



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

**NSG**  
**NEPA**  
**Services**  
**Group**

## Summary of Public Comment

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**Appendix A: Content Analysis Process**

**Appendix B: Coding Structure**

**Appendix C: Public Concerns List**

**Appendix D: Demographics**

**Appendix E: Organized Response Report**

# Summary of Public Comment

## 1.0 Introduction and Overview

This document is a summary of public comment received by the U.S. Forest Service regarding the Colorado Roadless Area Conservation Rule (Proposed Rule) and Revised Draft Environmental Impact Statement (RDEIS) and request for comment. The comment period was April 15, 2011, to July 14, 2011. The U.S. Forest Service (Forest Service) has received 56,051 responses. Of these, approximately 55,202 are form and form plus letters; the remaining letters consist of original responses or form plus responses analyzed as unique.

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

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

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

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

- Introduction and Overview
- Content Analysis Process
- Project Background
- Summary of Issues
- Public Concerns (Chapters 1-6)

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

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

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

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

## 2.0 Content Analysis Process

The goals of the content analysis process are to:

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

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

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

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

## 3.0 Project Background

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

In January 2001, a Roadless Area Conservation Rule (2001 Roadless Rule) was adopted. The 2001 Roadless Rule applied to National Forests nationwide. It provided overarching protections for 58.5 million acres of inventoried roadless areas (IRAs) by prohibiting road construction and reconstruction and timber harvest in IRAs except under certain exceptional circumstances. The intent of the 2001 Roadless Rule was “to provide lasting protection for IRAs within the context of multiple-use management.”

Roadless area characteristics, as defined in the 2001 Roadless Rule preamble (66 FR 3244) and referred to in the proposed Colorado Roadless Rule, are summarized as follows: high quality or undisturbed soil, water, or air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species, and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive motorized, and semi-primitive non-motorized classes of dispersed recreation; reference

landscapes; natural-appearing landscapes with high scenic quality; traditional cultural properties and sacred sites; and other locally identified unique characteristics.

In May 2005, Colorado enacted Senate Bill 05-243 (C.R.S. § 36-7-302) directing formation of a 13-person bipartisan taskforce to make recommendations to the Governor regarding the appropriate management of roadless areas on the National Forests in Colorado. In November 2006, Colorado Governor Bill Owens petitioned the Secretary of Agriculture to undertake state-specific roadless rulemaking for Colorado. The State's petition was considered for rulemaking by the Secretary of Agriculture in accordance with the Administrative Procedures Act, section 553(e) of the U.S. Code of Federal Regulations (CFR) and the United States Department of Agriculture's (USDA's) rulemaking procedures at 7 CFR §1.28. In April 2007, newly-elected Governor Ritter resubmitted the petition with minor modifications (Colorado Office of the Governor 2007). In June 2007, the State and the U.S. Forest Service presented the petition with modifications to the USDA's Roadless Area Conservation National Advisory Committee (RACNAC). The RACNAC provided recommendations on the State petition to the Secretary of Agriculture (USDA RACNAC 2007a). In August 2007, the Secretary of Agriculture accepted the State's petition and directed the Forest Service to work in cooperation with the State of Colorado to initiate rulemaking (USDA RACNAC 2007b).

The Forest Service published a proposed rule to establish direction for conserving roadless areas on NFS land in Colorado on July 25, 2008 (73 FR 43544). Throughout the process, the USDA, State, and Forest Service repeatedly heard public comment requesting a reduction in the scope of the proposed exceptions for tree-cutting, sale, or removal, and road construction and reconstruction. Based on these public comments, the State requested the USDA to postpone further rulemaking efforts until the State considered revision of its petition.

The State held a comment period from August 3 to October 3, 2009. The State received approximately 22,000 comments, with most being form letters. The result was a revised petition submitted to the Secretary of Agriculture on April 6, 2010. Based on the petition, the State and the Forest Service developed regulatory language for a proposed Colorado Roadless Rule that would govern management of roadless areas on NFS lands in Colorado. Because of the changes in the boundaries of the Colorado Roadless Areas (CRAs) and the number of changes in the proposed rule, the Secretary of Agriculture initiated a public comment period on the revised proposed rule and the EIS.

## **Purpose and Need for Proposed Action**

The USDA, the Forest Service, and the State of Colorado agree there is a need to provide management direction for the conservation of roadless area values and characteristics within roadless areas in Colorado. In the petition, the State of Colorado has indicated that there is a need to develop state-specific regulations for the management of Colorado's roadless areas for the following reasons:

1. Roadless areas are important because they are, among other things, sources of drinking water, important fish and wildlife habitat, semi-primitive or primitive recreation areas, and naturally appearing landscapes. There is a need to provide for the preservation of roadless area characteristics.
2. As recognized in the 2001 Roadless Rule, tree-cutting, sale, or removal, and road construction/reconstruction have the greatest likelihood of altering and fragmenting landscapes,



resulting in immediate, long-term loss of roadless area values and characteristics and there is a need to generally prohibit these activities in roadless areas. Since the 2001 Roadless Rule was promulgated, some have argued that linear construction zones (LCZs) also need to be restricted.

3. In addition to the concerns articulated in the 2001 Rule, there is a need to accommodate State-specific situations and concerns in Colorado's roadless areas. These include the following:

- a. Reducing the risk of wildfire to communities and municipal water supply systems;
- b. Permitting exploration and development of coal resources in the North Fork coal mining area;
- c. Permitting of construction and maintenance of water conveyance structures;
- d. Permitting access to current and future electrical power lines; and
- e. Accommodating existing permitted or allocated ski areas.

4. There is a need to ensure that Colorado roadless areas are accurately mapped.

## Proposed Action

The USDA, in cooperation with the State of Colorado, proposes to promulgate a state-specific rule to manage roadless areas and conserve roadless area characteristics on NFS lands in Colorado.

The Colorado Roadless Rule would establish a system of CRAs with protections for management of these areas replacing the IRAs for National Forest land in Colorado. CRAs would be identified on a set of maps maintained at the Forest Service national headquarters office, including records of adjustments to such maps pursuant to the final Colorado Roadless Rule. The rule maintains many of the 2001 Roadless Rule prohibitions on road construction and reconstruction and tree-cutting activities in roadless areas; however, there are some important differences. The proposed rule differs from the 2001 Roadless Rule primarily by adding an upper tier with more restrictions than the 2001 Rule, by adding additional requirements to exceptions found in the 2001 Roadless Rule, and by providing a limited set of exceptions that are not found in the 2001 Roadless Rule. The CRAs upper tier acres would be identified on the same set of maps.

The proposed Colorado Roadless Rule would use the most accurate mapping information and adjust roadless area boundaries by:

- a. Correcting mapping errors that primarily resulted from improvements in inventory data and mapping technology;
- b. Excluding private land;
- c. Excluding land substantially altered by roads and timber harvest activities;
- d. Excluding ski areas under permit or allocated in forest plans to ski area development;
- e. Excluding congressionally designated lands such as wilderness and other designations that take legal precedence over roadless area regulations; and
- f. Including unroaded areas outside IRAs that contain roadless area characteristics.

The CRAs would encompass approximately 4.19 million acres of NFS land in Colorado, distributed among 363 separate roadless areas. The proposed Colorado Roadless Rule provides for future adjustments to be made to CRA boundaries, subject to a public review and comment, and applicable NEPA or rulemaking requirements. The Forest Service national headquarters office would maintain the official map of CRAs, which would be readily available to the public.

The Colorado Roadless Rule includes a management strategy for activities and land uses within CRAs that are tailored to meet the unique circumstances present in Colorado. Road construction and reconstruction, tree-cutting, sale or removal, and linear construction zones are prohibited within the CRAs with limited exceptions.

Portions of the CRAs are designated as upper tier acres with fewer exceptions to the prohibitions. The proposed rule would not affect land use permits, contracts, or other legal instruments issued prior to the effective date of a rule. The scope of the proposed rule is programmatic in nature and intended to guide future actions proposed to occur within CRAs. This proposal does not authorize the implementation of any ground-disturbing activities, but rather it describes circumstances under which certain activities may be allowed or restricted within roadless areas in the future. Where conflicting management direction exists between forest plans and a Colorado Roadless Rule provision, the more restrictive direction would prevail.

## Alternatives

**Alternative 1: Provisions of the 2001 Roadless Area Conservation Rule (2001 Roadless Rule).** This alternative establishes a state-specific roadless rule for Colorado that retains IRA boundaries and roadless area management provisions for management of roadless areas on NFS land in Colorado contained in the 2001 Roadless Rule. If a decision is made to select this alternative, it would not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of NFS lands issued before the effective date of the final Rule.

**Alternative 2: Proposed Action, Colorado Roadless Rule.** This alternative establishes a state-specific roadless rule for Colorado. It modifies Alternative 2 from the DEIS based on public comments and the revised petition submitted by the State of Colorado. It is based on the provisions of the 2001 Roadless Rule, but provides prohibitions and specific exceptions relevant to the State of Colorado. There are 562,200 acres identified as CRA upper tier under this alternative. Upper tier acres have fewer exceptions to the prohibitions than the other CRA acres. If a decision is made to select this alternative, it would not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of NFS lands issued before the date of the final Rule.

**Alternative 3: No Action, Forest Plan Direction.** This alternative does not establish a state-specific roadless rule for Colorado and all lands in the IRAs and CRAs would be managed according to forest plan direction. The boundaries of the roadless areas shown in this alternative for information purposes are those in the most recent forest plans and are the same IRAs as those in Alternative 1.

**Alternative 4: Colorado Roadless Rule with Public Proposed Upper Tier.** This alternative establishes a state-specific roadless rule for Colorado. This alternative provides the same prohibitions and exceptions as Alternative 2. The difference is that 2,614,200 acres are identified as CRAs upper tier acres in this alternative (over 2 million more acres in the upper tier than

Alternative 2). If a decision is made to select this alternative, it would not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of NFS lands issued before the date of the final Rule.

## 4.0 Summary of Comments

The following is a summary of the comments received on the RDEIS and reflects public sentiment on a variety of issues both diverse and interrelated regarding the proposed Colorado Roadless Rule. These issues range in nature from the strictly procedural to the technically specific. Public comment on these issues demonstrates the interest, feelings, and concern Americans have regarding the management of NFS lands. In fact, many of the issues raised by respondents on the RDEIS for the Colorado Roadless Rule are similar to those raised by respondents during earlier roadless public involvement processes, particularly for the 2001 Roadless Rule, the 2005 State Petition Rule, and the 2008 Proposed Colorado Roadless Rule. These comments reflect the convictions many respondents have about the National Forests, roadless areas, and how the Forest Service should best manage these resources.

This section begins with a general analysis and proceeds with identification and discussion of respondents' main areas of concern. It is divided into the following parts:

- General Analysis
- Public Involvement
- The Colorado Roadless Rule
- The EIS and Alternatives
- Natural Resource Management
- Recreation
- Lands and Special Designations
- Upper Tier Areas
- Social and Economic Considerations

Attempts have been made to group comments according to resource or issue, but some sections contain comments that span all issues (e.g., "The EIS and Alternatives").

### General Analysis

The Colorado Roadless Rule is the latest stage in national debate on the appropriate way to manage roadless areas within NFS lands. Many comments received on this rule reflect this continued debate, and many of the issues raised during this comment period were raised as part of the earlier rulemaking efforts for the 2001 Roadless Rule, the 2005 State Petitions Rule, and the 2008 Proposed Colorado Roadless Rule. Most respondents who favor the 2001 Roadless Rule oppose the Colorado Roadless Rule. For example, supporters of the 2001 Roadless Rule often favored that rule because it protected roadless areas from additional road building and they now oppose the Colorado Roadless Rule because they believe it undermines those protections.

Many respondents are also clearly aware of the earlier debates and often refer to earlier rules, earlier public involvement processes, and the various court cases and rulings that surround these earlier proceedings. Thus, what often separates the proponents and opponents of the proposed rule is a difference in perspective regarding the fundamental nature and role of NFS lands.

Concerns about the use of roadless areas are typical of the responses. A significant proportion of the responses deal in one way or another with one of the following: mineral resources, coal mining, oil and gas development, and timber harvest. While respondents do not always agree on how these uses should (or should not be) integrated into roadless area management, it is clear that respondents are aware of these issues. Those who support these uses tend to focus on the need for multiple-use management of the National Forests and the economic benefits of these uses. However, timber harvest comments tend to focus on the forest health issues, particularly as they relate to insect damage in the forests and resulting changes in wildfire regimes. Those who oppose allowing these activities in roadless areas tend to make more protectionist arguments, focusing on the need to preserve wildlife habitat, clean air and water, and hunting and fishing opportunities.

Many respondents also comment on the upper tier designation, which is seen by some as being too restrictive and by others as needing to be strengthened and expanded. Many of the respondents who express support for the 2001 Roadless Rule also support the upper tier concept, though not infrequently they ask for more areas to be designated as upper tier. This is because they believe the upper tier designation is both more protective than the standard tier designation and is more consistent with the spirit of the 2001 Roadless Rule. Respondents who believe that the upper tier designation may be too restrictive point to the need to access utility corridors, water supply infrastructure, valid existing rights, and other resources. They tend to also support multiple use and often express concern that these areas are so similar to Wilderness Areas as to be virtually non-distinct from them in terms of management proscriptions. A number of respondents therefore oppose the upper tier designation on the basis that the Wilderness Act precludes managing areas as wilderness that have not been so designated by the U.S. Congress.

## **Public Involvement**

A number of respondents express concern that the Forest Service failed to coordinate with local and tribal governments. They assert that such coordination is a requirement of NEPA and the Federal Land Policy and Management Act (FLPMA). The County Commissioners of Dolores, Montezuma, and Park Counties all request that the Forest Service coordinate with them. Because this consultation did not occur, they “stand adamantly opposed to this rule.” Others complain that sufficient coordination with La Plata County and local affected landowners did not occur. A handful of respondents also request that the authority for requiring the State of Colorado to act as a cooperating agency be specified. And one respondent requests an extension of the comment period.

## **The Colorado Roadless Rule**

Respondents vary in their response to the proposed rule. While many support the proposed rule (Alternative 2), many others request that the rule be abandoned or modified. Those who support the rule as proposed tend to value the management flexibility that it offers and that roadless areas in Colorado would be managed with greater input from citizens of Colorado. The arguments respondents put forth for rejecting the rule range from concerns that the Forest Service is acting as an international agency to concerns about the rule’s consistency with other Federal, state, and local laws. Some assert that it’s in the “best interest of all parties to wait until” the current court cases involving the earlier rules “are resolved.” Some respondents point out that the 2001 Rule is enjoined in Colorado (as well as in the rest of the nation) and assert that therefore “neither

Colorado nor the USDA may rely upon it for any action (or inaction).” Additionally, some say that currently “no confusion exists regarding whether the 2001 Roadless Rule is enjoined in Colorado” and therefore the Colorado Rule should not be delayed.

Many respondents ask for various modifications to the proposed rule, including ensuring that the needs of the residents of Colorado are accounted for; ensuring that the opinions of non-profit groups are not disproportionately represented; providing for improved stewardship; providing for compliance with the Americans with Disabilities Act (ADA); limiting the power of the Regional Forester; and eliminating loopholes that threaten native fish species. Some respondents object to having separate rules for individual states and believe that “Colorado deserves to be treated fairly along with all the other states which have National Forests.” A common theme among responses is asking for the Colorado Rule to be as protective as the 2001 Roadless Rule. Changes that respondents request to ensure that the rule will be as protective as the 2001 Rule include stronger upper tier protections and restrictions on timber harvest, LCZs, and gap leases. They note that ensuring that the Colorado Rule is as protective as the 2001 Rule is consistent with the Secretary of Agriculture’s stated intentions and the opinion of the majority of respondents on past roadless rules. Other general requests regarding the Rule include reducing ambiguity and exceptions, allowing for public nomination of roadless areas for upper tier protection, and ensuring that the rule does not include new restrictions. Some ask that the Forest Service acknowledge the invalidity of the MOU between the State of Colorado and the USDA. Several respondents thank the Forest Service for having made several changes to the language of the proposed rule.

### *Specific Rule Requests*

Respondents make many requests for specific adjustments to the rule. These range from requests to modify and define terms throughout the rule to specific adjustments to language in specific sections of the rule. A number of respondents request that the Forest Service clarify the section of the rule regarding modifications and administrative corrections to the boundaries of roadless areas. Some ask that the Forest Service “reconsider having the Regional Forester designated as the ‘Responsible Official’” because in many cases this would be “unnecessary and excessively burdensome.” Others ask that this requirement be modified to allow the Regional Forester to be the responsible official for decisions related to upper tier areas, but that in non-upper tier areas, the line officer should be given the decision-making authority. Respondents also request that the Forest Service modify the rule to include a requirement to coordinate with the Colorado Division of Wildlife to ensure that fish and wildlife effects are considered. Various requests for clarification include clarifying the differences between upper and standard tier areas; defining roadless terms and using them consistently; clarifying the intent of language in section 294.43(c)(2); replacing the term “roadless characteristics” with “roadless character”; clarifying whether actions in a CRA will require preparation of an EIS; and defining “substantially alter”. Respondents ask that the rule be modified to reflect FLPMA’s requirement to coordinate with affected counties. Some request that section 294.40 be modified to “clearly limit the application of the Colorado Roadless Rule to Colorado Roadless Areas.” Others ask that the language related to habitat descriptions on section 294.42(c)(4) be altered and that references to upper tier be deleted from sections 294.42(b) and 294.43(b).

## *Consistency with Other Laws and Policies*

Respondents note that the rule may conflict with travel management plans. Some argue that the rule conflicts with the Healthy Forest Restoration Act; National Forest Management Act (NFMA); Multiple-Use Sustained-Yield Act (MUSYA); various executive orders; and other Federal, state, and local laws. Respondents who are concerned about the potential conflict with MUSYA are concerned that the rule will substantially limit water utilities' "ability to use the CRAs to provide water supplies to customers." They are also concerned that the rule may conflict with NFMA and ask that the rule remain consistent with existing forest plans.

## **The EIS and Alternatives**

### *Alternative 1: The 2001 Roadless Rule*

Respondents who favor the 2001 Roadless Rule do so for the following reasons: because it provides sufficient exceptions for fire fighting, pre-existing rights, and coal mining; because it is sufficiently flexible; because Colorado should be protected by the national roadless rule; because the proposed Colorado Rule is insufficiently protective, and because the 2001 Rule promotes consistent management of National Forest lands. Others suggest that Alternative 1 should be rejected because it promotes a "one size fits all" approach to forest management. And several respondents request that the final rule be at least as protective as the 2001 Roadless rule in part to preserve high-quality hunting and fishing opportunities.

### *Alternative 2: The Proposed Rule*

Respondents who favor Alternative 2 do so for the following reasons: because it would reduce the roadless areas; because it acknowledges the activities that take place in roadless areas; because it would allow for motorized recreation; because it is consistent with the multiple use management philosophy; because it is tailored to the needs of Colorado; because it will protect natural resources; because it will provide certainty and eliminate confusion about roadless and ski areas; because it reflects sound science; and because it includes fewer upper tier areas than Alternative 4. Respondents who ask for modifications to Alternative 2 ask for upper tier areas to be eliminated, for more upper tier areas to be included, for boundaries to be adjusted to recognize local ordinances, and for loopholes that threaten native fish species to be eliminated. Some request that the Forest Service select an alternative that combines Alternatives 2 and 3 to allow individual forests to "manage roadless areas as applicable to each forest." Respondents who oppose Alternative 2 do so because it inappropriately enacts international mandates; because it does not adequately address the safety and economic well-being of Colorado's citizens; because the 2008 proposed rule was superior; because mandated coordination with counties did not occur; because the Rule would restrict access for fire fighting and emergency medical services; because it would result in more environmental damage than the 2001 Rule; and because the 2001 Rule is more protective.

### **Tree-Cutting Exceptions**

Several respondents make specific note of the tree-cutting exceptions in the rule. These include requesting that the responsible official be the Forest Supervisor because the Forest Supervisor is better equipped than the Regional Forester to make these decisions. Others ask that the Forest Service ensure that tree-cutting will be permitted for fire suppression, emergencies, and public

safety. Other requests for modifications to the tree-cutting exceptions include ensuring that they do not adversely affect fish and wildlife habitat and roadless characteristics; allowing tree-cutting as part of post-fire restoration projects; and ensuring that the modifications are narrowed to reduce the amount of tree-cutting that could be permitted. Respondents note that the tree-cutting exception for ecosystem maintenance is “potentially broad” and ask that the language be modified to reduce the risk that the provision might be used “to allow much too much vegetation management.” Some request that the Forest Service define and clarify the exceptions because the “damage would exceed the benefit in most cases.” Others request that the rule require coordination with the Colorado Division of Parks and Wildlife to ensure that “fish and wildlife receive due consideration in the planning and implementation of timber-cutting projects.” Some also ask that the Forest Service estimate how much tree-cutting might occur “for watershed purposes.”

#### **Road construction exceptions**

Respondents ask that the road construction exceptions be limited, with some even going so far as to ask that road construction in roadless areas be eliminated. They note that roads “damage and destroy roadless characteristics” and ask that the rule “provide only minimal exceptions to the general prohibition on road construction.”

#### ***Alternative 3: Forest Plan Direction (No Action)***

Respondents who support Alternative 3 do so for the following reasons: because it is the only legal and viable alternative, because it best reflects the will of the public, because it best represents the wishes of local communities; because it protects safety and economic stability of local communities; because it protects the interests of Vagabond Ranch; because it addresses the agency’s multiple use mission; because it provides for responsible development; because it allows for site-specific and pro-active management; because existing forest plans “more than adequately address the concerns” of the proposed rule; because it allows for multiple use and forest management; because it will keep lands open to the public; because it allows the Forest Service to address pine beetle and forest fire concerns; and because there is “an excess of Wilderness and roadless areas” already. Some ask that the Forest Service reject Alternative 3 because “the NFS needs some direction in managing roadless areas.” Others note that “only Alternative 3 seems to be in compliance with the National Forest Management Act of 1976.”

#### ***Alternative 4: The Proposed Rule with Public-Proposed Upper Tier Areas***

Those who favor Alternative 4 do so because it would protect 2.6 million acres in the upper tier category; hunting and fishing opportunities; municipal water supplies and wildlife areas; fish and wildlife habitat and local economies; National Forests from resource development; and roadless areas for future generations. Some prefer a modified version of Alternative 4 and ask that the alternative allow for expansion of upper tier protections in the future, that it include stronger protections for upper tier areas, and that it include Pike-San Isabel National Forest. Others ask that the alternative be rejected because it would have a significant negative effect on local timber operations. One respondent is specifically concerned about the need to protect habitat and hunting and fishing opportunities in Routt National Forest.

## *Range of Alternatives*

Some respondents complain that the Forest Service has “mis-identified the No Action Alternative”; they assert that the 2001 Roadless Rule applies to Colorado in accordance with the Ninth Circuit Court of Appeals ruling, and that the No Action Alternative is therefore the 2001 Roadless Rule. Other respondents express concern that the RDEIS “fails to properly specify the purpose and need of the proposed rule in violation of NEPA”; they assert that the purpose and need is “unreasonably narrow.”

Respondents ask variously for the following alternatives to be considered:

- An alternative that would prohibit road or well pad construction for gap leases;
- An alternative that would meet the purpose and need without prohibiting road construction or timber activities;
- A conservation alternative that is more protective than the 2001 Roadless Rule; and
- A conservation alternative that would provide the maximum protection allowed by law.

## *Use of Science and Compliance with NEPA*

A few respondents comment on the use of science generally in the RDEIS; they ask that the Forest Service avoid selective use of scientific studies to avoid appearing “arbitrary and capricious.” Others ask that the agency provide “accurate, sufficient, compelling, and area-specific science” as required by Federal law. One respondent also expresses concern that NEPA “is covertly enforcing biological diversity, sustainable development, the promotion of endangered and threatened species..., and promoting the CBD [Convention on Biological Diversity]...as well as more international conventions, programs, and agendas.”

## *Environmental Analysis and Effects Discussion*

The effects analysis prompted a number of requests including a call to redo the entire analysis because coordination with local agencies and governments was not undertaken and to ensure that Native American hunting and fishing rights are addressed. Several respondents request that the Forest Service include an economic analysis, while others are concerned about the effects analyses of upper tier acreage, air quality, greenhouse gas emissions from coal development, aquatic resources, and environmental justice. Some ask that the RDEIS provide a “site-specific analysis of the environmental impacts of the proposed action on the proposed Colorado Roadless Areas” to comply with NEPA. Some respondents ask that the agency analyze the effects on municipal water suppliers’ ability to construct and maintain water supply infrastructure. Other respondents ask that the Forest Service consider the sciences of climate change and conservation biology “to protect ecosystems, habitat, wildlife, airsheds, and watersheds.” Still others ask that the recreation analysis be revised because it “is not adequate or accurate.” Some respondents ask that non-commodity values be considered in the effects analysis, and others ask that the terrestrial wildlife analysis provide more supporting data. One respondent asks for baseline water quality data in order to “provide a baseline for future monitoring of impacts.” One respondent asserts that no evidence exists that supports the benefits of roadless areas and asks that the Forest Service acknowledge this. Another respondent asks for a discussion of “possible conflicts between the proposed action and the La Plata County Land Use Plans.”



## *Specific EIS Requests*

A number of respondents have concerns about the maps and ask for the following:

- Maps of the at-risk communities and associated community protection zones, and
- Maps that accurately reflect all roads and trails.

Respondents ask for these other specific modifications:

- Add oil and gas concerns to list of state-specific concerns on page 4;
- Revise the list of criteria to be considered during review of a surface use plan of operation to eliminate the requirement for analysis of directional drilling viability;
- Consistently and correctly use the terms “Colorado Roadless Area”, “Inventoried Roadless Areas” and “roadless areas”;
- Clarify the reasons for different leased acreages for the different alternatives;
- Provide supporting data for the cumulative effects on biodiversity discussion;
- List all responsible participating international agencies;
- Reveal non-binding agreements with international agencies;
- Include areas of controversy raised by Dolores and Montezuma Counties; and
- Include discussion of potential conflicts with Dolores and Montezuma Counties’ land use plans.

## *Editorial Requests*

Respondents ask for the following editorial changes to the RDEIS:

- Remove “southern” from San Luis Valley on page 276;
- Add “oil” after “for” on page 140;
- Correct Table 3-21 to correctly show currently leased acres;
- Revise Table 3-18 to clarify and ensure the information is accurate;
- Correct the citation on page 153; and
- Correct the elevation range for aquatic habitats and species on page 190.

## **Natural Resource Management**

Many respondents express concern about how the Forest Service manages roadless areas. Those who support preservation of roadless areas do so for a wide variety of reasons ranging from protecting wildlife and fish habitat, to protecting physical resources such as watersheds, to the economic and social benefits that they associate with roadless areas. Specific reasons for supporting preservation of roadless areas include:

- To protect wildlife and ecosystems;
- To protect native and special-status species;
- To protect predator populations;
- To preserve hunting and fishing opportunities;
- To avoid ecological damage caused by roads;
- To preserve the forests’ ability to resist climate change effects;
- To protect clean water resources and clean drinking water;
- As a hedge against climate change;
- To preserve the forests’ ability to resist insects and disease;
- To provide for clean air;

- To preserve these areas for future generations;
- To preserve spiritual values;
- For quiet recreation;
- To preserve the American heritage;
- To protect the non-commodity values of these areas;
- To preserve tourism and associated economic benefits;
- To avoid promoting short-term economic gain over long-term costs;
- To protect roadless areas from the effects of resource extraction; and
- To avoid lawsuits.

Some respondents note that roadless areas are “an irreplaceable resource and must remain fully protected”. However, some suggest that designating roadless areas might “undermine existing protection” because designating them would publicize their existence and would increase the number of visitors to these areas. Others are supportive of allowing limited activities in roadless areas including activities that protect or enhance roadless characteristics. Respondents ask that road construction in these areas be limited or prohibited, while others expand their request to include a preference to have all resource-based activities be prohibited; they note that these lands are “public lands” and should not be used for the “generation of corporate profit.” Some respondents specifically ask that coal mining and ski resort expansion be prohibited in roadless areas, while others are more concerned about oil and gas development and timber harvesting.

Several respondents request that the Forest Service ensure that the public will continue to be able to access public lands, and some assert that the science being used to justify road closures is suspect. Others assert that allowing access does not result in damage to these areas and instead they claim that more damage comes from not allowing access to the public and local industry.

Many respondents ask for the Forest Service to uphold the 2001 Roadless Area Conservation Rule both because it is protective of roadless areas and the natural resources within those areas, and because they see the rule as being consistent with the mission of the Forest Service.

### *Wildlife and Habitat Concerns*

A number of respondents express concern that wildlife and fish populations and habitat be protected. Some respondents note that some species, such as panthers, wolves, and mountain lions, need “truly wild land to survive.” Others are concerned about the preservation of big game species and note that “studies have repeatedly shown a strong negative reaction to roads by elk.” Several others express concern about the rule’s provisions related to cutthroat trout in particular; they ask that the rule require “projects to refrain from harming fish and wildlife during the project” rather than just requiring that conditions be retained over the long term.

Cutthroat trout species rely on roadless areas and respondents note that “roadless areas support the majority of habitats for the state’s three at-risk native subspecies of trout.” Respondents are concerned about the potential for roads to “increase sediment loads in waterways and lower the quality of spawning habitat.” Others further note that the populations of native cutthroat trout “have been declining for years.” Some respondents say that the cutthroat trout is already offered protections under the Endangered Species Act (ESA) and NEPA and so the rule does not need to offer further protections. They suggest that the language be removed because it is “too general and excessively restrictive.” These respondents also object to the fact that cutthroat trout is the “only fish or wildlife species called out as requiring special consideration.”

On the other hand, a number of respondents suggest that the language regarding cutthroat trout needs to be strengthened to ensure that trout populations are protected both in the short and long term and to specify the consequences should a project “diminish conditions” for the fish. Respondents express concern that the current language “could lead to extirpation of small distinct cutthroat populations during activities because there is no prohibition on impacting trout populations.”

Concerns about native plants and invasive species and diseases are expressed by several respondents. They suggest that replanting plans should be developed and that the Forest Service should “restore native plants.” Some suggest that the biodiversity analysis should be revised to include more specificity and “supporting documentation.” Others note that contiguous roadless areas are important and should be preserved for the “range, health, and viability” of wildlife species.

One respondent asks that the Forest Service describe how they will comply with Executive Order 11990, Protection of Wetlands; this should include how “wetlands will be identified, avoided, or ultimately mitigated at the project-specific level.” They also suggests that the Forest Service may need to “consider exclusion of tree-cutting, road construction, and LCZs in areas where wetlands would be adversely impacted.”

Other respondents suggest that the Forest Service should consult with the U.S. Fish and Wildlife Service on the effects of the rule on listed species and critical habitat to comply with the ESA.

### *Timber Harvest, Forest Health, and Fire and Fuels Management*

#### **Timber Harvesting**

Requests to limit or prohibit tree-cutting in roadless areas are made by a number of respondents. Some suggest that “there should be no tree-cutting for profit in any CRA,” while others note that the “social and economic cost in the form of lost wilderness...outweighs the benefit” from timber harvest. Respondents requesting that the exceptions be narrowed suggest that the current language is “much too vague” and that it would allow tree-cutting in more areas “than is needed to protect communities from wildfire.” Respondents suggest that the Forest Service should reduce the distance from at-risk communities where tree-cutting would be permitted, because they believe the allowance is greater than is needed. Others suggest that the exceptions should be extended to allow tree-cutting to “maintain or restore the characteristics of ecosystem composition, structure, and processes for the purposes of fish and wildlife conservation.” Still others suggest that tree-cutting in watersheds should be limited. A number of respondents approve of the provisions placing decision-making authority for tree-cutting with the Regional Forester rather than the responsible official. Respondents also ask that the Forest Service provide information supporting the conclusion that forest-wide commercial timber production levels would remain constant. Respondents also request that roads to support timber harvest be prohibited in roadless areas, while others ask that the length of new logging roads be limited to one quarter mile. Finally, some ask that the Forest Service promote the use of alternatives to wood-based paper and building materials.

#### **Forest Health**

Concern about the impact of pine beetle infestations in Colorado’s forests influences the comments of a number of respondents. Many want to see the Forest Service actively manage the National Forests to improve forest health, and some suggest that the allowed access to roadless

areas should be increased to assist in the needed active management. Respondents also express concern that the rule would effectively restrict forest and watershed projects to areas “outside the CRAs.” The possibility of large wildfires occurring in areas that have been subject to limited management options worries a number of respondents, and some point out that such fires may allow for “invasive plant invasions,” which would further degrade forest health. Some assert that insects, disease, and wildfire actually pose a greater threat to forest health than tree-cutting or road construction. One respondent specifically requests that lands within Clear Creek County be removed from within CRA boundaries to “allow all management options necessary to provide for restoring forest and watershed health.”

