.*” 1964 U.S.C.C.A.N. 3616 (emphasis added). In its simplification of terminology, the Wilderness Act provided stability for the management of wilderness lands and reserved to Congress the task of designating new wilderness areas. *Id.*

Given this statutory background, any administrative effort to designate *de facto* wilderness, including the State Petition Rule for Inventoried Roadless Area Management and the resulting CRR, is in direct contravention of congressional intent in passing the Wilderness Act. Several federal courts have reached the conclusion that the 2001 Roadless Rule “generally banned road building subject to limited exceptions *Henceforth, this vast national forest acreage, for better or worse, was more committed to pristine wilderness.*” *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1105–06 (9th Cir. 2002) (emphasis added); *see also California ex rel. Lockyer v. U.S. Dept. of Agriculture (Lockyer II)*, 575 F.3d 999, 1020 (9th Cir. 2009); *Wyoming III*, 570 F.Supp.2d at 1349 (“[A]s the Forest Service itself seems to acknowledge, a roadless forest is synonymous with the Wilderness Act’s definition of ‘wilderness.’”).

Under the Wilderness Act there can only be “wilderness” or non-wilderness, and the Act reserves to Congress the authority to make this designation. 16 U.S.C. § 1132. This reservation of authority indicates that Congress did not intend for agencies to designate wilderness areas administratively or manage them as such. Therefore, the continued management of Inventoried Roadless Areas or CRAs as wilderness is in direct contravention to congressional intent in passing the Wilderness Act. *See* 1964

U.S.C.C.A.N. 3616. These areas, having failed to meet the wilderness criteria required for Congress to designate “wilderness” legislatively, must continue to be designated non-wilderness and managed as non-wilderness.

II. New Wilderness May Not Be Created Because Its Creation Would Upset Congress’s Statutory Scheme for Disposal of Federal Lands.

One policy of the Wilderness Act was to “spread the pressures upon our recreational resources which will become increasingly overburdened as the years go by.” 1964 U.S.C.C.A.N. 3615, 3622. The policy of the Wilderness Act and the intent of Congress in passing the Wilderness Act have been fulfilled: a long-term management scheme protects 105 million acres of wilderness, yet reserves the bulk of federal lands for more accessible uses. If efforts such as this rulemaking continue to lock up additional Forest Service lands, more people will be forced to use non-wilderness areas. This results in more people using a smaller amount of federal land. Only a select few, physically capable people are able to enjoy the 105 million acres of wilderness already in existence. Creating more wilderness areas would result in less access to federal public lands and would place an undue burden on already overburdened federal public lands.

Congressional intent to maintain extensive access to federal lands is supported by the statutory definition of wilderness, which prevents new wilderness from being created. 16 U.S.C. § 1131. New wilderness may not be created because areas already affected by the imprint of human activity are statutorily ineligible for wilderness designation. The Wilderness Act defines “wilderness” as:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable; (2) has outstanding opportunities for solitude or primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

16 U.S.C. § 1131(c). Since 1964, Congress has designated 105,695,176 acres of wilderness as part of the National Wilderness Preservation System. http://nationalatlas.gov/articles/boundaries/a_nwps.html. RARE I, RARE II, and the 2001 Roadless Rule failed to provide a legal justification for additional congressionally

designated wilderness. Similarly, the CRR cannot produce additional wilderness areas because, by definition, no new wilderness areas exist. It is undisputed that the CRAs contain footpaths, off-highway vehicle trails, roads for purposes of fire control and mineral extraction, and other infrastructure essential for mineral extraction. Such permanent human activities have altered the CRAs and made them ineligible to be designated wilderness under the Wilderness Act.

The proposed rule acknowledges that mineral resources are already being developed within the CRAs and that maintenance of existing industrial roads would be necessary to facilitate continued extraction activities. 2011 CRR § 294.43(c)(1)(viii). Although roads must be allowed in the proposed CRAs to protect vested property interests, 16 U.S.C. § 3210(a), and to ensure the federal lands are disposed of to maximize their value to the American people, these areas clearly have the “imprint of man’s work substantially [n]oticeable.” These areas are not “untrammelled by man,” as required by the Wilderness Act. Therefore, since these areas may not be classified as wilderness under the Wilderness Act, the only remaining classification allowed by law is non-wilderness.

