

## CIVIL RIGHTS IMPACT ANALYSIS FOR THE COLORADO ROADLESS RULE

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

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

**Date:** January 25, 2012

### **Introduction**

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

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

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

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

### *USDA Civil Rights Policy*

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

### *Colorado Roadless Rule CRIA*

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

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

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

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

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

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

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

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

Following the comment period for the proposed rule and DEIS, the State of Colorado requested additional time to continue discussions with interest groups. In an attempt to ensure all groups had been heard and understood the modifications the State was interested in making to the proposed rule language, the State sponsored a 60-day comment period specifically on their rule language. Following that public comment period, the State presented the Secretary of Agriculture with a modified petition. This modified petition was used to create a new proposed Colorado Rule and analyzed in a revised DEIS (RDEIS).

The 2011 proposed Colorado Rule and RDEIS were released for public comment in February 2011. All interested parties were able to review and comment on all changes and modifications made to the rule language and to the analysis, addressing substantial internal and external comments during the public comment period on the proposed rule and RDEIS. The final proposed Colorado Rule and FEIS include some changes based on comments and suggestions made during the RDEIS review and additional comment period.

The purpose of the proposed Colorado Roadless Rule is to provide direction for the protection and management of CRAs. The proposed rule integrates local management concerns with the national objectives for protecting roadless area characteristics. The starting point for the Colorado petition was the 2001 Roadless Area Conservation Rule (RACR), which prohibited tree cutting, sale and removal and road construction or reconstruction because those activities have the greatest likelihood of alternating and fragmenting landscapes, resulting in immediate, long-term loss of roadless characteristics. Although other activities may also compromise roadless area characteristics, they are best reviewed through local land management plans.

The Colorado Roadless Task Force altered RACR language to specifically address resource management needs in Colorado and public comments. The proposed Colorado Roadless Rule represents a balanced solution for retaining the integrity and natural beauty of Colorado's roadless areas while maintaining flexibility for local management concerns, including risks to communities from wildfire and future water needs.

The FEIS examines four alternatives establishing regulatory direction.

#### Alternative 1 (2001 Roadless Rule)

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

Exceptions for road construction/reconstruction include roads for:

public health and safety,

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

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

for threatened, endangered, proposed, or sensitive species habitat improvements,

to maintain or restore the characteristics of ecosystem composition and structure,

where incidental to the implementation of a management activity not otherwise prohibited,

for personal or administrative use, and

in areas considered substantially altered within IRAs.

#### Alternative 2, final Colorado Roadless Rule

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

Creates a category of upper tier acres that prohibits management activities beyond those general prohibitions on the remaining CRA acres. Within the 1,219,200 upper tier acres:

roads can only be constructed or reconstructed for reserved or outstanding rights, or as provide for by statute or treaty, or for public health and safety,

tree cutting, sale or removal can only be completed where incidental to the implementation of a management activity not otherwise prohibited, or for personal or administrative uses, and

linear construction zones may be allowed only for water conveyances associated with pre-existing (as of the date of this rule) water court decrees, and for reserved or outstanding rights.

There are no other exceptions for road construction, tree cutting, or linear construction zones allowed in the upper tier acres.

Within the non-upper tier CRA acres, exceptions for road construction or reconstruction, tree cutting and linear construction zones are limited to the exception listed below.

Forest (permanent) road construction or reconstruction is limited to;

- reserved or outstanding rights, or as provide for by statute or treaty,
- road realignment to prevent irreparable resource damage,
- road reconstruction for road safety improvement,
- Federal Aid Highway projects, and
- the construction, reconstruction, or maintenance of an authorized water conveyance structure which is operated pursuant to a pre-existing water court decree(as of the date of the rule).

Exceptions for temporary road construction or reconstruction are limited to;

- public health and safety,
- tree cutting treatments to reduce the wildfire hazard adjacent to at-risk community or municipal water supply system within the first ½ mile of a community protection zone,
- tree cutting treatments to maintain or restore characteristics of ecosystem composition, structure and processes within the first ½ mile of a community protection zone, and
- as allowed by an existing oil and gas lease (as of the date of this rule), and for coal lease activities within the North Fork Coal Mining area.

Linear constructions are allowed in CRAs only for:

- the construction, reconstruction, or maintenance of an authorized water conveyance structure which is operated pursuant to a pre-existing water court decree (as of the date of the rule), or
- construction, reconstruction, or maintenance of existing or future electrical power lines or telecommunication lines if the Regional Forester determines that routes outside a CRA would cause substantially greater environmental damage, or
- construction, reconstruction, or maintenance of a pipeline associated with operation of an oil and gas lease that allows surface use within a CRA, or the construction, reconstruction or maintenance of a pipeline needed to connect to infrastructure within a CRA if the Regional Forester determines such a connection would cause less environmental damage than alternative routes.

Any road construction or reconstruction completed under the final rule must include the following required findings:

- that motorized access without road construction is not feasible,
- that for exceptions that allow construction of a forest road, that a temporary road would not provide reasonable access,
- that road construction is consistent with Forest Plan direction,
- that within a native cutthroat trout catchment or identified recovery watershed, road construction or reconstruction or linear construction zones will not diminish , over the long-term, conditions in the water influence zone and in occupied native cutthroat trout habitat, and
- that watershed conservation practices will be applied to all projects occurring in native cutthroat trout habitat.

Exceptions for tree cutting, sale or removal are limited to the following exceptions:

- where the Regional Forester determines tree cutting is needed to reduce the wildfire hazard to at-risk communities and municipal water supply systems within the community protection zone, or outside the community protection zone to limit significant risk to a municipal water supply systems,
- to maintain or restore the characteristics of ecosystem composition, structure and processes,
- for improvement of threatened, endangered, proposed, or sensitive species habitat,
- where tree cutting is incidental to the implementation of a management activity not otherwise prohibited, or
- where tree cutting is for personal or administrative use.

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

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

#### Alternative 3, Direction based on existing land and resource management plans

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

#### Alternative 4, same direction as alternative 2, but with 2.6 million acres of upper tier for consideration

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

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

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

The Notice of Intent (NOI) for the proposed rule making was published in the Federal Register on December 26, 2007. The 60-day scoping period, ended on February 25, 2008. Electronic versions of the NOI were sent to National and Colorado mailing lists. Hard copy versions were sent to 19 separate Tribal governments. Comments were accepted by email, fax, or hard copy. In total, over 88,600 public comments were received and evaluated. No information regarding the race, sex, national origin, age, or disabilities of those choosing to respond to the NOI was collected.

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

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

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

The Proposed Rule and availability of the RDEIS were published in the Federal Register on, April 15, 2011. Hard copy versions were sent to 19 separate Tribal governments. Hard copies of the Proposed Rule, the RDEIS summary and complete document sets were sent to those individuals and groups as requested. Hard copies of the Proposed Rule and RDEIS were made available at each Forest Service office in Colorado. Public open houses were held in the following communities and provided opportunities to submit written or oral comments:

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

Comments were accepted by email, fax, or hard copy. In total, over 56,000 comments were received and evaluated. No information regarding the race, sex, national origin, age, or disabilities of those choosing to respond to the Proposed Rule or DEIS were collected.

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

Demographic information (2010 and 2000 Census) for the State of Colorado by county is provided in Appendix B. No specific information concerning respondents' race, sex, national origin, or age were collected from the scoping comments, public meetings, or the proposed rule/DEIS/RDEIS comments. There were no comments that indicated there was concern about discrimination by minorities, and women during the scoping or public comment process of the Colorado Roadless Rule. Some comments concerning the potential discrimination of people with disabilities were received during the DEIS and RDEIS comment periods.

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

#### **Persons with Disabilities**

Overall, about 19 percent of the United States population (2000 Census) is considered to be living with a disability. Within Colorado's population, about 16 percent (2000 Census) of the total population is considered to be disabled (see Appendix B for data by county).