Many respondents support the retention of management flexibility to maintain forest health in Colorado’s forests, with some suggesting that because Alternative 3 relies on forest plans, it is the best option for preserving this needed flexibility. Others suggest that forest management activities need to be balanced with conservation activities and see Alternative 4 as the better option.

#### **Timber Harvest for Forest Health**

Some respondents support forest thinning in roadless areas to address the bark and pine beetle infestations and improve forest health by removing the dead trees. Many note that forest thinning both improves forest health and reduces the intensity of wildfires. Because respondents believe that tree-cutting is needed for forest health, some also support road building to facilitate the tree removal. Many ask that the restrictions in the rule be reconsidered to help address diseased trees and to reduce fuels, increase forest health, and protect wildlife habitat, watersheds, and water supplies. On the other hand, some oppose tree-cutting to address insect damage because tree-cutting “does not stop/prevent more beetle kill” and can result in erosion, which degrades water quality and quantity.

#### **Fire and Fuels Management**

Many respondents ask that timber harvest for fuels reduction purposes be limited. Some suggest that the Forest Service should restrict fuel management activities to hand crews to address fuel loads without building roads. Others suggest that the distance into roadless areas where timber harvest can occur should be limited to a half a mile, rather than the 1.5 mile allowed for in the proposed rule. Still others suggest that the 1.5 mile zone may not be sufficient to address needed fuels reduction and wildfire protection. On the other hand, some respondents are concerned that the upper tier protections may overly restrict tree-cutting to address fuels reduction and ask that it be reconsidered to address the safety of local communities, risk of wildfires, and costs of emergency services. Respondents note that fire can have significant effects on water resources and therefore support timber harvest to reduce the wildfire threat. Others suggest that timber harvest should only be allowed to protect existing homes, structures, and infrastructure.

One respondent requests that the Forest Service provide more information on the implementation of prescribed burns, including “appropriate smoke-monitoring techniques and mitigation,” how public notification will occur, and “whether additional tree-cutting and road construction will result in significantly more use of prescribed fire.”

A number of respondents express concern over the issue of allowing road construction for fire fighting and fuels reduction. Several support road construction to allow access for fire fighting and to serve as fire breaks. However, some respondents are less convinced that roads are needed for fuels reduction. They note that the most effective methods of preventing damage to structures

include use of ‘[f]lame-resistant building materials and treatment of fuels within 200 feet of a structure.’ Some respondents suggest that the allowed distance for fuel-reduction road construction should be limited to one quarter mile from a roadless boundary. A number of respondents note that the definition of “at risk communities” should be revised to ensure that the timber harvest exceptions are only allowed where they are actually needed. Further, they suggest that timber harvest should only be allowed to reduce threats to homes and infrastructure. Other respondents, however, feel that the restrictions on road building may compromise the ability to mitigate and suppress wildfires.

Respondents also ask that municipal water supply areas be mapped “so that the implications of wildfire protection on roadless areas can be adequately addressed.” Others ask that timber harvest in the Pagosa Springs and Wolf Creek areas only be permitted for fire safety. And another asks that the Forest Service avoid increasing roadless areas in the Pike-San Isabel National Forest to ensure that managers have the tools they need to “deal with fire mitigation issues.”

### **Community Wildfire Protection Plans, Community Protection Zones, and Wildland-Urban Interface**

Many respondents are concerned about the how the rule will affect communities at risk from wildfire. They note that “[c]ommunities should have the right to protect themselves...regardless if they have a CWPP [Community Wildfire Protection Plan] in place or not.” Some ask that the proposed language regarding tree-cutting to reduce wildfire hazards be retained. Some ask that the rule require the Regional Forester to document the reasons for authorizing tree-cutting outside of 0.5 mile of the CPZ “for the purposes of transparency.” However, others ask that the limitations on tree-cutting in CPZs be reconsidered because it is “irrelevant to the current situation in many roadless areas in Colorado.” Others ask that the distance from the nearest community that roads can be constructed be reconsidered to focus “limited dollars” on the “areas closest to” at risk communities.

Some ask for clarification of the relationship between wildland-urban interfaces and transmission lines to ensure that sufficient access will be provided to the lines. Others ask that the CRA boundaries reflect the management jurisdictions of local communities to be consistent with the Healthy Forest Restoration Act and current Community Wildfire Protection Plans. A number of respondents ask for general reduction of the restrictions on forest management within CPZs to enhance forest health, reduce costs, and provide for sufficient fuels reduction treatments.

### ***Mining***

Mining is of great concern to the respondents. Many support mineral extraction in Colorado both because of the economic benefits that accrue to the state and local communities and also because these minerals have strategic importance. Those who object to allowing mineral development in roadless areas do so primarily because they are concerned about the environmental effects of these activities. Some respondents assert that lands whose best use is mineral development should not be set aside for recreation or other uses to comply with the multiple use provisions of several federal laws. Several respondents ask for rare earth minerals to be addressed both in the effects analysis and in the rule itself.

Respondents who address authorizations and permits for mining ask both for clarification that forest plans would govern and that they not include oil, gas, or coal mining. Several respondents

ask for the Forest Service to clarify the effects of the roadless area restrictions on the development of the mineral estate.

### **Boundary Adjustments for Mining Claims**

Several respondents are concerned about the delineation of the roadless area around the Henderson Mine. They suggest that the boundary should be modified to ensure that management activities that protect health and safety not be restricted. Others suggest that the mine should be removed from the CRA because they believe that the designation is inappropriate for the area, would limit the owner's ability to respond to emergencies, because the area is "a very large industrial mining complex that has been in operation for over thirty years", and to ensure that future development of unpatented mining claims will not be precluded. Finally, some suggest that designating the area around Henderson Mine as roadless could result in a taking of "private property rights."

Respondents who are concerned about the CRA boundaries around the Avalanche and Jennie Lynn mining claims make similar arguments for excluding these mines from the roadless area. Their concerns include preservation of reasonable rights of access, consistency with RS 2477, and avoidance of take of private property.

One respondent asks that the Little Selma, Little Mamie and St. Louis mining claims not be designated as roadless because they are "historic, patented, lode mining claims."

### **Coal Mining**

Coal mining is a complicated issue for respondents. On one hand, some express concern about the environmental impacts of roads and some question the need for more coal given the upsurge in alternative energies. But on the other hand, some respondents acknowledge the importance of coal in producing needed energy and jobs. Respondents ask for the Forest Service to address permit delays that have been caused by reliance on the 2001 Roadless Rule. Others ask that mining on the coal lease within the Spring House Park IRA not be precluded.

A number of respondents request that the effects of methane drainage vents and drainage well pads (both associated with coal mining) be disclosed, including surface disturbance, habitat effects, soil erosion, water and air quality effects, and the potential to spread invasive plants. Some respondents ask that the Forest Service allow coal mine methane collection pipelines and other buried infrastructure within temporary roads, to allow for capture of this important resource. However, others suggest that limiting this infrastructure to temporary roads would make it cost prohibitive. Finally, some ask that the EIS include a "discussion of potential wastewater discharges associated with...coal preparation plants" to "better disclose baseline conditions."

### **North Fork Coal Area**

The North Fork Coal Area generates a number of concerns. While many respondents support the identification of the area because they see coal as an important national resource and the mines as important economic contributors in the region, many oppose coal mining in the area because of the environmental effects. Several respondents are opposed to inclusion of the Currant Creek area in the North Fork Coal Area because it "is nowhere near any operating mine," and it should be preserved to protect wildlife habitat and rare vegetation communities. Some go further and ask that Currant Creek be afforded upper tier protection.

Those who object to the proposed reduction in the size of the North Fork Coal Area emphasize the negative economic effect on local communities, note that coal mining is consistent with multiple use management of the National Forests, and assert that “[a]ll recoverable coal reserves should be made available for development.”

Respondents who ask for the Currant Creek area to be included in the North Fork Coal Area note that this would facilitate development of valuable coal resources, that the wildlife resources in the area can be protected without prohibiting coal mining, that it would allow for future potential development of the coal resources in the area, that the nation needs the coal resources, and that the economic opportunities would be preserved.

On the other hand, some respondents argue that there are alternatives to the coal in the North Fork area, particularly the Powder River Basin in Wyoming.

### *Oil and Gas Development*

A number of respondents oppose oil and gas development in roadless areas; they are concerned about the effects on ecosystems and endangered species and note that there are alternative energy options available. Respondents also oppose oil and gas leasing in CRAs for the following reasons: because sufficient undeveloped leased lands already exist outside CRAs, because even with No Surface Occupancy (NSO) stipulations drilling still negatively affects the roadless areas, and because drilling is “inconsistent” with the 2001 Roadless Rule and roadless area conservation.

Many respondents to ask for additional restrictions or complete prohibitions on road construction in support of oil and gas drilling. They note that even temporary roads “can be used for decades” and cause environmental damage. However, some complain that limiting road construction associated with oil and gas leasing “hinders the development of these resources.”

Many respondents ask that NSO stipulations be required for all mineral leases in roadless areas to protect roadless characteristics. Many are also concerned about the practice of fracking and suggest that only non-toxic fracking be allowed to ensure that “headwaters and breeding grounds” are protected. Some ask for the Forest Service to describe the plan for reclamation of expired oil and gas lease sites and associated roads; others ask for the effects of reasonably foreseeable gas development to be analyzed. Also, one respondent notes that a Memorandum of Understanding (MOU) exists among the Department of the Interior (DOI), Department of Agriculture (DOA), and Environmental Protection Agency (EPA) regarding air quality and oil and gas decisions and this MOU should be acknowledged in the RDEIS.

### **Gap Leases**

Gap leases generate a good deal of comment, with many respondents asking for gap leases to be cancelled or brought into compliance with NEPA and the 2001 Roadless Rule. Many ask that if the leases are not invalidated that they should not be renewed, extended, or reissued. They note that these leases are “invalid” and were issued “in violation of the Roadless Rule and ...they are currently covered by the national injunction specifically prohibiting road construction and other oil and gas activities in IRAs that are inconsistent with the Roadless Rule”. Some respondents suggest if the gap leases are not rescinded then they should be required to have NSO stipulations. A number of respondents point out that the Forest Service can legally modify or rescind the gap leases and should do so to protect roadless areas, to correct the earlier failure to consult with the Colorado Division of Wildlife, and to address the need for NSO stipulations that specifically

protect roadless characteristics. Continuing in this vein, some respondents ask that the Forest Service analyze an alternative that includes invalidation of the gap leases. Others ask for assurance that the gap leases do not convey “valid existing rights to construct roads.” Some ask for the NSO stipulations to be required for both the gap leases and any new leases. Still others ask that the rule will allow for NSO stipulations to comply with court orders.

Additionally, some respondents assert that the rule should clarify that it “neither validates nor extinguishes these leases so that the new rulemaking does not prejudice the ongoing litigation.”

Respondents also ask for the EIS analysis to include only development that would occur after the reformation of the gap leases; to describe how developing gap leases would fit into multiple-use and sustained-yield management goals; and to more accurately describe the effects of and the likely amount of drilling on gap leases.

### **Other Oil and Gas Development Issues**

NSO stipulations for all oil and gas leases in roadless areas are supported by many respondents to protect roadless characteristics and natural resources. Further, they ask that no waivers be granted. Some ask for pre-leasing, site-specific analysis for oil and gas leases to identify those that can be developed using directional drilling.

Others ask that the prohibitions on extending, renewing, or reissuing existing oil and gas leases be reconsidered to ensure that economically viable leases are not terminated. Some also assert that adding stipulations that are inconsistent with existing lease rights is illegal.

Concern about the 600-foot setback around existing roads causes one respondent to ask for the set-back to be eliminated; the respondent notes that these lands could be released in the future and because the set-back would open areas to drilling that would otherwise not be available.

Some also suggest that the restriction on tree-cutting around oil and gas facilities should be reconsidered because it could “unnecessarily delay or inhibit regular and adequate maintenance and repair of well sites, associated roads, and pipelines.”

Several respondents explicitly request that drilling in the Thompson Creek and Thompson Divide areas be prohibited.

### ***Climate Change and Air Quality***

Climate change issues and air quality concern a number of respondents. Many of these concerns are related to the potential for coal mining, particularly in the North Fork Coal Area. Generally respondents see roadless areas as potential carbon sinks that can help mitigate climate change. Many also suggest that the analysis of climate change in the EIS is insufficient and “inaccurate.” Some note that other agencies have analyzed greenhouse gas (GHG) emissions for other projects and since they are a foreseeable effect of this rule, the Forest Service should “prepare a more thorough analysis of GHG pollution likely to result from the alternatives’ varying limitations on North Fork coal mining.” In addition, they ask that this analysis be quantitative and that it compare the effects of the different alternatives from GHG, carbon emissions, and methane emissions. Respondents also ask for coal mine methane capture to be analyzed for each of the alternatives; they note Alternatives 2, 3, and 4 could all result in significant amounts of methane being vented into the atmosphere. They also ask for the Forest Service to consider an alternative that would reduce GHG emissions resulting from coal mining in the North Fork area; they point out that NEPA requires analysis of all reasonable alternatives and that effective control



technologies and mitigation measures exist. Additionally, respondents assert that GHG emissions associated with both production and transportation at North Fork mines should be analyzed, including methane gas emissions. Some also point out that Powder River coal has lower life-cycle GHG emissions than North Fork coal because of the higher methane emissions associated with North Fork coal. In this line, respondents suggest that the Forest Service consider an alternative that includes combusting ventilation air methane to reduce the GHG emissions from North Fork coal mining. Another alternative that is suggested by respondents is one that would require capture and use of methane produced in North Fork coal mines. Some respondents suggest that the Forest Service should simply require “capturing or flaring of methane produced during coal mining.” Others request an alternative that would require coal mines that benefit from road construction to flare methane to reduce the GHG effects of the methane.

Some respondents suggest that the assumptions regarding expansion of coal mining and related GHG effects should be revised to account for the supply-and-demand context and the effect of cost on energy consumption. Additionally, some ask for a “reasonably complete discussion of mitigation measures” for air quality and GHG effects in compliance with NEPA.

### **Air Quality**

Some respondents assert that the Forest Service does not have the authority to require use of “‘best available technology’ to control noise and air emissions.” Others ask for an emissions inventory for predicted emissions by alternative to address effects from vehicles as well as the various activities themselves. Additionally, some ask for baseline air quality data and for the Forest Service to revise the air quality analysis to address the underestimation of “impacts associated with oil and gas development.” Further, some suggest that an analysis of the effects on air quality standards should be included to comply with various federal laws. Respondents are also concerned particularly with the potential effects of North Fork coal mining on ozone concentrations, nitrogen dioxide levels, volatile organic compound emissions, PM<sub>2.5</sub> concentrations, and Class I areas under the Clean Air Act.

### **Noise**

A few respondents express concern about noise created by U.S. Air Force training flights and ask that the Forest Service coordinate with the U.S. Department of Defense to address the issue. They also note that roads used by the U.S. Air Force to access landing zones are “damaging wetlands” and ask that the Forest Service work to address this problem.

### **Alternative Energy**

Many respondents ask the Forest Service to support development of alternative and renewable energy resources to protect natural areas and comply with E.O. 13212 and the Energy Policy Act of 2005. In fact, some also request that renewable energy activities be provided the same road construction exceptions that oil and gas development activities receive. Some ask that areas that have renewable energy potential be removed from roadless areas to preserve these opportunities for the future and for local communities.

### **Water Resources**

A number of respondents express general concern about the need to protect water resources in Colorado’s roadless areas to preserve fish and wildlife habitat and clean water. Some suggest

that the Forest Service should expand their discussion of water resources to include a more robust disclosure of effects, to include effects on wetlands, and to include effects on impaired or threatened water bodies. Requests for specific areas to be protected for their water resources include Hermosa Drainage, Thompson Divide, Mad Creek Watershed, and Mad Creek Basin.

### **Water Rights and Water Projects**

Water rights issues are of significant concern to a number of respondents. They want to make sure that existing water rights will be preserved and that operation, maintenance, and construction of water conveyance structures will not be impeded. The underlying concern is to ensure that water supplies will not be compromised. As a result, several respondents ask for clarity on how both pre-existing and future water rights will be treated under the rule. Additionally, the Town of Greely is concerned about retaining the ability to expand the Milton Seaman Reservoir to provide drinking water.

### ***Grazing***

Respondents are divided on the issue of grazing, with some asking for grazing to be prohibited on public lands and others asking for retention of existing exceptions for grazing. Those who oppose grazing cite the damage grazing causes to fish and wildlife habitat and assert that ranchers can afford to pay fees to use private lands for grazing. Those who support grazing assert that grazing does not negatively affect “the conservation and characteristics of CRAs.” Respondents also support limited use of motorized vehicles in support of grazing permits.

### **Recreation**

Recreation is seen as an appropriate use of the roadless areas, and respondents suggest that it is a more appropriate use than industrial uses. They note that these areas provide connections to history and to nature and should be managed for roadless recreation. They assert that the disabled don’t need for these particular areas to be roaded and that the backcountry and quiet recreation opportunities should be preserved. However, other respondents disagree and argue that more access to these areas should be provided to allow for multiple use.

Respondents also ask for clarification of the term “roadless” to clarify that existing roads in those areas can still be accessed. And others ask for the recreation analysis to be revised to ensure that semi-primitive recreation opportunities are not eliminated.

### ***Motorized Recreation***

A number of respondents support motorized recreation and ask for the Forest Service to ensure that motorized recreation will not be further restricted. Several note that seniors and the disabled need roads and motorized vehicles to access these areas and many are concerned that the rule may violate the Americans with Disabilities Act because of the potential restrictions. Others cite the mandate for multiple use as a reason why motorized recreation should not be restricted in these areas. However, some disagree and assert that the roadless rule is “not a violation of civil rights for disabled people because Colorado has thousands of good access points into forests for all people as it is.” Several support the protection of backcountry recreation as described in Alternative 4 and particularly support protecting these areas from the effects of motorized recreation. Others suggest that the 2001 Roadless Rule does a better job of limiting motorized access and note that the agency does not have the resources to address illegal ATV use.

However, some respondents suggest that the Travel Management planning process is the best way to manage motorized recreation. A few are also concerned that motorized access to private properties be maintained.

### *Road Access and Closure*

Many respondents ask that new roads be prohibited in roadless areas to avoid damaging those areas. But there are a number of respondents who are concerned that the rule would result in closing existing roads. They argue that these roads should not be closed to provide motorized access to seniors, the disabled, taxpayers, and hunters. Many respondents express concern that road closures might violate the Americans with Disabilities Act.

However, many respondents are concerned about the damage motorized vehicles cause and ask for “no new construction of trails intended for motorized traffic” to preserve roadless characteristics, to allow for safe and quiet non-motorized recreation, and to protect flora and fauna and because there are already sufficient roads in the National Forests.

### *Over the Snow Vehicular Use*

Respondents ask that the Forest Service allow snowmobile use in roadless areas because it causes little damage to the environment.

### *Mechanized Recreation*

Respondents ask for the Forest Service to allow mountain bicycles on all trails because it is “no more detrimental to wilderness trails than hiking.” Further, they suggest that mountain bikers “build and protect sustainable trails for multi-use purposes.”

### *Hunting and Fishing*

Hunting and fishing are important to respondents both because of their recreational values and also because of the economic benefits to local economies that stem from these activities. Respondents ask therefore that the Forest Service protect roadless areas to support these activities and to comply with E.O. 13443, Facilitation of Hunting Heritage and Wildlife Conservation.

### *Ski Areas*

Respondents disagree about whether the Forest Service should open more areas for ski areas and whether potential ski areas should be removed from roadless area designation. Respondents who oppose excluding these areas note that they “serve especially important ecological functions.” Those who support the proposed exclusions note that roadless management is inconsistent with developed recreation and that demand for skiing is growing. Some also ask that the RDEIS include an assessment of the effects of development on areas near these excluded ski areas. In particular they ask for an assessment of impacts on aquatic resources. Several respondents also request that definitions and descriptions related to ski areas be corrected.

## *Recreation Economic Analysis*

One respondent asks that the Forest Service recognize the differences in effects on the recreation economy among the alternatives; they suggest that the “qualitative and quantitative value of outdoor recreation must be factored into the proposed rule.”

## **Lands and Special Designations**

### *Ownership and Access*

Respondents express some concern over the potential for the proposed rule to restrict access to public and private lands. Some suggest that access corridors should be designated to ensure that private property owners are not denied access to their lands. One respondent specifically asks that access to the Little Howard #1, Little Howard #2, and the Little Howard parcels be permitted under the rule. Another asks that needed access to Vagabond Ranch be granted, and a rancher asks to be able to use 4-wheelers on Seedhouse Road in support of grazing activities. One respondent also suggests that homes should not be allowed to be built adjacent to National Forests.

### *Special Uses*

Respondents ask that the special-use permit language in the rule be modified to ensure that the appropriate level of NEPA analysis is required rather than requiring an EIS for a “new or renewed SUP.” Some also express concern that if “new SUPs for changes in ownership are not in place by the time the Colorado Roadless Area Rule is effective...access to transmissions lines will be in question.” Additionally, some respondents ask that the Forest Service allow changes to permits that don’t currently specify access rights.

### **Water Conveyances**

Respondents disagree about whether road construction should be allowed for water projects in roadless areas. Some assert that these structures “do not belong in roadless areas because ... [they] would eliminate roadless characteristics,” while others note that access is needed to “provide for the proper operation, maintenance, and rehabilitation” of these facilities.

### **Electrical and Telecommunications Corridors**

Respondents similarly disagree about allowing electrical and telecommunications lines in roadless areas, with some asserting that these facilities “significantly devalue” these areas and those in the opposite camp suggesting that access is needed for “construction and/or maintenance of needed transmission lines.” One private landholder objects to the potential use of energy corridor #144-275 for electrical transmission lines because it would “impede future access to the area by helicopters, such as for medical evacuation, fire suppression, or search and rescue.”

Some respondents suggest that the areas underneath transmission lines should be designated as multiple use to allow for needed maintenance.

## *Land Management Designations*

### **Roadless Areas**

Conservation of roadless areas is supported by many respondents. They cite the need to maintain wild values and places and the need to protect habitat for special-status species and “species dependant on large, undisturbed areas of land.”

Some respondents ask for a clear disclosure of the “non-conforming uses” that are and will continue to be allowed in roadless areas. Some also ask for the Forest Service to acknowledge that Inventoried Roadless Areas “were not always a ‘stand alone’ management designation.” One respondent asks that the rule be modified to grandfather in the research and educational activities of the Rocky Mountain Biological Laboratory.

### **Wilderness Areas**

A number of respondents are opposed to the creation of more roadless areas or Wilderness areas in Colorado. Many of these see the upper tier category as being essentially “de facto” Wilderness, but many also see the standard roadless designation as being equivalent to Wilderness designation. These respondents tend to feel that there are already sufficient areas set aside and protected as wilderness and therefore the roadless area designation is not needed.

Several respondents argue that managing roadless areas as though they were Wilderness is contrary to the Wilderness Act, and some even assert that roadless areas should be designated as “non-wilderness” to comply with this law. Some respondents even go so far as to assert that both the 2001 Roadless Rule and the Colorado Roadless Rule violate the Wilderness Act by creating de facto Wilderness areas. Respondents note that currently the roadless designation is difficult to separate from the Wilderness designation and that this must be addressed.

On the other hand, some respondents would like to see all Inventoried Roadless Areas managed as Wilderness to provide them with the “maximum protections.”

Some respondents ask that the Forest Service recognize that activities on lands adjacent to Wilderness Areas can have direct effects on the wilderness character of those areas as is reflected in the Forest Service Manual.

## *Roadless Area Character, Inventories, and Boundaries*

### **Roadless Character**

Respondents seek for the Forest Service to protect the roadless character of the IRAs and ask for them to be fully protected for this reason. A number of respondents note that the discretionary authority granted to line officers should be limited to ensure that they are not given authority to approve activities that “would damage or destroy roadless area characteristics.”

Some respondents also ask that the Forest Service acknowledge that motorized recreation does not degrade the character of roadless areas. Others suggest that additional areas with high oil and gas potential should be excluded from roadless designation so that roadless character will not be diminished and because these areas will “contribute significantly to the limited availability of USFS lands containing valuable natural gas resources.”

## **Inventories**

Respondents suggest that the Forest Service should reconsider the use of RARE II as the basis for CRA definition because they believe doing so is “unlawful” and inconsistent with the Wilderness Act. Others just ask that the inventory be accurate and note that some areas should have been included but were not. Some respondents have a particular interest in improving the inventory on the Pike-San Isabel National Forest and the White River National Forest. Some suggest that the FS should consider areas that overlap the boundaries of National Forests for roadless area protection.

## **Boundaries and Mapping**

The boundaries of Colorado Roadless Areas, the process by which they were arrived at, and the process by which they might be modified in the future all concern respondents. Some suggest that the Forest Service should work with stakeholders to improve and revise the proposed boundaries to reflect more accurate mapping and to address potential conflicts with water projects. Some respondents ask that the language in the rule be modified to limit when adjustments to boundaries could be made, while others request that all non-administrative boundary adjustments “be conducted pursuant to rule making.” Respondents who comment on the criteria for defining roadless area boundaries express concern that user created routes may have influenced the CRA boundaries; that “cherry-stemming” was inappropriately used to allow areas to “qualify as roadless”; that “clear logical” boundaries are preferable; and that consistent criteria be used for identifying boundaries, especially in the case of the Rampart East CRA. The boundaries of the Proposed Rule (Alternative 2) are preferred by some to those in the 2001 Roadless Rule (Alternative 1) because the boundaries of the proposed rule take “into account the fact that there were errors in mapping, roads, and various other infrastructures have been constructed..., and even that private land was encircled or blocked off”. Others ask for the Forest Service to clarify the reasons for expanding the HD roadless area boundaries. Several respondents ask for corrections to the maps, including requests to remove Denver Water property from within roadless area boundaries, requests to correct errors related to Pikes Peak West and Pikes Peak East roadless areas, requests to exclude existing roads from CRAs in the Pike-San Isabel National Forests, requests that errors be corrected before the rule is finalized, and requests that the Forest Service use the most accurate mapping information available. Respondents also request that the Forest Service identify where in roadless areas mineral leasing has already been consented to and “already sold with standard stipulations.”

## ***Specific Roadless-Area Inventory Requests***

Numerous specific requests for changes to the roadless area inventory are among respondents’ comments. Several are concerned generally about the criteria used to identify roadless areas on the White River National Forest and believe that the forest “applied standards too strictly” and excluded areas “even if they contained no roads.” Others support the recommendations of Wild Connections, particularly as they apply to the Pikes Peak, Leadville, Salida, San Carlos, South Park, and South Platte Districts. Some respondents generally request that roadless areas be protected in the San Juan National Forest. Requests for exclusion of the mining areas in the Henderson Mine vicinity focus on the fact that this area does not conform to the description of “roadless area characteristics identified in Section 294.41.” Respondents ask for a number of areas to be included in the inventory for many reasons, including to protect wildlife habitat, to protect water resources, to protect biodiversity, to protect roadless character, to ensure that the

inventory is complete, to protect vegetation communities, to protect visual resources, and to preserve recreation opportunities. Additionally, some ask that the HD Mountains roadless area be removed from the inventory because it “has significant mineral potential.”

### *Specific Roadless-Area Boundary Requests*

Many respondents request modifications to the boundaries of roadless areas. A number of these are related to ensuring access to specific water conveyance and storage structures. Additionally some request that the boundary adjustments be made to ensure access to proposed future water projects. Several respondents also make requests related to ensuring access to telecommunications and transmission lines. These requests are made in part to ensure the safe operation and maintenance of these lines and because they believe these uses are inconsistent with the “definition of a roadless area.”

Numerous requests for expansion of the boundaries of specific roadless areas are also submitted by respondents. The reasons for these requests include consistency with the 2001 Roadless Rule inventory, protection of wildlife habitat and ecosystems, consistency with the SRCA’s boundaries, inclusion of important trails, to include areas that were “unjustifiably excluded”, to protect wildlife connectivity and migration corridors, to protect riparian habitat, to protect municipal water sources, to protect rare plants, to include ski areas, to correct mapping errors, and to accurately reflect the extent of roadless areas. Some respondents ask that boundaries be modified to exclude certain areas currently included within CRA boundaries. The reasons for these requests include a preference for removing areas with high oil and gas potential from roadless areas, the desire to preserve the economic development opportunities of the areas around Henderson Mine, the need to exclude privately owned mining claims, to avoid including utility corridors, and to remove ski areas from CRAs.

### *Road Construction and Closures*

Issues surrounding road construction in roadless areas are of concern to many respondents. They oppose the construction of roads for a number of reasons, including the protection of natural areas, the belief that sufficient roads already exist, the need to avoid adding to the maintenance backlog, and the concern that the Forest Service “cannot maintain properly the current roads.” Some are particularly opposed to roads constructed in support of logging, water projects, or oil and gas. Others suggest that if roads must be constructed, the construction should be financed by the benefitting companies.

On the issue of temporary roads, respondents suggest that a separate NEPA analysis is not needed, while others ask that applications for temporary roads for existing mines be expedited to ensure that further delays do not “jeopardize operations.” Others ask that temporary roads be allowed for tree-cutting for forest health.

Respondents also ask for consideration of regional transportation projects, including the I -70 Mountain Corridor and the roads operated and maintained by the Colorado Department of Transportation and ask that exemptions be granted for “[r]egional transportation projects, including highway maintenance, widening or realignment, and the construction and maintenance of multimodal transportation systems.”

Some respondents are concerned that the rule may overly restrict roadbuilding and ask that the Forest Service reconsider these prohibitions. They point out the potential restrictions on

“commerce, trade, and economic benefits” that may occur if roads are not permitted. They also suggest that the road construction prohibition would restrict the “rights of liberty to travel freely,” would limit opportunities for oil and gas development, and would unnecessarily limit forest management options. Further, they assert that sufficient regulations are already “in place to protect the Wilderness and National Forest.”

A number of respondents request that the Forest Service avoid closing any RS2477 roads; they assert that doing so would violate federal laws and that “[o]nly Congress has the right to abolish these types of roads.” Some request that both mining and RS2477 roads in the San Isabel National Forest be excluded from roadless areas to preserve access to private property.

Respondents also suggest that the Forest Service should clearly define what constitutes a road or a trail in the belief that such definitions would “make for better communication and understanding.” Others propose that “road construction and reconstruction” should also be defined to allow for an understanding of the prohibition. Some suggest that what is needed is a clarification of the difference between “reconstruction” and “maintenance.” The definition of “temporary roads” is also requested.

A number of requests are made by respondents regarding how the rule would address road maintenance issues and road construction issues, including the design criteria, the appropriate authorizing decision-maker, and allowances for realignment of non-NFS roads.

### **Road Decommissioning**

Several respondents support the Forest Service’s requirement for a decommissioning provision in contracts and permits. Like with other roads issues, several respondents ask for clarification of terms including defining road decommissioning to mean that roads will be obliterated and descriptions of the bonding requirements. Some simply express support for the proposed rule language related to road decommissioning.

### **Linear Construction Zones**

Respondents disagree about whether linear construction zones (LCZs) should be permitted in roadless areas. While some express concern that the limitations on LCZs would have detrimental effects on water supply and energy infrastructure, others ask that LCZs be prohibited in both standard and upper tier areas. They believe that a prohibition is needed to protect roadless characteristics and are concerned that the rule grants “far too much discretion to the Regional Forester.” Those who specifically oppose LCZs in upper tier areas do so because they believe these activities are not “appropriate in roadless areas,” and because they wish to see high-value roadless areas protected for fish and wildlife, watersheds, and quiet recreation opportunities.

Those who support a limited role for LCZs in roadless areas suggest that limitations would protect watersheds and roadless qualities while still allowing access to valid existing rights. Some propose that LCZs should be prohibited for water projects. Respondents also suggest that the exceptions allowed should be limited further than currently proposed so that they would be permitted only for the access to existing rights and that doing so would ensure that the “prohibition actually provides meaningful protection for roadless areas and roadless characteristics.”

Several respondents suggest that LCZs should be limited to existing rights of way to “minimize surface disturbance and conserve surface values, to ensure that LCZs follow linear facilities, and



to reduce “opportunities for abuse.” Some ask that the definition of LCZs be modified to ensure that they will be located with existing rights of way and to remove the specification that LCZs are over 50 inches wide.