Furthermore, basing the CRAs on the RARE II inventories is unlawful. “[T]he fact that most, if not all, of the inventoried roadless areas [are] based on the RARE II inventories, which were designed to recommend wilderness areas to Congress, further evidences that the Forest Service [is usurping congressional authority].” *Wyoming III*, 570 F.Supp.2d at 1350. “One stated purpose of the Wilderness Act was to assure that no future administrator could make wholesale designations of additional wilderness areas in which use could be limited.” *Id.* Although *Wyoming III* dealt directly with the 2001 Roadless Rule, the 2011 CRR is even more expansive than the 2001 Roadless Rule. The conclusion of the *Wyoming III* court that the 2001 Roadless Rule usurped congressional authority under the Wilderness Act is equally relevant in determining the validity of the proposed CRR.

III. The Forest Service Would Usurp Congressional Authority By Creating *De Facto* Wilderness.

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

To preserve portions of the 655 million acres of land, Congress established the National Wilderness Preservation System. 16 U.S.C. § 1131(a). Wilderness may be

added to the National Wilderness Preservation System only through an act of Congress. 16 U.S.C. § 1132(b); see *Wyoming III*, 570 F.Supp.2d at 1346 (“Congress has the sole power to create and set aside federally designated areas pursuant to the Wilderness Act of 1964.”) (citing *Parker v. United States*, 448 F.2d 793 (10th Cir. 1971)). “[This] exclusive power derives from the provision of the Wilderness Act prohibiting the designation of any federal lands as wilderness ‘except as provided for’ in the Wilderness Act.” *Glicksman*, 34 Env’tl. L. at 1192. “The Wilderness Act removed the discretion of the Secretary of Agriculture and the Forest Service to establish *de facto* administrative wilderness areas.” *Wyoming I*, 277 F.Supp.2d at 1233; 1964 U.S.C.C.A.N. 3615, 3616. “The Wilderness Act functions as a ‘proceed slowly order’ until Congress—through the democratic process rather than by administrative fiat—can strike the proper balance between multiple uses and preservation.” *Wyoming III*, 570 F.Supp.2d at 1347 (citing *Parker v. United States*, 309 F.Supp. 593, 795 (D.Colo. 1970)).

Given this statutory framework for the designation of wilderness, managing roadless areas in a manner in which new road construction is severely restricted constitutes the creation of *de facto* wilderness in violation of the Wilderness Act. In setting aside and permanently enjoining the 2001 Roadless Rule, the Wyoming District Court reasoned that “[t]he ultimate test for whether an area is ‘wilderness’ is the absence of human disturbance or activity. . . . In short, it is ‘reasonable and supportable to equate roadless areas with the concept of wilderness.’” *Wyoming III*, 570 F.Supp.2d at 1347–48 (citing Michael Mortimer, *The Delegation of Law-Making Authority to the United States Forest Service: Implications in the Struggle for National Forest Management*, 54 Admin. L. Rev. 907, 958 (2002)).

The “upper tier” CRAs, a concept introduced for the first time in the 2010 CRR, establish an extreme management scheme that results in 562,200 acres where “the imprint of man’s work [is] substantially unnoticeable” because all road construction or reconstruction is banned. See 2011 CRR § 294.43(b); 76 Fed. Reg. at 21,274. The only exception to the upper tier road ban is for roads “needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty.” *Id.* § 294.43(b)(1). Yet even this exception is narrower than it appears because such a road would only be allowed where motorized access without a road would not be “technically feasible” and a temporary road would not provide reasonable access. *Id.* § 294.43(b)(1)(i)–(ii). These limitations will, in most instances, swallow the exception; this will result in increased costs for in-holders seeking to access their property. In many cases, technically feasible solutions will be financially infeasible, but the 2011 CRR makes no accommodation for the realities attendant to a ban on traditional road construction and maintenance. The management of these upper tier areas attempts to replicate the statutory definition of wilderness; the upper tier CRAs can only be reasonably understood to represent unlawful administrative designation of *de facto* wilderness.

The other CRAs are also managed in ways significantly similar to wilderness areas and therefore simply labeling these areas as “roadless,” instead of “wilderness,” is not sufficient to escape the requirements of the Wilderness Act. “A roadless forest is

synonymous with the Wilderness Act's definition of 'wilderness.' The reason is that roads facilitate human disturbance and activity in degradation of wilderness characteristics." *Wyoming III*, 570 F.Supp.2d at 1349. Similarly, if the uses permitted in wilderness areas and the uses permitted in CRAs are virtually identical, the public would not be able to distinguish the CRAs from wilderness areas. *Id.* For example, these are some of the uses allowed in wilderness areas:

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

16 U.S.C. § 1133.

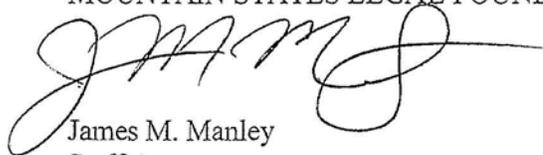
The uses allowed within the non-upper tier CRAs are nearly the same as those uses allowed within wilderness areas; the proposed rule therefore creates *de facto* wilderness in violation of the Wilderness Act. 16 U.S.C. § 1131. As in wilderness areas, the proposed rule disallows temporary and permanent roads, commercial development, mechanical transportation, and structures. *Compare* 16 U.S.C. § 1133 *with* 2011 CRR § 294.43. Yet, as in wilderness areas, the proposed rule allows exceptions for mineral development, water resource development, and public health and safety. *Compare* 16 U.S.C. § 1133 *with* 2011 CRR §§ 294.42, 294.43, 294.45. Because the proposed CRR management scheme would largely mirror the management scheme for wilderness areas, the proposed rule creates *de facto* wilderness and is in violation of the Wilderness Act.

CONCLUSION

For the foregoing reasons, the State of Colorado and the Forest Service should not persist in developing a management scheme that would violate the Wilderness Act.

Respectfully Submitted By:

MOUNTAIN STATES LEGAL FOUNDATION



James M. Manley
Staff Attorney

From: ROY A JOSEPH [jeepnroy@msn.com]
Sent: Tuesday, July 12, 2011 9:23 AM
To: COcomments
Subject: Roadless Rule
Attachments: Colorado Roadless Rule.doc

The attached document is my comments on the new Roadless Rule. Thanks, Roy

COR 491

Colorado Roadless Rule/EIS

P.O. Box 1919

Sacramento, CA 95812

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. Alternative 4 simply makes no sense from this perspective as it provides an upper tier area

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.

Sincerely

Roy Joseph

2654 Sacoma Ct

Grand Junction, CO 81506

From: Gary & Mary Osier [h2osiers@yahoo.com]
Sent: Tuesday, July 12, 2011 8:37 AM
To: COcomments
Subject: official comments
Attachments: COMMENTS.DOC

Attached are my comments as well as included in the text so as to be sure you can read it. Should you have any questions please contact me immediately.

Gary T. Osier

WRITTEN COMMENTS

REGARDINGTHE

PROPOSED COLORADO ROADLESS RULE

I want to thank you for the opportunity to submit written comments on the proposed Colorado Roadless rule.

Chapter 3. Affected Environment and Environmental Consequences—239 Paragraph 1

“Wilderness: Environmental Consequences

All Alternatives

Effects on designated wilderness areas depend on the prohibitions and exceptions for tree-cutting and road construction and reconstruction that could affect one of the wilderness attributes: untrammeled, natural, undeveloped, opportunities for solitude, or opportunities for primitive and unconfined recreation. None of the alternatives would directly affect existing wilderness because the management direction would not apply to designated wilderness areas. Therefore, there would be no effects on the untrammeled, natural, undeveloped, or primitive and unconfined recreation opportunities within a wilderness area. However, activities permitted in roadless areas contiguous or adjacent to designated wilderness could affect opportunities for solitude and could affect the scenery as viewed from a wilderness area. The degree of effect would depend on the frequency, duration, extent, and type of activity that

occurs.

All alternatives may have direct affects on wilderness character attributes, especially solitude and scenic values, and the ability for roadless areas to be recommended wilderness designation in the future. Roadless areas are the reservoir of undeveloped lands from which future wilderness designations are considered. Each roadless area is evaluated during the forest planning process to determine if it provides wilderness characteristics and whether or not it should be recommended for wilderness. Areas not recommended for wilderness could still be considered for wilderness by Congress. Impacts on the area's inherent wilderness character, its undeveloped nature, its naturalness, its natural ecosystem forces, and the opportunity to provide primitive and unconfined recreation would detract from future consideration of the area as wilderness”

Chapter 3. Affected Environment and Environmental Consequences—239 & 240

“Alternative 2 – Colorado Roadless Rule (Proposed Action)

In general, alternative 2 prohibits tree-cutting, road construction, and LCZs in CRAs, reducing the risk of impacts to adjacent Wilderness areas. Where tree-cutting or road construction is permitted under exceptions near or adjacent to existing wilderness, there may be effects on wilderness depending on the scenic value of view-shed, distance from wilderness boundary, and natural drainage. Such activities, especially those within a CPZ and those associated with coal activity, could impact future recommendations for specific wilderness areas. Activities within the CPZ may impact areas adjacent to Wilderness areas, affecting scenery and noise of those traveling within the Wilderness.

Those unroaded acres that are not included as IRAs but are included as CRA would be managed as roadless areas in alternative 2, and are likely to be more consistent with future wilderness designation than general forest plan direction.