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

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

Many expressed concern that both the 2001 RACR provisions and the proposed Colorado Roadless Rule would prevent people with disabilities from accessing roadless areas.

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

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

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

### **Tribal Consultation**

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

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

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

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

## **Social and Economic Summary**

### **Social Values**

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

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

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

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

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

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

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

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

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

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

Value/Interest category	Defined for Colorado roadless area analysis
	into the forest without the road system. For others, roaded access is the preferred method of travel, and the travel itself is the recreational experience.
Tourism (including ski resorts)	This category is another commercial interest, but capitalizes on the roadless area as a natural amenity that attracts customers to the area for leisure activities. Scenery is of concern to this category, but the value of road construction depends on the types of experiences the operation is providing.
Wilderness	Values roadless areas as land that can be included within the wilderness system in the future. This category focuses on future primitive and protected wilderness experiences and wilderness resources.
Wildland-urban interface	This category is specific to those activities in WUI (community protection zone per alternative 2) or areas identified in a CWPP that overlap in roadless areas where fuel treatments are desired to reduce wildland fire hazards. This category values reducing wildland fire hazards for houses and communities. This category does not focus on individuals living within the WUI.

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

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

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

### Environmental Justice -

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

### Economic Values

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

Other common resource management activities and outputs were also examined for potential economic implications. These included wood products, recreation use, water yield, and livestock grazing. Resource specialists in these fields found that activities and outputs would vary little among the alternatives considered over the 15-year time frame. With no or negligible change to these resources, limited change in quantitative economic effects were expected.

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

### Economic Impacts -

The Colorado economy is diverse, ranging from urban centers along the Front Range (the urban development from the Denver metro area north to Fort Collins and south to Pueblo) to rural communities in the mountains and plains. Known world-wide for skiing and outdoor recreation, Colorado enjoys a strong tourism industry. It also benefits from substantial cable and satellite, defense, technology, and mining industries. Roadless area management, as described in this document, directly affects only one of these sectors – mining (natural gas and coal) – but indirectly affects many others. Colorado also has a modest forest products industry that might be affected.

Table 3 shows the total (direct, indirect, and induced) effects for energy related employment, labor income and output (production value) by alternative. Direct effects are realized by drilling and extraction companies from the sale of oil, natural gas, coal, and well drilling services. Indirect effects are realized by local companies that provide goods and services to the extraction and drilling industries. Induced effects result from local spending of employee income paid by the companies directly and indirectly affected by extraction and well drilling activities.

Economic impacts displayed in Table 3 are generally smaller than those presented in the RDEIS. These changes are the result of substantially different economic conditions and updated data sources. The recession year of 2009 saw considerable changes in the price of natural gas (down) and coal (up) compared with 2006. Price changes alone profoundly affected estimates of production value, especially for natural gas. Revisions of worker productivity and compensation rates have reduced employment and income generally, but with notable consequences in natural gas extraction. A fully updated set of coal mine lives and development assumptions altered the direct effects of coal employment. New estimates of goods and services purchased locally by both businesses and households have substantially diminished indirect and induced effects across all mineral activity. When the impacts of drilling, oil and gas extraction, and coal mining are summed, the net change from the RDEIS exhibits two patterns. For Alternatives 2, 3, and 4 production estimates are reduced by 30 percent, employment by 20 percent, and labor income by 15 percent. Updates to the coal scenario are largely responsible for a different pattern of net changes under Alternative 1. Compared with the RDIES, Alternative 1 shows a net production reduction of 10 percent, employment increase by 5 percent, and labor income increase by 15 percent.

**Table 3. Average annual energy-related economic outputs from roadless areas in Colorado, 15-year timeframe.**

	Alternative 1	Alternative 2 & 4	Alternative 3
<b>Average Annual Jobs</b>			
<b>Oil Drilling</b>	388	388	439
<b>Oil/Gas Production</b>	282	282	311
<b>Coal Production</b>	1,796	2,079	2,079
<b>Total Jobs</b>	2,466	2,750	2,829
<b>Average annual labor income – in millions of dollars</b>			
<b>Oil Drilling</b>	23.1	23.1	26.1
<b>Oil/Gas Production</b>	18.6	18.6	20.6
<b>Coal Production</b>	130.5	151.1	151.1
<b>Total Labor Income</b>	172.2	192.8	197.8
<b>Average annual value of production- in millions of dollars</b>			
<b>Oil Drilling</b>	136.7	136.7	154.5
<b>Oil/Gas Production</b>	164.7	164.7	181.8

	Alternative 1	Alternative 2 & 4	Alternative 3
Coal Production	467.3	541.0	541.0
Total Value	768.7	842.3	877.3

Provisions for energy mineral development in Alternatives 2, 3, and 4 are likely to result in increases of average annual production, employment, and labor income over the next 15-years. Total jobs under Alternative 1 is estimated at 2,466, while for Alternatives 2 and 4 it rises to 2,750 and for Alternative 3 it is estimated at nearly 2,830 jobs. The estimated effects of Alternative 1 are generally 85 percent of Alternative 3 for output, employment and labor income. Effects under Alternatives 2 and 4 are about 95 percent of those in Alternative 3.

A pattern similar to economic effects emerges for average annual state and local government revenues. Compared with \$32.6 million for oil, gas, and coal in Alternative 3, Federal mineral lease payments and tax revenues are estimated to be \$31.2 million for Alternatives 2 and 4, and \$28.8 million for Alternative 1. Gunnison and Mesa Counties are expected to yield the largest revenues under all alternatives. Other Federal payments to state and local governments, such as those from the National Forest (25%) Fund and Payments in Lieu of Taxes (PILT) are expected to either not change or be more than offset by revenues from Federal mineral lease payments.

Values at Risk from Wildland Fire -

National forest field personnel in Colorado projected the likelihood of mechanical fuel treatments in each roadless area under each alternative. The purpose of these treatments would be to reduce the risk of losses from wildfire in nearby at-risk communities

Under Alternative 1, sixteen counties have potential for fuel treatments in the CPZ. The counties with the greatest acreage of high potential treatment are La Plata and Larimer. Under Alternative 4, twenty-two counties have potential for treatments in the CPZ. The counties with the greatest acreage of high potential treatment are Larimer, La Plata, Douglas, and Park.

The greatest acreages of potential treatment occur under Alternatives 2 and 3; the potential for fuel treatments in either IRAs or CRAs in the CPZ exists in 24 counties. The counties with the greatest acreage of high potential treatment include La Plata, Larimer, and Park. Those with moderate acreage of high potential include Archuleta, Custer, Chaffee, and Douglas.

Economic Benefits and Costs -

Alternative 1 places the highest priority on protection of non-market roadless area characteristics. Natural processes and current conditions are recognized to be of very high value. This alternative offers the fewest opportunities for hazardous fuel treatments near at-risk communities, treatments for forest health, and energy mineral extraction. Alternative 1 retains the greatest options for roadless values, but effectively foregoes most options for future use or development. While management restrictions

for any roadless area could be reversed, the time and budgetary costs to do so would be very high.

Alternative 2 places a high priority on protection of non-market roadless area characteristics, especially within the upper tier acres. Natural processes and current conditions are recognized to be of high value. This alternative offers some opportunities for hazardous fuel treatments near at-risk communities, some water conveyances, and coal extraction. Alternative 2 retains most options for roadless values, but effectively foregoes many options for future use or development. While management restrictions for any roadless area could be reversed, the time and budgetary costs to do so would be high.

Under alternative 3, roadless area characteristics would receive the highest priority and remain unchanged in some areas, but could be significantly altered in others, depending on forest plan direction. This alternative includes the largest potential change to wildlife habitat along with the greatest opportunities for hazard fuel reduction for at-risk communities, forest health treatments, energy mineral development and production. Roadless area characteristics and non-market benefits would be retained. Alternative 3 retains the most options for future use or non-use, and thus limits opportunities foregone.