Respondents who are concerned about the authorization process for LCZs ask that economic feasibility be considered. Some request that the process require the disclosure of potential effects on wetlands and appropriate mitigation measures; others ask for the Forest Service to clarify the criteria that will be used to determine the placement of LCZs. Once again, a number of respondents are concerned about the definition of terms. In the case of LCZs, the terminology around “environmental damage” is of concern. Respondents ask that the Forest Service define what is meant by “substantially less environmental damage” or “substantially greater environmental damage.” Respondents also request a clear standard for the “decommissioning and restoration” of LCZs. Some suggest that the language related to effects on cutthroat trout habitat should be eliminated because the Endangered Species Act (ESA) “is already in place to protect the cutthroat trout,” the language is “too general and excessively restrictive,” and “official determinations on the status of the subspecies are still being decided.”

Some respondents support the use of LCZs to ensure access to water conveyances, electrical and communications lines, and oil and gas pipelines. A number of respondents are particularly supportive of the use of LCZs in support of oil and gas development to ensure that pipeline safety is maintained, to avoid opportunity loss, and to preserve access to valid existing rights. However, some respondents specifically request that LCZs be prohibited for construction of pipelines supporting oil and gas leases issued after implementation of the 2001 Roadless Rule.

The issue of whether to allow LCZs in support of water conveyance structures prompts some respondents to request that the Forest Service allow LCZs if reasonable mitigation is provided for cutthroat trout. Respondents disagree as to what the cut-off should be for allowing LCZs for water projects. Some feel that the rule should allow projects for both existing and future water rights, while others feel that it should be limited to rights that predate the 2001 rule. Others support expanding the LCZ exception to allow for “maintenance, development, and expansion of reservoirs in roadless areas.”

Respondents also disagree about the use of LCZs for electrical and telecommunications lines. Some ask for this type of infrastructure to be prohibited in roadless areas, while others ask for LCZs to be permitted to support them. Respondents suggest that LCZs are needed to ensure that lines are sufficiently maintained.

## Upper Tier Areas

### *General*

Upper tier area expansion is requested by a number of respondents. They believe that expansion will protect more areas for fish and wildlife habitat, backcountry values, water resources, and the recreation-based economy. They also assert that sufficient roads already exist in these areas and that roads, telecommunications lines, and timber harvest operations do not need to occur in roadless areas. Some ask for upper tier areas to be expanded to include all CRAs with recreational resources or those areas that provide high-quality hunting and fishing. Some also suggest that expanded upper tier protections are needed to ensure that the rule is as protective as the 2001 Rule. Some complain that the upper tier areas were “identified through a flawed

approach” and ask that upper tier areas be expanded to correct this. Many also request that upper tier protections be expanded to include all the roadless areas covered by the 2001 Roadless Rule.

Many respondents suggest that the upper tier areas identified in Alternative 4 should be incorporated into the final rule. They believe these designations will result in more meaningful protections and will protect areas with “outstanding fish and wildlife values” that support hunting and fishing. Others support inclusion of the Alternative 4 upper tier areas to protect water resources, wildlife values, and recreational opportunities.

A few ask for the Forest Service to provide more detail on how upper tier areas were identified, and some ask for clarification as to what uses will be permitted in each upper tier area.

Some respondents, however, are concerned that the upper tier protections would limit “proper management” of the forests. They note that given fuel loads in Colorado, “it is critical that forest managers have all possible options available to them.” Others are concerned that upper tier areas were based on forest plans that are now out of date, and some suggest that the areas are not “scientifically defensible,” especially for the “extreme number of acres proposed by Alternative 4.” Respondents also request that habitat restoration initiatives be allowed within upper tier areas because “[m]any Colorado species depend on early and mid seral habitats and these habitats need active management.” Others ask that the upper tier protections be modified to ensure that water supply structures can be adequately maintained at a reasonable cost “to meet the growing water supply needs of the citizens of Colorado.”

There are those though who feel that the upper tier designation should be removed entirely from the rule to preserve management flexibility; to avoid the potential increase in the “cost to the tax payer”; protect public safety, resource development, and local economies; to allow for fuels reduction efforts; to protect recreation resources; and to protect access for fire fighters and the handicapped. Some also are concerned that the upper tier designation is serves as “de facto wilderness” and as such is “prohibited by the Wilderness Act.”

Several are opposed to upper tier areas because this designation was not part of either the 2001 Roadless Rule nor the earlier version of the Colorado Roadless Rule. Some respondents suggest that the Forest Service should eliminate the upper tier concept all together because of the impact it would have on operation, maintenance, and construction of water supply infrastructure. Others are opposed the upper tier protections of Alternative 4 because of the constraints they would place on existing oil and gas leases.

The need to protect cutthroat trout species prompts some respondents to ask that upper tier protection be granted to those roadless areas that support the species; some also ask for a “standard of protection of native cutthroat trout within upper tier roadless areas” because these species are vulnerable to short-term localized effects.

Others ask that upper tier protections be granted to important trails, such as the Colorado and Continental Trails, and important recreational areas, including the Animas River Canyon, the Cache La Poudre Canyon, and the Vail Pass area. Additionally, some suggest that any roadless area that is adjacent to a Wilderness area be designated as upper tier. Finally, one respondent asks whether the upper tier designation could be removed by a future Secretary of Agriculture.

## *Upper Tier Exceptions*

While some respondents would like the Forest Service to reduce the exception for activities in upper tier areas because they want to see these areas protected as “natural areas,” many respondents also ask for the exceptions to be expanded. Those who ask for expansion of the exceptions focus on the need for operations, maintenance, and construction of water supply infrastructure; post-wildfire restoration efforts; avalanche control; fuel reduction and fire prevention efforts; and the need to allow access to valid existing rights.

A number of respondents comment that NSO stipulations should be required for oil and gas leases in upper tier areas, and in addition, several request that LCZs be prohibited in upper tier areas. Respondents also ask that the upper tier areas do not overlap or conflict with Community Protection Zones and Community Wildfire Protection Plans.

Some ask that electrical and telecommunications lines be prohibited in upper tier areas, and some ask that the sale of common variety minerals be prohibited in these areas. However, others suggest that “entities that hold mineral rights within the upper tier areas” should not be prohibited from accessing them, because these “precious minerals and rare-earth metals within the upper tier are essential to our nation's economic livelihood and our national defense.”

A tree-cutting exception is supported by some for the benefit of “big game habitat” and in support of the “Aspen-Sopris Wildlife Habitat Improvement Project.”

### **Specific Upper Tier Requests**

Respondents have numerous specific requests for areas to be included in the upper tier areas. Some of these requests reference the entire forest, including the Pike-San Isabel, the Rio Grande, the Grand Mesa, Uncompahgre and Gunnison (GMUG), and the White River National Forests. Some requests are procedural, such as one noting that the “upper tier acres included in the GMUG did not go through a formal forest plan comment period.” Others are focused on the criteria for identifying upper tier areas, including requests to eliminate areas from the upper tier that are near heavily populated areas or that are immediately adjacent to residential neighborhoods. Some ask that the extent of the Colorado and the Continental Divide Trails be provided upper tier protection, and some ask that the buffer for the area adjacent to I-70 be sufficient to support the proposed rapid-transit advanced guideway system. Respondents also ask that the upper tier protections be eliminated from the Pikes Peak East and West Roadless Area that are protected under Congressional Watershed Reserve Lands Grants.

Respondents who ask for more upper tier areas in the Pike-San Isabel National Forest do so because they want to protect these areas from off-road vehicles; to protect wildlife habitat, water resources, and recreation resources; and to reduce noise and air pollution.

Respondents who ask for more upper tier areas in the Rio Grande National Forest do so because they feel it's important for every National Forest to have some upper tier areas and to protect the headwaters of the Rio Grande, the Sangre de Cristo Mountains, and a variety of ecosystems.

Respondents who ask for more upper tier areas in the GMUG National Forest do so because they would like to see them preserved for equestrian and other forms of recreation. They also ask that all the proposed upper tier areas in the GMUG National Forest be included and that the boundaries of the Unaweep Roadless Area be expanded to include all identified CRAs.

Respondents who ask for more upper tier areas in the White River National Forest do so because they want to protect wildlife habitat and healthy forests for future generations.

There are numerous specific requests from respondents for specific areas to be included in the upper tier protections. These requests tend to follow certain themes. In many cases, the areas are valued because of the habitat they provide to wildlife and special-status species, including plants and native fish. Many are valued because of the recreation opportunities they provide, including hunting, fishing, and backcountry hiking. Quite frequently, respondents cite that these areas harbor important water resources and express concern about the need to protect water supplies. A complete list of these requests can be found in Chapter 5.

## **Social and Economic Concerns**

Some respondents ask that public lands be managed and protected for their economic benefits, which they see as stemming in part from their non-roaded characteristics. The benefits that accrue from these areas include hunting, angling, wildlife viewing, and recreation. Others suggest that these lands see their greatest economic value when managed for resource development including oil, gas, mining, timber harvesting, grazing, recreation, and hunting and fishing. Yet another perspective reflected in the comments is that public lands should not be managed for the economic interests of Colorado but instead for “all the people in this country.”

Respondents also suggest that the Forest Service should ensure that the rule will not limit small rural communities’ access to natural resources because these communities “depend on access to natural resources to sustain their economies and way of life.” Some ask for more collaboration with local residents and industries to “build these public lands into even more valuable resources.” Some even suggest that the proposed rule may interfere with multiple use of the forests and would negatively affect local economies. On the other hand, a number of respondents ask that the Forest Service not prioritize the interests of natural resource industries over the public’s interest and assert that roadless areas and their natural resources should be protected for future generations and that these areas are becoming more scarce. Respondents also ask that the Forest Service protect the outdoor recreation economy instead of promoting natural resource industries; they point out that recreation supports local tourism-based economies.

Some respondents support natural resource industries because of their potential positive impacts on local economies and argue that low-impact techniques are available for oil and gas extraction. Others are supportive of the timber industry and its contribution to local businesses. However, a number of respondents suggest that local economies and their quality of life would benefit most from conservation groups’ efforts to strengthen the rule. In this vein, some ask for stronger environmental protections for the Cochetopa Hills, Whetstone Mountain, Currant Creek, and Cannibal Plateau areas because these areas support the tourism-based economy of Gunnison County.

Respondents variously ask for the Forest Service to support energy development to reduce the costs for oil and gas; to provide payment in lieu of taxes (PILT) and Small, Rural School Achievement (SRSA) funding to offset the loss of revenue to local counties resulting from implementation of the rule; to avoid restricting firewood gathering for those who depend on forest wood for heat; to ensure that emergency response times are not increased; and to avoid spending funds to decommission roads, particularly in light of the current Federal deficit.

## *Socioeconomic Effects Analysis*

A number of respondents commented on the socioeconomic analysis in the RDEIS. Some note that several Executive Orders apply and should be complied with. Respondents note that the Statement of Energy Effects does not discuss the rule's "effects on oil and gas distribution via pipelines" and so does not meet the requirements of E.O. 13211. Others assert that E.O. 12866 "states that any government agency cannot have an annual effect of \$100 million or more on...the economy..." and note that the size of the economic effect of the rule is not yet known. One respondent asks that an environmental justice assessment be conducted to evaluate the "socio-economic impacts on local communities." Others, including the DOI, suggest that the analysis should better quantify the economic impacts on oil and gas development. Some suggest that the non-commodity values of roadless areas should be considered, including "hunting, fishing, other recreation, and ecosystem services." Respondents also assert that the RDEIS "does not adequately evaluate the increased cost of providing water that may occur." Others suggest that the economic impacts are "fatally flawed" and fail to cover all the regions that will be affected by the rule; some specifically ask that the impacts on the Town of Dolores be addressed in the analysis.

A number of respondents expressed concern about the analysis related to mineral leases and suggest that upper tier restrictions were not sufficiently considered. Others suggest that the analysis of coal use in the U.S. fails to account for incentives to move to cleaner energy sources. Some also suggest that the Forest Service should acknowledge that they are obligated to contribute to a reduction of in GHGs even in the absence of a global agreement to reduce emissions and in spite of the short-term economic costs.

Finally, respondents are concerned that the economic analysis does not include increased utility operation costs and potential rate increases. They note that increased operations and maintenance costs related to prohibitions on road building and tree-cutting will likely increase the cost of providing water and electric transmission.

# Chapter 1. Process, Rule, and Alternatives

## Public Involvement

### 1-1 Public Concern: The Forest Service should provide more complete information in their requests for public comment.

I am confused as to your directions. You say that “Only feedback that is formally submitted in writing will be considered.” Does this mean my feedback must be certified by a lawyer, or notarized?

You say my comments “must be submitted within 90 days of the publication of the proposed rule in the Federal Register.” How do I know when that will be? I don’t receive copies of the Federal Register.

You say “it would be helpful if I would identify the section or sections of the proposed rule a comment is referring to.” I cannot do this if I don’t have a copy of the rules.

If you want my comments to be helpful, then provide me with the material I need to have to make comments about. (Individual, Rowlett, TX - #133.1.12000.001)

### 1-2 Public Concern: The Forest Service should reconsider their rule-making process.

#### TO COMPLY WITH NEPA AND THE ESA

As a former Forest Service professional myself (1982–1991, in both Region 1 and Region 8), I simply cannot understand why the Service refuses to learn from its history of public involvement, appeals, and Federal court suits which have inevitably gone against the high-handed approach to natural resource management attempted by the Service in direct violation of NEPA (National Environmental Policy Act) and the Endangered Species Act (ESA), among the other several national environmental laws.

The Service has not learned from this history, so apparently it is doomed to repeat that history, to the shame and expense of the Service’s upper management. (Individual, Mount Juliet, TN - #150.9.40000.130)

### 1-3 Public Concern: The Forest Service should ensure that Agency employees comply with the law.

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 U.S. 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.

As long as employees’ actions are within the law, USFS/BLM (U.S. Forest Service/Bureau of Land Management) 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. (Individual - #460.7.22000.720)

## **1-4 Public Concern: The Forest Service should coordinate with Tribal governments.**

### **TO COMPLY WITH EXECUTIVE ORDER 13175**

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments: This order specifically states that “policies that have tribal implications” refers to regulations, legislative comments or proposed legislations, and other policy statements or actions, which have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. We have two Indian tribes in this area, the Ute Mountain Utes and the Southern Utes, which were not included in the coordination or planning of this process. They both have treaties with the Federal Government which gives them hunting rights. This rule will have a direct effect on how and where they hunt and their way of retrieving game. (Individual, Cortez, CO - #694.5.22000.173)

## **1-5 Public Concern: The Forest Service should coordinate with local governments.**

### **TO COMPLY WITH NEPA**

Federal and state statutes require administrative agencies to work coordinately with local government—to “coordinate” with local government in developing and implementing plans, policies and management actions.

The statutes create a process through which local government has an equal position at the negotiating table with Federal and state government agencies. They create a process which mandates agencies to work with local government on a government-to-government basis. Implicit in the mandate of coordination is the duty of the governmental representatives to work together in an effective relationship to seek or reach agreement on consistency between Federal, state and local plans and policies.

The Montezuma and Dolores county commissioners and probably all other Colorado counties were not consulted or included in the planning process. By not coordinating with the local governments, this took away the voice of the public which is in violation of Federal law. This is not in accordance with NEPA requirements. (Individual, Cortez, CO - #694.4.22000.130)

### **TO COMPLY WITH THE FEDERAL LANDS POLICY AND MANAGEMENT ACT**

It is not our [Southwest Public Lands Coalition] intention to comment on all the inconsistencies at this time as the scoping, planning and implementation phases conducted to date by the Forest Service do not meet the first requirement of Federal land management policy and planning, the coordination requirement. There are sufficient precedent case findings to support legal recourse if necessary.

The Forest Service is mandated by Congress to “Coordinate” with local government, (43 USC [United States Code] 1717). FLPMA, the Federal Lands Policy and Management Act of October 21, 1976, and FSMA, the Forest Service Management Act of 1976, also require “Coordination” with local government and Indian tribes. Two of our counties, Montezuma and Dolores, have land management plans that require coordination as well. Coordination has a very specific meaning in the law and is not optional. The full requirement must be met by the Agency or it is a flawed process. The Forest Service has not coordinated with Dolores or Montezuma County local governments as mandated by Federal law. For that matter, they have not coordinated as mandated and specified by law with other counties in Colorado that are directly impacted by the Roadless Rule; therefore, the entire process is flawed and must be retracted in its entirety. (Multiple Use or Land Rights Organization, Dolores, CO - #688.2.10000.130)

The proposed rule is in violation of 43 USC 1717, which requires the Forest Service to coordinate with local governments. This has not been done. The rule therefore cannot legally move forward, but must be vacated. (Individual, Lewis, CO - #858.1.10000.130)

## **1-6 Public Concern: The Forest Service should coordinate with Dolores County.**

### **TO COMPLY WITH THE INTENT OF NEPA**

In regards to the current proposed Colorado Roadless Rule, the DCBOCC [Dolores County Board of County Commissioners] stands adamantly opposed to this rule and planning outline. We firmly believe that all public lands within our county need to stay true to the Forest Service mission statement of Multiple Use Sustained Yield Act. This ruling is to simply limit access to natural resources. This would severely impact the economic structure of a small rural county and impose a direct burden on its citizens. The Regulatory Flexibility Act is being totally abandoned in the consideration of this proposed ruling.

Prior input from our local government has never been sought and we should have been included in this process from the beginning. To propose this rule with absolutely no input from those who will be directly affected takes away our right to due process and goes against the Congressional Mandate for coordination.

Under Section 101 of the National Environmental Policy Act of Congress it declares that: It is a continuing policy of the Federal Government in cooperation with State and local governments and other concerned public and private organizations to use all practicable means and other measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare to create and maintain conditions under which man and nature can exist in productive harmony and fulfill social, economic and other requirements of present and future generations of Americans. When wilderness lands already exist that cover an area as big as the entire Eastern seaboard, it is hard to fathom why there is a need for more. (Dolores County Board of County Commissioners, Dove Creek, CO - #633.1.10000.100)

## **1-7 Public Concern: The Forest Service should coordinate with Montezuma County.**

### **TO COMPLY WITH NEPA**

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

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

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

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

We now understand that an additional half million acres of public land is being placed in the “upper tier” without the benefit of public input nor input from local government. This is not in accordance with NEPA requirements and it is a slap-in-the-face to the thousands of people who provided input and worked hard to develop the proposal. Of course this excludes local government who were not even given the courtesy of being included in the planning effort.



Adequate coordination with local government has simply not happened and the Colorado Roadless Rule should be abandoned entirely. (Montezuma County Commissioners, Cortez, CO - #707.2-3.10000.030)

#### **TO COMPLY WITH FEDERAL LAW**

The Colorado Roadless Rule is flawed and invalid because the Forest Service has failed to coordinate with local government as mandated by Federal law (1b USC, S-1604). The Forest Service has not coordinated with Montezuma County government and has not complied with local land use codes. (Individual, Pleasant View, CO - #706.1.10000.130)

### **1-8 Public Concern: The Forest Service should coordinate with Dolores and Montezuma Counties.**

#### **TO COMPLY WITH FEDERAL LAW**

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. (Individual, Dolores, CO - #477.1.10000.130)

### **1-9 Public Concern: The Forest Service should coordinate with La Plata County.**

#### **TO COMPLY WITH FEDERAL LAW**

Coordination: The Forest Service did not coordinate with La Plata County local government as mandated by Federal law at 43 USC 1717. 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. (Individual, Bayfield, CO - #827.17.10000.130)

### **1-10 Public Concern: The Forest Service should coordinate with Park County.**

#### **TO ASSIST IN IMPLEMENTATION OF THE RULE**

It is the desire of the BOCC [Park County Board of County Commissioners] to maintain effective communications with the Forest Service in the management of roadless areas once an alternative is selected and implemented. We would like the same level of communications in the preparation of the Forest Service Management Plans. Towards this objective, we ask that the Forest Service make every effort to continue to communicate with Park County, especially once the alternative is selected. (Park County Board of Commissioners, Fairplay, CO - #695.2.62000.030)

### **1-11 Public Concern: The Forest Service should coordinate with local affected land owners.**

#### **TO COMPLY WITH COLORADO LAW**

We [Phil and Sally Buckland] are private land owners with property included within the proposed Colorado Roadless Rule (CRR) as outlined in preferred Alternative 2 in the Federal Register notice (76 FR 21272). Roads have existed and do exist in these areas, which means the areas do not meet the criteria for roadless designation.

Our family has owned land included in the CCR alternative west of Empire and in the Mad Creek Watershed since the 1860s, predating the formation of the U.S. Forest Service. The proposed Colorado Roadless Rule upper tier areas are not roadless and we as property owners were not contacted by the U.S. Forest Service or the State of Colorado in the rulemaking process as required by Colorado laws.

The rule as depicted in Alternative 2 would constitute a significant taking. We have and continue to pay property taxes in accordance with their lawful uses. These properties are properly zoned under Colorado law. We have access rights to our properties under Federal and Colorado law. The proposed Colorado Rule works to impede and diminishes our property rights and safeguards.

We respectfully request that specific access corridors be designated into all private properties within the CCR. (Private Land Inholding Owner, Empire, CO - #752.1.12000.630)

### **1-12 Public Concern: The Forest Service should justify requiring the State of Colorado to participate as a cooperating agency.**

On page 21278, Section 294.46, the Agency 'requires' the State of Colorado to operate on a cooperating agency status. The FS (Forest Service) is operating as an international agency and Colorado is a state with rights; how can the international agency force the state to become a cooperating agency? (Individual - #181.10.10000.030)

### **1-13 Public Concern: The Forest Service should extend the comment period.**

#### **TO ALLOW SUFFICIENT TIME TO COMMENT**

You need to extend time to comment for the general public, which works and has to take care of their family at night. They need to have time to comment. Also I do not think there has been broad outreach on this issue, which is required by NEPA. It is clear that NEPA requires broad outreach. (Individual NJ - #13.1.12000.131)

## **Colorado Roadless Rule**

### **1-14 Public Concern: The Forest Service should retain the current rule.**

#### **BECAUSE COLORADO SHOULD HAVE THE AUTHORITY TO DECIDE HOW THESE AREAS ARE MANAGED**

I greatly prefer the current rule that allows states to set their own rules for roadless areas. A great deal of input went into Colorado's rules and [they] were felt to be fair by those that drafted them.

The idea that those in New York City or Washington D.C. know better what is best for us in Colorado is absurd. (Individual, Breckenridge, CO - #34.1.33300.010)

### **1-15 Public Concern: The Forest Service should enact the proposed rule.**

#### **BECAUSE THE RULE WILL ALLOW FOR MANAGEMENT OF NATIONAL FORESTS WHILE PERMITTING ACCESS FOR DEVELOPMENT OF NATURAL RESOURCES**

[ATT1]CMA [Colorado Mining Association] actively supported the legislation that created the Roadless Area Task Force in 2005, followed and supported the work of the Task Force, and commented on the recommendations of Governors Owens and Ritter as they were submitted to the U.S. Department of Agriculture ("USDA"), U.S. Forest Service ("USFS"). CMA's position, consistently stated, has been that any Colorado-specific "Roadless Plan" must account for and address the physical aspects, management considerations, economic issues, and social/cultural dimensions that make each National Forest in Colorado unique. Under a Colorado-developed plan, Colorado maintains its ability to develop forest management policies that allow for the conservation and management of our National Forests while permitting access for the responsible development of natural resources in certain areas. (Mining Industry/Association, Denver, CO - #832.6.20000.134)

### **1-16 Public Concern: The Forest Service should vacate the Rule.**

#### **BECAUSE IT INCLUDES FOREIGN MANDATES**

The rule, with its foreign mandates and international agencies, needs to be vacated at once. (Individual - #181.20.20000.001)

**BECAUSE IT REFLECTS INTERNATIONAL INTERESTS**

The language, purpose and driving force of this entire proposed rule is rooted in international interests representing Agenda 21 and not the short- and long-term best interests of the impacted public land, communities and United States citizens. It must therefore be retracted in its entirety. (Multiple Use or Land Rights Organization, Dolores, CO - #688.4.20000.010)

**1-17 Public Concern: The Forest Service should reject the proposed rule.****BECAUSE THERE IS NO LEGITIMATE REASON TO ADOPT THESE REGULATIONS**

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 roadless 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. (Individual, Dolores, CO - #477.7.20000.002)

**BECAUSE THE ROADLESS RULES CREATE DE FACTO WILDERNESS AREAS AND ARE INCONSISTENT WITH THE AGENCY’S MULTIPLE-USE MANDATE**

For over a decade, the USFS has sought creation of a National Forest System Inventoried Roadless Area protection policy. This highly contentious issue has resulted in numerous lawsuits and divergent court opinions. The reason for these actions is due to the common belief among many users of public lands and the National Forest System that designation of “roadless areas” is tantamount to a “de facto” Wilderness withdrawal. The signatories to this letter [Western Energy Alliance et al. , ] share this wide-held view; and, for the record, do not support the effectual withdrawal of millions of acres of non-wilderness, non-park lands for purposes that conflict with USFS’s multiple-use mandate established in legal statute. In our view, management decisions that preclude virtually all multiple-use activities in areas greater than 5,000 acres should be limited to areas selected for Wilderness designation by Congress—not by land management agencies. (Oil, Natural Gas, Coal, or Pipeline Industry - #616.1.22000.134)

**BECAUSE IT IS BASED ON THE STATE PETITIONS RULE WHICH THE COURTS INVALIDATED AND ENJOINED**

The Proposed Rule is based on the State Petitions for Inventoried Roadless Area Management Rule (“State Petitions Rule”). In *California ex rel Lockyer v. U.S. Department of Agriculture*, the United States District Court for the Northern District of California found that the Department of Agriculture violated: 1) The National Environmental Policy Act (NEPA) by failing to conduct an adequate environmental analysis of the rule; and 2) the Endangered Species Act (ESA) by failing to conduct the required wildlife consultation. 459 F. Supp. 2d 874, 913 (N.D. Cal. 2006). As a result of those failures, the District Court permanently enjoined the State Petitions Rule and reinstated the 2001 Roadless Rule. *Id.* at 919. The District Court’s decision was affirmed by the Ninth Circuit Court of Appeals. Colorado Springs Utilities does not believe that it is appropriate for the Forest Service to move forward with the proposed rule as it is based on the State Petitions Rule which has been found to be invalid and is currently enjoined by a Federal court. (Utility Group, Colorado Springs, CO - #701.13.20100.130)

**BECAUSE IT DOES NOT COMPLY WITH FEDERAL, STATE, AND COUNTY LAWS AND REGULATIONS**

We [Southwest Public Lands Coalition], as concerned citizens, have studied this proposed rule, the associated law and as a result, stand absolutely opposed to the proposed Colorado Roadless Rule. It is not in compliance with Federal, state and county laws and regulations. We comment at this time to establish “standing” for appeal should this proposed rule not be retracted in its entirety. (Multiple Use or Land Rights Organization, Dolores, CO - #688.1.22000.100)

**BECAUSE BY DENYING ACCESS TO DISABLED VETERANS IT VIOLATES THE AMERICANS WITH DISABILITIES ACT**

The current Colorado Roadless Rule/EIS (Environmental Impact Statement) should be disbanded and returned to the current laws. This issue should be addressed: The disabilities act is not addressed in any plan at this time. Since the disability act is a Federal law, this needs to be addressed before any change is recommended. The current plan denies access to disabled veterans. (Individual, Dolores, CO - #642.2.31000.132)

**BECAUSE THE INCREASES IN ILLEGAL BEHAVIOR WILL DISTRACT FROM FOREST MANAGEMENT**

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

My statement is a resounding “no” on allowing this proposed roadless rule to take place in the state of Colorado. (Individual, Delta, CO - #711.5.20000.165)

**BECAUSE THESE AREAS PROVIDE CLEAN AIR AND WATER AND PROVIDE INTANGIBLE BENEFITS**

The proposed roadless protections are inadequate. Current energy and economic challenges, whether real or contrived, are used as excuses by those who would choose rigs and roads over tranquility and timelessness. No need to rehash the longstanding debate here. My point is that wilderness is priceless and irreplaceable, and it benefits us all, even those who never even see it, but only breathe the air and drink the water that issue from it. (Individual - #18.1.40000.800)

**1-18 Public Concern: The Forest Service should suspend the rule process.**

**UNTIL THE REGULATORY AND LEGAL ISSUES SURROUNDING THE 2001 AND 2005 ROADLESS RULES ARE RESOLVED**

Undertaking a state-specific roadless rule for Colorado is premature.

Due to the regulatory and legal limbo of both the 2001 Roadless Area Conservation Rule and the state petition process, the Forest Service and the State of Colorado are promulgating regulations which will be legally challenged upon resolution of the other roadless regulations. The Forest Service and Colorado should suspend the state petition process until these legal issues are resolved so as to save the taxpayers the expense of devising and/or litigating a state petition roadless rule for Colorado. (Government Employee/Union, Eugene, OR - #831.1.20000.100)

Recognizing that these roadless rules have been the subject of a great deal of litigation at the national level, Aurora Water feels that it would be in the best interest of all parties to delay the issuance of the final rule until several of these court cases are finalized. We are particularly concerned that Colorado’s proposed Roadless Rule establishes de facto Wilderness Areas through rule rather than through the legislative process outlined in the Wilderness Act. (Utility Group, Aurora, CO - #830.12.20100.130)

Recognizing that nationally, these roadless rules have been the subject of a great deal of litigation, BWWP [Board of Water Works of Pueblo] feels that it would be in the best interest of all parties to wait until several of these court cases are finalized. We are particularly concerned about the establishment of de facto wilderness areas through rule rather than through the legislative process outlined in the Wilderness Protection Act. We understand that Colorado Springs Utilities will be including a list of legal concerns about the Colorado Roadless Rule in their comments and BWWP shares Colorado Springs’ concerns. (Utility Group, Pueblo, CO - #834.10.20100.130)

**TO CORRECT MAPPING ISSUES AND UNTIL THE COURT CASES ARE FINALIZED**

Aurora Water, in conjunction with our partners in several water projects, including Colorado Springs Utilities and the Pueblo Board of Water Works, has identified potential conflicts with current and

proposed water projects. Due to this conflicting information in mapping along with unresolved litigation matters, Aurora Water feels that it would be in the best interest of all parties to delay the issuance of the final rule until several of these court cases are finalized. (Utility Group, Aurora, CO - #830.23.20100.130)

### **1-19 Public Concern: The Forest Service should not delay implementation of the proposed rule because of legal uncertainty about the 2001 Roadless Rule.**

#### **BECAUSE THERE IS NO CONFUSION ABOUT WHETHER THE 2001 ROADLESS RULE APPLIES TO COLORADO**

[ATT1]On May 28, 2009 the “Interim Directive Covering Roadless Areas in National Forests” was issued by the USDA Secretary. The stated basis for the Interim Directive is to address “confusion” created by the courts in “simultaneously upholding and overturning the 2001 Clinton Roadless Rule.” While litigation continues regarding the 2001 Roadless Rule, no confusion exists regarding whether the 2001 Roadless Rule is enjoined in Colorado and therefore implementation of a Colorado plan should not be delayed because of it. The Forest Service and the State must honor and enforce those forest management plans in existence prior to the 2001 Roadless Rule. Further, the Forest Service and the State must also timely process all pending natural resource development projects, subject to all reasonable rules and regulations necessary to protect the environment. (Mining Industry/Association, Denver, CO - #832.19.20100.160)

### **1-20 Public Concern: The Forest Service should acknowledge that the 2001 Roadless Rule is effectively enjoined in Colorado.**

#### **BECAUSE THE RULING OF THE 9<sup>TH</sup> CIRCUIT COURT DOES NOT APPLY TO COLORADO**

[ATT1]On June 16, 2009, U.S. District Court Judge Brimmer denied a motion to stay his nationwide injunction of the 2001 Roadless Rule pending resolution of the merits of the environmental groups’ appeal before the U.S. Court of Appeals for the 10th Circuit. Since its adoption, the 2001 Roadless Rule has been the subject of litigation across the United States. The U.S. District Court in Wyoming originally invalidated the 2001 Roadless Rule on July 14, 2003 and issued a nationwide injunction of the rule. Largely due to the Federal court’s injunction, the USDA proceeded to propose the State Petitions Rule, which would give to states the authority to propose and implement a state-specific forest management rule. Like the 2001 Roadless Rule, the State Petitions Rule was challenged and on September 16, 2006, 9th Circuit Magistrate LaPorte enjoined the nationwide implementation of the State Petitions Rule and reinstated the 2001 Roadless Rule.