For those acres included as upper tier in alternative 2, they would also be more consistent with

future wilderness designation than either alternative 1 direction or general Colorado Rule direction due to the additional restrictions on activities. “

The following is a out of the Forest Service Manual FSM 2300.

2320.3 – Policy

5. Because wilderness does not exist in a vacuum, consider activities on both sides of wilderness boundaries during planning and articulate management goals and the blending of diverse resources in forest plans. Do not maintain buffer strips of undeveloped wildland to provide an informal extension of wilderness. Do not maintain internal buffer zones that degrade wilderness values. Use the Recreation Opportunity Spectrum (FSM 2310) as a tool to plan adjacent land management.
6. This policy direction from the Forest service manual seems to be in conflict with the statements above from the EIS. Add to this the fact that at least on the White River National Forest all the roadless areas were evaluated according to the law and Forest Service manual direction, and were found lacking for one reason or another.

In reviewing the alternatives contained in the rule only Alternative 3 seems to be in compliance with The National Forest Management Act of 1976 (NFMA), and other acts mentioned in NFMA. The reason I say this is because the Colorado Roadless Rule (CRR), Alternatives 1, 2, & 4 do not propose to amend Forest Plans in Colorado, but totally overrule them (“Where conflicting management direction exists between forest plans and a Colorado Roadless Rule provision, the more restrictive direction would prevail.”) with regard to land management planning and allocation. The CRR evaluates specific impacts associated with roadless area management, but totally ignores direction required in NFMA regarding Forest Plan evaluation. For instance, some of the acres proposed for no timber harvest are contained in the suitable timber base. NFMA requires that these be maintained and that when lands are considered unsuitable that they be evaluated every 10 years and if found suitable again, returned to the suitable base. Under the CDR Alternatives 1, 2, & 3, land is permanently removed from the suitable base in violation of NFMA.

In addition, throughout NFMA, all land management decisions must be in compliance with The National Environmental Policy Act (NEPA) and The Multiple-Use Sustained Yield Act of 1960 (MUSYA). Obviously, this exercise was carried out within the confines of NEPA. However, I do believe that quite only Alternative 3 has the ability to meet the requirements of MUSYA. MUSYA is pretty specific when it comes to multiple uses and how they are to be managed. Section 1 is as follows:

“ Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That \S 16 U.S.C.528 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 this Act are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in the Act of June 4, 1897 (16 U.S.C. 475). Nothing herein shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish on the national forests. Nothing herein shall be construed so as to affect the use or administration of the mineral resources of national forest lands or to affect the use or administration of Federal lands not within national forests.”

Essentially Congress made it clear that these uses were supplemental to and were not to derogate (detract) from the uses described in the Organic Administrative Act (OAA) and the jurisdiction of the states with regard to wildlife and fish and the use or administration of the mineral resources (see Appendix A).

Given that alternative energy is such a hot topic, and that the preferred alternative appears to reduce the development of oil and gas, geothermal and some coal, it would seem logical to give some evaluation of solar and wind development

on national forest. I saw no discussion regarding these potential energy sources. In fact geothermal was given very short discussion yet the White River National Forest has a fairly high potential for geothermal development by witnessing the recent discussions by the City of Glenwood Springs and private landowners in the Crystal River valley (Avalanche Ranch) wishing to develop geothermal resources. Since these are alternative energy sources that have the potential to reduce dependance on fossil fuels it would seem that these would warrant some discussion, and certainly not just throw them out from a land management standpoint. Add in the small acreages involved with geothermal and natural gas it would seem logical to just eliminate these acres from the roadless proposal, especially since natural gas is in demand as a clean burning fuel. As far as solar and wind, I would guess that most of the acres would be suitable for this type of development, but would be eliminated from further consideration under alternatives 1, 2, & 4. I believe that these subjects need further discussion and evaluation.

Thank you again for the opportunity to comment,

Gary T. Osier

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Rifle, CO 81650

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July 12, 2011

APPENDIX ALAWS AFFECTING THE RELATIONSHIP BETWEEN RECREATION AND MINERALS MANAGEMENT ON THE NATIONAL FORESTS

Recreational use of National Forests is so great today that it is hard to believe that there was a time when the Federal Government almost had to beg people to use their public lands. The first mention of recreation was associated with the Act of March 4, 1915 (Ch. 144, 38 Stat. 1086, as amended; 16 U.S.C. 497) authorizing the Secretary of Agriculture to issue permits for “hotels, resorts, and any other structures or facilities necessary or desirable for recreation, public convenience, or safety...summer homes and stores;”. It also included industrial uses and “any buildings, structures, or facilities necessary or desirable for education or for public use or in connection with any public activity.”