Effects of alternative 4 are similar to alternative 2, but with additional upper tier acres, there would be more restrictions on road construction and tree cutting on more acres. This alternative would protect most roadless area characteristics on those upper tier acres than the other alternatives, limiting all other future uses.

## **Mitigation Measures**

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

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

## **Monitoring and Evaluation**

It is the responsibility of the Deputy Chiefs for National Forest Systems to ensure that decision-makers are aware of this Civil Rights Impacts Analysis and that the alternatives and mitigations are considered. Any future projects within CRAs will be implemented only after an appropriate level of NEPA is completed and the decision



documented. This project-level NEPA will be completed with adequate public involvement that will consider access and concerns from minorities, women, persons with disabilities, and low income populations.

### **Net Civil Rights Impacts**

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

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

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

Civil Rights Impact Analysis for Colorado Roadless Rulemaking -

Prepared by: Julie Schaefers  
JULIE SCHAEFERS  
Region 2, Social Scientist

Date: January 25, 2012

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

Date: January 25, 2012

## CIVIL RIGHTS IMPACT ANALYSIS CERTIFICATION

This is to certify that the undersigned:

---

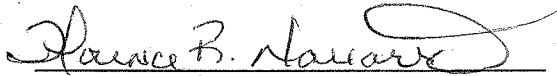
### Major Responsibilities

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

### Monitoring and Evaluation

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

### Signatory



**FLORENCE R. NAVARRO**  
Director, Civil Rights  
Rocky Mountain Region/Intermountain Region

**Date:** January 25, 2012

## CIVIL RIGHTS IMPACT ANALYSIS CERTIFICATION

**This is to certify that the undersigned:**

---

### Major Responsibilities

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

### Monitoring and Evaluation

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

### Signatory

---

DEBRA A. MUSE  
Director of Civil Rights  
USDA Forest Service

**Date:** \_\_\_\_\_

**Colorado Roadless Rulemaking Civil Rights Impact Analysis**

**Environmental Justice Analysis  
Appendix A**

## Social Values

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

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

---

## Affected Environment – Environmental Justice

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

Table 3.2 highlights the minority characteristics of the roadless counties compared to Colorado state statistics. As defined by the Council on Environmental Quality, a minority population exists if 50 percent or more of the total population is considered to be of any minority group. Based on the 2000 Census data, several counties have minority populations to be aware of; Conejos and Costilla County in the San Luis Valley have the largest minority populations in Colorado. Alamosa, Eagle, Huerfano, Lake, Las Animas, Pueblo, Rio Grande, and Saguache Counties all have minority populations larger than the State average.

**Table 3.2. Demographic Statistics for Counties with roadless acres in Colorado, 2010 Census.**

County	2010 TOTALS	American Indian & Alaska Native	Hispanic Origin (of any race)	Asian/Pacific Islander alone	Black/African American	Two or more races	Some other race alone	Below poverty 2009	Percent Heat with Wood(2000)
Colorado	5,029,196	0.62%	20.65%	2.81%	3.75%	2.01%	0.15%	12.6%	N/A
Alamosa	15,445	0.87%	46.03%	0.88%	0.89%	1.47%	0.21%	22.20%	1.00%
Archuleta	12,084	1.37%	17.78%	0.69%	0.27%	1.55%	0.17%	12.90%	5.30%
Boulder	294,567	0.36%	13.33%	4.12%	0.77%	1.90%	0.16%	12.90%	9.00%
Chaffee	17,809	0.80%	9.42%	0.63%	1.50%	1.01%	0.07%	12.00%	0.50%
Clear Creek	9,088	0.62%	4.72%	0.59%	0.55%	1.29%	0.12%	8.10%	6.50%
Conejos	8,256	0.57%	55.96%	0.27%	0.15%	0.97%	0.29%	24.50%	4.80%
Costilla	3,524	0.82%	66.03%	0.96%	0.17%	0.85%	0.34%	27.40%	11.10%

Colorado Roadless Rulemaking – Civil Right Impact Analysis

County	2010 TOTALS	American Indian & Alaska Native	Hispanic Origin (of any race)	Asian/Pacific Islander alone	Black/African American	Two or more races	Some other race alone	Below poverty 2009	Percent Heat with Wood(2000)
Custer	4,255	0.54%	4.70%	0.38%	0.96%	1.32%	0.12%	13.90%	12.20%
Delta	30,952	0.61%	14.04%	0.51%	0.44%	1.28%	0.13%	13.90%	6.80%
Dolores	2,064	2.66%	3.97%	0.19%	0.15%	2.08%	0.00%	12.40%	8.60%
Douglas	285,465	0.28%	7.49%	3.76%	1.14%	1.96%	0.14%	3.30%	0.30%
Eagle	52,197	0.26%	30.06%	1.02%	0.47%	0.78%	0.16%	8.00%	1.90%
El Paso	622,263	0.59%	15.05%	2.96%	5.75%	3.47%	0.18%	11.50%	0.30%
Fremont	46,824	1.47%	12.32%	0.62%	3.85%	1.30%	0.04%	18.10%	2.20%
Garfield	56,389	0.53%	28.34%	0.66%	0.42%	1.11%	0.16%	8.60%	2.70%
Gilpin	5,441	0.62%	4.91%	1.54%	0.51%	1.43%	0.06%	7.30%	9.60%
Grand	14,843	0.35%	7.52%	0.86%	0.34%	1.17%	0.07%	8.50%	6.60%
Gunnison	15,324	0.40%	8.19%	0.64%	0.29%	1.27%	0.08%	13.40%	7.60%
Hinsdale	843	0.83%	2.85%	0.36%	0.36%	1.66%	0.71%	11.20%	14.80%
Huerfano	6,711	0.80%	35.29%	0.43%	0.33%	1.18%	0.12%	26.90%	4.40%
Jackson	1,394	0.93%	10.76%	0.07%	0.00%	0.79%	0.00%	15.00%	4.80%
Jefferson	534,543	0.49%	14.30%	2.63%	0.94%	1.59%	0.13%	8.10%	0.50%
Lake	7,310	0.63%	39.10%	0.44%	0.30%	1.12%	0.25%	13.80%	4.80%
La Plata	51,334	4.98%	11.80%	0.58%	0.34%	1.85%	0.11%	11.60%	5.90%
Larimer	299,630	0.43%	10.56%	1.96%	0.75%	1.74%	0.12%	14.70%	0.70%
Las Animas	15,507	1.10%	41.57%	0.66%	1.26%	1.18%	0.08%	18.50%	2.90%
Mesa	146,723	0.61%	13.33%	0.82%	0.53%	1.51%	0.09%	11.80%	1.70%
Mineral	712	0.56%	2.95%	0.14%	0.28%	0.84%	0.00%	10.50%	19.40%
Moffat	13,795	0.71%	14.39%	0.60%	0.23%	1.26%	0.08%	10.10%	2.00%
Montezuma	25,535	11.45%	11.04%	0.51%	0.18%	1.68%	0.08%	16.90%	8.90%
Montrose	41,276	0.49%	19.69%	0.63%	0.29%	1.26%	0.14%	12.80%	6.70%
Ouray	4,436	0.32%	4.42%	0.68%	0.14%	0.99%	0.07%	8.50%	9.20%
Park	16,206	0.72%	4.83%	0.62%	0.43%	1.73%	0.09%	9.10%	8.80%
Pitkin	17,148	0.15%	9.10%	1.25%	0.48%	1.07%	0.09%	6.50%	2.80%
Pueblo	159,063	0.62%	41.37%	0.78%	1.66%	1.30%	0.17%	16.90%	0.60%
Rio Blanco	6,666	0.66%	9.98%	0.50%	0.74%	1.71%	0.08%	30.70%	3.70%
Rio Grande	11,982	0.87%	42.45%	0.35%	0.21%	0.91%	0.13%	17.00%	6.90%
Routt	23,509	0.29%	6.81%	0.68%	0.39%	1.12%	0.06%	6.40%	4.50%

County	2010 TOTALS	American Indian & Alaska Native	Hispanic Origin (of any race)	Asian/Pacific Islander alone	Black/African American	Two or more races	Some other race alone	Below poverty 2009	Percent Heat with Wood(2000)
Saguache	6,108	1.11%	40.14%	0.79%	0.18%	1.33%	0.03%	30.10%	7.60%
San Juan	699	0.14%	12.02%	1.00%	0.00%	1.43%	0.29%	13.50%	11.10%
San Miguel	7,359	0.45%	8.56%	0.76%	0.26%	1.35%	0.11%	10.70%	7.80%
Summit	27,994	0.20%	14.25%	1.01%	0.74%	0.97%	0.11%	8.70%	2.70%
Teller	23,350	0.72%	5.54%	0.75%	0.45%	1.91%	0.06%	8.20%	6.30%

Source: US Census Bureau, 2000 & 2010 Census.