Magistrate LaPorte’s decision was later affirmed by the 9th Circuit Court of Appeals. However, despite the holding of the 9th Circuit Court of Appeals, the Roadless Rule is not enforceable in Colorado. It is settled law that decisions of Circuit Courts of Appeals are generally “not binding outside their own circuits.” *Audio Investments v. Robertson*, 203 F.Supp.2d 555, 568 (D.S.C. 2002). See also *U.S. v. Carson*, 793 F.2d 1141, 1147 (10th Cir. 1986). Specifically, within the 10th Circuit, decisions of the 9th Circuit are not binding. *Federal Deposit Insurance Corporation v. Daily*, 973 F.2d 1525, 1532 (10th Cir. 1992). As such, the 9th Circuit’s opinion affirming Magistrate LaPorte’s injunction and enforcement of the Roadless Rule is not enforceable in the 10th Circuit. Within Colorado the 2001 Roadless Rule has been enjoined and has no legal effect. As such, neither Colorado nor the USDA may rely upon it for any action (or inaction). (Mining Industry/Association, Denver, CO - #832.22.20100.141)

### **1-21 Public Concern: The Forest Service should revise the Rule.**

#### **TO ACCOUNT FOR THE NEEDS OF RESIDENTS OF COLORADO**

I believe there are decisions that can be made that would receive support from the “general” public and which would therefore promote police enforcement of the rules by that general public, rather than the government promoting a system that requires a Federal police force to continually attempt the arrest of violators. Your planning policy and resulting rules in the past have been distasteful, representative of a small minority of special corporate interest groups, and have been in conflict with the desires of the

general public. Toward the end of a system that can be supported by the majority, I make the following brief suggestions.

- Scrap your current project
- Without abandoning national interests, work with the affected state to create rules
- Identify the significant areas of needed input from within the affected state
- Advise the public of those areas and advocate they organize professional representation
- Possibly fund professional representation for financially indigent interest groups
- Some areas usually excluded might include seniors, handicapped, small business, and others
- Functionally minimize the “unfair” advantage of “lawyer up” interest groups
- Treat each interest entity as important in the overall scheme, rather than some as needed victims
- Strive to satisfy the general public, rather than only the minority non-profit corporations
- Strive to create rules that will be collectively accepted and enforced by the general public
- Recognize that the general public can serve as a steward of a reasonable set of rules. (Individual - #35.2.33100.010)

#### **TO BETTER REFLECT THE WILL OF THE GENERAL PUBLIC RATHER THAN NON-PROFIT GROUPS**

Most people don’t support the type of roadless areas that the Federal government has previously created. Neither do they tend to participate in what they believe to be a long drawn-out bureaucratic process which is designed to reinforce decisions that have already been made. That creates a dilemma for Federal officials because most all of the input received comes from the professionally organized and funded special interest non-profit corporations that support what is perceived to be your aim—“closure” of access to national property.

The very name of your project, “Colorado Roadless Rule,” reveals the intent of the government. No wonder the project isn’t titled, “Colorado Resource Access Rules”! That’s because “Roadless” means “no roads”. So, why have any meetings, or make any requests for input? Is it just because there’s a Federal requirement to have meetings and request input on decisions that have already been made? If you are the kind of people who like to “do what is right”, you’d recognize the fallacy of the bureaucratic approach currently being used and chart a completely new course for identifying resource utilization for the “general” public. In case you missed what I said, you do not have the support of the great majority of the general public. You only have the support of funded non-profit corporations. (Individual - #35.1.33100.050)

What I read in this rule [Proposed Action] frustrated me very much. This request is not from the majority of Coloradoans; it is from a small outspoken minority of members of environmental groups.

I’m 5th generation Coloradoan; my Grandfather was Mayor of Westminster. (Individual, Agate, CO - #19.1.33400.050)

#### **TO PROVIDE BETTER STEWARDSHIP**

I was under the impression that your specific duties and obligations, under law, were to protect and maintain our national wild lands, and to act as stewards for them.

If that is the case, then clearly the slipshod rule-making in this instance must either be just that—slipshod and rather incompetent—or a deliberate violation of your primary responsibilities and duties in order to pander to huge corporate interests under cover of this self-same slipshod incompetence. In the first instance, such would be reprehensible; if the second case applies, it would be inexcusable and contemptible. (Individual, Daly City, CA - #92.8.33400.023)

#### **TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT**

The roadless rules proposed by state and Federal agencies violate the Americans with Disabilities Act. The reality is simple: your rules violate the very statutes you enforce regarding access to public locations.

Americans with disabilities can no longer access public lands through mechanized equipment that was accessible in the past. You have, in fact, violated your own laws with these rules.

These comments, along with additional specific issues, will be shared with legal organizations representing victims of violators of the Americans with Disabilities Act.

Additional information has already been sent to Representative Scott Tipton (copy attached [ATT1]). (Individual, Grand Junction, CO - #164.1.22000.132)

#### **TO LIMIT THE POWER OF THE REGIONAL FORESTER**

Essentially all the infrastructure of the state would be at the disposal and pleasure of the international Regional Forester (pages 63-64, 273 EIS) who would make all determinations of what will be decommissioned and what is necessary. This would have the potential for far-reaching insurmountable negative impacts to other states and people that rely upon electrical power supplies, water delivery, gas and oil pipelines, as well as city and county water supplies and individual rights and this could negatively impact commerce. (Individual - #181.7.10000.800)

#### **TO ELIMINATE LOOPHOLES THAT THREATEN NATIVE FISH**

Eliminate loopholes that threaten native fish. The current proposed rule contains loopholes that allow destruction of native cutthroat trout habitat. Ask the Forest Service to protect cutthroat habitat and require that any projects in roadless areas refrain from altering, damaging, or destroying cutthroat trout populations. (Individual, Lafayette, CO - #801.4.41400.330)

### **1-22 Public Concern: The Forest Service should revise the need statement for the Rule.**

#### **BECAUSE IT OVERSTATES THE ACTUAL NEED**

CCWF [Clear Creek Watershed Foundation] has read and understands the need statement as expressed in the proposed Colorado Roadless Rule RDEIS (Revised Draft Environmental Impact Statement). We challenge the benefit of this unrestricted need as it is grossly overstated compared to other national priorities including metal, mineral and energy extraction, interstate commerce, and electrical transmission planning. The land being taken exceeds the need. (Place-Based Group, Idaho Springs, CO - #532.1.20000.800)

### **1-23 Public Concern: The Forest Service should avoid changing the Rule.**

#### **BECAUSE THE NATIONAL FORESTS BELONG TO ALL U.S. CITIZENS**

There is a problem in this United States when a group takes it upon themselves to make new rules. The wild forests of this United States belong to all of the citizens, not to the Forest Service to change rules when they see fit. (Individual, Easthampton, MA - #180.8.20000.160)

### **1-24 Public Concern: The Forest Service should manage national lands consistently across states.**

#### **RATHER THAN HAVE A COLORADO-SPECIFIC RULE**

I think a different rule for Colorado strikes me as suspect. I encourage you to abandon whatever your agenda is regarding Colorado and avoid a precedent of different rules for different states. Colorado deserves to be treated fairly along with all the other states which have National Forests within their boundaries. (Individual, Spokane, WA - #310.3.33400.123)

### **1-25 Public Concern: The Forest Service should ensure that the Colorado Roadless Rule is as protective as the 2001 Roadless Rule.**

Please try to make the Colorado Roadless Rule at least as strong overall as the Federal Rule that may once again find its way onto the books. (Individual, Grand Junction, CO - #574.4.33400.160)

### **INCLUDING STRONGER UPPER TIER PROTECTIONS AND RESTRICTIONS ON TIMBER HARVEST, LINEAR CONSTRUCTION ZONES, AND GAP LEASES**

I urge the Forest Service to ensure that any rule be at least as protective as the National 2001 Roadless Rule, which the Obama administration has supported and defended in Federal court.

I support the protections embodied in the National 2001 Roadless Rule and do not support managing Colorado's National Forests to a lower standard. To ensure that any state-specific rule is at least as protective as this landmark conservation tool, a final rule needs to expand and strengthen the "upper tier" protections, must tighten the overly broad discretion that would allow logging far into the backcountry and building of "linear construction zones," and ensure that Colorado's oil and gas "gap leases" are not developed. (Individual, Santa Cruz, CA - #64.1.33300.002)

### **INCLUDING STRONGER UPPER TIER PROTECTIONS AND MAINTAINING ROADLESS CHARACTERISTICS**

I urge the Forest Service 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 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. (Individual, Denver, CO - #30.1.33300.621)

I urge that the Forest Service, if it proceeds with adopting a rule for these public lands, ensure that any rule is—in substance and fact—at least as protective as the National Roadless Rule, which the Obama administration has defended in Federal court.

The Secretary of Agriculture has affirmed the administration's commitment in comments specifically about the Colorado rulemaking, stating that: "The Obama Administration is committed to the protection of roadless areas on our National Forests as these areas are vital for conservation of water resources, for wildlife and for outdoor recreation...

"...As the Forest Service prepares a draft environmental impact statement...I have asked that the agency analyze the potential of adding significantly to the number of acres receiving a higher level of protection than the 2001 rule.

"I'm confident that working with the Governor and with the public, we will craft a final rule that is, on balance, at least as protective of roadless areas—and preferably more protective—than the 2001 Roadless Rule."

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 states' Inventoried Roadless Areas. (Individual, Carbondale, CO - #38.1.33300.621)

### **BECAUSE COLORADO ROADLESS AREAS DESERVE THE SAME LEVEL OF PROTECTION AS ROADLESS AREAS IN OTHER STATES**

I fully agree with the Colorado Mountain Club's statement:

"While we maintain that a Colorado-specific rule is not needed because there is already a carefully crafted, strongly supported national rule in place, any rule that is finalized should provide at least the level of protection found in the (current) national roadless rule. Colorado's roadless forests are a state treasure and a national asset—they merit greater protection than what is currently provided in the Obama proposal and they deserve the same level of protection as those in other states." (Individual, Colorado Springs, CO - #191.2.33000.621)

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 state’s Inventoried Roadless Areas. (Individual, Bargo, New South Wales, Australia - #193.1.40000.800)

#### **TO BE CONSISTENT WITH SECRETARY VILSACK’S STATED INTENTIONS**

I appreciate the opportunity to provide comments on the draft proposed rule for Colorado National Forest Roadless Areas, and to express support for ensuring that these lands receive protections that are, on balance, at least as strong as the 2001 Roadless Rule.

However, it remains my position that the draft rule still falls short of meeting the Obama Administration’s commitment.

In particular, when I heard USDA Secretary Tom Vilsack speak in Washington DC in December 2009 to the Pew Charitable Trust’s gathering of roadless advocates, he pledged to craft a rule that was “at least as protective and preferably more so” than the 2001 Rule, and to add a “significant amount of acres” of roadless lands into a category that was more protective than this landmark conservation tool. Yet the draft proposed rule fails to meet that mark—placing only 13 percent of the state’s Inventoried Roadless Areas into an ‘upper tier’ category.

Roadless lands that are not placed into this upper tier (87 percent under the proposed rule) are protected to a weaker standard than the 2001 Rule, making the inclusion of additional lands in the more protective category paramount to crafting a rule that meets the administration’s goals and stated position.

I encourage you to insure that these lands gain stronger prescriptions than currently included in the proposal. (San Miguel County Commissioners, Telluride, CO - #676.1.33300.160)

#### **TO BE CONSISTENT WITH THE WILL OF THE MAJORITY OF PUBLIC COMMENTERS**

A weaker Colorado-specific roadless rule is not warranted:

We [Pikes Peak Group of the Sierra Club] strongly question the appropriateness of a Colorado-specific roadless rule, insofar as such a rule is weaker than the rule applicable in other states. The impetus for a Colorado-specific rule was the Bush Administration’s 2004 Roadless Rule proposal, which sought to repeal the Clinton Administration’s 2001 Roadless Rule and replace it with a petitioning process which made designation of roadless areas dependent on the petition of a state’s governor. In response to this, during 2005 and 2006, the State of Colorado initiated a series of public hearings and solicited public comment on the development of a Colorado rule. The great majority of public commenters in this process spoke in favor of strong protection for roadless areas, and most definitely did not speak out in favor of a Colorado Rule that was weaker than the national rule that it would replace. Had the public been offered a choice between (1) a weaker Colorado Rule, (2) the 2001 National Rule, and (3) a Colorado rule that embodied all of the protections of the National Rule, plus additional Colorado-specific protections, we believe that the majority would have favored the third alternative, while a weaker Colorado-specific rule would have received the least support of all. In other words, we do not believe that a weaker Colorado rule has ever received a mandate from the People of Colorado. (Preservation/Conservation, Colorado Springs, CO - #731.1.20000.061)

#### **TO PROTECT ENDANGERED SPECIES AND THEIR HABITAT**

A Colorado Rule must be as protective of endangered species and their habitat as the 2001 Roadless Rule. (Individual, El Jebel, CO - #382.7.41300.001)

### **1-26 Public Concern: The Forest Service should enact the proposed rule.**

#### **BECAUSE IT WILL ALLOW FOR THE USE OF NATURAL RESOURCES WITHOUT UNDUE DAMAGE TO WILDLIFE**

The roadless plan for management of Federal lands in Northwestern Colorado now under consideration is not about protecting resources. It is about denying the opportunity to utilize those resources. To some, this will sound counter-intuitive. Others will recognize it as a clear statement of an agenda which wears the mask of environmental responsibility. History demonstrates that when we take a long-term view, we can both utilize and protect natural resources. A brief recitation of facts with which I hope we can all agree will make my point clear.

Colorado is blessed with abundant natural resources, including flora, fauna, water and minerals. Over the past hundred plus years, the discovery and use of those resources has generally followed an east to west progression. Increased populations and economic growth have followed that same progression. The use of resources, whether through hunting, trapping, harvesting or extraction, results in disruption of conditions existing before that use begins. Well-known examples include the depletion of beaver, deer and elk populations, along with visual degradation associated with harvesting timber and extraction of coal, oil and minerals. Today, populations of beaver, deer, elk and other previously depleted fauna are thriving.

Today, along the Front Range visual degradation and other impacts resulting from previous extraction have been mitigated. A prime example is Marshall Mesa near Boulder. Literature published by the Open Space and Mountain Parks Coalition, [www.osmp.org](http://www.osmp.org), reports, "A century ago, Marshall Mesa was famous as one of the most important coal mining areas in the state. There were 51 official coal mines in Marshall...The last of the mines closed in the 1940s." Today, prairie dogs chirp and meadowlarks sing in over 3,000 acres of intact grassland. This beautiful open space, minutes from downtown Boulder, is open to hiking, biking and horseback riding. Seventy years ago it was producing millions of tons of coal. Mining coal on Marshall Mesa brought miners, their families, and supporting infrastructure including railroads, and later highways to Boulder County. The coal mines there fueled the economic development of the entire Front Range.

Today, Boulder is a thriving metropolitan community dedicated to protecting the natural resources that, through utilization, led to its economic growth.

I stand in favor of responsible utilization of our resources, accepting that in the short term, there will be adverse impacts. I believe that those impacts can be mitigated, just as adverse impacts have been mitigated on the Front Range. (Individual, Steamboat Springs, CO - #59.1-2.40000.800)

## **1-27 Public Concern: The Forest Service should reconsider the proposed Colorado Roadless Rule.**

### **TO PROTECT THE ECOLOGICAL INTEGRITY OF ROADLESS AREAS**

As a thirty-year resident of Colorado, a state with over four million acres of land protected by the 2001 Roadless Area Conservation Rule, I am writing to express my strong support for the protection of these areas.

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

The proposed Colorado Rule would provide much less protection for these important habitats than the 2001 Clinton rule, and I strongly urge you to either drop this proposal or significantly strengthen its provisions. As currently written, the proposed Colorado Rule would leave us with one of the weakest roadless protection measures in the nation. Surely, this is not the desire of Governor Hickenlooper, the Department of Natural Resources, or the citizenry of Colorado! (Individual, Boulder, CO - #41.1.41000.201)

## **1-28 Public Concern: The Forest Service should ensure that the final rule does not include any new restrictions.**

I urge the Forest Service to ensure that no rule include any further or new restrictions.

In particular this includes restrictions on oil and gas leases; logging; linear construction zones; and upper tier Roadless area protection. (Individual, Florissant, CO - #91.1.30000.002)

**1-29 Public Concern: The Forest Service should reduce ambiguity and exceptions in the Rule.****TO ENSURE THAT THE PROTECTIONS IN THE RULE ARE MEANINGFUL**

I am troubled by the rules as currently written. They are woefully ambiguous and allow so many exceptions they are meaningless.

If a restriction is worth mentioning at all, it is worth making it airtight. Escape wording such as: “when feasible”, “to the maximum extent practicable”, “should”, “unless”, and “generally” must not be used. As now worded, the roadless areas are not to receive any better protection than the general forest area.

Any regulation can be modified if justified. Yes, making modifications can be a time-consuming process, but exceptions to roadless rules must not come easy.

I speak only to motor use here, as this is the critical element. Proposed regulations governing tree cutting are also seriously ambiguous. (Individual, Reno, NV - #425.2.21000.200)

**1-30 Public Concern: The Forest Service should modify the Rule to allow public nomination of roadless areas for upper tier protection.**

We [Western Colorado Congress] ask that this rule include provisions for a public nominating process to continue to add roadless areas to the upper tier protection lands. (Civic Group, Grand Junction, CO - #615.5.12000.620)

**1-31 Public Concern: The Forest Service should allow Colorado to manage these lands.****BECAUSE PAST FEDERAL ACTIONS HAVE BEEN PROBLEMATIC**

The Colorado plan is for Colorado. We don't need the feds' plan in this state as almost any Federal plan adopted in the past has been detrimental to our way of life, jobs and our wallets yet have only accomplished turmoil and cut out the seniors that made the state. (Individual, Grand Junction, CO - #194.3.20000.020)

**1-32 Public Concern: The Forest Service should be commended for removing language indicating that activities should not be prohibited based solely on their effects on roadless area characteristics.****BECAUSE SUCH LANGUAGE WOULD HAVE UNDERCUT THE PURPOSE OF THE RULE**

A roadless rule should be focused on protecting roadless characteristics. In the Colorado petition, language was proposed indicating that activities should not be prohibited solely due to adverse effects to roadless characteristics. We [Trout Unlimited] appreciate the fact that this language was removed from the most recent draft rule, as it would undercut the very purpose of a roadless area conservation rule. (Recreation/Conservation Organization, Denver, CO - #617.8.40000.621)

**1-33 Public Concern: The Forest Service should be commended for modifying language related to preserving roadless area characteristics.****TO BETTER FOCUS MANAGEMENT ON CONSERVATION AND STEWARDSHIP OF CRAS**

On July 9, 2010 we [Outdoor Alliance et al.] wrote to you and provided some perspectives from our community, based on our initial evaluation of the Colorado revised petition. We are pleased to see that many of the concerns we expressed in these themes are addressed in the proposed rule.

Preserving roadless area characteristics language has been modified to better focus management on conservation and stewardship of CRAs (Colorado Roadless Areas). Specifically, problematic qualifying language that was in the Scope and Applicability section of the Colorado revised petition at [section] 294.37(f) has been removed. (Recreation/Conservation Organization, Washington, DC - #681.2.40000.621)

### **1-34 Public Concern: The Forest Service should acknowledge that the Memorandum of Understanding between the State of Colorado and the USDA is invalid.**

[ATT1]Effective January 8, 2008, the State of Colorado and the USDA entered into a Memorandum of Understanding (the “MOU”), which provides that the Federal lands within Colorado will be managed consistent with the 2001 Roadless Rule. The 2001 Roadless Rule has been invalidated and enjoined from enforcement within Colorado. The MOU seeks to enforce within Colorado a forest management plan that has been determined to be illegal. The MOU, as it relates to the 2001 Roadless Rule, is invalid. The 2001 Roadless Rule cannot be enforced in Colorado despite what the MOU would propose. (Mining Industry/Association, Denver, CO - #832.23.20100.100)

## **Specific Rule Requests**

### **1-35 Public Concern: The Forest Service should revise the language related to modifications and administrative corrections to boundaries.**

#### **TO INCREASE CLARITY**

Proposed rule section 294.47—modifications to CRA boundaries:

The Proposed Rule, Section 294.47, allows for modifications and administrative corrections to the maps of the CRAs. That is good policy. Errors in roadless boundaries may be identified, such as the apparent error in a Colorado Roadless Area identified at Durango Mountain Resort. CSCUSA [Colorado Ski Country USA, Inc.] supports the Forest Service’s proposal to allow for modification to CRAs based on changed circumstances with public notice and a 90-day comment period, and for administrative correction to boundaries to correct errors with public notice and a 30-day comment period. See 76 Fed. Reg. at 21,292. The Forest Service could clarify that language of the proposed rule, because it is unintentionally awkward. The second sentence of Section 294.47(b) of the proposed rule states:

“Administrative corrections to the maps of any designated Colorado Roadless Areas identified in [section] 294.49 are adjustments to remedy errors such as clerical, topographical, or improvements in mapping technology.”

76 Fed. Reg. at 21,292. That sentence is appropriate, but it is poorly worded. CSCUSA recommends that the Forest Service reword it to better state the intent.

CSCUSA recommends that the Forest Service reword the second sentence of Section 294.47(b) of the Proposed Rule to read:

“Administrative corrections to the maps of any designated Colorado Roadless Areas identified in [section] 294.49 are adjustments to remedy clerical, typographical, or other errors, or to incorporate improvements in mapping technology.” (Business, Denver, CO - #614.9.21200.620)

### **1-36 Public Concern: The Forest Service should reconsider designating the Regional Forester as the responsible official.**

#### **BECAUSE PLACING DECISION-MAKING AT THAT LEVEL IS UNNECESSARY AND BURDENSOME**

SAF [Society of American Foresters] recommends that the Forest Service reconsider having the Regional Forester designated as the “Responsible Official” for decisions under this proposed rule. While understandably required for activities in congressionally designated Wilderness Areas, requiring approval at that high a level in the Forest Service for activities in Agency-designated CRAs is unnecessary and excessively burdensome. SAF recommends that the Responsible Official be the Forest Service employee with the normal authority to make authorizations and other decisions in these areas (usually a District Ranger or Forest Supervisor). These officials already have responsibilities to ensure that the activities they approve meet the myriad of existing regulatory requirements, and SAF believes that these forestry professionals possess the competencies necessary to implement the proposed rule. (Timber or Wood Products Industry or Association, Bethesda, MD - #748.11.42000.160)

### **1-37 Public Concern: The Forest Service should modify the language in sections 294.42 and 294.43 relating to the Regional Forester.**

#### **TO ENSURE THAT DECISION-MAKING AUTHORITY IS APPROPRIATELY DELEGATED**

Eliminating Regional Forester Determinations in Non-Upper Tier Acres:

If the Forest Service line officer has the authority and responsibility to make decisions about protection and management of Colorado Roadless Areas for activities in non-upper tier areas, then it is not necessary for the Regional Forester to make special determinations for activities specifically related to at-risk communities and municipal water supply systems. The other activities, such as maintaining ecosystems, improving habitats for special-status species, and developing oil and gas leases and coal mine leases, are all allowed with only the determination of the “Responsible Official” that the activity is consistent with the applicable land management plan. Activities related to maintaining forest health and protecting water supplies are as important, if not more important, and should not be held to a higher standard.

In [section] 294.42(c), we [Denver Water] recommend modifying the text as follows (additions shown in red, bold type):

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

(2) [delete]The Regional Forester determines[delete] Tree-cutting, sale, or removal is needed outside the community protection zone where there is a significant risk that a wildland fire disturbance event could adversely affect a municipal water supply system or the maintenance of that system. A significant risk exists where the [delete] history of fire occurrence, [delete] current forest conditions and fire hazard and risk indicate a serious likelihood that a wildland fire disturbance event would present a high risk of threat to a municipal water supply system. (Utility Group, Denver, CO - #672.6.46120.160)

### **1-38 Public Concern: The Forest Service should modify the Rule to require coordination with the Colorado Division of Wildlife.**

#### **TO PROVIDE CERTAINTY THAT FISH AND WILDLIFE EFFECTS ARE DULY CONSIDERED**

[ATT1]“Sportsmen’s Solutions” for the Proposed Colorado Roadless Rule:

Problem 7: High-quality fish and wildlife habitat not assured after timber cutting

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

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

Rationale: Colorado Roadless Areas provide world-class fish and wildlife habitat and it is important that those values are maintained and enhanced over the long term. Requiring coordination with the Colorado Division of Wildlife will provide additional certainty that fish and wildlife receive due consideration in the planning and implementation of timber-cutting projects. (Recreation/Conservation Organization - #539.8.42000.030)

### **1-39 Public Concern: The Forest Service should clarify the differences between upper tier and standard tier areas.**

I found it challenging to understand the differences in protection levels of the upper tier and standard tier from the document as presented in the Federal Register (April 2011). (Ouray County Commissioner, Montrose, CO - #835.3.21000.160)

### **1-40 Public Concern: The Forest Service should clarify the intent of the language in proposed Code of Federal Regulations (CFR) section 294.43(c)(2).**

A phrase at the beginning of proposed 36 CFR [section] 294.43(c)(2) requires clarification. The section begins, “If proposed road construction/reconstruction meets one of the exceptions [referring to a list of 9 exceptions], subject to the legal rights identified in 36 CFR 294.43(c)(1) [referring to one of the 9 exceptions], the following must be determined [by the Responsible Officer]...”

We interpret this to mean that the findings prescribed in [section] 294.43(c)(2) are not applicable when the exception pursuant to which a road construction/reconstruction is proposed is when “a road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty,” the exception identified in (c)(1)(i). Nevertheless, the statement is ambiguous; does the phrase “subject to the legal rights ... “ act as a limitation on the occasions when the Responsible Officer is required to make the determinations (s/he cannot make a determination when the legal rights apply) as we interpret it, or does it act as a limitation on the Responsible Officer’s discretion in making the determinations (s/he cannot make a determination in conflict with the “legal rights” always)?

Sometimes an economy of words is false economy. We recommend the section be clarified. (Clear Creek County, Georgetown, CO - #537.6.21000.680)

### **1-41 Public Concern: The Forest Service should define roadless terms and use them consistently.**

Clarify definitions:

The USFS 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 rule.

The USFS rule also uses the term “roadless value.” However, there is no definition for “roadless values,” and no explanation of how “roadless values” are different from “roadless area characteristics.” [Footnote 1: Section 294.40 and Section 294.41] (Business, Golden, CO - #838.3.21200.160)

### **1-42 Public Concern: The Forest Service should replace the term “roadless area characteristics” with “roadless character.”**

#### **TO BE MORE ACCURATE**

Proposed Rule: [section] 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 [Colorado Timber Industry Association] 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. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.11.21200.621)

### **1-43 Public Concern: The Forest Service should recognize the FLPMA requirement to coordinate with affected counties.**

Proposed Rule: [section] 294.45(b) and [section] 294.47(c): We [Colorado Timber Industry Association] recommend adding a requirement that the Forest Service recognize their responsibilities under FLPMA to coordinate with the commissioners of an affected county. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.17.22000.130)

### **1-44 Public Concern: The Forest Service should modify section 294.40 to limit application of the Rule to Colorado Roadless Areas.**

Proposed Rule: [section] 294.40, Purpose: We [Colorado Timber Industry Association] 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 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 of “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 by...exceptions.” (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.10.21200.160)

#### **1-45 Public Concern: The Forest Service should acknowledge that the Federal Register notice misstates the effects of the Rule on San Juan National Forest gas reserves.**

A technical issue has been identified on page 21,287 of the Federal Register Notice of proposed rulemaking, first column, first paragraph. The statement is made that “natural gas production varies across alternatives for only two National Forests (the Grand Mesa, Gunnison, and Uncompahgre [GMUG] and the White River National Forests).” It should be noted that the San Juan National Forest also has existing natural gas production and potential reserves. As noted on page 21,275 of the proposed rule, a revision in the San Juan National Forest land management plan is underway. At this stage of the plan revision, mineral potential, including existing and projected natural gas production, should be available. It is unclear why this information was not included in the alternatives analysis. It is important that all oil and gas potential from all National Forests in Colorado be included to ensure a more complete analysis of adverse effects is conducted. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.39.21200.421)

#### **1-46 Public Concern: The Forest Service should clarify whether actions inside a CRA will require preparation of an EIS.**

##### **BECAUSE AN EIS MAY NOT BE WARRANTED IN SOME INSTANCES**

Based on language in [section] 294.45(a), we [Western Energy Alliance et al.] are concerned that any proposed actions inside a CRA, even those that would not substantially alter the undeveloped character of the area, will require the preparation of an Environmental Impact Statement (EIS).

In some scenarios, it is likely the USFS will rely on the language of [section] 294.45(a) to require the preparation of an EIS for minor actions needed to execute valid existing lease rights, including the use of LCZs (linear construction zones) for the construction of pipelines, which could be costly and unnecessarily delay projects. The proposed rule makes no mention of the preparation of an Environmental Assessment (EA), which may provide ample environmental analysis needed for the USFS to approve a proposed action. NEPA specifically incorporates the concept of preparation of an EA to determine whether an EIS is required. See 40 C.F.R. [section] 1501.4(b), (c). In order to avoid the preparation of an EIS for every proposed action, we recommend the USFS require the preparation of an EA to determine whether a full-scale EIS is necessary. If, through the EA, the USFS determines that the proposed action would substantially alter the character of a CRA, an EIS could be required. If the EA indicates that no significant impact is likely, the USFS should issue a finding of no significant impact (FONSI) and allow the proposed action to proceed. This approach is consistent with the United States Department of Agriculture’s (USDA) position articulated in response to comments received in connection with the designation of roadless areas in the State of Idaho. There, the USDA noted that “a general prohibition on the use of EAs is not warranted as some proposed actions will not have significant environmental effects and will not harm roadless characteristics. Public response to scoping for a proposed action in [[a roadless area]] will help the responsible USFS official determine the appropriate level of documentation for compliance with NEPA.” See 73 Fed. Reg. 61,456, 61,461 (October 16, 2008). (Oil, Natural Gas, Coal, or Pipeline Industry - #616.24-25.22000.160)

**1-47 Public Concern: The Forest Service should clarify the definition of “substantially alter” and should differentiate between activities provided by regulation from other types of minor actions.**

**TO ENSURE THE APPROPRIATE LEVEL OF ENVIRONMENTAL ANALYSIS IS PERFORMED**

We [Western Energy Alliance, et al.] recommend the USFS revise the language in [section] 294.45(a) to be consistent with the regulations at 36 C.F.R. [section] 220.5(a)(2) which provide examples of “proposals that would substantially alter the undeveloped character of an inventoried roadless area or a potential wilderness area.” The proposed rule should clearly differentiate the examples provided by regulation from other types of minor actions in a CRA, such as use of a LCZ for the construction of pipelines.