The Act was designed to bring people into and to enjoy their National Forests. The National Forests were in competition with the National Parks in trying to attract visitors, and thus catch the eye of Congress and potentially increase budgets. In the language of the Act, Congress was careful to instruct the Secretary on how to manage these uses; “The authority provided by this paragraph shall be exercised in such manner as not to preclude the general public from full enjoyment of the natural, scenic, recreational, and other aspects of the National Forests.”. In other words you don’t get exclusive use of the National Forest System Lands. The wording of Special Use permits have language to this effect, to this day.

The next significant mention of recreation comes in the Act of June 12, 1960 (P.L. 86-517, 74 Stat. 215; 16 U.S.C. 528(note), 528-531) more commonly known as the Multiple-Use Sustained-Yield Act of 1960 (MUSYA). Recreational use and management thereof got legitimate through the following: “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 fisheries purposes.” Usually people quit reading here and say that these are the things that the National Forests are to be managed for, and everything else is a supplemental use. Some people even go so far as to declare that the order of naming is the hierarchy.

Further reading of Sec. 1 reveals some side boards on this designation: “The purposes of this Act are declared to be supplemental to but not in derogation of, the purposes for which the national forests were established as set forth in the Act of June 4, 1897 (16 U.S.C. 475).”, also commonly referred to as the Organic Administration Act, or Organic Act. Derogation is defined in the *NEW WEBSTER’S DICTIONARY of the English Language, College Edition*, as follows: “The act of derogating; a lessening of value or estimation; detraction; disparagement.”. So Congressional intent is clearly spelled out that these uses/programs are supplemental and do not supplant the uses described in the Organic Act. Because the MUSYA refers to the uses in the Organic Act the following is taken verbatim from the Act of June 4, 1897:

"Designation and Purposes of National Forests

All public lands designated and reserved prior to June, 4 1897, by the president of the United States under the provisions of the Act of march 3, 1891, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as national forests under said Act, shall be as far as practicable controlled and administered in accordance with the following provisions. No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of the citizens of the United States; but it is not the purpose of these provisions, or of the Act providing for such reservations, to authorize the inclusion therein of lands more valuable for mineral therein, or for agricultural purposes, than for forest purposes."

"Water Use

All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder."

"Rules and Regulations

The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under provisions of the Act of March 3, 1891, and which may be continued; and he may make such rules and regulations and establish service as will insure the objectives of such reservations, namely, to regulate their occupancy and use and to preserve the forests therein from destruction; ..."

The Organic Act was clear that lands more valuable for minerals and/or agriculture should not be set aside for other uses. So Congress acknowledges that Recreation is now a legitimate use under MUSYA, but it does not usurp the uses identified in the Organic Act. In fact MUSYA goes on to make it even clearer: "Nothing herein shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish on the national forests. Nothing herein shall be construed so as to affect the use or administration of the mineral resources of national forest lands or to affect the use or administration of Federal lands not within national forests (16 U.S.C. 528)."

Multiple use is then defined:

"Multiple use" means the management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some lands will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without

impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.” Congress made it clear that the national forests were to be managed for multiple uses, but not at the cost of those uses described in the Organic Act nor in anyway interfere with the use or administration of the mineral resource.

The next major piece of legislation to direct multiple use management was the Act of August 17, 1974 (P.L. 93-378, 88 Stat., as amended; U.S.C. 1601 (note), 1600-1614) also known as the Forest and Rangeland Renewable Resources Planning Act or the Resources Planning Act (RPA). This directed the secretary and the Forest Service to do many things, but the most significant was to prepare Forest Plans that were in compliance with the principles of the MUSYA. Most forest plans carried provisions that required a mineral evaluation before developing recreation facilities. This was designed to ensure that valuable mineral lands were not withdrawn for some other purpose. However, many times this provision was ignored and/or given lip service when new recreation facilities were proposed.

Another Act that should be mentioned is the Act of December 31, 1970 (P.L. 91-631, 84 Stat. 1876; 30 U.S.C. 21a) or the Mining and Minerals Policy Act . In this act “Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs....” Because Congress wanted to make it clear what a mineral was they defined it: “For the purpose of this Act “minerals” shall include all minerals and mineral fuels including oil, gas, coal, oil shale and uranium.” This is a strong message from the Congress that development of the mineral resource is in the national interest.