Heat with wood information was not updated as part of the 2010 Census, so 2000 data is presented.

This information for all counties in Colorado is provided in a spatial format in Appendix B.

In addition to minority populations, Environmental Justice also addresses low income populations. Table 3.2 also displays the percent of county and state individuals living below the poverty level in 2009, as defined by the U.S. Census Bureau. The percentage of households that heat with wood as their primary heat source is also included by county in table 3.2 as this is often another low income indicator. In some areas of the State, heating with wood is an important factor to consider when looking at potential impacts of Forest Service actions as many low income families gather and use wood as their primary source of affordable heat.

The State had about 12% percent of the total population living below the poverty level in 2009. Alamosa, Conejos, Costilla, Saguache, Huerfano and Rio Blanco Counties all had individual poverty rates 20 percent or higher in 2009. In 1999, Huerfano and Rio Blanco counties poverty rate was below 20% but both have seen their poverty rates increase to over 20% in the last 10 years. In addition, Conejos, Costilla and Saguache Counties also had higher levels of households heating with wood. These counties are within the Southern San Luis Valley (SSLV) in southern Colorado, and have historically seen lower income levels and higher minority populations than the rest of Colorado.

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

---

### **Environmental Consequences – Environmental Justice**

In areas where families gather wood for their primary source of heat, access to the Forest can be important to maintain their lifestyle and quality of life. Alternative 1 does not allow additional road construction, but does not close or limit use of existing roads in IRAs, so fuel wood gathering from an existing road system could still continue. It is likely the local Forest Service district would continue to plan vegetation management projects along existing road systems, so future fuel wood would be available. If the



majority of these projects are for community wildfire protection, families interested in gathering fuel wood would have a short commute to those project areas. The actual availability of fuel wood is dependent on district decisions, but future fuel wood would likely be available.

Alternative 3 would allow the most flexibility for local district staff to plan and implement fuel wood activities that could be most beneficial to families heating with wood, with the limited restrictions on future access to IRAs. Most activities to be of benefit to families heating with wood would be best along roads and close to communities, within the CPZ.

Under alternatives 2 and 4, there may be additional opportunities for families to collect fuel wood compared to alternative 1 within those acres considered substantially altered. These acres would no longer be within the CRAs and could be managed according to the forest plan. But the remaining acres within CRAs would likely be difficult for families to utilize for wood collection because all temporary roads, even those in the CPZ, would be closed to all public uses, including collecting fire wood, in all CRA acres. In addition, both alternatives 2 and 4 have additional limits on tree cutting within the upper tier acres. Alternative 4 has more upper tier acres than alternative 2, and some of those upper tier acres overlap with CPZs near communities, where wood gather could have taken place.

It is unlikely that any of the alternatives would have a disproportionately negative impact on the counties identified. Under any alternative, it is likely that districts would be able to find enough substitute sites to provide for the local fuel wood gathering demands.

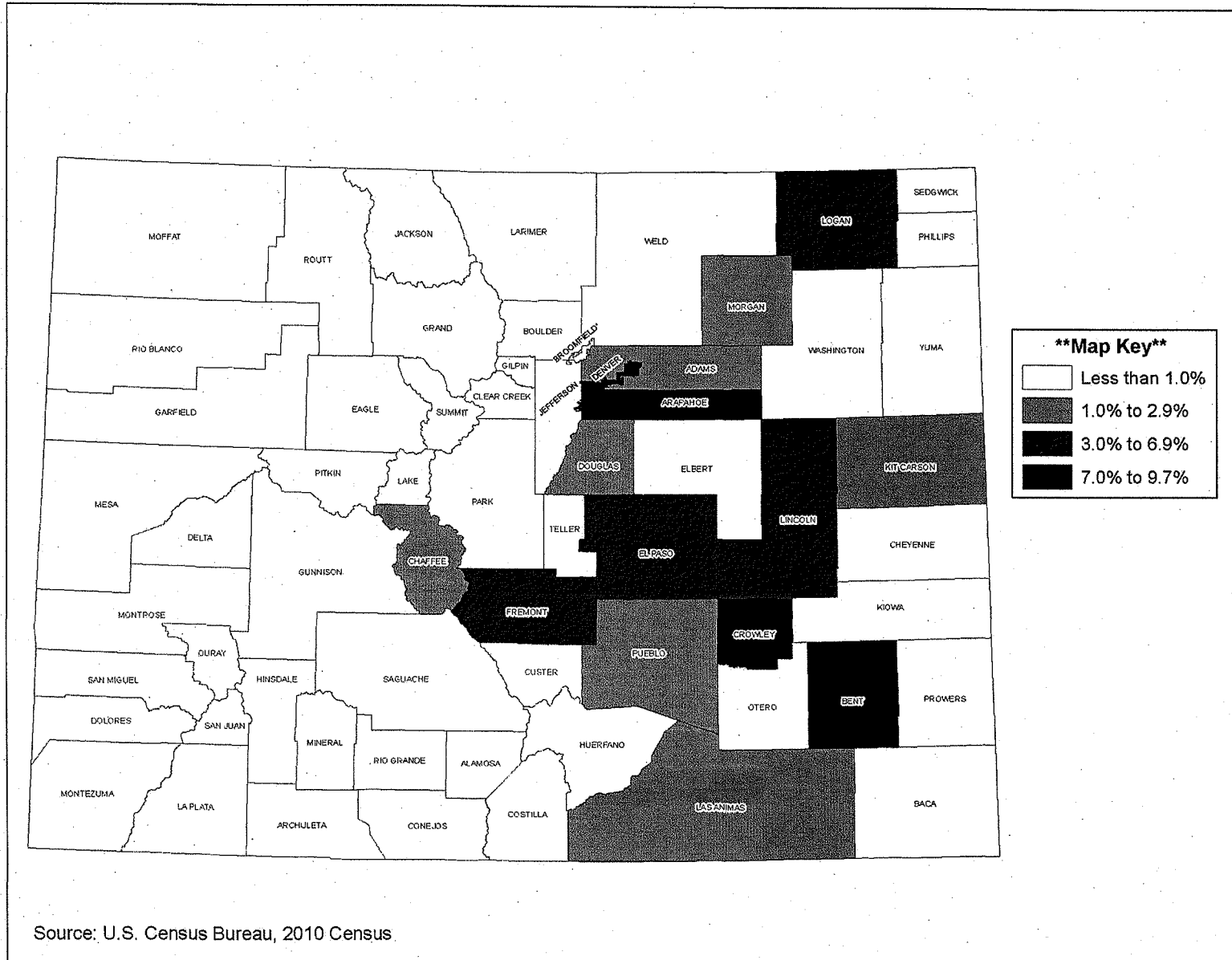
Public meetings were held throughout Colorado during the rulemaking process, no specific EJ issues or concerns were brought forward. It is important that information concerning specific projects close to these local communities of concern be completed with local outreach to ensure the communities have an opportunity to give input. In addition, Forest Service management should remain aware of additional actions, such as the Southern Rockies Lynx Amendment, that could further reduce access to forest resources around these communities of concern in the future.