Further, the definition of “substantially alter” requires clarification. Construction of a temporary road or wellpad allowed in accordance with the lease term can hardly be construed as a substantial alteration of any area, including a CRA; nor does the use of a LCZ to construct, reconstruct, or maintain a pipeline. A more concise definition of “substantially alter” will help ensure that the appropriate level of environmental analysis is performed prior to approving a proposed action within CRAs. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.26.22000.621)

**1-48 Public Concern: The Forest Service should modify the language of section 294.42(c)(4).**

**AS IT RELATES TO HABITAT DESCRIPTIONS**

Proposed Rule: [Section] 294.42(c)(4): We [Colorado Timber Industry Association] recommend replacing “habitat for Federally threatened, endangered, proposed, or Agency designated sensitive species;” with “wildlife habitat.” (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.15.41300.001)

**1-49 Public Concern: The Forest Service should delete all references to upper tier areas in Section 294.42(b).**

Proposed Rule: [Section] 294.42(b): We [Colorado Timber Industry Association] recommend deleting all references to “Upper Tier Acres”. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.13.66000.001)

**1-50 Public Concern: The Forest Service should delete all references to upper tier areas in Section 294.43(b).**

Proposed Rule: [Section] 294.43(b): We [Colorado Timber Industry Association] recommend deleting all references to “Upper Tier Acres”. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.16.66000.001)

## **Consistency with Other Laws and Policies**

**1-51 Public Concern: The Forest Service should acknowledge that the Colorado Roadless Rule conflicts with Travel Management Plans.**

Travel Management Plans have conflicting overlaps with the Colorado Roadless Rule. (Individual, Yellow Jacket, CO - #584.7.22000.160)

**1-52 Public Concern: The Forest Service should ensure that the proposed rule does not conflict with the Healthy Forest Restoration Act.**

The Colorado Roadless Rule is in conflict with the Healthy Forest Restoration Act (HFRA) passed in 2003. In the HFRA, Congress directed communities to prepare a Community Wildfire Protection Plan (CWPP). This CWPP provides wildfire hazard and risk assessments and mitigation recommendations for



the Empire communities and associated watershed in Clear Creek County. The Colorado Roadless Rule did not consider the HFRA or CWPP. (Town of Empire, Empire, CO - #585.3.22000.263)

### **1-53 Public Concern: The Forest Service should acknowledge that the Rule conflicts with NFMA, MUSYA, Executive Orders, and other Federal, state and local laws.**

The Colorado Roadless Rule is in conflict with and represents a failure to follow Federal and state law as published as NFMA [National Forest Management Act], MUSYA [Multiple Use Sustained Yield Act], executive orders, and other Federal, state and local laws. (Individual, Dolores, CO - #655.1.22000.100)

### **1-54 Public Concern: The Forest Service should ensure that the Rule complies with MUSYA.**

#### **TO ENSURE THAT THE USE OF CRAS FOR PROVIDING MUNICIPAL WATER SUPPLIES IS NOT ILLEGALLY LIMITED**

Colorado Springs Utilities is concerned that the proposed rule violates the Multiple Use Sustained Yield Act (16 U.S.C. [section] 528 et seq.) (“MUYSA”) by substantially limiting Colorado Springs Utilities’ ability to use the Colorado Roadless Areas to provide water supplies to its customers. MUYSA provides that “it is the policy of Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.” 16 U.S.C. [section] 528. MUYSA further provides that “the Secretary of Agriculture and is authorized and directed to develop and administer the renewable resources of the National Forests for multiple use and sustained yield of the several products and services obtained therefrom.” 16 U.S.C. [section] 529. The Proposed Rule restricts the uses of Forest Service land contained in Colorado Roadless Areas. Specifically, the proposed rule restricts the use of Colorado Roadless Areas to provide water supplies to the citizens of the State of Colorado by prohibiting the construction of roads for the construction, reconstruction, or maintenance of water supply infrastructure in upper tier areas and restricting the construction of such roads in non-upper tier areas. The proposed rule either prohibits or unnecessarily restricts timber activities that may be necessary to promote watershed health. Such prohibitions and restrictions appear to violate the MUYSA and prevent the proposed rule from being implemented. (Utility Group, Colorado Springs, CO - #701.17.22000.134)

### **1-55 Public Concern: The Forest Service should ensure that the Rule is consistent with existing forest plans.**

#### **TO COMPLY WITH NFMA (16 USC SECTION 1604)**

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

The Proposed Rule is an “instrument for the use and occupancy of National Forest System lands” that is subject to 16 U.S.C. [section] 1604(i) because it governs the conditions under which roads can be constructed and timber-related activities can be conducted in Colorado Roadless Areas. The proposed rule dictates a one-size-fits-all policy that requires that each acre of proposed roadless areas in Colorado remain largely roadless and free of timber-related activities without consideration of forest health and other public needs, such as the provision of water supply. Colorado Springs Utilities is concerned that the general prohibition or restriction of road construction and timber activities in Colorado Roadless Areas may be inconsistent with the relevant forest plans in Colorado as it may prohibit or restrict these activities where they were allowed under a forest plan. If such inconsistency exists, the Colorado Roadless Rule violates 16 U.S.C. [section] 1604(i) and should not be implemented unless the Forest

Service prepares the necessary forest plan amendment with the required NEPA analysis. (Utility Group, Colorado Springs, CO - #701.16.22000.133)

## EIS and Alternatives

### Alternative 1: The 2001 Roadless Rule

#### 1-56 Public Concern: The Forest Service should implement the 2001 Roadless Rule.

##### **BECAUSE IT ALREADY PROVIDES SUFFICIENT EXCEPTIONS FOR FIRE FIGHTING, PRE-EXISTING RIGHTS, AND COAL MINING**

I support the 2001 Roadless Rule for all of America's National Forests, including every eligible acre in Colorado. I urge you to withdraw the current proposal to strip Colorado's roadless areas of their protection.

Notably, the Roadless Rule already has exceptions for important fire protection work and access for pre-existing rights, and permits coal mines to pursue activities within their current lease areas. These balanced provisions were developed over years of scientific and public scrutiny and debate. They were resolved in the 2001 Roadless Rule and should be the guiding policy for Colorado's roadless areas.

I ask in the strongest possible terms that you retain the protections of the 2001 Roadless Rule for Colorado's National Forests. (Individual, Elizabeth, CO - #410.1.33300.002)

##### **BECAUSE THE 2001 RULE IS SUFFICIENTLY FLEXIBLE**

The 2001 Roadless Rule is already flexible enough where it needs to be. Changing the 2001 Rule provisions threatens to weaken and thus void the intended protection of these critical lands. (Individual, Denver, CO - #530.10.33300.200)

##### **BECAUSE COLORADO SHOULD NOT BE EXCLUDED FROM THE PROTECTIONS OF THE ROADLESS RULE**

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. This is well and proper, and should apply to the entire nation. It should not be excluded from individual states. (Individual, Minneapolis, MN - #348.4.33300.120)

##### **BECAUSE THE PROPOSED RULE IS INSUFFICIENTLY PROTECTIVE**

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.

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. (Individual, San Diego, CA - #219.1.40000.002)

##### **BECAUSE IT PROMOTES NATIONALLY CONSISTENT MANAGEMENT OF NATIONAL FOREST LANDS**

While we [Forest Service Employees for Environmental Ethics (FSEEE)] recognize the inherent differences between all National Forests, FSEEE strongly opposes the piecemeal application of Federal regulations across the National Forest System. While the citizens and state government of Colorado have a vested interest in the National Forests and roadless areas within their boundaries, it is of utmost importance that the Forest Service manage Federal lands in a consistent manner that serves the interests of the people of the United States, not merely those who are geographically local. The management of roadless areas on national forest lands should be consistent. Necessary consistency can only be accomplished through the national scope and application of the 2001 Roadless Area Conservation Rule.

FSEEE supports Alternative 1 of the Revised Draft Environmental Impact Statement (RDEIS) for the rulemaking for Colorado Roadless Areas.

A fractured, piecemeal approach to management of these areas cannot protect the roadless values that the American public supports or that are needed to maintain the last vestiges of un-fragmented ecosystems in this nation. (Government Employee/Union, Eugene, OR - #831.2.33300.063)

### **1-57 Public Concern: The Forest Service should reconsider Alternative 1.**

#### **TO AVOID A “ONE-SIZE-FITS-ALL” APPROACH TO MANAGING COLORADO’S ROADLESS AREAS**

Alternative 1 would establish a state-specific roadless rule that mirrors that of the 2001 National Roadless Rule.

We [Blue Ribbon Coalition] oppose this alternative because it lacks sufficient flexibility to actively restore IRAs [Inventoried Roadless areas] to a more natural ecosystem. The 2001 Rule was roundly criticized for its “top down” or “one size fits all” approach. This is one of the key reasons the state-specific process was initiated. The problem with Alternative 1 is similar in that it demands a “one size fits all” approach to Colorado’s highly diverse roadless landscapes. We believe a more flexible approach is necessary. (Motorized Recreation, Pocatello, ID - #592.2.33300.330)

### **1-58 Public Concern: The Forest Service should ensure that the final rule is at least as protective as the 2001 Roadless Rule.**

#### **TO PRESERVE HIGH-QUALITY HUNTING AND FISHING OPPORTUNITIES IN COLORADO**

Our collective organizations [Backcountry Hunters & Anglers et al.] represent tens of thousands of sportsmen across Colorado and hundreds of thousands of sportsmen across America. We are working together to help create a Colorado Roadless Rule that benefits fish, wildlife and our sporting traditions. We believe that shortfalls remain in the recently proposed Colorado Roadless Rule and offer the accompanying “Sportsmen’s Solutions” [see ATT1] to broker a successful conclusion to this rulemaking process and the lands and people it will affect.

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

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

Fortunately, we have an opportunity to fix the Colorado rule and ensure the responsible management of these valuable backcountry lands. To that end, we ask that you adopt the “Sportsmen’s Solutions” to resolve problems with the regulatory language in the proposed rule. (Recreation/Conservation Organization, Denver, CO - #539.1.33300.560)

### **1-59 Public Concern: The Forest Service should expand upper tier protections and give priority to maintaining roadless characteristics.**

#### **TO ENSURE THE FINAL RULE IS AT LEAST AS PROTECTIVE AS THE 2001 ROADLESS RULE**

As someone who is concerned with safeguarding Colorado’s roadless areas, I support the protections laid out in the National Roadless Rule and do not support managing Colorado’s National Forests to a lower standard.

To ensure that the Colorado rule is at least as protective as the landmark national-level tool, a final state rule needs to expand and strengthen the ‘upper tier’ protections and give priority to maintaining and

enhancing roadless characteristics in all of the state's Inventoried Roadless Areas. (Individual, Golden, CO - #582.1.33300.621)

## Alternative 2: The Proposed Rule

### 1-60 Public Concern: The Forest Service should select Alternative 2.

#### **BECAUSE IT INCLUDES A REDUCTION IN ROADLESS AREAS**

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. (Individual, Colorado Springs, CO - #190.1.33400.620)

#### **BECAUSE IT ACKNOWLEDGES THE ACTIVITIES THAT TAKE PLACE IN ROADLESS AREAS**

GEC [Gunnison Energy Corporation] 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. (Business, Denver, CO - #458.2.33400.002)

#### **BECAUSE IT ALLOWS FOR MOTORIZED RECREATION**

I am concerned about the proposed Colorado Roadless Rule decisions. The only alternative that seems somewhat reasonable would be Alternative 2. I am totally opposed to Alternative 4. I support the continued management of dispersed motorized recreation in the roadless areas. (Individual, Palisade, CO - #239.1.33400.530)

#### **BECAUSE IT IS CONSISTENT WITH MULTIPLE-USE MANAGEMENT AND REDUCES THE NUMBER OF ROADLESS AREAS**

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. (Individual, Delta, CO - #465.1.33400.134)

#### **BECAUSE IT IS WELL CRAFTED AND IS TAILORED TO COLORADO'S NEEDS**

CSCUSA [Colorado Ski Country USA, Inc.] supports the proposed rule, Alternative 2, and urges the Forest Service to adopt it in final form. The proposed rule is the product of an extraordinary public process and tens of thousands of hours of individual and collective work. The revised Draft EIS shows substantial improvement from the already good draft environmental impact statement that the Forest Service released in 2008. The proposed rule is tailored to Colorado interests and will provide long-term benefits. The Forest Service should be proud of the proposed rule. It will provide meaningful protection and conservation for 4.186 million acres of Colorado Roadless Areas in a manner that reflects local, state, and national input, and that accommodates unique Colorado interests. (Business, Denver, CO - #614.1.33400.002)

#### **BECAUSE IT IS GOOD POLICY AND WILL PROTECT NATURAL RESOURCES**

CBMR [Crested Butte Mountain Resort] strongly supports the Colorado Roadless Rule, which is Alternative 2 in the Draft EIS. CBMR urges the Forest Service to adopt it in final form after preparing a final environmental impact statement.

The Colorado Roadless Rule is good policy for National Forest System lands in Colorado. It will conserve approximately 4.186 million acres of Colorado roadless areas and protect important natural resources such as clean water, wildlife habitat, diversity of plant and animal species, and open spaces. (Special Use Permittee, Crested Butte, CO - #525.1.33400.200)

#### **TO PROVIDE CERTAINTY AND ELIMINATE CONFUSION ABOUT ROADLESS AND SKI AREAS**

The Forest Service should adopt the proposed rule because it will provide certainty and eliminate confusion about roadless areas and ski areas:

Forest Service roadless area regulation has been a source of confusion and controversy for the Forest Service and its ski area partners. One source of controversy is the ongoing litigation and uncertainty associated with the 2001 Roadless Rule. The Forest Service will provide significant certainty for roadless area regulation in Colorado if it finalizes the proposed rule so that Inventoried Roadless Area regulation in Colorado is no longer tethered to the fate of the 2001 Roadless Rule. (Business, Denver, CO - #614.3.33400.141)

#### **BECAUSE IT REFLECTS SOUND SCIENCE AND IS THE RESULT OF A REASONABLE ADMINISTRATIVE PROCESS**

The proposed Rule and RDEIS will have a profound impact on those areas of concern to the interests represented by CWAC [Colorado Wildlife Advisory Council]. As such, CWAC offers the following comments and recommendations on behalf of its representatives. Specifically, CWAC supports Alternative 2 without any upper tier acres (i.e., the 2008 Colorado Roadless Rule) [Footnote 1: Unfortunately, there is no alternative that reflects a Colorado Rule similar to Alternative 2 (the “preferred” alternative), but without upper tier acres. While the U.S. Forest Service has no responsibility to provide every conceivable alternative, the failure to provide such an alternative, as recommended here, is a failure by the U.S. Forest Service to meet the standard of a broad range of alternatives.] over Alternative 3, as Alternative 2 (without upper tier acres) was the result of not only sound science and common sense (including objective foresight), but also a strong public process—all of which Alternative 4 conspicuously lacks. CWAC does not support either Alternatives 1 (the original 2001 Roadless Rule) or 4.

Alternative 2 [Footnote 2: The 2010 Colorado Petition identified 257,000 upper tier acres. The Department of Agriculture increased this to 562,200. In fact, the upper tier category appeared for the first time in a proposed rule and outside the original bipartisan task force recommendations and the 2008 Colorado Roadless Rule.] was generally the result of the efforts of a 13-member bipartisan task force (which was created under the authority by Colorado Senate Bill 05-243), analysis of the current science, a lengthy public process, and coordination with the U.S. Forest Service.

This alternative (without the upper tier acres) embodies a sound administrative process (as required by the Administrative Procedures Act of 1946, 5 U.S.C. [section] 551 et seq.) and a scientifically, and objectively defensible, compromise between the involved agencies, the public, and various special interests, which should be respected.

Conversely, Alternative 4, which proposes 2,614,200 upper tier acres (approx. 62 percent), represents merely the personal wishes of a few special interest organizations that represent only a token number of forest users in Colorado. That the 2008 and 2010 Colorado Roadless Rules already adequately addressed, and included, many of the interests of these organizations is evident by the language of some of the “Key Elements” of the Colorado Roadless Rule, which is discussed *infra*. Further, the extreme expansion of the upper tier acres actually undermines many of these organizations’ other published objectives, demonstrating that Alternative 4 lacks not only a public process and valid scientific analysis, but also lacks objective foresight. (Recreation/Conservation Organization, Berthoud, CO - #836.1-2.33400.010)

#### **BECAUSE IT INCLUDES FEWER UPPER TIER AREAS THAN ALTERNATIVE 4**

I am writing to voice my support of the proposed reduction in acres included in Alternative 2 and my adamant opposition to Alternative 4 and the theory of upper tier. I also oppose any increase in included acreage in the Pike/San Isabel and San Juan Forests. (Individual, Manitou Springs, CO - #745.1.33400.620)

### **1-61 Public Concern: The Forest Service should modify Alternative 2.**

#### **TO ELIMINATE UPPER TIER AREAS**

I am in favor of a modified Alternative 2. I am absolutely against designating any areas as “upper tier” in Alternative 2. (Individual, Austin, CO - #175.1.33400.620)

While Oxbow Mining, LLC 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. (Oil, Natural Gas, Coal, or Pipeline Industry, Somerset, CO - #456.3.33430.422)

**TO INCLUDE MORE UPPER TIER AREAS**

I support Alternative 2 of the Colorado Roadless Rule. I would prefer to see more acreage included, as in Alternative #4. However, I believe the Forest Service is striking a balance of interest groups with Alternative #2, which therefore has my support. (Individual, Durango, CO - #238.1.33400.050)

**TO BRING THE LEGAL CONTROVERSY TO A CLOSE**

We [NFRRIA-WSERC Conservation Center and Western Colorado Congress] hope that the years of often embittered controversy over the management of our USFS roadless areas will draw to a close with the implementation of this new rule. To that end, we have chosen to recommend changes to the USFS's proposed rule rather than ask that Colorado's roadless forests continue to be managed under the same rules as the rest of the nation's roadless areas. Many of our members would prefer to see these areas continue to be managed under the 2001 Rule but our desire to work with the GMUG [Grand Mesa, Uncompahgre and Gunnison National Forests] to allow active protective management led us to support a Colorado plan. (Civic Group, Grand Junction, CO - #615.2.33400.010)

**TO RECOGNIZE LOCAL ORDINANCES AND ADJUST BOUNDARIES ACCORDINGLY**

The proposed rule should be revised to recognize local ordinances and adjust the boundaries accordingly, to reflect the management jurisdictions of the local communities. (Town of Empire, Empire, CO - #585.6.33400.190)

**BECAUSE IT IS SUPERIOR TO THE 2001 ROADLESS RULE**

For rulemaking, we [Colorado Timber Industry Association] support Alternative 2, the proposed Colorado Roadless Rule, with modifications, not because we like the process or the result, but because it's a better alternative than the 2001 RACR [Roadless Area Conservation Rule], a top-down rule that was hastily and sloppily analyzed and implemented. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.9.33400.160)

**1-62 Public Concern: The Forest Service should select an alternative that combines Alternatives 2 and 3.**

**TO ALLOW INDIVIDUAL FORESTS TO MANAGE ROADLESS AREAS AS THEY SEE FIT**

Because Alternatives 1, 2, and 4 dictate restrictions across the board in CO [Colorado] forests and are not able to manage each forest in accordance with the resources of that forest, I believe that a morphed Alternative 2 and 3 that allows each forest in GMUG [Grand Mesa, Uncompahgre and Gunnison] to establish and manage roadless areas as applicable to each forest. (Individual - #189.4.33000.162)

**1-63 Public Concern: The Forest Service should reject the proposed rule.**

**BECAUSE IT INAPPROPRIATELY ENACTS INTERNATIONAL MANDATES AND WOULD RESTRICT THE RIGHTS OF CITIZENS**

The Colorado Roadless Rule is fatally flawed and in error, and impacts implementing the rule will cause irreparable harm to the State of Colorado and will negatively impact citizens in every community. In 2005, the State of Colorado opposed the Forest Service Roadless Rule (Rule). The Rule is 'top down agendas, conventions, programs and plans' being forced upon the people of Colorado by the United Nations through the International Union for Conservation of Nature (IUCN), United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP), by the World Conservation Congress and World Parks Commission through the use of international agencies. The

Rule is implementing Sustainable Development at a regional scale to further Agenda 21 at a local level as mandated by the Rio Summit 2000 and found in the Seville Strategy. The Rule forces the closure of roads in remote communities where populations are spread out over areas and these populations rely upon these roads that connect to other roads used for access to resources, infrastructure, wildfire fighting and liberty to travel, hunt and rights assured as constitutional freedoms enjoyed by citizens. The Rule compromises freedoms enjoyed by citizens and who will suffer irreparable harm from such forced restrictions. (Individual - #181.1.33400.120)

#### **BECAUSE IT DOES NOT ADEQUATELY ADDRESS THE SAFETY AND ECONOMIC WELL-BEING OF THE STATE'S CITIZENS**

The debate concerning a state-specific roadless rule for Colorado has continued for the past six years. During this time, conditions within the nation's forests, economy and regulatory structure have changed significantly. In fact, the nature of the roadless debate at the national level has been dramatically altered as a result of ongoing litigation and judicial decisions which are still under appeal. Given these changes and the uncertainty of the 2001 Roadless Rule, it is our [County Commissioners for Montrose County, Colorado] belief that the proposed Colorado Roadless Rule does not adequately address the safety or economic well-being of the citizens of Montrose County and the State of Colorado. (Montrose County Board of Commissioners, Montrose, CO - #621.1.33400.002)

#### **IN FAVOR OF THE 2008 PROPOSED COLORADO ROADLESS RULE**

We [Blue Ribbon Coalition] strongly oppose Alternative 2 because it represents the worst in "special interest meddling" into public lands management.

Politically connected conservation groups were not happy with the results of the Roadless Area Task Force and managed to convince a new governor and political appointees in the Colorado Department of Natural Resources to change the Task Force recommendations.

We strongly opposed making any changes to the original Task Force recommendations. As public lands issues are controversial and affect a very wide range of citizens, businesses and governments, locally generated solutions to controversial public land management issues are rare and must be defended at all costs.

The Colorado Roadless Task Force was a model of how such compromises can be forged. The original recommendation allows for flexibility in managing forests while protecting important wildlife habitat and prized recreation landscapes.

The Colorado Roadless Task Force spent over a year taking input from all kinds of people and organizations interested in how roadless areas are managed. Information regarding devastating wildfire, insect outbreak and concerns over the local economy was considered alongside concerns about protecting the lands.

Indeed, although we were not 100 percent happy with all of the original Task Force recommendations, we were still committed to defending its results. From our perspective, whenever a locally generated compromise can be reached, it is vital for all parties involved to keep to their commitments.

We therefore strongly oppose Alternative 2. (Motorized Recreation, Pocatello, ID - #592.3.33400.050)

#### **BECAUSE MONTEZUMA AND DOLORES COUNTIES WERE NOT INCLUDED AS MANDATED BY LAW**

The Colorado Roadless Rule should be withdrawn in its entirety. Montezuma and Dolores Counties have not been included in the coordination process with the Forest Service as mandated by law. This proposal violates local, state, and Federal laws. (Individual, Cortez, CO - #586.1.33400.100)

#### **BECAUSE IT WOULD RESTRICT ACCESS FOR EMERGENCY MEDICAL SERVICES AND FIRE FIGHTING**

The Colorado Roadless Rule should be withdrawn in its entirety. The rule would restrict access for EMS [Emergency Medical Services] and fire. (Individual, Cortez, CO - #586.6.33400.790)

#### **BECAUSE IT WILL RESULT IN GREATER ENVIRONMENTAL DAMAGE THAN THE 2001 RULE**

The comparison of alternatives by environmental consequences shows that the proposed Alternative 2 will result in greater environmental damage, and we [Forest Service Employees for Environmental Ethics] urge the Forest Service to reconsider their decision in light of this determination.

The Forest Service's analysis of environmental consequences shows that the proposed action will result in greater risk of environmental consequences than expected under the provisions of the 2001 Roadless Rule, particularly in the areas of aquatic species and habitat, developed ski areas, scenic quality, terrestrial species and habitat, recreation settings, invasive plants, and cultural resources. We applaud the Forest Service for disclosing these risks, but implore the Agency to consider utilizing the provisions of the 2001 Roadless Rule to meet the purpose and need for action and the values that the American people, not just citizens of the state of Colorado, associate with roadless areas. (Government Employee/Union, Eugene, OR - #831.9.33400.002)

#### **BECAUSE IT IS LESS PROTECTIVE THAN THE 2001 RULE**

If the Forest Service insists on continuing the process to promulgate roadless regulations for the state of Colorado, then we [Forest Service Employees for Environmental Ethics] do not support the proposed Alternative 2. We applaud the Forest Service's desire to create a roadless area plan that contains acres with roadless characteristics that are not included in Inventoried Roadless Areas (IRAs) and to exclude those forest acres that have been identified in IRAs, but which are substantially altered so as to lack roadless characteristics. However, the application of upper tier status to only 562,200 acres (13.4 percent) of the total 4,186,000 roadless acres proposed utterly fails to provide true roadless protection for Colorado's roadless areas. Exceptions for temporary and forest road-building and coal development on the remaining, non-upper tier lands, provides a level of protection and management of roadless characteristics and values far below that provided by Alternative 1, the provisions of the 2001 Roadless Rule. FSEEE [Forest Service Employees for Environmental Ethics] favors Alternative 4 (Colorado Roadless Rule with Public Proposed Upper Tier) over that of the Service's proposed action (Alternative 2) (but not over Alternative 1), as this alternative limits the acres on which road-building and development exemptions apply. However, we note again our dissatisfaction of the many exemptions for road building, development, and resource extraction that are still found in Alternative 4. (Government Employee/Union, Eugene, OR - #831.3.33400.621)

### **1-64 Public Concern: The Forest Service should eliminate loopholes that threaten native fish species.**

Eliminate loopholes that threaten native fish. The current proposed rule contains loopholes that allow destruction of native cutthroat trout habitat. Protect cutthroat habitat and require that any projects in roadless areas refrain from altering, damaging, or destroying cutthroat trout populations. (Individual, Castle Rock, CO - #543.5.33400.355)

### ***Tree-Cutting Exceptions***

### **1-65 Public Concern: The Forest Service should allow Forest Supervisors to make tree-cutting decisions.**

We [Delta Timber] recommend that Forest Supervisors should be the Responsible Official. Elevating determinations under this section tree cutting to the Regional Forester is not necessary. (Timber or Wood Products Industry or Association, Delta, CO - #623.9.33410.023)

#### **BECAUSE THE FOREST SUPERVISOR IS BEST EQUIPED TO MAKE THE DECISIONS**

The DEIS elevates the two tree-cutting exceptions to a determination by the Regional Forester. DEIS at 14, 15. Elevating this decision to the Regional Forester removes a management decision that is to be based on local conditions and impacts from Forest Service personnel best informed to make the decision, to an administrator far away from the field. Such a centralized bureaucratic management model is not in the best interest of the public, the National Forests or the Forest Service.

To provide the greatest opportunities for improving the health of the CRAs, local Forest Service managers must retain authority for determining appropriate management and protection instead of elevating such decisions to the Regional Forester. (Business - #674.7.33410.260)



**1-66 Public Concern: The Forest Service should ensure that tree cutting will be permitted for fire suppression, emergencies, and public safety.****AND THAT DECISIONS WILL BE PROMPT AND NOT DELAY NEEDED ACTION**

Given the heightened potential for catastrophic fires in Colorado's National Forests, we [Delta Timber] 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 request that you document that determination in the Record of Decision. (Timber or Wood Products Industry or Association, Delta, CO - #623.8.33410.264)

Proposed Rule: [section] 294.42: Given the heightened potential for catastrophic fires in Colorado's National Forests, we [Colorado Timber Industry Association] 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. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.12.43100.261)

**1-67 Public Concern: The Forest Service should modify the tree-cutting exceptions.****TO ENSURE THEY DO NOT ADVERSELY AFFECT ROADLESS AREA CHARACTERISTICS AND FISH AND WILDLIFE HABITAT**

TRCP [Theodore Roosevelt Conservation Partnership] and many of our partners also want to ensure the long-term conservation of our National Forest roadless areas and want to ensure that the rule's timber cutting exceptions are used in ways that do not negatively impact roadless area characteristics and fish and wildlife habitat. We recommend that language be included in the final rule specifying that at [section] 294.42(c)(1) through (4) and 294.42(b), "more than one roadless area characteristic will be maintained or improved" and these projects will be developed in "coordination with the Colorado Division of Wildlife." (Recreation/Conservation Organization, Missoula, MT - #673.11.40000.261)

**TO ALLOW TREE CUTTING AND REMOVAL AS PART OF A POST-FIRE RESTORATION PROJECT**

[section] 294.42(c)(2): We recommend adding language that would allow tree cutting, sale, or removal as part of a post-fire restoration project. (Business, Crawford, CO - #719.3.43100.265)

Proposed Rule: [section] 294.42(c)(2): We [Colorado Timber Industry Association] 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. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.14.43130.001)

**BECAUSE THEY ARE OVERLY BROAD AND ALLOW MORE TREE CUTTING THAN IS NEEDED**

The proposed rule provides overly broad exceptions to the prohibition on logging.

The exceptions to the prohibitions on logging in roadless areas are described at 36 CFR 294.42. In non-upper tier areas, exceptions would allow logging in the "community protection zone" (CPZ), which extends up to 1.5 miles from at-risk communities. 294.42(c)(1), 294.41. Approximately 25 percent of the total roadless acreage is within 1.5 miles of at-risk communities. RDEIS at 108. In other words, one-fourth of Colorado's National Forest roadless acreage would be at risk from logging under this provision. On the Arapaho-Roosevelt, Pike-San Isabel, and White River National Forests, 35 percent or more of the roadless acreage is within this 1.5 mile zone and would thus be at risk. Id. Given the very loose definition of "at-risk community", this is not especially surprising. [Footnote 2: The definition of this term in the proposed rule (294.41) is tied to the definition in the Healthy Forest Restoration Act

(HFRA, 16 U.S.C. 6511 (1)). HFRA, in turn, refers to the Federal Register notice of January 4, 2001 (66 Fed Reg 751 et seq.), containing definitions and a list of at-risk communities. Note that at-risk communities include “interface” communities, which can have as few as 3 structures per acre; and “intermix” communities, which can have as few as one structure per 40 acres. *Id.* at 753. The list of at-risk communities in Colorado in this notice is so broad that the lead author of these comments, who has traveled extensively in the portions of Colorado with National Forest land over the last 30 years, has never heard of a majority of them.]

This is considerably more than is needed to protect communities from wildfire. Cohen, 1999 and 2000, showed through experiments that no structure, even one made entirely of wood, will ignite from even a very hot fire at a distance greater than about 30 meters. [Cohen, Jack D., 1999. Reducing the Wildland Fire Threat to Homes: Where and How Much? USDA Forest Service, General Technical Report PSW-GTR-173.] [Cohen, Jack D., 2000. What is the Wildland Fire Threat to Homes? Paper Presented at Northern Arizona University, Flagstaff, Arizona, on April 10, 2000.] (This is the “home ignition zone”—HIZ). For safety, cutting for some beyond the HIZ might be desirable, even where such activity entered a roadless area. However, we [Rocky Mountain Wild et al.] do not see how cutting 1.5 miles away from structures at risk would ever be necessary.

It is argued that removing fuels over a long distance from areas at risk, such as that proposed in the Draft Colorado Rule, is necessary to prevent ignitions from burning embers, which break off from crown fires and start new fires (known as “spot” fires). See RDEIS at 103. Such embers can fly a considerable distance; thus, to fully protect structures from spot fires, all trees would have to be removed from large areas around every structure. That would cause unacceptable impacts to wildlife, watershed, scenery, etc., and would also not be practical economically or logistically. Even if it could be accomplished in an environmentally and economically acceptable manner, cutting 1.5 miles from structures at risk would provide at best only a minor level of additional protection, compared to treatment in the HIZ.

As Cohen notes, the best protection for structures is treatment on and immediately adjacent to the structures, such as firewise measures, including a non-flammable structure, no vegetation adjacent to or overhanging any structures, and locating firewood piles some distance away from structures. Stated another way, whether a structure ignites is much more dependent on the flammability of the structure itself and its immediate surroundings, not on what fuel exists more than 30 meters away. If a structure has well-maintained defensible space around it, burning embers landing on the structure or surrounding land will not have anything to burn. (Preservation/Conservation, Carbondale, CO - #591.8-10.33410.260)

## **1-68 Public Concern: The Forest Service should narrow the tree-cutting exception for ecosystem maintenance.**

### **BECAUSE THE CURRENT LANGUAGE COULD ALLOW ALMOST UNLIMITED TIMBER HARVEST**

Another exception to the prohibition on logging is potentially broad: “Tree-cutting, sale, or removal is needed to maintain or restore the characteristics of ecosystem composition, structure and processes. These projects are expected to be infrequent.” 294.42(c)(3).

This appears similar to a provision in the 2001 Rule, under which infrequent logging of generally small-diameter trees is allowed: “to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period.” 36 CFR 294.13(b)(1)(ii) (2001);

Note that this exception to the prohibition on logging is much more qualified in the 2001 Rule than in the proposed Colorado Rule. Under the former, its use is limited to roadless areas where ecosystems are outside the range of natural variability or could move there without treatment, especially due to unnatural proliferation of small trees: “The intent of the rule is to limit the cutting, sale, or removal of timber to those areas that have become overgrown with smaller diameter trees.” Preamble to 2001 Rule, 66 Fed Reg 3257, January 12, 2001;

This condition exists in part of the ponderosa pine type on the northern Front Range of Colorado, some of which is in roadless areas. We [Rocky Mountain Wild et al.] do not oppose responsible use of this provision to restore the natural composition and structure of these forests. However, under the proposed

Colorado Rule, logging under this provision is not limited to situations such as this where its implementation may be desirable.

The vague language of section 294.42(c)(3) could be interpreted to allow almost unlimited logging. Indeed, though it is not specified in the proposed rule itself, “Included in this exception is the ability to treat insect and disease outbreaks to maintain and restore characteristics of ecosystem composition, structure and processes [[even though]] the specific exception for prevention and suppression of insect and disease outbreaks has been removed.” RDEIS at 32-33.

Given the area of insect infestation across Colorado’s National Forests, including many roadless areas, this provision could be used to justify many acres of logging within roadless areas. Thus this provision would allow much too much vegetation manipulation, just like the other exceptions to the prohibition on cutting, selling and removal of trees from roadless areas. We note that logging to suppress or prevent insect infestations has been questioned by scientists, as summarized in Black et al., 2010. [Black, S. H., D. Kulakowski, B.R. Noon, and D. DellaSala. 2010. Insects and Roadless Forests: A Scientific Review of Causes, Consequences and Management Alternatives. Geos Institute (formerly National Center for Conservation Science and Policy), Ashland OR. (www.geosinstitute.org)] Finally, stating that projects implemented under this provision are expected to be infrequent provides no enforceable limitation on its use. (Preservation/Conservation, Carbondale, CO - #591.14-15.33410.330)

## **1-69 Public Concern: The Forest Service should define and clarify the tree-cutting exceptions.**

### **BECAUSE TIMBER HARVEST CAN CAUSE SIGNIFICANT DAMAGE**

Most logging in roadless areas under the proposed rule would have to meet the following condition: “one or more of the roadless area characteristics will be maintained or improved over the long-term”. 294.42(c). What is “long-term”? And would logging be acceptable if it maintained and/or enhanced one roadless area characteristic but degraded or eliminated one or more other such characteristics? For example, logging in roadless areas might be intended to protect public drinking water sources, but would damage many other roadless area characteristics, such as wildlife habitat, undisturbed soil, water and/or air; naturally appearing landscapes; and reference landscapes.