The next piece of legislation governing forest land uses is the Act of October 21, 1976 (P.L. 94-579, 90 Stat. as amended; 43 U.S.C. 170(note), 1701, 1702, 1712, 1714-1717, 1719, 1732b, 1740, 1744, 1745, 1751-1753, 1761, 1763-1771, 1782; 7 U.S.C. 1212a; 16 U.S.C. 478a, 1338a) also known as the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA deals with a number of issues including right-of-ways , withdrawals and other land use and title issues. Section 102 is a declaration of policy and (a) 7, 8 and 12 and (b) are germane to this discussion:

“(a)The Congress declares that it is the policy of the United States that--

(7) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law;

(8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that where appropriate will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and will provide for outdoor recreation and human occupancy and use;

(12) the public lands be managed in a manner which recognizes the Nation’s need for domestic sources of minerals, food, timber, and fiber from the public lands including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U.S.C. 21a) as it pertains to the public lands;”

So Congress continues to press for multiple use, but also again makes special mention of minerals management by citing specific legislation. Nothing in FLPMA amends the specific requirements of previous acts ensuring that other uses do not usurp the management of the minerals resources.

The next piece of legislation to delve into forest management is the Act of October 22, 1976 (P.L. 94-588, 90 Stat. 2949, as amended; 16 U.S.C. 472a, 476, 500, 513-516-, 518, 521b, 528(note), 576b, 594-2(note), 1600(note), 1601(note), 1600-1602, 1604, 1606, 1608-1614). This is know as the National Forest Management Act of 1976 (NFMA). NFMA first amends the RPA by putting in a new sec 2 (Findings). Of particular interest to this discussion is: "Sec. 2 Findings.--The Congress finds that-- (3) to serve the national interest, the renewable resource program must be based on a comprehensive assessment of present and anticipated uses, demand for, and supply of renewable resources from the Nation's public and private forests and rangelands, through analysis of environmental and economic impacts, coordination of multiple use and sustained yield opportunities as provided in the Multiple-Use, Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531) and public participation in the development of the program." Again Congress continues to refer us to the MUSYA for guidance on how the multiple uses should be managed.

Section 6 of NFMA amends Sec. 6 of the RPA by adding several new subsections. Of interest in this discussion is subsection (e):

"(e) In developing, maintaining, and reviewing plans for units 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 therefrom in accordance with the Multiple-Use, Sustained-Yield Act of 1960, and in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness;" Please note that minerals are not in this list, because the MUSYA says "Nothing herein shall be construed so as to affect the use or administration of the mineral resources of national forest lands or to affect the use or administration of Federal lands not within national forests (16 U.S.C. 528)." Congress again makes it abundantly clear that even during the forest planning process the Secretary shall keep the principles and guidance found in the MUSYA in the forefront.

So what can we say based on this review? Congress has made it clear over and over that the MUSYA is extremely important when evaluating and administering the multiple uses found on the national forests. This is true not only in the day to day administration, but also in the forest planning process. While Congress has broadened the definition of multiple use over time, they have not changed the favorable status afforded the mineral resources. Because there apparently must have been some confusion as to what was meant by the mineral resources, Congress felt the need to define it so that all minerals were included. Based on the review of the laws governing the national forests, one can find no desecration in administering the mineral resources, except where they are not known to not exist. This is borne out in Wilderness legislation as well as the recent roadless evaluation. One of the exceptions in the "Roadless Rule" was for development of the mineral resource. Based on the evaluation of the laws, it would seem that the "roadless Rule" had no basis to limit the oil and gas leases. Assuming that "roadless areas" are a legitimate multiple use, then they would also be subject to the MUSYA and the restriction on interfering with the use and administration of the mineral resources.

As a new round of forest planning has already begun there will be a major push for more recreation exclusive uses, when in fact the law would prohibit these uses where minerals are present and/or possible to exist. This also holds true for the roadless initiative being undertaken by the Forest Service and the State of Colorado. It will be important that people understand and adhere to the laws as they are written.

JUL 11 2011

222 Miramar Street

Upland, CA 91784

July 6, 2011

Colorado Roadless Rule/EIS

P.O. Box 1919

COR493.

Sacramento, CA 95812

Dear Sirs,

For two reasons we need to NOT allow more roadless rules to be overturned, no matter what. First, some of our most beloved wild animals must have

truly wild land to survive. It can't be carved up by roads. It must be large & unimpeded.

Examples are panthers, wolves and mountain lions. Secondly, as soon as there are roads there is road-kill. We must protect the few wild animals we have left.

Of course, there is another element here too. We should be concentrating on creating jobs

- 2 - COR
493

and developing state + local
revenues by alternate energy
means - wind, solar, geothermal,
not oil, gas or coal. For then we
will let the climate change
devastation we are already
experiencing to get much worse.
The increased fires, floods and
droughts will only get worse and
then who wins? Not the
animals nor the people.

Please make better decisions.
Keep the forests wild, and keep
the development of energy on
wind, solar, & biomass. They
don't hurt forests + don't need
roads.