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

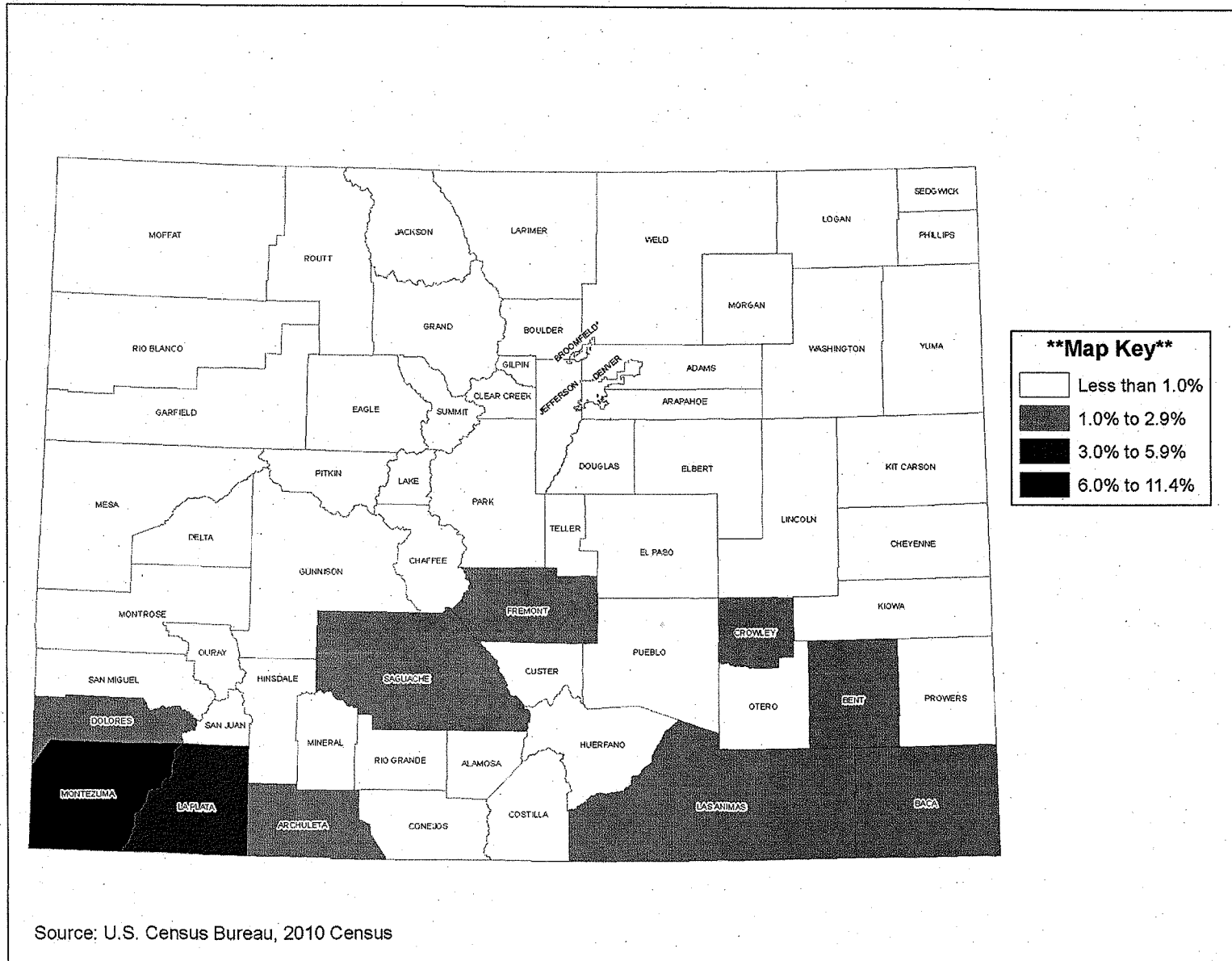
### **2010 and 2000 Census demographic information**

#### **Appendix B**

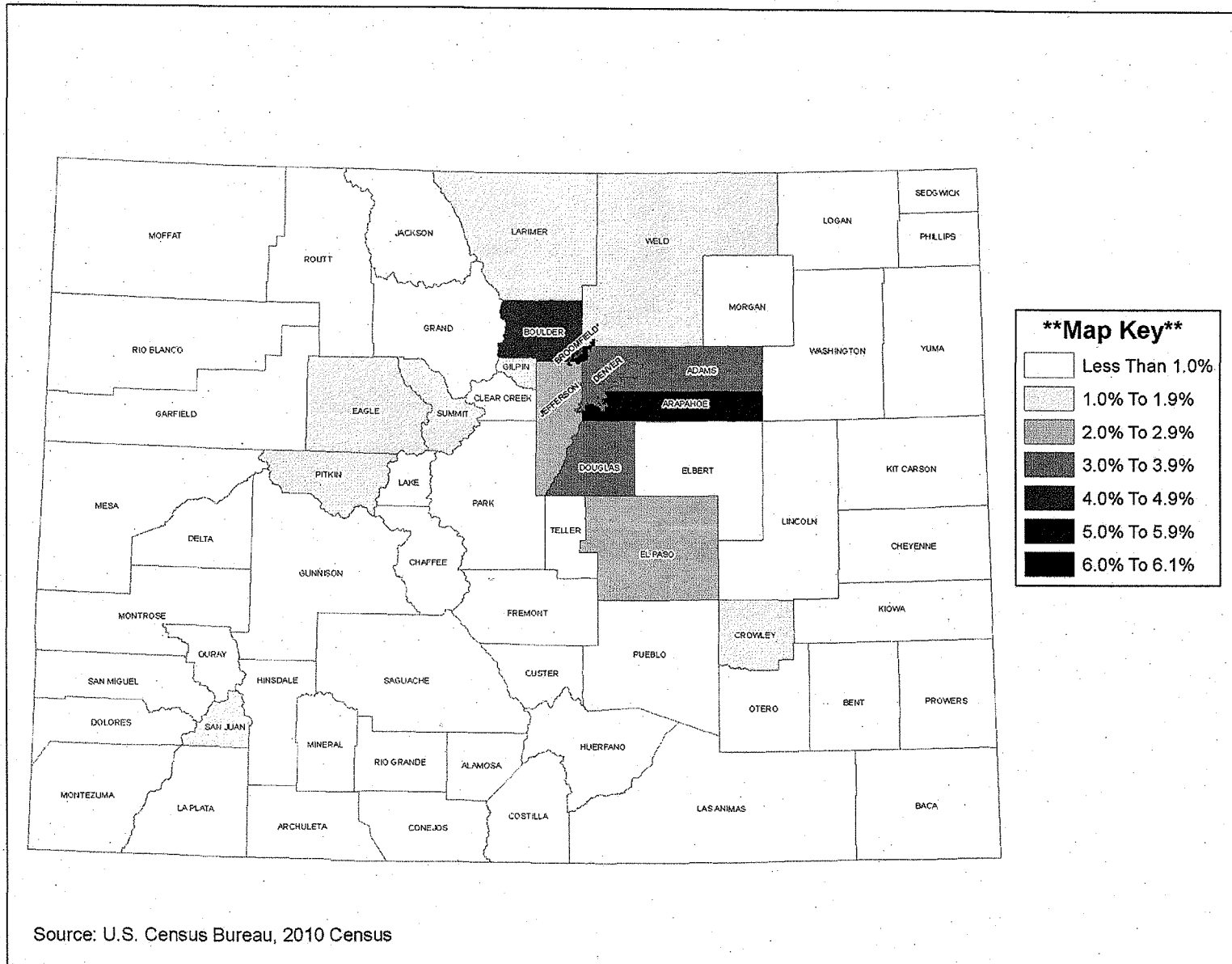
Map 1. Percent of Blacks/African Americans by County in Colorado, 2010 Census.