In almost all cases, logging would damage some roadless area characteristics. We believe it is likely that this damage would exceed any benefit in most cases, especially since conifer trees do not grow rapidly in the relatively harsh environment of most roadless areas in Colorado, and thus recovery from logging would be slow. This is a good reason to severely limit exceptions to the prohibitions on logging in roadless areas. (Preservation/Conservation, Colorado Springs, CO - #591.11.33410.621)

## **1-70 Public Concern: The Forest Service should require coordination with the Colorado Division of Parks and Wildlife in the planning and implementation of timber-harvesting projects.**

### **TO PROTECT FISH AND WILDLIFE**

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

Colorado’s roadless areas provide world-class fish and wildlife habitat and it is important that those values are maintained and enhanced over the long term. Requiring coordination with the Colorado Division of Parks and Wildlife will provide additional assurance that fish and wildlife receive due consideration in the planning and implementation of timber-cutting projects. All projects under [section] 294.42(c)(1) through (3) should include the following language: “Be developed in coordination with the Colorado Division of Parks and Wildlife.” (Preservation/Conservation, Boulder, CO - #620.4.33410.180)

## **1-71 Public Concern: The Forest Service should estimate how much tree cutting might be done for watershed purposes and analyze the effects.**

### **BECAUSE TREE CUTTING CAN DAMAGE WATERSHEDS**

Logging could occur outside the CPZ, i.e., even more than 1.5 miles from at-risk communities if “The Regional Forester determines tree-cutting, sale, or removal is needed outside the community protection zone where there is a significant risk that a wildland fire disturbance event could adversely affect a municipal water supply system or the maintenance of that system. A significant risk exists where the history of fire occurrence, and fire hazard and risk indicate a serious likelihood that a wildland fire disturbance event would present a high risk of threat to a municipal water supply system.” 294.42(c)(2).

This would allow almost unlimited logging within roadless areas, as there is no limitation on how far into roadless areas such logging could be done. Since many watersheds contain one or more roadless areas, a large amount of logging could be done under this provision. [Footnote 3: The RDEIS states at p. 153 that “[m]ore than 95% of the roadless areas in Colorado overlap one or more source water assessment areas, watersheds identified by the State around public surface and groundwater supply sources...”. (Citation omitted.)] The EIS needs to estimate how much logging might be done for watershed purposes. Notably, there is no such estimate in RDEIS Table 3-2 on p. 83, though the table contains estimates of logging for other purposes.

It must be noted here that logging can and does damage watersheds. It seems likely that to protect a watershed from possible fire would require removal of a significant portion of the vegetation in the watershed, risking a damaging change to the hydrologic regime from removal of too much vegetation.

The fact that such projects using this exception to the prohibition on logging “are expected to be infrequent” (294.42(c)(2)(ii)) provides no enforceable limitation on its use. (Preservation/Conservation, Denver, CO - #591.13.33410.240)

## *Road Construction Exceptions*

## **1-72 Public Concern: The Forest Service should eliminate road construction in roadless areas.**

The Colorado Roadless Rule proposed in the EIS needs to “rule” out the following in roadless areas:

- Logging roads. Logging and fuel treatment roads should be restricted to no more than a quarter mile from homes. I state this even though my house on Twin Sisters Road is right next to a small fire-prone roadless area!
- Water project roads.
- Electric and telecommunication lines.
- Oil and gas leases use directional drilling from places outside roadless areas.
- Any other roads for mineral leases. It is inappropriate to allow roads or surface occupancy for any leases issued since the roadless rule went into effect in 2001.
- No roads for “gap” leases in roadless areas. (Individual - #630.6.33420.002)

## **1-73 Public Concern: The Forest Service should restrict road-construction exceptions in roadless areas.**

### **BECAUSE ROADS DAMAGE AND DESTROY ROADLESS CHARACTERISTICS**

The proposed rule would allow too much road construction in roadless areas.

Roads damage and destroy roadless area characteristics. By definition, road construction (and in some cases, reconstruction) damages and/or destroys roadlessness and roadless area characteristics. Any Colorado Rule must provide only minimal exceptions to the general prohibition on road construction and provide for complete obliteration, to the extent practical, of any non-permanent roads that are constructed.

The effects of roads on watersheds are well known. For example, see RDEIS at 181–184 for a description of the effects of roads on aquatic resources. Thus, “[r]eduction of road density is one of the best watershed restoration treatments that can be used to improve watershed and stream health”. RDEIS at 155. By implication, not building roads would keep watersheds intact. Note how few miles of streams in roadless areas are in an impaired condition, compared to non-roadless areas. See RDEIS at 153—compare tables 3-23 and 3-24. Keeping roadless watersheds in high-functioning condition is important because a high percentage of such areas have threatened, endangered, and sensitive aquatic species, especially on four of Colorado’s National Forests. RDEIS at 180. These watersheds also provide source water for a large part of the population of Colorado and other states.

Using primarily “temporary” roads will not significantly reduce impacts. For example, temporary roads have most of the impacts of permanent roads on wildlife. RDEIS at 200. Thus temporary roads may not be easy to restore. Roads traversing rugged terrain would require a high standard of construction for safe use for the intended activity. [Footnote 5: RDEIS p. 125 hints that oil and gas development in roadless areas would require activity, including road construction, in rugged terrain.]

This will undoubtedly include use of cuts, fills, and culverts for some road segments. Roads with any of these features can substantially impact watersheds.

Roads for oil, gas, and coal leases may be on the landscape for many years, as long as minerals are being produced. Such roads would have to be regularly maintained, making them more difficult to remove. In general, any cuts and fills used in road construction cannot be easily removed without unleashing sediment into streams. Removal of culverts would cause similar problems. The earth movement required for either of these restoration activities would necessitate the use of heavy equipment and would facilitate the introduction and spread of noxious weeds. See Gelbardi and Harrison, 2005. [Gelbardi, J.L. and S. Harrison, 2005. Invasibility of roadless grasslands: an experimental study of yellow starthistle. *Ecological Applications* 15:1570-1580.] Roads increase the likelihood of human-caused fire ignitions. [Footnote 6: See USDA Forest Service, 2000a, at 3-115, 3-116.]

In short, constructing roads for the purposes allowed under the proposed rule would lead to a permanent loss of roadless area characteristics because some areas with roads could not be fully restored to the pre-road condition. Even where they could be restored, roadless area characteristics would be lost for the time the roads were used and for part of the recovery period. Under Alternative 2, the proposed rule, 16 miles of road are projected to be constructed in Colorado Roadless Areas annually. RDEIS at 87. This is a clear indication that the proposed rule would not sufficiently protect roadless areas. (Preservation/Conservation, Santa Fe, NM - #591.18-19.33420.621)

## Alternative 3: Forest Plan Direction (No Action)

### *Select Alternative 3: Legal and Stakeholder Concerns*

#### **1-74 Public Concern: The Forest Service should select Alternative 3, the No Action Alternative.**

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. (Garfield County Board of County Commissioners, Glenwood Springs, CO - #416.1.33500.162)

#### **BECAUSE IT IS THE ONLY LEGAL AND VIABLE ALTERNATIVE**

We [The Four Corners Trail Club (FCTC)] have serious concerns regarding the Forest Service’s role in the Colorado Roadless Rule. It appears to us that the whole process is flawed. President Clinton’s original Roadless Rule is still tied up in litigation. Several Federal judges found fault with the original rule and there are concerns regarding constitutionality of that rule. It is apparent that the required studies listed in

NEPA and FLPMA concerning social and economic impacts were not performed in local rural areas. A serious conflict between the Colorado Roadless Rule and completion of the forest plan exists.

Due to the serious issues related to the Forest Service role regarding the Colorado Roadless Rule, we recommend that Alternative 3 be selected due to the fact that it is the only legal and viable alternative listed. (Motorized Recreation, Cortez, CO - #631.1.20100.100)

#### **BECAUSE IT BEST REFLECTS THE WILL OF THE PUBLIC**

At the public hearing in Durango, Colorado this the 8th day of June, 2011, there was a discussion about 4 different alternatives. One of the alternatives, Alternative 3, was by far the most preferred by the people of the meeting, yet it was not even open for discussion. No one brought it up as a possible choice of the establishment, because it meant “no change.” The suggestion was made that the US Forest Service is not our (government) land, it is your land. Let’s be sure we have a clear understanding, the land belongs to the people. So let’s put into the process that the people make the decision of how we are going to use our land. Put it to the vote of the people. We believe the vast majority of the citizens of Colorado believe there is too much Government, too much decision-making in Washington, and that Washington is trying, once again, to take away rights that belong to the people. So you need to decide who you think you are working for. Is it the few legislators in Washington, or is it “We the people.” We want the Colorado Roadless Rule stopped now, and we want you to look at Alternative 3, no more restrictions. (Individual - #123.1.33500.060)

#### **BECAUSE IT BEST REPRESENTS THE WISHES OF LOCAL COMMUNITIES**

The Garfield County BOCC [Board of County Commissioners] 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 conformance with each discrete forest plan. (Garfield County Board of Commissioners, Glenwood Springs, CO - #461.2.33500.061)

#### **TO PROTECT THE SAFETY AND ECONOMIC STABILITY OF LOCAL COMMUNITIES, TO ALLOW FOR FOREST-SPECIFIC MANAGEMENT, AND TO ALLOW TIME FOR THE LEGAL ISSUES AROUND THE 2001 RULE TO BE RESOLVED**

As a result of the numerous concerns which we [County Commissioners for Montrose County, Colorado] have in regard to the Colorado Roadless Rule as a whole, we find ourselves unable to support the proposed rule and the associated Alternative #2 as shown in the RDEIS. We are hereby formally stating our support for proposed Alternative #3: No Action - Forest Plan Direction. It is our belief that the creation of this state-specific roadless rule for Colorado would adversely impact the safety and economic stability of our county and state. We also feel that it is prudent to wait for the litigation involving the 2001 Roadless Rule to be resolved prior to pursuing any state-specific action in Colorado. Finally, we are committed to participating in future forest planning efforts for the GMUG forests and are hopeful that the local interests of our citizens will be better addressed through revisions to these forest-specific plans. Even within Colorado, each forest is different and it is not reasonable to expect that a “one size fits all” Federal proposal like the Colorado Roadless Rule will adequately contemplate local issues. (Montrose County Board of Commissioners, Montrose, CO - #621.6.33500.002)

#### **UNLESS NEEDED ASSURANCES CAN BE GIVEN TO VAGABOND RANCH**

Vagabond Ranch generally supports conserving and managing roadless areas in the National Forest lands in Colorado. However, Vagabond Ranch seeks clarification of key provisions in the proposed rule that may affect Vagabond Ranch operations. In addition, Vagabond Ranch seeks confirmation that the proposed rule will not interfere with Vagabond Ranch’s existing and expected reserved rights in the Arapaho National Forest. If the lead and cooperating agencies cannot provide Vagabond Ranch with these clarifications and assurances, Vagabond Ranch cannot support the proposed rule and would prefer that the lead and cooperating agencies select the No Action Alternative, Alternative 3, and conserve and manage National Forest land in Colorado under individual forest plan direction. (Business, Aspen, CO - #670.1.33000.160)

## Select Alternative 3: Multiple Use and Land Management Concerns

### 1-75 Public Concern: The Forest Service should select Alternative 3, the No Action Alternative.

#### BECAUSE IT BEST ADDRESSES THE AGENCY'S MULTIPLE-USE MISSION

I support Alternative Number 3, because it is the only alternative that conforms to the Forest Service's own founding purpose, Multiple Use. The Forest Service of the U.S. Department of Agriculture is dedicated to the principle of multiple-use management of the nation's forest resources for sustained yields of wood, water, forage, wildlife, and recreation. Through forestry research, cooperation with the states and private forest owners, and management of the National Forests and national grasslands, it strives—as directed by Congress—to provide increasingly greater service to a growing nation.

In this regard, Alternative #3 provides the greatest number of jobs, economic benefit, reduces fire hazards the most, provides flexibility to control bark beetles, and provides the greatest flexibility to protect communities and water supply systems.

If the environmental organizations, such as San Juan Citizens Alliance (SJCA), Citizens for the Arapaho-Roosevelt (CFAR), Wild Connections (Upper Arkansas and South Platte Project - UASPP), White River Conservation Project (WRCP), High Country Citizens Alliance (HCCA), Western Slope Environmental Resource Council (WSERC), San Luis Valley Ecosystem Council (SLVEC), the Colorado Environmental Coalition (CEC), and the Southern Rockies Ecosystem Project (SREP) wish to “protect” additional land, there is a Congressional provided legal procedure: Wilderness Act, Act of September 3, 1964, (P.L. 88-577, 78 Stat. 890; 16 U.S.C. 1111-1136). These organizations, and similar ones, have only a single purpose that is not consistent with the Forest Service's purpose, i.e., Multiple Use. (Individual, Montrose, CO - #195.1.33500.134)

#### BECAUSE IT PROVIDES FOR MULTIPLE USE AND RESPONSIBLE DEVELOPMENT

My main use of the National Forests is recreation, but I am a firm believer in multiple use and the responsible development of natural resources. Therefore, I am opposed to the alternatives that create additional areas in Colorado that restrict future timber harvesting, mineral extraction, oil and gas drilling, pipeline construction, electrical transmission lines, linear water conveyances, and expansion of ski areas.

I am appalled and dismayed at the shortsighted approaches that most of the alternatives have. In my opinion, only Alternative 3 presents a somewhat reasonable approach to the Inventoried (or Colorado) Roadless Areas. (Individual, Montrose, CO - #580.1.33500.002)

#### BECAUSE IT ALLOWS FOR SITE-SPECIFIC AND PRO-ACTIVE MANAGEMENT

Throughout our participation in the Colorado Roadless Area management process we [Blue Ribbon Coalition] strongly urged the agencies involved to allow as much flexibility for management as possible. Our rationale is simple: Colorado's Inventoried Roadless Areas have been highly modified via decades of logging and fire suppression. These lands are far removed from a natural ecosystem and their “historic range of variability.” As a result, the lands are susceptible to unnatural and damaging wildfire, insect infestation and disease. It is not wise, nor is it beneficial for healthy habitats, to limit human activities that would protect against unnatural fires.

In June of 2006, we made this comment to the Roadless Area Task Force:

It is foolish to ignore that humans have altered the natural ecosystem function on our National Forests. It is just foolish to ignore the fact that humans can and should take a pro-active role in restoring a more natural ecosystem.

Of the alternatives presented, Alternative 3, which places management direction for IRAs in the forest planning process, allows for the most site-specific and pro-active management of these lands. (Motorized Recreation, Pocatello, ID - #592.1.33500.162)

## **BECAUSE EXISTING FOREST PLANS ADEQUATELY ADDRESS THE CONCERNS NOTED IN THE PROPOSED RULE**

This proposal aims to create a state-tailored alternative to the Clinton Administration's 2001 "one size fits all" proposal to provide blanket protections across 58 million acres of public forests in 38 states. I believe that the best alternative offered in this proposal is Alternative 3....

In May 2005, Colorado enacted Senate Bill 05-243 (C.R.S. [Colorado Revised Statutes] [section] 36-7-302) directing formation of a 13-person bipartisan task force to make recommendations to the governor regarding the appropriate management of roadless areas on the National Forests in Colorado.

The result of this task force is the proposed Colorado Roadless Rule. Specifically the proposed Colorado Roadless Rule is aimed at addressing 4 primary concerns:

1. The first is that roadless areas are sources of drinking water, wildlife habitat, semi-primitive or primitive recreation areas and naturally appearing landscapes, all of which need to be protected.
2. The second reason is to further restrict tree-cutting, sale or removal, and road construction/reconstruction.
3. The third reason is to accommodate state-specific situations and concerns in Colorado's roadless areas.
4. The fourth reason is to ensure that Colorado Roadless Areas are accurately mapped.

Every one of the given reasons for action is already being accommodated through existing forest plans, Wilderness designations and mapping technologies.

Existing forest plans apply to the management of all lands within the IRAs and CRAs. They include desired conditions, objectives, forest-wide standards and guidelines, management area standards and guidelines, and descriptions of suitable uses. These plans are continually updated to reflect changing conditions or specific public or management needs. Direction set forth in forest plans govern project and activity decision-making on NFS lands, including roadless areas.

Taking into consideration all of the impacts as outlined in the DEIS, I strongly believe that Alternative 3 is the best plan of action for managing roadless areas in Colorado. The existing rules, regulations and guidelines already more than adequately address the concerns laid out in this proposed plan. (Individual CO - #241.1-2.33500.002)

## **BECAUSE THE FOREST PLANS ALLOW LIMITED TREE CUTTING AND PROVIDE FOR MANAGEMENT FLEXIBILITY**

I would like to point out the fact that forest plans already have rules pertaining to road construction and reconstruction. These designations include four different categories for road construction and reconstruction:

- Road construction is prohibited except where needed for reserved and outstanding rights or other exemptions mandated by law, regulation, or policy.
- Road construction is generally restricted based on a desired condition or a guideline; not a mandatory restriction.
- Road construction is limited under certain circumstances, such as those related to the purpose for the road, road density standards, or protection of natural resources.
- Road construction is allowed for any multiple-use management need, where consistent with law, regulation, or policy.

Forest plans also have four different categories of tree-cutting designations:

- Tree-cutting, sale, or removal is prohibited except where needed for reserved and outstanding rights, or for other exemptions mandated by law, regulation, or policy.
- Tree-cutting, sale, or removal is generally restricted based on desired conditions or guidelines; non-mandatory direction.
- Tree-cutting, sale, or removal is limited to certain circumstances, such as those related to the purpose of the activity or protection of natural resources.
- Tree-cutting, sale, or removal is allowed as needed to meet multiple-use management purposes.



Some existing forest plan management prescriptions limit tree-cutting, sale or removal and road construction or reconstruction. There are 13 percent of the IRA acres (541,700) and 13 percent of the CRA acres (532,400 acres) that prohibit or largely limit tree-cutting, sale or removal, and 6 percent of the IRA acres (258,500 acres) and 6 percent the CRA acres (257,300 acres) that have forest plan language prohibiting road construction or reconstruction. Many of the acres where road construction is restricted are the same acres where tree-cutting, sale or removal is limited. Looks like to me that it is already being taken care of.

Based on forest plan restrictions on activities within the IRAs, together with topographic or economic constraints, new roads or tree-cutting activities would be projected to occur on only a small percentage of the existing roadless area acreage.

Under this alternative [3], tree-cutting, sale or removal and road construction follows the direction in the forest plans. This alternative provides the most management flexibility of the four alternatives. (Individual CO - #241.4-5.33500.002)

#### **TO ALLOW FOR MULTIPLE USE AND FOR FORESTS TO BE MANAGED FOR MINING, TIMBER HARVEST, GRAZING, AND OFF-ROAD VEHICLE USE**

Oxbow Mining, LLC 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 U.S. 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 that 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 be enjoined nationwide. Oxbow believes the 2001 Rule should properly remain enjoined nationwide and local forest planning should prevail. (Oil, Natural Gas, Coal, or Pipeline Industry, Somerset, CO - #456.2.33500.002)

#### **BECAUSE THE FOREST SERVICE IS A GOOD LAND MANAGER AND TO KEEP LANDS OPEN TO THE PUBLIC**

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 am not alone in my desire to keep the public lands open to the public. Congressman Lamborn is certainly in agreement as are the [Chaffee Republican] central committee and my [rock hounding] 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. (Individual, Buena Vista, CO - #499.1.33500.002)

#### **TO PROTECT FORESTS FROM PINE BEETLE AND FOREST FIRES**

I would like to see Alternative 3 used, because the Forest Service needs to protect the forest against the pine beetle and forest fires, and they will need the roads to do their jobs. (Individual, Nathrop, CO - #33.1.33500.260)

#### **BECAUSE THERE IS AN EXCESS OF WILDERNESS AND ROADLESS AREAS ALREADY**

I believe that the Forest Service now has an excess of Wilderness and roadless areas. The number of large wildfires in recent years in Colorado emphasizes the need for grazing and forest management in the state. The Forest Service should manage their lands according to the forest plans. I therefore prefer the No Action Alternative. (Individual - #9.1.33500.262)

## 1-76 Public Concern: The Forest Service should reject Alternative 3.

### BECAUSE THE AGENCY NEEDS THE GUIDANCE PROVIDED BY THE PROPOSED RULE

Alternative 3 is not acceptable. As indicated throughout the draft period, the NFS needs some direction in managing the roadless areas. The process for drafting the CRR has enabled the consideration of many interest groups and government agencies. The rule therefore is a best effort at managing the cultural, commercial, recreational, environmental, and community interests for sustainable roadless areas. (Non-Motorized/Non-Mechanized Recreation, Grand Junction, CO - #244.5.33500.050)

## 1-77 Public Concern: The Forest Service should acknowledge that only Alternative 3 complies with NFMA.

### WITH REGARD TO LAND MANAGEMENT PLANNING AND ALLOCATION

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, and 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 [Colorado draft rule] Alternatives 1, 2, and 3, land is permanently removed from the suitable base in violation of NFMA. (Individual, Rifle, CO - #492.4.22000.133)

## Alternative 4: The Proposed Rule with Public-Proposed Upper Tier Areas

## 1-78 Public Concern: The Forest Service should select Alternative 4.

### BECAUSE IT WOULD PROTECT 2.6 MILLION ACRES IN THE UPPER TIER CATEGORY

Adopt the conservation alternative (Alternative 4). This alternative would protect 2.6 million acres in the upper tier category and safeguard fish and wildlife. Tell them of your favorite places (use names), why they are important to you, and use anecdotal evidence, i.e., stories of hunting and fishing trips, the importance of these areas to your municipal watershed, family traditions, etc. (Individual, Durango, CO - #84.2.33600.002)

### TO PROTECT FISHING OPPORTUNITIES

I would like to support the Option [Alternative] 4, and the maximum possible conservation of roadless areas in Colorado.

I have hiked and camped while fishing in the Colorado mountains for over 40 years. My children often accompanied me, and now as adults they and their families continue to enjoy the Colorado backcountry. We are particularly partial to Front Range streams such as the branches of the St. Vrain [Creek], and to streams and lakes in the Flattops Plateau. Grizzly Creek and Deep Creek are particularly wonderful fishing streams there. I also like [to] fish the Arkansas [River] and small streams that flow into the Arkansas. I believe that preserving our natural land is very much to Colorado's long-term benefit, as well as a benefit for the sportsmen and women from the entire country. (Individual, Louisville, CO - #645.1.40000.560)

### TO PROTECT HUNTING AND FISHING OPPORTUNITIES

My sincere hope is that Alternative No.4 will be adopted; a lesser alternative does not protect many important resources.

I am a fourth-generation Coloradan, and have hunted and fished the wild places in our great state for over 60 years. Many of my most treasured places are only protected by Alternative No. 4. For example, in the Rio Grande Forest areas, the upper reaches of Carnero, La Garita, and Embargo Creeks have been hunted and fished by members of my family since the 1930s, and I personally treasure memories of catching native cutthroats in these high-meadow streams with my Dad. Only Alternative No. 4 recognizes and protects these treasures.

We have only this opportunity to protect such upper tier reaches for our future generations; if roadless protection is not provided, the pristine environment of such places will disappear forever. (Individual, Golden, CO - #544.1.54100.740)

There are many pristine areas that will remain so under Alternative #4. Protecting habitat for elk and native trout populations via roadless designations will reduce disturbances to the elk calving areas and streambed disturbances for trout spawning and fry development. (Individual - #780.2.41100.330)

#### **TO PROTECT MUNICIPAL WATER SUPPLIES AND WILDLIFE AREAS**

I am asking you to adopt the conservation alternative (Alternative 4) in protecting Colorado's roadless areas that would protect 2.6 million acres in the upper tier category and safeguard fish and wildlife. I am very concerned about the effects of alterations to wildlife areas on our municipal watersheds and the adverse ecologic effects of changes to these wildlife areas. These roadless areas are dwindling in number, and we need to protect them aggressively because we will never get them back. (Individual - #770.2.40000.200)

#### **TO BE GOOD STEWARDS OF ROADLESS AREAS AND PROTECT THEM FOR FUTURE GENERATIONS**

I sincerely urge you to protect the roadless areas in Colorado by adopting Conservation Alternative #4. The wilderness of this country is irreplaceable. I often think of the wilderness that was present in this country of ours when the settlers came west. How it must have seemed boundless. As we know now, it is very much finite. There are few areas left that possess the qualities of true wilderness, areas that exist as they always have. These last few areas that remain deserve our protection.

There are many reasons that I believe these areas deserve our protection. Some are very selfish. I love to see the sunrise over a marsh, or watch fish swim in gin-clear water. But saving these areas is not about me. It is about the greater good. Saving these areas provides benefits for everyone. That is the great gift that was given to us by conservationists like Teddy Roosevelt, John Muir and Aldo Leopold. Through their wisdom and foresight, we acquired these large tracts of pristine land that are for the public to enjoy. These areas enrich all of our lives and should be protected so that our children and grandchildren can continue to enjoy those benefits. We were given these areas, and only required to protect them from harm, so that all Americans could enjoy them. It seems like a pretty good deal. I hope we can find a way to do so. (Individual - #656.1.40000.700)

#### **TO BEST PROTECT FISH AND WILDLIFE HABITAT AND SUPPORT LOCAL ECONOMIES**

I'm a long time resident of Steamboat Springs, Colorado, which is located in the heart of the Routt National Forest. I have hunted for elk, hiked, camped and fished in not only the Routt National Forest, but many other National Forests in Colorado over the years. After attending the public meeting at the Forest Service headquarters office in Steamboat Springs on May 25, I must adamantly express my support for the Forest Service and State of Colorado adopting Alternative 4 as the best alternative for the future of our forest and those generations who will utilize it in the future.

I often use areas of the Routt National Forest adjoining the Mt. Zerkel Wilderness and the Flat Tops Wilderness areas to hunt and fish. These areas and many more, are vitally important to the proliferation of not only several native cutthroat trout species, but many elk herds which are so vitally important to the economy of this region. I am very concerned about protecting the more than 16,000 streams that originate in Colorado's National Forests and provide much of the drinking water and fish and wildlife habitat that are so vitally important to not only recreational opportunities but the future survival of many species. (Individual, Steamboat Springs, CO - #31.1.40000.002)

### **TO PROTECT THE NATIONAL FORESTS FROM RESOURCE DEVELOPMENT**

None of your proposals go far enough in trying to prevent further loss and destruction of our National Forests. Of the four choices, Alternative 4 is the best. Each day more forest is damaged or lost; many of these losses are forever, i.e., never again will certain plants, animals, water sources exist. The forests are losing their innate character because of overuse, over-population, pollution (air, water, soil). We need to stop “using” what is left of our forests and start respecting our forests. It is getting too late to save the too little that remains. Please act quickly and prevent all the destruction you can. By the way, drilling for oil and coal, etc., causes damage that our forests cannot sustain—add it all up instead of deluding yourself that one rig here and another there is okay. Also, get the cattle and sheep out of our forests—they do not belong there, never did. Also, get the motors out of our forests; motors are incompatible with forests. Stop the bleeding of our forests now. (Individual, Salida, CO - #12.1.40000.200)

### **FOR FUTURE GENERATIONS**

I am a long-time backpacker and angler. I believe the mountains and their waters are a precious, irreplaceable resource. I strongly urge you to work for implementation of conservation Alternative #4.

Please give it the protection it needs for the future of all of those to come after us. It is important that our children and grandchildren can enjoy the outdoors in the way that it is meant to be enjoyed in its natural state. (Individual, Denver, CO - #503.2.40000.740)

## **1-79 Public Concern: The Forest Service should adopt a modified version of Alternative 4.**

### **TO ALLOW FOR THE EXPANSION OF UPPER TIER PROTECTIONS IN THE FUTURE**

The Forest Service has produced a RDEIS that offers four alternatives. The Forest Service-favored alternative is Alternative 2, which has introduced an interesting new concept described as “upper tier” protection. While there are faults with this concept, we Ridgeway-Ouray Community Council feel that it does have merits toward providing protection for our roadless areas. However, the Alternative #2 falls short of providing the total levels of protection and total acreages that Colorado’s forests deserve. The RDEIS’s, naming of Alternative 2 as the “preferred alternative” should have gone further and named Alternative 4 as the “conservation alternative”, as has been done in this process in the past.

We would like to recognize our preference to Alternative #4, the conservation alternative. Even in “upper tier” areas, there are deficiencies in the levels of protection. Alternative 4 recognizes the need for a much larger number of acres for upper tier protection. We find it disturbing that the Forest Service would actually favor an alternative (2) that proposes to put forth only 13 percent of Colorado’s roadless areas as deserving of a higher level of protection and that there are actually forests in the state that have an even lower percentage, or none, of the upper tier areas proposed. We would urge a provision to the rule to not only recognize the number of upper tier acres in Alternative 4 as the protected lands in the rule, but to propose a current and constant re-evaluation and re-inventory process to recognize the need for an expansion of the lands that were not proposed even in this Alternative 4. The proposed upper tier lands are identified through a flawed approach, relying on forest plans ranging from nine to 27 years in age. (Place-Based Group, Ridgeway, CO - #533.2.33600.160)

### **THAT INCLUDES STRONGER PROTECTIONS FOR UPPER TIER AREAS**

For the Colorado Rule to live up to the National Rule standard, the acreage of roadless areas designated as “upper tier” must be expanded considerably. Upper tier lands should receive even stronger protections than those provided by the National Roadless Rule (Alternative 1). This designation would balance some of the narrowly defined exceptions for backcountry development permitted in the draft Colorado rule. This would make the Obama Administration’s stated commitment a tangible conservation legacy and honor the proud tradition of the U.S. Forest Service. (Place-Based Group, Ridgeway, CO - #533.3.33600.160)

**1-80 Public Concern: The Forest Service should revise Alternative 4.****TO INCLUDE THE PIKE-SAN ISABEL NATIONAL FOREST**

Please include the Pike-San Isabel Forest in the DEIS Alternative 4. (Individual, Denver, CO - #15.1.33630.001)

**1-81 Public Concern: The Forest Service should reject Alternative 4.****BECAUSE IT WOULD HAVE A SIGNIFICANT NEGATIVE EFFECT ON LOCAL TIMBER OPERATIONS**

We [Montrose Economic Development Corporation] are vehemently against adoption or a compromise with the special interest-sponsored Alternative 4. This extreme alternative would add restrictions to a whopping 545,000 acres to our local GMUG forest. Adding these acres to Wilderness acres, special areas, the 2008 Colorado roadless rule acreage, riparian acres, lynx management restricted acres, and acres protected for visual quality would drop forest management down to less than 25 percent of the forest. This forest is the home forest to the very small timber industry left in this state, and adding this quantity of upper tier acres in our closest National Forests would severely affect the scale of the commercial timber opportunities or would reduce the potential timber supply that is their essential economic driver. The timber industry and the associated jobs are uniquely dependent on the National Forest timber management program for their economic survival.

One of our largest private employers in Montrose is Intermountain Resources, a public land dependent sawmill. The Montrose sawmill is one of the largest sawmills in Colorado. The jobs they provide in our community are a key element to our economic health. Over the years, this sawmill has had direct outlays of over \$20M per year into our economy through salaries to employees, purchases from suppliers, contracts with truckers and other goods and services consumed. This equates to an economic impact of over \$36M to the Montrose economy. (Business, Montrose, CO - #618.1.33600.630)

**1-82 Public Concern: The Forest Service should select the Conservation Alternative.****TO PROTECT HABITAT AND HUNTING AND FISHING AREAS IN ROUTT NATIONAL FOREST**

I urge you to choose the Conservation Alternative in your plans for managing the Routt National Forest and designate approximately 350,000 acres as “upper tier” roadless lands. The surface resources of forest habitat, hunting areas, and pristine trout streams are extremely valuable just as they are. Colorado’s marvelous wild areas have already been carved up enough. This wilderness deserves to be left alone—protected—for future generations to enjoy. (Individual, Pacific Grove, CA - #79.1.40000.002)

**Range of Alternatives****1-83 Public Concern: The Forest Service should correctly identify the No Action Alternative as implementation of the 2001 Roadless Rule.****BECAUSE THE CURRENT LEGAL STATUS LEAVES LITTLE DOUBT THAT THE 2001 ROADLESS RULE APPLIES TO COLORADO**

The Forest Service has mis-identified the No Action Alternative. The RDEIS has the following explanation for the identification of the No Action Alternative: “The No Action Alternative has changed from Alternative 1 to Alternative 3.”