Sincerely,
Mrs. C. Osman



Mrs. M. Osman
222 Miramar St.
Upland, CA 91784

MINISTRY OF INDUSTRY, CA 917
US JUL 2011 PM 11



July
11,
2011

NOV 10

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

35212+1919



JUL 11 2011

Linear Construction Zone Exceptions

2001 Rule

- No Restrictions

2011 Additions

- Water conveyance structures with a pre-existing water court decree
- Electric power or telecommunications lines
- Certain oil and gas pipelines

Next Steps

- Public meetings (Denver, Pueblo, Steamboat Springs, Fort Collins, Washington D.C., Monte Vista, Durango, Montrose, Glenwood Springs)
- Tribal consultation
- Summer/Fall 2011 – modification of rule and preparing final environmental analysis
- Late 2011/Early 2012 – publication of final rule

How to Comment

- Comments must be submitted in writing by July 14, 2011
- On the internet at <http://www.regulations.gov>
- Via email, surface mail or fax
- At this meeting
- Which Alternative do you prefer? What modifications should be made?

Earle W. Wise
 1562 H-50 Road
 Delta, Colorado 81416-3211
 phone 970-874-3690
 email = ewfwise@bresnen.net

I vote for the 2001 rule. NO UPPER TIER!!

No upper tier in any of the four choices!!!

Earle W. Wise
 July 7, 2011

Earle W. Wise

1562 #50 Road

Delta, Colorado 81416-3211

Phone - 874-3690

Colorado Roadless Rule Note

July 7, 2011

COR494

JUL 11 2PM



USDA Forest Service
Grand Mesa, Uncompahgre and Gunnison
National Forests
2250 Highway 50
Delta, CO 81416-2485

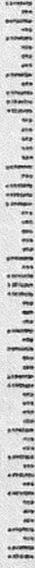
COR 494H



JUL 11 2011

COLORADO ROADLESS RULE/EIS
P.O. BOX 1919
SACRAMENTO, CA 95812

5521231313



COR495.

PUBLIC SUBMISSION

As of: July 12, 2011
Received: July 08, 2011
Status: Draft
Tracking No. 80ebc733
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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-0200
Comment on FR Doc # 2011-09119

Submitter Information

Name: Jeanne c/o Laurence Saunders
Address:
Harrisville, NH, 03450
Email: lrs02493@myfairpoint.net
Phone: 603-827-2962

General Comment

Dear People,

Keep roadless area roadless . NO chemical retardant use, Please.
A variety of use patterns avoids putting all of societies eggs (efforts) is one basket. When humans interfere using machines and chemicals we reduce the opportunities for natural forces and species to exist and/or evolve.
Let us keep some of the planet free of human intervention.

Sincerely Laurence Saunders July 7th, 2011 Manager of woodland in New Hampshire and Maine
~800 acres +/-

COR496.

PUBLIC SUBMISSION

As of: July 12, 2011
Received: July 06, 2011
Status: Draft
Tracking No. 80eba368
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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-0197
Comment on FR Doc # 2011-09119

Submitter Information

Name: Lynnette Saunders
Address: Antigua and Barbuda,

General Comment

As someone who has spent many hours hiking in Colorado with my children and family, I urge you to give ALL roadless areas the highest level of protection. I still have family in Colorado and all of us love the beautiful, quiet, 'soul-restoring' roadless areas.

The unspoiled National Forests 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 backcountry provides world-class recreational opportunities, which not only help sustain the state's tourism and recreation-based economy but also its residents' quality of life.

Any rule that would allow roads, logging, or energy & mineral extraction in any roadless areas is very short-sighted and will harm the state's economy and residents in the long-run.

Roads fragment habitat, add sediment to streams, and bring the added pollution and noise from trucks and other vehicles.

Please consider the future of the unique and beautiful state of Colorado and give all roadless areas complete protection.
Thank you.

COR497.

PUBLIC SUBMISSION

As of: July 12, 2011
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Tracking No. 80ebc50a
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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-0198
Comment on FR Doc # 2011-09119

Submitter Information

Name: Tony Prendergast
Address:
1308 Clear Fork Road
Crawford, CO, 81415

General Comment

I have been following the Colorado Roadless Rule closely since 2006, and have submitted detailed comments on previous drafts of this rule. Impressively, this iteration has incorporated specific suggestions I have made, and is going in the direction that I supported.

All I can say is good work team! This Rule is ready to be finalized. Let's get it done!!!

COR498.