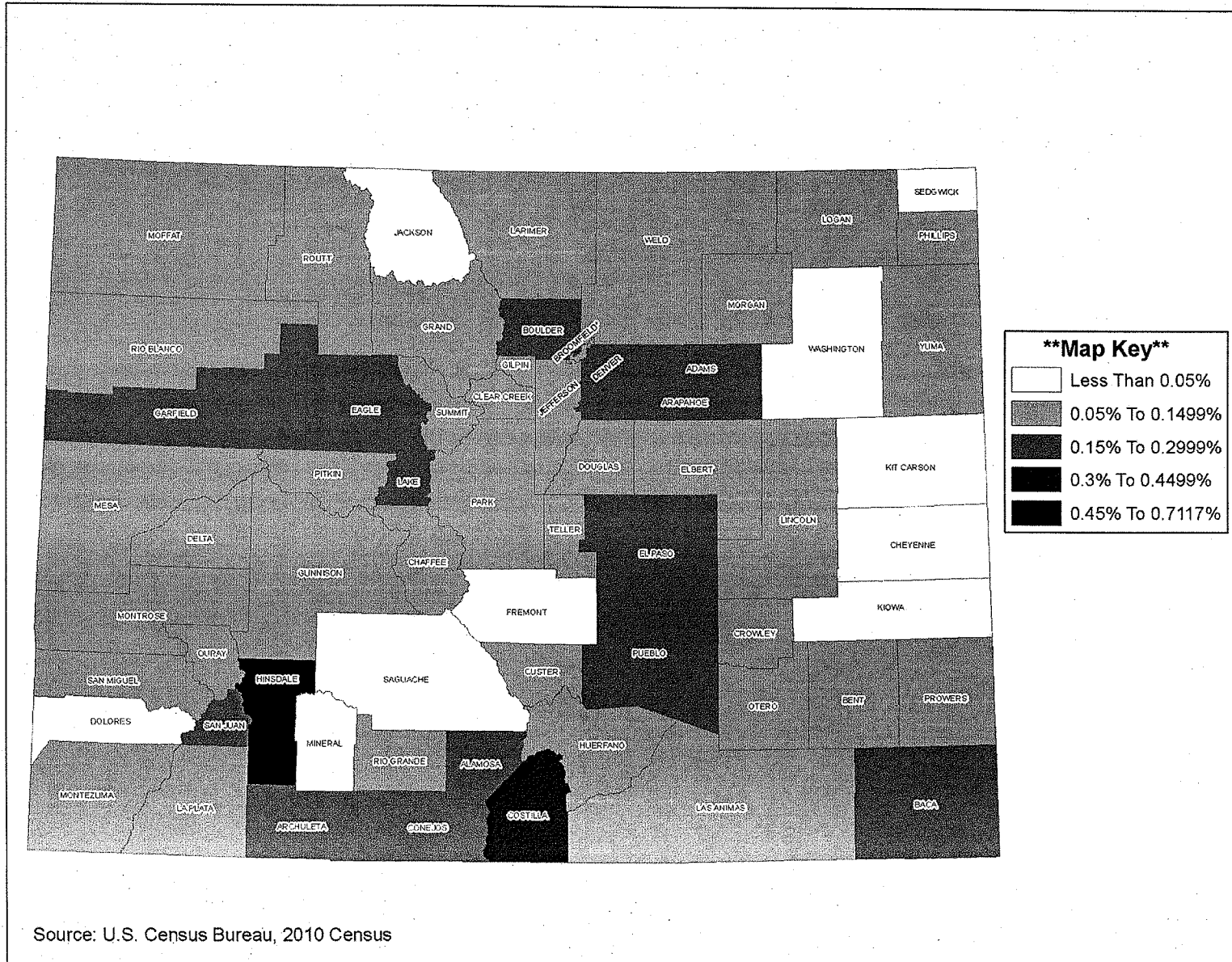
**Map 2. Percent of American Indians and Alaska Natives by County in Colorado, 2010 Census.**



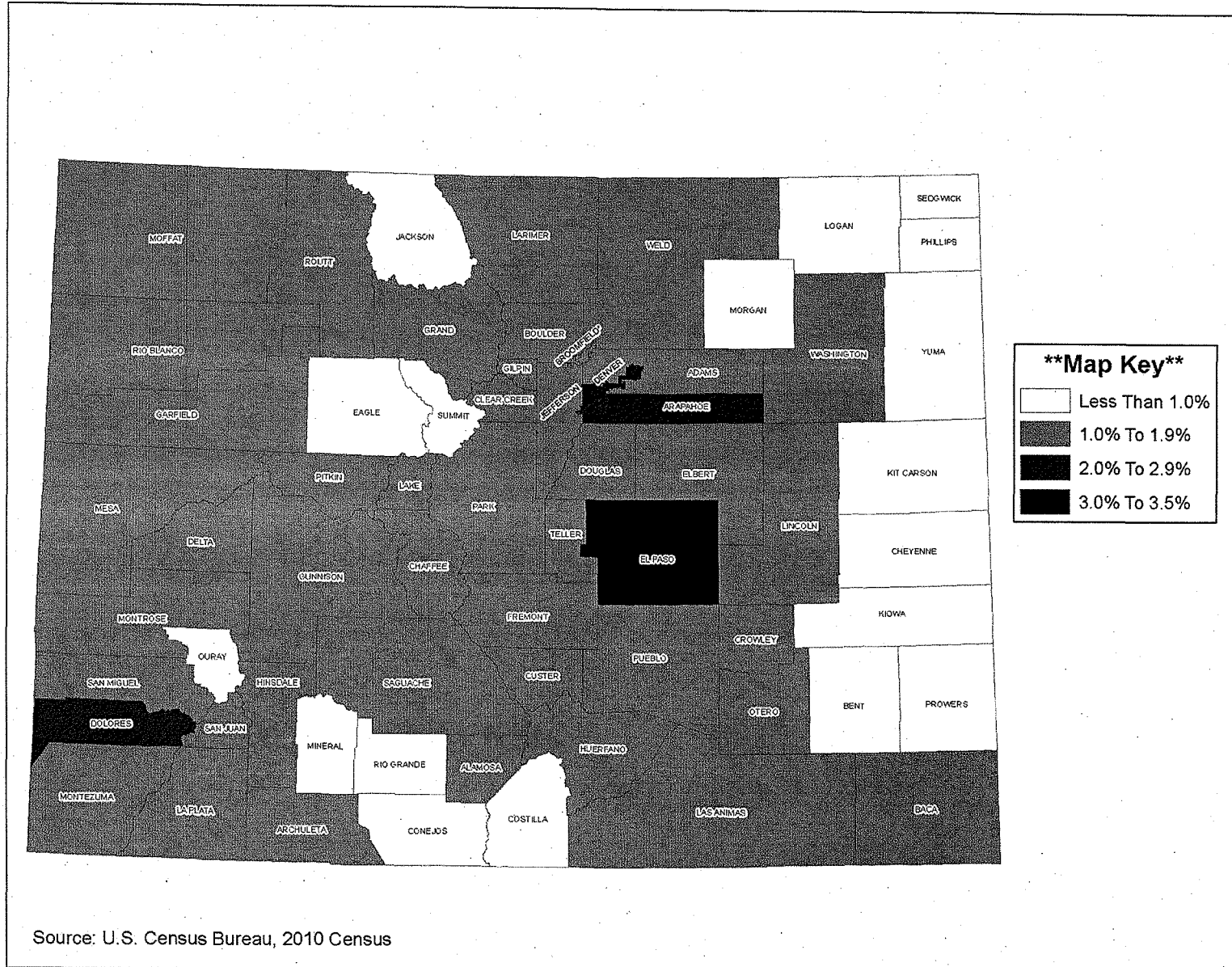
**Map 3. Percent of Asians, Native Hawaiians and Other Pacific Islanders by County in Colorado, 2010 Census.**