In the DEIS, the Forest Service considered “no action” to mean that the 2001 Roadless Rule would remain in effect for IRAs in Colorado. In August 2008, after the DEIS was released, the Wyoming District Court set aside and enjoined the 2001 Roadless Rule. Colorado is under the Wyoming Court’s ruling; thus the consequences of taking no action have changed. In the revised DEIS, the “no action” means that IRAs in Colorado would be managed according to direction set forth in the applicable forest plan (Alternative 3). RDEIS at 31.

This statement is in error, as it leaves out a key fact. On August 5, 2009, the Ninth Circuit Court of Appeals upheld the California District Court ruling that voided the “State Petitions Rule” and reinstated the 2001 Roadless Rule. This ruling applies nationwide and supersedes the Wyoming court ruling. The Tenth Circuit has not yet ruled on the appeal of the Wyoming Court’s decision enjoining the 2001 Rule. A decision is expected soon and, importantly, the current presidential administration is defending the validity of the 2001 Rule in this pending Tenth Circuit litigation. Until the Court rules, the prevailing court ruling is the Ninth’s Circuit’s decision, and the 2001 Rule is in effect nationwide, except for Idaho. In other words, if no action is taken, i.e., a Colorado Roadless Rule is not approved, the 2001 Rule would determine what projects and activities could occur in National Forest roadless areas within Colorado, pending a decision by the Tenth Circuit.

This mis-identification of the No Action Alternative badly skews the analysis of impacts of Alternatives 1, 2, and 4 in the RDEIS by making them seem to have a much greater impact compared to no action than they really would have. This is especially true for the analysis of impacts of roadless area protection on coal mining jobs and related contributions to the economy. See RDEIS at 300–301. Using the wrong No Action Alternative even causes the Forest Service to propose not to apply prohibitions on road construction and logging in Alternative 1 until a Colorado Rule becomes effective. See, e. g., RDEIS at 50 (all activities); 129–130 (roads for coal leases); 136, 138 (roads for oil and gas leases) and F-1 (roads and logging for ski area development). These prohibitions are in effect now because the 2001 Rule is in effect now. A Secretarial directive also requires that certain types of projects inside a roadless area be reviewed by his office. (Preservation/Conservation, Denver, CO - #591.4-5.33100.141)

## **1-84 Public Concern: The Forest Service should revise the purpose and need and provide a wider range of alternatives.**

### **TO COMPLY WITH THE NEPA REQUIREMENT THAT THESE NOT BE “UNREASONABLY NARROW”**

Inadequate Range of Alternatives:

The RDEIS fails to properly specify the purpose and need of the proposed rule in violation of National Environmental Policy Act (NEPA) regulations. 40 C.F.R. [section] 1502.13. A project’s purpose cannot be defined in unreasonably narrow terms. *City of Carmel-By-The-Sea v. U.S. Dept. of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997). The purpose of the proposed Colorado Roadless Rule is to provide state-specific direction for the protection of roadless areas on National Forest Service land in Colorado that sustains roadless area characteristics now and for future generations. 76 Fed. Reg. 21275 (April 15, 2011). This purpose and need violates NEPA and results in an elimination of reasonable and feasible alternatives.

The proposed rule defines the purpose and need in unreasonably narrow terms. USFS’s stated objective to preserve roadless characteristics for future generations prohibits any activity that can remotely affect the “preservation of roadless” characteristics. RDEIS at page 3. This narrow mandate prohibits multiple uses of broad swathes of land managed by USFS. Furthermore, not only is the objective defined by USFS impermissibly narrow, the alternatives it proposed violate NEPA.

The three alternatives to the Proposed Roadless Rule are impermissibly narrow under NEPA, making the RDEIS inadequate. NEPA requires that the USFS “study, develop, and describe appropriate alternatives to recommended courses of action.” 42 U.S.C. [section] 4332(E). The NEPA regulations provide that these alternatives must produce an EIS that “rigorously explore[s] and objectively evaluate[s] all reasonable alternatives” so that the Agency can “sharply defin[e] the issues and provid[e] a clear basis for choice among options by the decisionmaker and the public.” 40 C.F.R. [section] 1502.14; see also *Colo. Environmental Coalition v. Dombeck*, 158 F.3d 1162, 1175 (10th Cir. 1999).

If the Agency defines the objectives too narrowly, the courts may find that the range of alternatives is too restrictive and inadequate. *Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 813 (9th cir. 1999); but see *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1120-1121 (9th Cir. 2002) (reversing district court holding that the EIS for the roadless rule failed to consider a reasonable range of alternatives). A feasible but unexamined alternative renders the EIS inadequate. *Citizens for a Better Henderson v. Hodel*, 768 F.2d 1051, 1057 (9th Cir. 1985).

Here, because the USFS only considers three alternatives, each of which enacts restrictions on road-building and development, those alternatives are impermissibly narrow under NEPA. Clearly, this is not

a reasonable range under NEPA. The only difference among alternatives is the level of restrictions imposed upon development. There is no alternative that allows oil and gas or any other reasonable and feasible alternative development to take place. Unlike Kootenai, where the objective was to restrict timber harvesting, the purpose and need here is not to unduly restrict energy development but rather to manage and conserve roadless area values in Colorado. That objective is not mutually exclusive from energy development. Ultimately, because there is not a single alternative that considers energy development in the context of managing and conserving roadless area values in Colorado, the alternatives proposed by USFS are impermissibly narrow and the EIS is inadequate. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.4-5.33100.131)

### **1-85 Public Concern: The Forest Service should develop an alternative that does not allow road or wellpad construction on gap leases.**

#### **TO ALLOW FOR A MORE ACCURATE ANALYSIS OF THE EFFECTS OF DEVELOPING THE GAP LEASES**

The DEIS analysis of the potential impacts of developing the disputed gap leases is inadequate, inaccurate or misleading; and lacks an alternative analyzing the environmentally preferred action of no development.

The FS should develop and select an alternative that provides for zero miles of projected road construction and no wellpads on gap lease IRA acreage, modifying the DEIS analysis at 86–87. The DEIS projects that existing oil and gas leases “could result in an estimated 144 miles of new road construction and reconstruction,” and 686 wells with 1,275 total acres of disturbance. The required NEPA analysis of the direct, indirect and cumulative impacts of this level of development would lead to a conclusion that the roadless values of these IRA/CRA are being lost rather than conserved. That analysis must be done for any alternatives in the final [rule] that would allow such development. (Preservation/Conservation, Boulder, CO - #625.19.44610.621)

### **1-86 Public Concern: The Forest Service should develop an alternative that would meet the purpose and need of the Rule without prohibiting road construction and timber activities.**

#### **TO COMPLY WITH NEPA**

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

NEPA requires an EIS to consider a reasonable range of alternatives to its proposed action, 42 U.S.C. [section] 4332(2)(C)(iii), 4332(2)(c). The Federal agency proposing an action is required to develop the reasonable alternatives. 42 U.S.C. [section] 4332(2)(e). The alternatives section is the “heart” of an EIS and “all reasonable alternatives must be rigorously explored and objectively evaluated.” 40 C.F.R. 1502.14. The existence of a viable but unexamined alternative renders an environmental impact statement inadequate, *Simmons v. United States Army Corps of Engineers*, 120 F.3d 664, 670 (7th Cir. 1997).

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

Areas. Since such alternatives were not developed or considered, the Draft EIS appears to be inadequate and in violation of NEPA. (Utility Group, Colorado Springs, CO - #701.18-19.33100.002)

### **1-87 Public Concern: The Forest Service should include a conservation alternative that is more protective than the 2001 Rule.**

We [Pikes Peak Group of the Sierra Club] agree with Rocky Mountain Wild et al. that the selection of alternatives for evaluation in the RDEIS is flawed by its failure to include a sufficiently protective conservation alternative. When compared with the protections that roadless areas in other states would receive, the analyzed alternatives can best be characterized as “Colorado breaks even” (Alternative 1, a Colorado version of the 2001 Rule); “Colorado gets somewhat less protection” (Alternative 4); “Colorado gets significantly less protection” (Alternative 2, the preferred alternative); and “Colorado gets no protection beyond what would exist if there had never been a roadless rule” (Alternative 3). The alternatives on which the public is being asked to comment may not quite be “heads we win, tails you lose,” but they certainly do not provide an option under which the protection of Colorado Roadless Areas clearly comes out ahead. (Preservation/Conservation, Colorado Springs, CO - #731.2.33100.200)

### **1-88 Public Concern: The Forest Service should include a conservation alternative that would provide the maximum protection allowed by law.**

#### **TO SHOW THE FULL RANGE OF MANAGEMENT OPTIONS**

The RDEIS does not analyze a sufficiently protective conservation alternative. Under the Council on Environmental Quality Regulations implementing the National Environmental Policy Act, agencies must “[r]igorously explore and objectively evaluate all reasonable alternatives”. 40 CFR 1502.14(a). This means the Forest Service must consider an alternative that provides a maximum, or at least a very high level, of protection for all roadless areas. Certainly, much of the public comment on the Draft 2008 Rule and the State of Colorado’s 2009 proposal insisted on such protection. See, e. g., comments of Colorado Wild et al., dated October 21, 2008, on the then-proposed Draft Colorado Roadless Rule.

Of the two DEIS alternatives for a Colorado Roadless Rule, the one that would best conserve roadless area characteristics is Alternative 4, “Colorado Roadless Rule With Public Proposed Upper Tier”. It is more protective of roadless character than the other alternatives, as it would allow much less logging than Alternative 2. See 294.42. However, it would still allow: roads for some oil-gas leases (RDEIS at 60); linear construction zones for a variety of facilities (294.44) that would generally be inconsistent with roadless character; ski area development with road construction (RDEIS at 236 [Footnote 1: Alternative 4 is the same as Alternative 2 here, in that permitted ski areas and areas with ski area allocations under the Forest Plan are removed from the roadless inventory.]); and road construction for coal mining in the North Fork coal mining area (294.43(c)(1)(ix)).

Given the importance of roadless areas and public demand for a high level of protection for them, we [Rocky Mountain Wild et al.] believe it is very important that the Forest Service analyze and fully consider an alternative that would provide the maximum protection allowed by law. Analysis of a true conservation alternative is needed to show the full range of management options for Colorado’s National Forest roadless areas. Without consideration of such an alternative, the NEPA analysis for the proposed rule is incomplete.

An alternative providing the maximum, or a very high level, of protection should include, though not necessarily be limited to, the following protective provisions: No road construction allowed for any oil-gas leases issued since the effective date of the 2001 Rule, and No Surface Occupancy stipulations for any future oil and gas leases; no roads for coal mining on any leases issued after the effective date of the 2001 Rule; linear construction zones are prohibited; ski area development or expansion, or at least roads for such activity, are prohibited; exceptions to the prohibitions on logging are much more limited than in the draft rule; and a ban on mining of mineral materials. (Preservation/Conservation, Denver, CO - #591.6-7.33100.131)



## Use of Science and Compliance with NEPA

### 1-89 Public Concern: The Forest Service should avoid selective use of scientific studies.

#### TO AVOID THE APPEARANCE OF BEING ARBITRARY AND CAPRICIOUS

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". (Individual - #460.10.31000.720)

### 1-90 Public Concern: The Forest Service should provide sufficient, area-specific science.

#### TO COMPLY WITH FEDERAL LAWS

The Forest Service, in scoping and planning is not in compliance with a number of Federal acts. The Forest Service has not developed accurate, sufficient, compelling and area-specific science as required by Federal acts to support implementing this proposed roadless rule. (Multiple Use or Land Rights Organization, Dolores, CO - #688.3.31000.130)

### 1-91 Public Concern: The Forest Service should reconsider their compliance with NEPA.

#### BECAUSE NEPA COVERTLY ENFORCES INTERNATIONAL AGREEMENTS AND AGENDAS

On page 21278, Section 294.45, (pages 19, 40, 48, 52 of EIS), NEPA is claimed as being complied with, yet, NEPA is covertly enforcing biological diversity, sustainable development, the promotion of endangered and threatened species (pages 112, 174 of the EIS) and promoting the CBD [Convention on Biological Diversity] (page 108, 109 of EIS) CITES [Convention on Trade of Endangered Species], and the Migratory Bird Treaty (pages 222-226 of the EIS) as well as more international conventions, programs and agendas. (Individual - #181.9.30000.131)

## Environmental Analysis and Effects Discussion

### 1-92 Public Concern: The Forest Service should redo the EIS analysis.

#### TO ENSURE PROPER COORDINATION IS UNDERTAKEN

To properly and lawfully do a Colorado Roadless Rule/EIS, all work previously done on this EIS should be set aside and a new study undertaken in accordance with all laws and regulations in effect as of this date.

No coordination with the counties, cities or EMS [Emergency Management Services] providers was undertaken. (Individual, Dolores, CO - #655.2.22000.030)

#### TO ENSURE THAT NATIVE AMERICAN HUNTING AND FISHING RIGHTS ARE ADDRESSED

To properly and lawfully do a Colorado Roadless Rule/EIS, all work previously done on this EIS should be set aside and a new study undertaken in accordance with all laws and regulations in effect as of this date.

Members of the Ute Mountain Ute Tribe and other Native Americans have rights for hunting, fishing and wood products such as teepee poles. Was this in any way addressed? (Individual, Dolores, CO - #655.4.73000.150)

### **1-93 Public Concern: The Forest Service should include an economic analysis.**

#### **TO ADDRESS RECREATION, NATURAL RESOURCE INDUSTRY, AND CO<sub>2</sub> PRODUCTION**

To properly and lawfully do a Colorado Roadless Rule/EIS, all work previously done on this EIS should be set aside and a new study undertaken in accordance with all laws and regulations in effect as of this date.

No economic impact studies were made to determine the effect of the roadless rules in relation to hunting, dispersed camping, timber, firewood, fishing, mining and oil, gas and CO<sub>2</sub> production. (Individual, Dolores, CO - #655.3.70000.002)

### **1-94 Public Concern: The Forest Service should include an economic effects study.**

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

These areas may not be economically feasible for any business activities now but what about the future? (Individual, Cortez, CO - #704.4.70000.800)

### **1-95 Public Concern: The Forest Service should revise the EIS to improve the analysis and disclosure of effects.**

#### **AS THEY RELATE TO UPPER TIER ACREAGE, AIR QUALITY, GREENHOUSE GAS EMISSIONS ASSOCIATED WITH COAL DEVELOPMENT, AQUATIC RESOURCES, AND ENVIRONMENTAL JUSTICE**

We [EPA] commend the USFS for its cooperative effort with the State of Colorado to develop a rule that provides state-specific management direction over four million acres of roadless area in Colorado while being responsive to public comments. With a few exceptions, the RDEIS provides thorough disclosure and analysis of impacts. As a result, our primary concerns and recommendations are as follows: inclusion of limited upper tier acreage, air quality, greenhouse gas (GHG) emissions associated with future coal development, aquatic resources, and environmental justice.

Based on our review, we have rated the RDEIS as “Environmental Concerns—Insufficient Information (EC-2)”. We have a number of concerns regarding potential impacts of the preferred alternative, as well as the level of analysis and information provided concerning those impacts. (U.S. Environmental Protection Agency, Washington, DC - #685.1.30000.002)

### **1-96 Public Concern: The Forest Service should include an analysis of the effects on individual roadless areas.**

#### **TO COMPLY WITH NEPA**

NEPA requires the Forest Service to conduct a detailed site-specific analysis of its proposed action, and such an analysis is mandatory regardless of the size or scope of the proposed Federal action. *California v. Block*, 277 F.Supp 753, 765 (C.A. Cal 1982). The Draft EIS does not appear to contain any analysis of the impacts of the proposed rule on the environment of individual roadless areas in Colorado. Specifically, the Draft EIS does not appear to classify or evaluate land type, ecosystem type, wildlife, or roadless values per area. Colorado Springs Utilities is concerned that the Draft EIS for the proposed rule violates NEPA because it does not provide any site-specific analysis of the environmental impacts of the proposed action on the proposed Colorado Roadless Areas. (Utility Group, Colorado Springs, CO - #701.20.31000.621)

**1-97 Public Concern: The Forest Service should analyze potential effects on municipal water suppliers' ability to construct and maintain water supply infrastructure.**

Colorado Springs Utilities is concerned that the Draft EIS does not adequately evaluate the potential impact of any of the alternatives on the ability for the proposed roadless areas to be used as sources of water supply. Specifically, the Draft EIS does not analyze the impacts the proposed rule will have on a municipal water suppliers' ability to construct and maintain water supply infrastructure in a Colorado Roadless Area and perform timber-related activities that are necessary to protect watersheds in Colorado Roadless Areas. (Utility Group, Colorado Springs, CO - #701.21.31000.242)

**1-98 Public Concern: The Forest Service should consider the sciences of climate change and conservation biology in its effects analysis.****TO PROTECT ECOSYSTEMS, HABITAT, WILDLIFE, AIRSHEDS, AND WATERSHEDS**

The goal of the proposed CRR [Colorado Roadless Rule] is the conservation of Colorado Roadless Areas.

The DEIS appropriately states that the purpose and need of the action is to design a Colorado Rule that "provides for the conservation of roadless area values and characteristics within roadless areas in Colorado." RDEIS at S-3. Accordingly, these comments are offered to assist the FS in meeting the purpose and need by achieving the goal of roadless area conservation.

We [Western Resource Advocates] look forward to continuing to work with the Agency on strategies to approve and implement conservation policies that recognize the vital importance of Colorado's remaining roadless forests as managers and the public struggle with daunting management challenges, including climate change, bugs and beetles, interest in fossil fuel energy development, population growth, increased recreational demand, increasing motorized access (both authorized and illicit), and encroachment from development on adjacent private lands. These challenges are interrelated. For instance, insect infestations are more deadly because of warmer winters and stresses to the forest ecosystem caused by climate change; the fossil fuel development that fragments and alters forest habitat directly exacerbates climate change when GHGs are released as the fuels are developed and burned; and growing populations tend to consume more energy both in everyday life and in pursuit of recreational activities on public lands.

In the face of these challenges, we are optimistic that wise stewardship of our National Forest roadless areas and other public lands can succeed in laying the groundwork for a sustainable future in Colorado. The developing science of climate change and conservation biology must continue to inform management policies that allow us to protect ecosystems, habitat, wildlife, airsheds and watersheds. Public awareness of environmental challenges and participation in natural resource decision-making is vital to successfully meeting these challenges. (Preservation/Conservation, Boulder, CO - #625.2-3.40000.002)

**1-99 Public Concern: The Forest Service should revise the recreation analysis.****BECAUSE THE CURRENT ANALYSIS IS INACCURATE AND INCLUDES INSUFFICIENT INFORMATION**

The RDEIS does not accurately disclose existing recreational use.

The DEIS's disclosure of recreational uses occurring in Colorado's roadless areas is not adequate or accurate. Additional roadless area-specific information regarding recreational uses, including a brief discussion of ongoing travel management, should be incorporated into the final rule. (Motorized Recreation, Pocatello, ID - #592.14.31000.500)

**1-100 Public Concern: The Forest Service should consider the non-commodity values of roadless areas in the EIS.****BECAUSE THESE VALUES ARE SIGNIFICANT IN COLORADO**

Consider non-extractive and environmental benefits:

The revised draft EIS does not consider the non-extractive and environmental values of Colorado's roadless areas. These values include, but are not limited to: opportunities for various forms of sustainable recreation, hunting, fishing, and ecosystem services like cleaner air, clean water and water sources/watershed, undisturbed soils and carbon sequestration.

In a state where recreation is a substantial component of the economy, and where roadless areas are the source of clean water for millions of downstream organisms both within and outside state lines, these values must be fully considered. (Preservation/Conservation, Salida, CO - #590.3.40000.002)

### **1-101 Public Concern: The Forest Service should revise the terrestrial wildlife analysis.**

#### **TO PROVIDE MORE SUPPORTING DATA**

Revised Draft Environmental Impact Statement:

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". (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.21.41000.621)

### **1-102 Public Concern: The Forest Service should provide baseline water quality data.**

#### **TO ALLOW FOR FUTURE MONITORING OF EFFECTS**

Baseline water quality data are critical, particularly given proximity to the headwaters of four important rivers—the Colorado, Platte, Arkansas, and Rio Grande. To provide a baseline for future monitoring of impacts, we [EPA] recommend the FEIS provide the following:

- A summary of the best available monitoring data on water quality and stream health for the analysis area, including *Escherichia coli*, nutrient concentrations, water temperatures, and turbidity data, if they exist.
- Identification of significant gaps in data that could affect the decision and/or that may be targeted collection under future project monitoring plans. (U.S. Environmental Protection Agency, Washington, DC - #685.18.46100.243)

### **1-103 Public Concern: The Forest Service should acknowledge that there is no evidence supporting the benefits of roadless areas.**

There has been no scientific data or evidence gathered that show that creating a roadless area would benefit anything. (Individual, Cortez, CO - #704.2.31000.620)

### **1-104 Public Concern: The Forest Service should include a discussion of possible conflicts with the La Plata County Land Use Plans.**

#### **TO COMPLY WITH NEPA**

NEPA, Section 1502.16 Environmental Consequences (c): The EIS does not contain the required discussion of, nor possible conflicts between, the proposed action and La Plata County Land Use Plans, and controls for the areas concerned. (Individual, Bayfield, CO - #827.18.30000.190)

## **Specific EIS Requests**

### **1-105 Public Concern: The Forest Service should include a map of the at-risk communities and associated Community Protection Zones.**

While the RDEIS lists the amount of acreage in Community Protection Zones within 0.5 and 1.5 miles of at-risk communities by county (Table 3-63a), we [Western Energy Alliance et al.] have been unable

to locate a map of at-risk communities and their associated Community Protection Zones in the proposed rule or RDEIS. We recommend that the USFS include such a map in the final rule. (Oil, Natural Gas, Coal, or Pipeline Industry - #616.32.21000.263)

### **1-106 Public Concern: The Forest Service should provide maps that accurately reflect all roads and trails.**

#### **TO ALLOW FOR GOOD DECISION-MAKING**

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 inholdings 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. (Individual, Dolores, CO - #477.8.60000.002)

### **1-107 Public Concern: The Forest Service should add oil and gas development to the list of state-specific concerns on page 4 of the RDEIS.**

Purpose and need for action:

We [Western Energy Alliance, et al.] are disturbed that oil and gas development and transportation are not listed as a state-specific situation and concern that need to be accommodated in CRAs. See RDEIS, page 4. We recommend that in order to eliminate apparent bias against traditional energy development, the USFS add subsection (f) under paragraph 3 that reads “permitting access to existing oil and gas leases and related product transportation.” (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.6.21000.421)

### **1-108 Public Concern: The Forest Service should reconsider requiring that the viability of directional drilling be included in all NEPA analyses of oil and gas projects.**

#### **TO AVOID UNNECESSARY COSTS AND TIME**

Consideration of a directional drilling alternative:

We strongly object to the second of the eight criteria to be considered during the review of a surface use plan of operation, which dictates that an analysis addressing the viability of locating directional drilling on multi-well sites on pre-existing areas of surface disturbance be included in all NEPA analyses associated with oil and gas projects. See [section] 294.46(b)(2). The proposed rule indicates such an alternative was dismissed from detailed consideration in the analysis. There is no justification for such an alternative to be required in any project-level analysis. Rather, it would be appropriate for consideration of directional drilling to be conducted before the range of alternatives is determined. That would eliminate unnecessary costs and time associated with analyzing an unreasonable alternative and would be consistent with NEPA. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.22.44600.850)

### **1-109 Public Concern: The Forest Service should use consistent terminology to refer to Colorado Roadless Areas.**

We [Delta Timber] believe that all documents should 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. (Timber or Wood Products Industry or Association, Delta, CO - #623.3.21000.620)

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 [Colorado Timber Industry Association] 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. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.4.21200.621)

### **1-110 Public Concern: The Forest Service should clarify the reasons for the different leased acreages in the alternatives.**

Leased Acres:

Table 3-19. “Acres leased in IRAs as of September 2009. Leased acres with terms allowing surface occupancy and road construction or reconstruction are distinguished from leased acres with terms prohibiting surface occupancy, including road construction or reconstruction.” See RDEIS, page 137.

Table 3-20. “Acres leased in CRAs as of September 2009. Leased acres with terms allowing surface occupancy and road construction or reconstruction are distinguished from leased acres with terms prohibiting surface occupancy or road construction or reconstruction.” See RDEIS, page 139.

The information included in these tables is confusing. Under Tables 3-19 (Alternative 1) and 3-20 (Alternative 2), acres leased in IRAs and CRAs as of September 2009 are represented. While we realize that IRAs were modified to comport with CRAs, the USFS needs to more clearly explain the differences between the acreages identified in each of these alternatives and the associated stipulations. Since lease stipulations on leases already issued cannot be changed simply due to different alternatives, we [Western Energy Alliance et al.] can only guess that the acreage discrepancies are related to modified IRA boundaries. However, this is not explained and must be clarified.

A totally different situation exists with Alternative 4 as reflected on Table 3-22, which purportedly reflects roadless areas with lands available for leasing in areas with low potential for development as of September 2009. This table contains different data than the previous tables. Instead of including leased acreage, the table seems to address unleased lands.

Due to the myriad differences among these tables, it is virtually impossible to compare them to determine how each alternative impacts leased acreage, and unleased acreage along with their proposed restrictions. These discrepancies or differences must be clearly explained. (Oil, Natural Gas, Coal, or Pipeline Industry - #616.31.21200.421)

### **1-111 Public Concern: The Forest Service should either delete or provide supporting data for the cumulative effects on biodiversity discussion.**

Revised Draft Environmental Impact Statement:

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 [Colorado Timber Industry Association] 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. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.24.31000.310)

### **1-112 Public Concern: The Forest Service should list all the responsible international agencies participating in the proposed rule.**

#### **TO COMPLY WITH NEPA**

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. (Individual, Dolores, CO - #477.12.30000.010)

**1-113 Public Concern: The Forest Service should reveal the non-binding agreements with international agencies they have entered into.**

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

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

Be it known that Montezuma County adamantly opposes any influences on local forest planning efforts conceived by the United Nations or any other foreign entity. (Montezuma County Board of Commissioners, Cortez, CO - #707.13.20000.002)

**1-114 Public Concern: The Forest Service should revise the EIS to include areas of controversy raised by Dolores and Montezuma Counties.****TO COMPLY WITH NEPA**

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 Counties’ Public Lands Commissions and Boards 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. (Individual, Dolores, CO - #477.13.30000.030)

**1-115 Public Concern: The Forest Service should include a discussion of potential conflicts with Dolores and Montezuma Counties’ Land Use Plans.****TO COMPLY WITH NEPA**

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. (Individual, Dolores, CO - #477.14.30000.190)

*Editorial Requests***1-116 Public Concern: The Forest Service should modify page 276 of the RDEIS.****TO REMOVE THE MODIFIER “SOUTHERN” FROM SAN LUIS VALLEY**

[DEIS] Page 276, 1st paragraph, last sentence: Drop the word “southern” in front of San Luis Valley (Saguache County is in the northern part of the valley). (U.S. Department of the Interior, Office of Environmental Policy Compliance, Washington, DC - #829.13.21200.001)

**1-117 Public Concern: The Forest Service should modify page 140 of the RDEIS.****TO ADD “OIL” AFTER “FOR”**

[DEIS] Page 140, Chapter 3, Leasable Minerals, 2nd paragraph, line 2: add “oil” after “for”. (U.S. Department of the Interior, Office of Environmental Policy Compliance, Washington, DC - #829.11.21200.420)

### **1-118 Public Concern: The Forest Service should correct Table 3-21.**

#### **TO SHOW CURRENTLY LEASED ACRES IN FOUR ROADLESS AREAS THAT INDICATE THERE ARE NO LEASED ACRES**

Table 3-21, p. 142 has zeros for four roadless areas in the column “Acres available (includes leased areas)”. All of these areas have acres leased, so the figures in the acres available column should be at least equal to the acres already leased. (Preservation/Conservation, Denver, CO - #591.68.21200.001)

### **1-119 Public Concern: The Forest Service should revise Table 3-18.**

#### **TO CLARIFY THE INFORMATION AND ENSURE IT IS CORRECT**

Parts of Table 3-18 on p. 135 are hard to understand. The row in the “Resource” column titled “Estimated accessible recoverable coal resources in analysis area not within alternative’s roadless area...” shows acreage in Colorado Roadless Areas, according to the “Comments” column. The figure for Alternatives 2 and 4 should be lower than that for Alternative 3, but it is much higher. This applies for the next three rows also. (Preservation/Conservation, Denver, CO - #591.67.21200.422)

### **1-120 Public Concern: The Forest Service should correct the citation on page 153.**

Page 153 contains a mis-cite to 36 CFR 215.9 in the first paragraph under “Water Supply”. This regulation deals with appeals of Forest Service project decisions. (Preservation/Conservation, Denver, CO - #591.69.21200.001)

### **1-121 Public Concern: The Forest Service should correct the elevation range for aquatic habitats and species.**

The wide range of aquatic habitats and species in roadless areas in Colorado is said to range from 3000 to 14,000 feet. However, the lowest elevation in Colorado is approximately 3300 feet, and no roadless areas are anywhere near elevations that low. Page 190 states (likely correctly) that elevation of roadless areas in Colorado range from 7000 to 14,000 feet. (Preservation/Conservation, Denver, CO - #591.70.21200.300)



## Chapter 2. Natural Resource Management

### General Concerns

#### *Roadless Area Protection: Wildlife, Habitat, and Ecosystem Concerns*

##### **2-1 Public Concern: The Forest Service should preserve roadless areas.**

###### **TO PROTECT WILDLIFE**

The national land should continue to be roadless. Roadless, with no logging, no mining, no drilling, no grazing on it at all; it should be kept peaceful for wildlife and birds to live on. Stop letting dirty greedy politicians destroy and destruct all the national land. (Individual, NJ - #13.3.40000.720)

It is essential that wild areas are protected from the exploitation of man because the wildlife requires peaceful, private, safe existence in order to survive and reproduce. For example, the lynx or mountain lion and even the last jaguar that just passed last year require safe privacy in order to have healthy offspring! It would be in the best interests of the animals that have to travel long distances in order to find a mate, to keep a track of land free from the intrusion of man to traverse from Canada, U.S., to Mexico in order to save the few remaining dwindling numbers of protected species. It has been projected that by 2030 to 2050, more than 50 percent of all wildlife will be permanently extinct due to man... Please let's stop this before it's too late! (Individual, Denver, CO - #66.3.41100.331)

I believe that what is now roadless, in Colorado, should remain roadless. I believe this is especially important for the wildlife and wildlife habitat. Please keep all roadless areas roadless, forever. (Individual, Aspen, CO - #184.1.41000.621)

###### **TO PROTECT WILDLIFE AND ECOSYSTEMS**

Give the highest protections to Colorado roadless acres because they protect healthy, viable species of ecosystems and all the plant and animal life found there. (Individual, Denver, CO - #530.7.40000.300)

###### **TO PROTECT NATIVE AND SPECIAL-STATUS SPECIES**

We need to create clear boundaries of protection for roadless and enforce what we have. Many roadless candidates are home to native species and plants that are threatened, such as the native cutthroat trout species, rare insects, and plants. Wheeled travel also causes spread of non-native, invasive species, such as the Canadian Thistle and others. (Individual, Lake City, CO - #155.3.40000.350)

###### **TO PROTECT SPECIAL-STATUS SPECIES**

Colorado is home to seven National Forests, which contain some of the last truly unspoiled lands in the country, including 4.4 million acres of pristine roadless areas. Roadless area protection is vastly popular across the country, including among Coloradans, and protects the multiple uses of our National Forests, including wildlife habitat, clean drinking water, recreation, and fishing. These lands are a haven for wildlife and home to many imperiled species. For example, in Colorado, there are at least six animal and one plant species that are threatened which depend on roadless areas for survival, including the Canada lynx, the northern goshawk, and the greenback cutthroat trout. Many of Colorado's most important rivers—such as the North and South Platte Rivers and the Colorado River—have headwaters in roadless watersheds and provide drinking water to millions of Americans and Colorado residents. (Individual, Olema, CA - #759.9.40000.002)

###### **TO PRESERVE UNDISTURBED AREAS FOR THE BENEFIT OF WILDLIFE**

Part of the United States' unique heritage is the size and beauty of our country. We were pioneers when we went west, but we were also pioneers in preserving the particular beauty of our natural landscape.