PUBLIC SUBMISSION

As of: July 12, 2011
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Status: Draft
Category: NA
Tracking No. 80ebff35
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Submission Type: Web

Docket: FS_FRDOC_0001
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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-0203
Comment on FR Doc # 2011-09119

Submitter Information

Name: Carl V Smith
Address:
1223 Manchester Dr
Montrose, CO, 81401
Email: cvs@bresnan.net
Phone: 970-249-2328

General Comment

After attending the CO Roadless Rule Meeting in Montrose CO and listening to the Forest Services point of view and watching their reaction and hearing their replies to the concerns, it is obvious that we are wasting our time & effort, as you have an agenda and you will go forth with it regardless of opposition to it. You obviously put out information to special interest groups that favor your point of view, knowing they will write in support of your agenda, while keeping the general masses at bay at what is going on. It is unbelievable that we now have the State of CO conspiring with an arm of the Federal Gvmnt. , the Forest Service, to take away the multiple use of our public lands and make them land of NO use where they are enjoyed by the few and never even seen by the majority. Not to mention the discrimination against the elderly & disabled. The bottom line is this is Public Lands to be used by all, wheather your are a Rancher, Hunter, Fisherman, Logger, Camper, Gold Miner, ATVer, Jeeper, Hiker, Biker, Motorcycler, or what ever - with open use for ALL with access for ALL with NO road closures or locked gates which is done in the name of road protection! Which is of course is a bogus reason. So to close this letter, I am AGAINST all four proposals. What I am for is, defunding the Forest Service and removing them as an arm of the Federal Gvmnt. and giving total control of the Public Lands to the counties in which they lie, so the locals have total control of the Public Lands in their back yard, not some Washington bureaucrat that doesn't have a clue what is best for the forest. I am proposing this to my Congressmen and Senators, asking for their support in defunding the Forest Service and the BLM. Thank you - Carl V. Smith

PUBLIC SUBMISSION

As of: July 12, 2011
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Category: NA
Tracking No. 80ebfcb6
Comments Due: July 14, 2011
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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-0202
Comment on FR Doc # 2011-09119

Submitter Information

Name: Kathryn Kier
Address:
16428 County Rd. 356-8
Buena Vista, CO, 81211
Email: kmkier@q.com
Phone: 719-395-1993
Organization: Columbine Gem & Mineral Society

General Comment

I am very much in favor of alternative 3. I think the environmental groups talked Gov. Owens into a far more restrictive policy for Colorado's public lands than is necessary. I trust the Forest Service to do the right thing for the forest lands and believe alternative 3 will serve that purpose.

I'm a member of a rock hounding club and Republican Central Committee in Chaffee. I am not alone in my desire to keep the public lands open to the public. Congressman Lamborn is certainly in agreement as are the central committee and my club members.

I do not own an off road vehicle and interact with many responsible owners of these vehicles while enjoying the national forests.

I look forward to a Christmas tree every season and make sure I follow the rules for cutting.

I am not alone in my desire to keep these forests open for public use. The quiet use coalition has for too long been a special interest group for elitists and snobs. Someday we'll all wonder what happened to our freedoms if this group and others like it are allowed their way.

I thank all who do the good work for the national forests and for this opportunity to comment.

Thank you,

Kathiryn Kier

From: Ferrell, Mickey [Mickey.Ferrell@dot.state.co.us]
Sent: Tuesday, July 12, 2011 2:09 PM
To: COcomments
Subject: FW: Comments on Roadless EIS

Importance: High

To whom it may concern:

The Colorado Department of Transportation (CDOT) is concerned the proposed rule does not clearly articulate how current and future regional transportation projects will be accounted for. Specifically, CDOT owns, operates and maintains over 9,146 miles of roadway in the State of Colorado, many of which provide direct access for millions of visitors to Colorado's pristine natural areas. The Colorado Department of Transportation applauds the Agency's outreach and examination of this critical issue however, CDOT is concerned the proposal does not adequately protect the State of Colorado's ability to provide a safe and reliable transportation system for the public.

CDOT would respectfully request the Agency consider inserting the following (or similar) language into the proposal to ensure both the protection of these critical natural areas as well as the State's ability to allow the public a safe and reliable transportation system:

Exemption and Withdrawal:

- Regional Transportation Projects
 - Nothing in this proposed rule precludes the Secretary of Agriculture from authorizing, consistent with applicable laws, the use or lease of Federal land within the proposed areas or the withdrawal of proposed or adopted management areas for:
 - Regional transportation projects, including highway maintenance, widening or realignment, and the construction and maintenance of multimodal transportation systems
 - Activities and other infrastructure or safety measures associated with the implementation or utilization of those facilities

Should you have any questions, please do not hesitate to call Mickey Ferrell (mickey.ferrell@dot.state.co.us) at 303-757-9755.

Mickey Ferrell
Federal Liaison
Colorado Department of Transportation
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