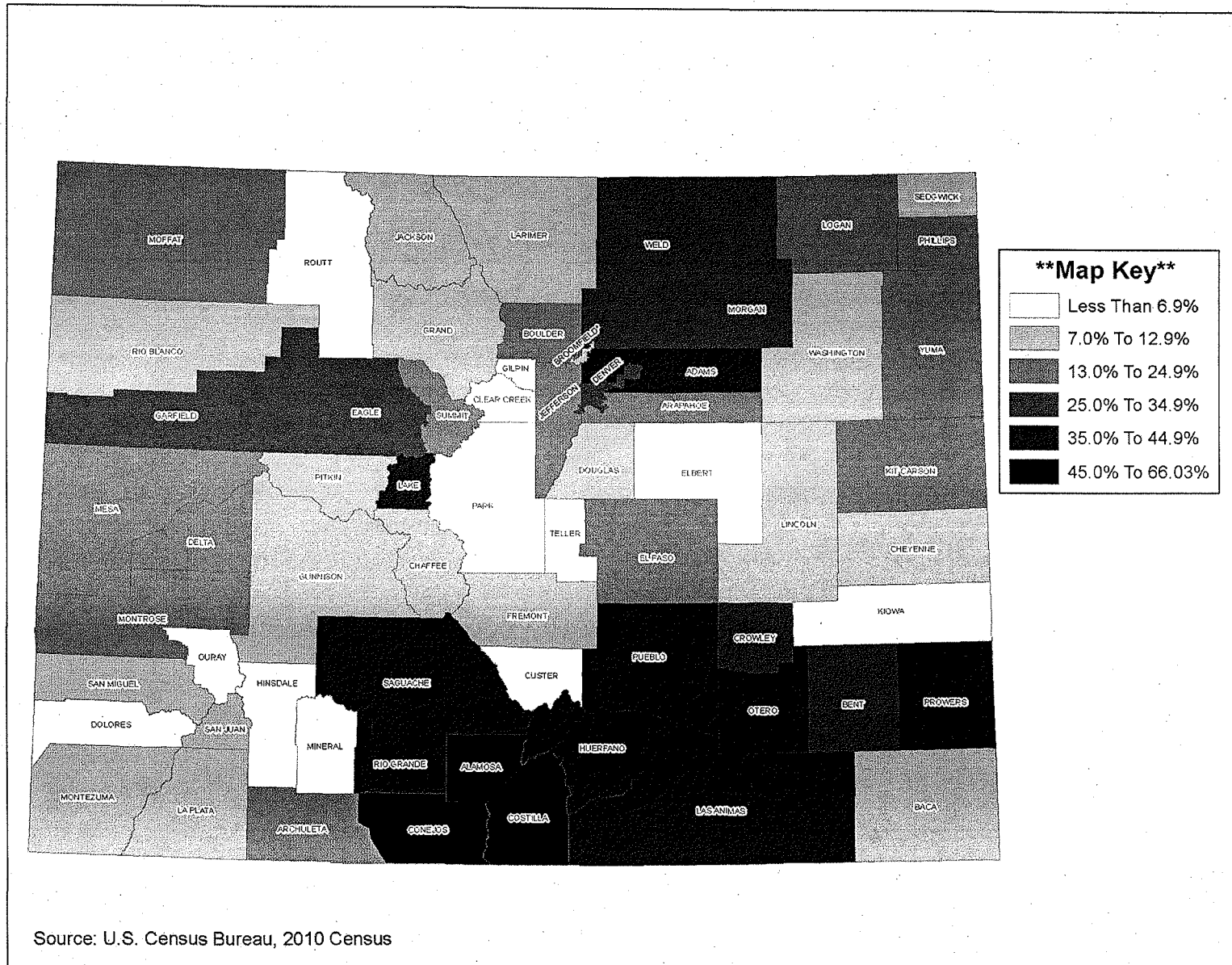
**Map 4. Percent of Some Other Race by County in Colorado, 2010 Census.**



Map 5. Percent of Two or More Races by County in Colorado, 2010 Census.

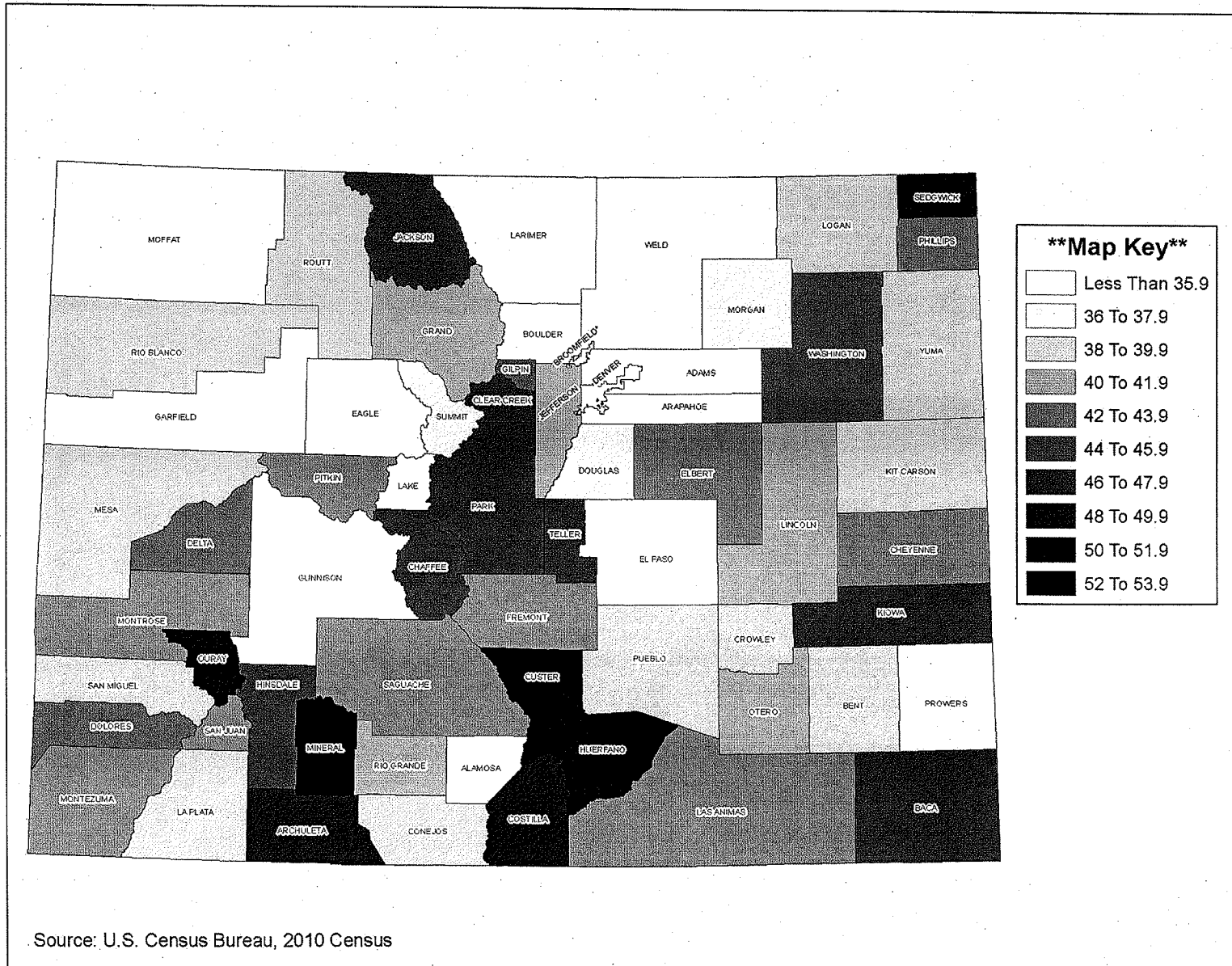


Map 6. Percent of Hispanic or Latino (any race) by County in Colorado, 2010 Census.

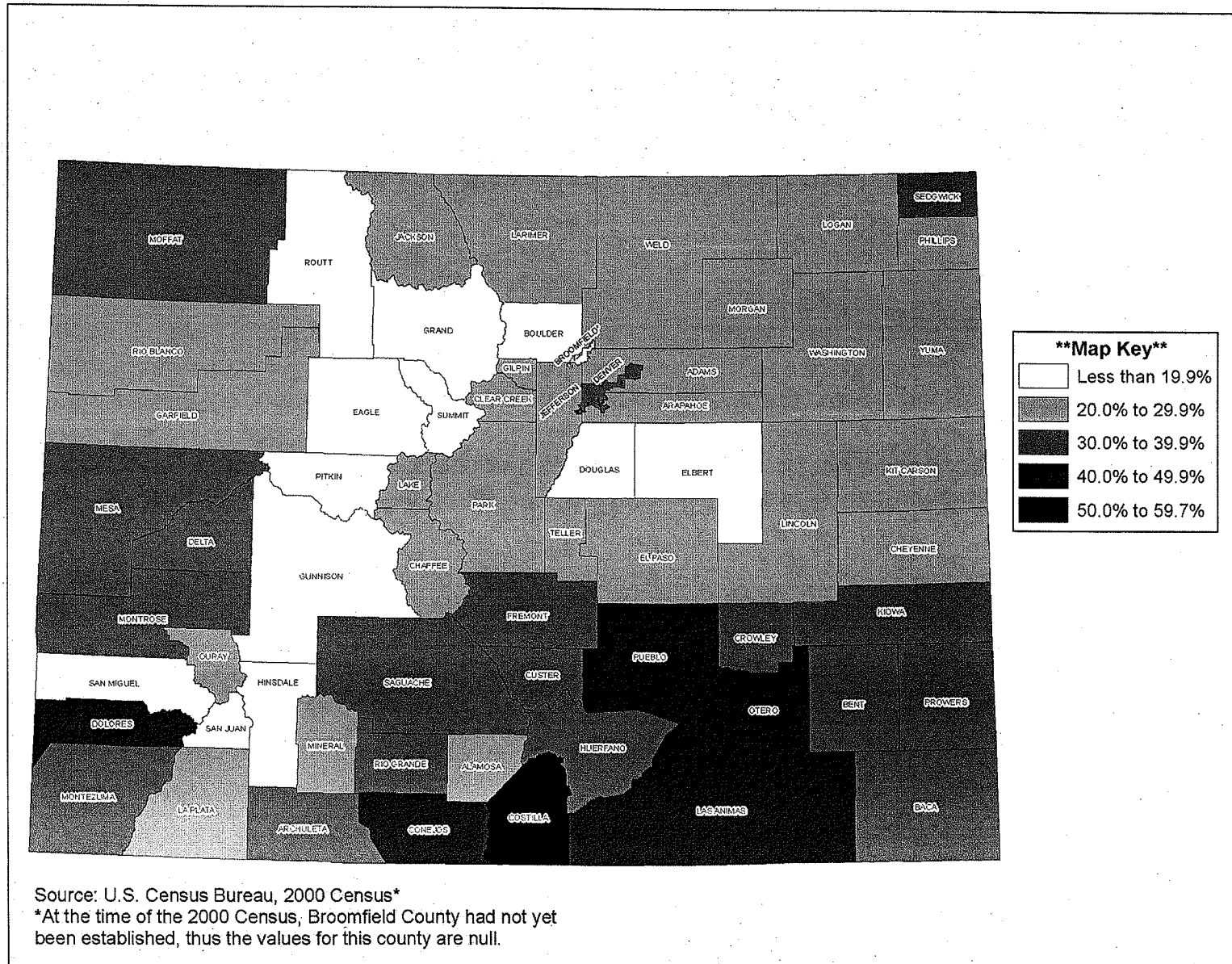




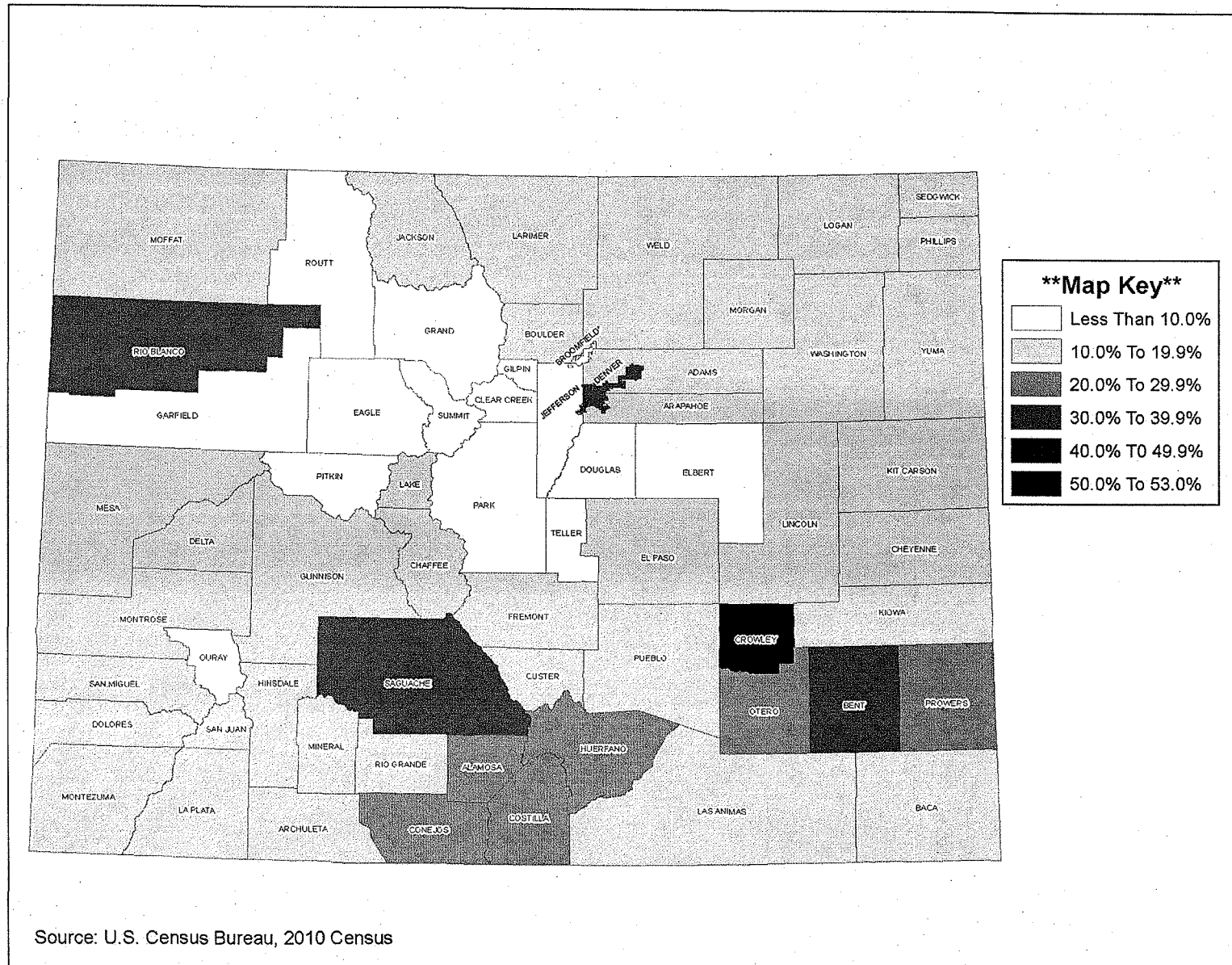
Map 7. Median Age by County in Colorado, 2010 Census.



**Map 8. Percent of Individuals with Disability by County in Colorado, 2000 Census.**



Map 9. Percent of Individuals Below the Poverty-level by County in Colorado, 2010 Census.



**Map 10. Percent of Homes Heated with Wood by County in Colorado, 2000 Census.**