We need to preserve areas that are not easily accessible to people, where we can remember that mankind does not really rule the world, and where the whole intricately woven web of animal and plant life can continue more or less undisturbed. We do not know what the importance of such areas may be in the future, but any contribution that they can make to preserving species and to understanding our environment would be greatly compromised by roads. (Individual, Granger, IN - #232.1.40000.002)

#### **TO PROTECT WILDLIFE, WATER RESOURCES, TOURISM, RECREATION, AND QUALITY OF LIFE**

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 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. (Individual, San Diego, CA - #219.2.40000.002)

#### **TO PRESERVE PREDATOR POPULATIONS**

Give the highest protections to Colorado roadless acres because roadless areas protect healthy, viable species of predators. Predators are required in the environment because they make prey populations (e.g., deer, elk, etc.) stronger by culling out the weak and the old. This helps hunters and sportsmen. Predators control overpopulation and over-grazing of prey animals, such as the current problems happening in Rocky Mountain National Park. Overgrazing is causing mono-cultures and reducing the diversity. Using predators to control overpopulation is the lowest cost solution. (Individual, Denver, CO - #530.8.40000.550)

#### **FOR HUNTING AND FISHING**

As some of the best places to hunt and fish in the West, Colorado's roadless backcountry deserves the highest level of respect and protection. These pristine lands are irreplaceable—home to nearly 60 percent of all native coldwater fish and over 1 million acres of unmatched elk habitat. Colorado's roadless areas are located at the headwaters of 16,000 rivers and small streams. These places need to be protected for current and future generations. (Individual, Libertyville, IL - #551.1.40000.002)

#### **BECAUSE ROADS CAUSE ECOLOGICAL DAMAGE**

Wow, I just returned from yet another summer trip down to southern Colorado and am amazed and heartened that such beautiful wild landscape still exists. The truth of the matter is road access causes much ecological damage. There are so many beautiful things and remote places that are accessible by existing roads. Please don't allow the destruction of some of the world's most unique and natural places by expanding our impact on the wild. (Individual, Eden, UT - #600.4.40000.680)

### *Roadless Area Protection: Climate Change and Water Concerns*

#### **2-2 Public Concern: The Forest Service should preserve roadless areas.**

##### **TO PRESERVE THE FOREST'S ABILITY TO BE RESILIENT TO CLIMATE CHANGE EFFECTS**

It will be difficult for the forest's ability to remain resilient in the face of impacts from a changing climate. Please give roadless areas full protection without loopholes created for special interests. (Individual, Crested Butte, CO - #215.4.45000.050)

##### **TO PROTECT CLEAN WATER AND REDUCE EFFECTS OF CLIMATE CHANGE**

We are losing so much precious wild lands and so many species every year, and with populations continuing to swell around the world, it becomes more important than ever that we do everything possible to preserve and restore our natural and wild areas. Clean water will be impacted by the loss of many of our Wilderness Areas as time marches on, and future wars will be fought over it. This miracle of life will not be supported much longer if we don't rein in greenhouse gases (GHGs) and preserve our wild and natural lands in abundance. (Individual, Coeur D Alene, ID - #86.8.40000.002)

### **AS A HEDGE AGAINST CLIMATE CHANGE**

We need to preserve all our current forested areas for canopy if we are to survive the future effects of global warming. Ignore the rapacious greed of industry; stick with our already established, regulated forest production areas and halt any future expansions.

Thank you for addressing this in the best interest of our people. (Individual, Olympia, WA - #349.6.40000.251)

Unless you people are naysayers regarding the buildup of global warming, our intact forests and roadless areas offer the best bulwark against the progression of global warming. (Individual, Pacific Grove, CA - #566.4.40000.251)

How ridiculous can our policies be. We need to conserve oil, yet we are going to build new roads into beautiful roadless areas to use up more oil. We have concerns about global warming. Forests reduce global warming, yet we are going to reduce the forests and build roads to bring pollution to areas that are relatively clean. Makes no sense, but then not much does in this country these days. (Individual, Woodland, CA - #358.3.40000.002)

### **TO STRENGTHEN FORESTS TO WITHSTAND INSECTS, DISEASE, AND CLIMATE CHANGE EFFECTS**

I [U.S. Representative Diana DeGette] strongly urge you to provide Colorado Roadless Areas (CRAs) with the highest level of protection possible. Without strong rules to protect our fragile forest ecosystem, it will be more vulnerable to threats such as climate change and insect and disease outbreaks. In 2010, U.S. Department of Agriculture (DOA) Secretary Tom Vilsack pledged that the Colorado Rule would be as protective or more protective than the 2001 Roadless Rule; the current proposal does not offer that level of protection. (U.S. Representative Diana DeGette, Denver, CO - #671.7.40000.002)

### **TO PROVIDE WILDLIFE OPTIONS IN A WORLD AFFECTED BY CLIMATE CHANGE**

Organisms and even entire ecosystems are under stress due to climate change. As wildlife tries to adapt, migratory animals may have to find new routes from summer to winter habitats and back. Thus, it is even more important than ever that roadless areas be preserved. (Individual, Cortlandt Manor, NY - #115.8.41000.251)

### **TO PROVIDE CLEAN AIR AND WATER AND AS A HEDGE AGAINST CLIMATE CHANGE**

Unspoiled forests provide clean air and water for all. Deforestation is a leading contributor to climate change. Protecting forests is an urgent priority. (Individual, Kyle, TX - #303.3.40000.220)

### **TO PROVIDE FOR CLEAN WATER**

Give the highest protections to Colorado roadless acres because roadless areas protect watersheds and potable water for people, communities, and ecosystems. (Individual, Denver, CO - #530.6.40000.240)

Recent research has shown that one-third of Colorado's water comes out of roadless areas—another reason that the quality of these areas must not be impaired. (Individual, Steamboat Springs, CO - #486.3.40000.240)

### **TO PROTECT DRINKING WATER RESOURCES**

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. (Individual - #472.7.40000.240)

## *Roadless Area Protection: Physical Resources, Social and Economic Concerns*

### **2-3 Public Concern: The Forest Service should preserve roadless areas.**

#### **BECAUSE TOO MUCH DEVELOPMENT HAS ALREADY OCCURRED**

I spent two summers working for a forestry company in Washington State. During those months I gained a realistic perspective of the balance between managing our forest lands as resources and as wildlife habitat. It may seem that in troubled economic times and in times of energy crisis we need to lean more heavily toward resource extraction.

However, we must also consider how far the balance has shifted in that direction already. Consider the continental United States. Colorado is one of the few places left on a once abundant continent that is not severely altered and over-developed by industry and agriculture.

Roadless areas are important. I recognize that my view may be radical, but so is the situation in which we now live. (Individual, Berkeley, CA - #94.8.40000.800)

#### **TO PRESERVE RIVERS AND COLORADO'S HERITAGE FOR FUTURE GENERATIONS**

I am very concerned about impact that the USDA Forest Service's proposed Colorado Roadless Rule will have on pristine areas in Colorado, including the Colorado, Arkansas, Cache la Poudre, San Juan, and Yampa Rivers, and I fully support Trout Unlimited's position with regard to these areas. While balance between nature and man must be maintained, we must preserve these areas for our children and the heritage of our state. We must protect these last, best critical backcountry lands with the highest protections possible. (Individual, Castle Rock, CO - #543.2.40000.700)

#### **FOR FUTURE GENERATIONS**

Please protect roadless areas. Keep wild areas wild for future generations. My children deserve to be able to pass the treasure of roadless lands and their animals/flora to their children. Keep wild lands wild! (Individual, Vail, CO - #188.1.40000.200)

I am enjoying Colorado; my children and grandchildren either live here or travel here often, and I want to present to them the vast, beautiful, undisturbed places. Let's protect all that we can. I do not think that in 30 years we will look back and think that we should have developed more of our public lands. (Individual, Durango, CO - #75.4.40000.700)

I strongly support the effort to preserve what few roadless areas we have left in this country. It is time to take a stand against those who would utilize every last acre of our remaining natural resources. For those millions of us who appreciate undeveloped areas, this is our land, too, and we owe it to our grandchildren to keep it intact for them. (Individual - #653.1.40000.010)

#### **TO PRESERVE WILD PLACES FOR FUTURE GENERATIONS AND WILDLIFE**

Please keep roadless areas roadless. The press of human population makes it imperative that these wild places are preserved for future humanity and future wildlife should any survive human expansion. (Individual, Durango, CO - #54.1.40000.002)

#### **FOR FOREST HEALTH AND SPIRITUAL VALUES**

Please heed the warnings: bird and bee extinctions, tree die-offs, carbon dioxide levels rising. Please allow the preservation of some forest and habitat for the health and spiritual well-being of all of us. (Individual, Denver, CO - #7.1.40000.700)

Please send this to those who are concerned with the decision on keeping roadless areas in Colorado. To have quiet areas, areas with clean air and areas for wildlife, is vital to keep the state and our country as a whole thriving. In addition to providing refuge for wildlife, they provide solace for us domesticated

humans. These areas are a gem in a world that is constantly becoming paved, polluted and de-forested. Once they are gone, these natural areas cannot be replaced. (Individual - #124.1.40000.770)

#### **TO PROTECT SECLUDED AND WILDERNESS AREAS**

We desperately need wild places left wild. We are ruining too many secluded places to roads and recreation vehicles and there will be no magical places left in the true wilderness. Please, the planet is counting on you. We need your help now.

Please live up to your name and be of service to the forest.

Please do the right thing for nature and this planet. (Individual, Lake Forest, CA - #163.8.40000.002)

#### **FOR QUIET RECREATION**

I am in favor of keeping Colorado's roadless areas pristine and safe from further development. As someone who is quite often in search of peace and pristine surroundings free of most modern-day distractions, I find myself using roadless areas to get further away from the hordes of people utilizing the backcountry in our great state. I had the opportunity to see what is happening up on the Roan Plateau a couple of years ago and I was shocked. We did manage to get the opportunity to fish some nice small streams in search of native trout, but I was worried about the further development of roads that were being established by the oil and gas industry in Rifle, Colorado. (Individual - #555.1.40000.002)

#### **TO PRESERVE OUR AMERICAN HERITAGE AND OPPORTUNITIES FOR QUIET REFLECTION**

I was born into a family of immigrants from Yugoslavia, Italy and Germany who came to America in the mid-1800s to support the mines that developed the west. From an early age, my great uncles and extended family cherished the outdoor experience and I have many 150-year-old photographs that show their love for the land and how it is important in shaping families. Pictures of picnics, parties celebrating the return from war, birth of new family members, getaways with friends, romantic getaways with girlfriends and future spouses show how important the natural lands are in shaping who we are and who we can be. These experiences did not always happen in developed forest areas but in more remote adventures of exploration with always the credo of leaving our environment more pristine than we find it for future generations to have a similar experience.

It is understood that the world is changing rapidly and getting smaller with every minute, and with this brings increased difficulty to get away and decompress. Getting away to our natural environment within roadless backcountry provides the single remaining opportunity to do this. I cannot even comprehend the possibility of this being lost to future generations. It would be a horrible, selfish thing for us to do to future generations. We must respect, protect, and continue to educate untouched individuals on the importance of this great American resource in making us who we are. (Individual, Boulder, CO - #501.1.40000.700)

#### **TO PRESERVE THEIR DISTINCTLY AMERICAN CHARACTERISTICS**

I very strongly value wilderness-quality lands, and believe that these roadless areas contain precious, priceless, and irreplaceable resources. I also believe that these must be protected strongly—because if they are impacted or altered, they will no longer offer the same value to future generations.

I truly hope to someday bring children of my own to roadless areas in the American West, and I am willing to offer my voice in support of protecting as much roadless area as possible—and with the strongest possible protection! These are uniquely American resources, and we should preserve their unique undeveloped qualities for current and future Americans, and our visitors from the rest of the globe.

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. (Individual, Charlottesville, VA - #342.1.40000.740)

That pristine wildness has a value far beyond any that can be measured in money. The U.S. Forest Service has been entrusted by the American People to protect many of the last vestiges of our primeval wildness. (Individual, Sparks, NV - #128.8.40000.770)

### **TO PRESERVE VISUAL RESOURCES AND QUIET RECREATION OPPORTUNITIES**

I spend lots of time in Colorado's forests and wilderness areas, and I enjoy the tranquility and pristine scenery of the roadless areas the most. Please support this effort to avoid needless exploitation and adulteration to these areas. (Individual, Denver, CO - #70.3.40000.206)

Please be sensitive to our beautiful backcountry and abundant wildlife by keeping it roadless! We want to enjoy the pristine, quiet atmosphere. There are plenty of places to drive, and not nearly enough that are quiet and preserved. (Individual, Steamboat Springs, CO - #170.1.40000.200)

### **BECAUSE THE FOREST SERVICE CANNOT MAINTAIN EXISTING ROADS**

I believe that Colorado's (and the nation's) Inventoried Roadless Areas (IRAs), as designated back in 2000, are worth giving the highest level of protection possible. I also believe that there is absolutely no need to develop these areas for any reason; if we do develop them, then we all know that the wild integrity of that land is lost forever. I think the hundreds of thousands of miles of road currently on our Colorado public lands is plenty (too much actually). And we already have no possible way to maintain them all, and to try and do so would be senseless. (Individual, Montrose, CO - #37.3.40000.680)

### **BECAUSE TOURISM PROVIDES MORE ECONOMIC BENEFIT THAN NATURAL RESOURCE INDUSTRIES**

We need to keep our wild places wild and undeveloped. We cannot maintain the roads we have now, and there is no reason to build a new road into a wilderness and destroy it. A lot of areas bring in more tourist dollars than any mine or drilling operation and do not leave a huge mess behind. (Individual, Flushing, MI - #149.8.40000.800)

As an elected official for the past 6-1/2 years, I have learned that my constituents (over 50,000 in La Plata County) want to retain the protections of the Clinton-era [2001] Roadless Rule. Our economy is largely tourist-based and these people want to see our wilderness retained for future generations. Colorado will lose the major attraction for both local and tourist dollars if our forests are not managed to protect what we have now. (LaPlata County Commissioner, Durango, CO - #797.5.40000.870)

### **TO PROTECT THE NON-COMMODITY VALUES OF ROADLESS AREAS**

I urge you to remember that until corporations outnumber flesh and blood Americans, it is The People whom you, the Forest Service, serve. Colorado and the rest of the United States was once a vast and wild place. With every passing year we lose a little more of that original wild place, and once it's gone, it can never be restored to its original pristine state.

That pristine wildness has a value far beyond any that can be measured in money. The U.S. Forest Service has been entrusted by the American People to protect many of the last vestiges of our primeval wildness. (Individual, Sparks, NV - #128.8.40000.770)

Some assume that privatized profiteering justifies all. But they are wrong, very, very wrong.

We need to count more than cash. As a climate refugee after the floods of 2008 in Iowa, I learned that diverse, native riparian zones are the best protection for the land. And ripping those precious natural resources out endangers millions, causes flooding and desertification and countless millions of dollars now and generations from now.

Robert Costanza found that if native forests were valued in our economic cash system for their real economic value, including services for water filtration, air conditioning, flood control, etc., then they (and other natural systems) would be valued 3 to 100 times more valuable than all human GDP [Gross Domestic Product] globally! (Individual, Iowa City, IA - #265.3.40000.700)

### **TO PRESERVE THE GOOD OF THE MANY OVER THE NEEDS OF A FEW**

We're left with an illegally issued plunder for profit motive, pure and simple, which, in effect, turns wild lands and our commons into commodities that benefit the voracious few over the needs of the many. It's what happens when insatiable greed transcends all other values. It's sometimes called the commodification of everything.

I like to refer to this as the Easter Island Syndrome which, if you are familiar with Easter Island's history, marks the beginning of the end; the consumption of the very environment that sustained them.

Of course, this particular contemporary scenario is but a variation of that theme, but the sequence of events is, if you look closely, similar.

If you've studied animal behavior, you know that when species overpopulate they inevitably consume and thereby destroy their environment; they are dependent upon and they are ultimately, in turn, diminished if not destroyed themselves. The historic record speaks for itself. (Individual, Valley Center, CA - #129.8.40000.700)

#### **RATHER THAN PROMOTING SHORT-TERM ECONOMIC GAIN OVER LONG-TERM COSTS**

It's hard to fathom that the Forest Service continues to debate the value of protecting wilderness areas. The eternal value of prime wilderness only increases with time; the shorter term values decline over time. Please protect Colorado's roadless areas as you make decisions about how these areas will be managed. (Individual, Denver, CO - #506.1.40000.700)

Do not diminish the protection for Colorado's roadless areas, my backyard. The paths and permanent roads that do exist were the result of mining and logging, with a bit of ranching thrown in. They are there as a result of the kind of indiscriminant pursuit of wealth that was common and normal at the turn of the century.

There was no foresight given to what might exist in the future—just dig it, chop it, move it...on and on. Because there were so few hardy souls who did this and the fact that they didn't have the machinery to really wreak havoc, the roads and trails are still pretty pristine, but they are there. It is important to keep in mind that the numbers of people who use the backcountry today is huge compared to that era. Increased usage means increased damage! The backcountry does not need more roads (linear construction zones?) to further enhance access to those areas that truly are pristine and must remain so.

Today, as we look back at what was, and looking at the nightmare that current oil and gas extraction is having on western Colorado, we have to look into the future and decide if we want to create more opportunities for mankind to further damage what is left of our wonderful wilderness. Those who consider the backcountry nothing more than a storehouse for money-making materials have little regard for wilderness concerns. They are focused upon the bottom line. If we look at the damage the old-time miners had upon the environment with the limited machinery they had, it takes very little to imagine what might become of our backcountry when these immense and powerful machines do their work...and what will be the result when they leave? Just look at the incredible mess they leave at nearly every site that they work!

It is truly time to say, "No!" to any efforts to lessen the protection for our incredible backcountry. Please do not give in to big business and fall prey to their lobbying efforts. We do not have to open the backcountry up to this kind of potential disaster...protect it now! (Individual, Basalt, CO - #379.1-2.40000.800)

#### **FROM CORPORATE INTERESTS**

Choose the health and well-being of our only planet and its inhabitants over greedy corporate interests. Stop the greedy, fascist, right-wing war against the poor, the middle class, the elderly, the disabled, and our only planet. Revolution is brewing.

Our natural world is infinitely more important than corporate profits, and more important than squeezing the last drops of fossil fuels out of the planet. Our government and industry leaders have become mad with greed, and Democrats are sitting on their hands allowing the right wing to destroy our planet and enslave our people. Shame on Democrats in government. You are colluding with the right wing. It is time for no compromise with the fascist right wing. It is time to fight this fascist takeover of America with every ounce of energy we have. The right wing has become anti-American traitors and should be treated as such.

Way too much asphalt in this world. Time to stop runaway development. (Individual, Eureka, CA - #307.3.40000.800)

For heaven's sake, protect our undeveloped lands from the greedy miners, loggers, and developers. Greed will destroy our national heritage if we don't stand up to the special interests that want nothing more than access to virgin lands for which they pay no overhead and laughable harvesting fees. What they are doing would be called grand larceny if the good things they want were anywhere else than on public lands. (Individual, Pensacola, FL - #340.1.40000.800)

The commercial interests have already applied their pressure, and have acquired the use of National Forest areas in Colorado, as apparently only about a third of these forests remain "roadless." The fact is that the commercial interests do not know the meaning of compromise. Past history shows that they will just keep coming back for more. The roadless National Forest areas in Colorado should remain exactly as they are now; no more giving away pieces of our national heritage. (Individual, Washington, DC - #256.3.40000.800)

#### **FROM MINING AND MINERAL INTERESTS**

It seems like our beautiful country is being sold out from under us to further enrich developers, fossil fuel and mining interests, and other elites who could care less about keeping our country clean and sustainable. (Individual, Los Angeles, CA - #205.8.40000.800)

With respect to the changes in roadless area protection, it would behoove us all to remember just "who" we are dealing with, and the certain potential for environmental disaster. These corporations are not responsible, will lie, cheat, steal, even murder to pursue their objectives. By no means should we allow them in the Thompson Divide. Companies like British Petroleum, Exxon, Encana, Williams Resources are well known; what will it take for people to wake up. I took a stand against BP in the Southwest, they drove me out, it will not happen here! Remember the Gulf. Remember the Yellowstone! (Individual - #390.1.40000.720)

#### **FROM THE EFFECTS OF RESOURCE DEVELOPMENT**

The so-called "Colorado Roadless Rule" would open up the currently roadless Colorado forests to mining ravagement and deforestation. It would be a terrible mistake, in a nation and a world that is facing an ongoing plummet of biodiversity.

Don't do it! Protect Colorado's currently roadless forests roadless, as provided for in national laws. (Individual, Oakland, CA - #343.1.40000.201)

#### **BECAUSE DOING SO IS GOOD STEWARDSHIP**

Doesn't it seem odd that you are the Forest Service team, and yet what you plan to do is a disservice to the forest of which you are supposed to protect? If you do not ensure the protection of the forest, you will have "worked" yourselves out of a job! (Individual, Indianapolis, IN - #98.8.40000.023)

Your first priority must be good stewardship.

You must put conservation of our few remaining pristine areas before profiteering by greedy special interests. Stand up to the despoilers and the political puppets they have bought. (Individual, Millerton, PA - #137.8.40000.700)

We are at a point in the evolution of life on this planet that we must step up and become true stewards of the land. Please allow us to be good stewards together. (Individual, Milford, CT - #609.4.40000.700)

#### **BECAUSE ENFORCING ROADLESS RULES IS THE JOB OF THE FOREST SERVICE**

I do not understand why the Forest Service has let things get this far. The Forest Service is supposed to protect our forests, not sell them out to the highest bidder. The Obama Administration has been a big disappointment to people who care about the environment.

Taxpayers expect departments to do what they're supposed to do, not let slick schemes in the back door while the picture at the front door is very different. Enforce roadless rules because that's your job. (Individual, Atlanta, GA - #355.3.40000.160)



#### TO AVOID LAWSUITS

What part of “roadless” don’t you understand? The proposed guidelines seem to allow all kinds of roads in these areas. Failure to protect these areas will result in countless lawsuits. Do you want to squander that kind of money on lawyers instead of using your limited resources to protect these areas? (Individual, Berkeley, CA - #131.8.40000.100)

### **2-4 Public Concern: The Forest Service should fully protect roadless areas.**

#### **BECAUSE THEY ARE AN IRREPLACEABLE RESOURCE**

I believe that roadless areas are an irreplaceable resource and must remain fully protected or be fully protected if they are not now. Please do not allow logging or mineral extraction in roadless areas. Don’t even allow motorized recreation in roadless areas. Leave them be. (Individual, Pagosa Springs, CO - #384.1.40000.002)

### **2-5 Public Concern: The Forest Service should further restrict access to roadless areas.**

I am for more restrictive access to roadless areas of the state. Too much has already been compromised to allow further degradation of roadless areas of the state. (Individual, Pagosa Springs, CO - #399.1.40000.206)

### **2-6 Public Concern: The Forest Service should avoid designating roadless areas.**

#### **BECAUSE DRAWING ATTENTION TO THE AREAS WILL INCREASE ENFORCEMENT ISSUES**

Designation [of roadless areas] would undermine existing protection. These areas have been protected by the fact that they are remote and relatively unknown outside of Colorado. The fastest way to undermine this de facto protection is to designate these areas as “roadless” and flag them on area maps. Furthermore, the very rugged topographic nature of these areas is sufficient to deter most development threats as it is. Our public land agencies are already overwhelmed by escalating recreation pressures in the face of declining budgets. An onslaught of visitors to new “pseudo wilderness” areas, without the capacity to manage and protect them, is the worst thing that could happen to the ecological and integrity of these areas. Drawing additional attention to these areas raises additional enforcement issues which the Federal land management agencies are ill prepared to address.

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

What is compelling reason for these designations unless it is to create Wilderness areas? There is already a process for that. (Montezuma County Board of Commissioners, Cortez, CO - #707.11.40000.600)

### **2-7 Public Concern: The Forest Service should limit allowed activities in roadless areas.**

#### **TO PROTECT ROADLESS CHARACTERISTICS**

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’ (LCZs) should be prohibited on all roadless lands. (Basalt Town Council, Basalt, CO - #540.6.63000.621)

#### **TO ACTIVITIES THAT MAINTAIN OR ENHANCE ROADLESS CHARACTERISTICS**

Activities should only be allowed in roadless areas if they maintain or enhance the character of roadless areas. (Individual, Bayfield, CO - #764.2.40000.206)

**2-8 Public Concern: The Forest Service should limit road construction in roadless areas.****BECAUSE EXCESSIVE ROADS CAN NEGATIVELY AFFECT BIG GAME POPULATIONS**

National Forest roadless areas provide numerous benefits to fish, wildlife and sportsmen. Roadless areas provide large blocks of exceptional habitat for big-game animals such as mule deer, elk, moose, bears, bighorn sheep and mountain goats. While roads are important for enabling sportsmen's access to the lands where they hunt and fish, too many roads have been proven to decrease secure habitat while increasing species' vulnerability to overharvest. Fewer mature animals can be the result and can lead to diminished hunting opportunities, shorter seasons and fewer available tags. (Recreation/Conservation Organization, Missoula, MT - #673.1.40000.560)

**2-9 Public Concern: The Forest Service should prohibit further road construction in the back country.****TO PROTECT THE NATURAL LANDSCAPE**

There are too many reasons why we should not push forward with constructing more roads in the back country. Are we so selfish as to desire more and more destructive roads? They are destructive because they rape the wilderness from a cohesive landscape with which to cultivate wild diversity and strengthen the natural world. Please leave it alone. (Individual, Denver, CO - #42.4.40000.200)

**2-10 Public Concern: The Forest Service should prohibit resource-based activities in roadless areas.****TO PROTECT ROADLESS AREAS**

I have been using many roadless areas in Colorado's National Forests for over 40 years, as a hunter, fisherman, hiker and camper. These areas were of great benefit to my family and friends over this time. They are the last vestige we have of Colorado as it once was.

My father in law, Bill Lucas, was Regional Forester based in Denver for many years. After spending his adult life in the Forest Service, he would be very disappointed at how limited and ineffectual the proposed rule is. He always worked for a fair balance between resource extraction and resource maintenance, and he would be shocked at how far the Forest Service has strayed from its original mandates.

The magnificent resources we have in these roadless areas are extremely valuable for the future of our nation. The existing rule does not give them sufficient protection. In fact, no resource-based activities should be allowed in any roadless area which detract from that area's character.

Please do not be fooled into expanding logging anywhere that is not solely to remove fire threats around existing homes. And don't be fooled by those who argue for destruction of Colorado's outdoor resources. Please do not allow any road construction, oil and gas leases, water projects, energy projects, or electrical and telecommunications facilities in roadless areas. And please be sure to add all the upper tier areas possible to avoid logging in them.

You have the responsibility to manage these resources for the benefit of all Americans, not just a few industrial hustlers looking for a quick buck. (Individual, Littleton, CO - #134.1.40000.002)

**BECAUSE THEY ARE PUBLIC LANDS**

Please keep in mind that public lands are the province of the public...for their use and enjoyment... Not for the generation of corporate profit!

Also keep in mind that once these pristine lands are ravaged by development, they are gone forever and no longer serve the public! (Individual, Littleton, CO - #69.3.40000.127)

**TO PROTECT VISUAL RESOURCES, AIR QUALITY, AND QUIET RECREATION OPPORTUNITIES**

Colorado is my most favorite vacation place. I go there for the beautiful scenery and fresh mountain air. I sit in the back country and watch nature and wildlife. I do not want to see drilling rigs, logging trucks, bare forest lands full of tree stumps, dirt roads full of thrill seeking 3- or 4-wheelers. And I do not want

to breathe in the pollution that comes from these very things! I want the beauty and the peace and quiet. And I most especially do not want to see condos and other man-made structures spoiling the scenery, all in the name of "progress." (This is not progress, but destruction of God's country.) (Individual, Georgetown, TX - #61.8.40000.206)

## **2-11 Public Concern: The Forest Service should avoid permitting resource development and road construction.**

### **TO PROTECT FORESTS FOR WILDLIFE AND RECREATION**

The resources of our National Forests should not be offered to any extractive industry, including the manufacturers of ATVs (all-terrain vehicles), timber interests, oil or gas interests, etc. Collectively, the National Forests represent a small fraction of the land base of the United States, and that land should be preserved for wildlife and recreation, so that Americans can access and enjoy the great outdoors in perpetuity. Your management decisions should reflect this philosophy, and de-emphasize road building and other developments, as well as completely exclude any extractive industries. (Individual, Newbury Park, CA - #213.8.40000.160)

## **2-12 Public Concern: The Forest Service should prohibit coal mining and ski resort expansions in roadless areas.**

I am against coal mining and ski resort expansions into roadless areas. (Individual, Dolores, CO - #541.3.40000.002)

## **2-13 Public Concern: The Forest Service should prohibit commercial timber harvest and oil and gas development in Colorado's Inventoried Roadless Areas.**

### **BECAUSE SUFFICIENT ROADS ALREADY EXIST**

With the exception of Alaska, no part of the United States is more than a few miles from some type of road, so the final version of the Colorado Rule should include strict provisions that would prevent commercial logging and oil and gas extractions from the Inventoried Roadless Areas of Colorado. (Individual, Buena Vista, CO - #55.1.40000.206)

## **2-14 Public Concern: The Forest Service should ensure the public retains the right to access public lands.**

### **BECAUSE THE SCIENCE BEING USED TO JUSTIFY ROAD CLOSURES IS NOT VALID**

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 (U.S. Forest Service/Bureau of Land Management) 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. (Individual - #460.1-2.40000.720)

## **2-15 Public Concern: The Forest Service should ensure that some areas remain publicly accessible.**

### **BECAUSE THE PUBLIC CAUSES LITTLE DAMAGE TO THESE AREAS**

It seems as though there should be some areas that are public accessible in the millions of acres that the Federal government owns. It seems that there should be some areas that are left to the multiple users where there is good access already. I personally do not see “destruction” of the resources from the general public. I do see destruction of the resources when the timber is left to grow too thick for the trees to get adequate sun and water and the beetles kill them and wildfire burns them up. I do see destruction of the resources when there is no use of the oil and gas that would be so beneficial to the economy of the United States in producing our own fuels, and there would be so much benefit to the populations here if there was actual industry to provide jobs. I do see that locking up the public lands from roads, timber harvest, grazing, and general public access creates huge areas of wastelands that then burn like the public lands in New Mexico and Arizona, where they have done away with multiple use of public lands in favor of endangered-species protections and other excuses to stop any local industry and employment. (Individual, Cortez, CO - #725.4.40000.134)

## **2-16 Public Concern: The Forest Service should continue with current management of roadless areas.**

### **TO PRESERVE THESE AREAS FOR THEIR INTRINSIC VALUE**

The current management of the National Forests, deserts, wetlands, etc., must remain either unchanged or with additional protections. When it’s gone, it’s gone forever. Shameful enough that everything is always seen as a commodity, and not as it is unto itself, with its own right to remain as is. (Individual, Mabton, WA - #148.8.40000.203)

### **BECAUSE THESE ARE FEDERALLY OWNED, NOT STATE-OWNED, LANDS**

This is nationally owned public land. This is not Colorado State land. Actually, if Colorado wants to mine coal, let them do it on state land. Let them do their electrical lines on state land. The national land should be saved as open space roadless areas. Completely roadless areas. I think Colorado is trying to take over national lands that belong to every citizen in the entire U.S. who worked and slaved to save that land. (Individual NJ - #13.2.40000.600)

## **2-17 Public Concern: The Forest Service should uphold the Roadless Area Conservation Rule.**

### **TO PROTECT FISH AND WILDLIFE HABITAT, WATER QUALITY, AND RECREATION OPPORTUNITIES**

More than a hundred years ago, President Theodore Roosevelt established our National Forest System (NFS) as a legacy for future generations. Because of his vision, these public lands have provided valuable habitat for fish and wildlife, clean drinking water for millions, and unparalleled outdoor recreation opportunities for all to enjoy.

A century later, these National Forests still stand because Americans have enthusiastically embraced their protection and pushed back when special interests threatened them.

Now, we call on you to renew Theodore Roosevelt’s commitment to our national heritage and protect more than 58 million acres of pristine National Forests by resolving to:

Uphold the Roadless Area Conservation Rule that protects our last undeveloped National Forests.

Suspend all commercial road-building and logging in Inventoried Roadless Areas that violates the rule. (Individual, Denver, CO - #43.1.40000.002)

**AND SHOULD RETAIN RESTRICTIONS ON TIMBER HARVEST, ROAD CONSTRUCTION, OIL AND GAS DRILLING, AND LINEAR CONSTRUCTION ZONES**

I urge you to maintain the same standards for Colorado as in the National Roadless Rule. More succinctly, logging, road building, oil and gas drilling and “linear construction zones” should be strictly forbidden. (Individual, Manitou Springs, CO - #52.3.40000.002)

**TO PROTECT THE NATIONAL FORESTS FROM ECONOMIC INTERESTS**

It is essential to protect our forests from economic interests. Mining, Timber, ski resorts and other economic industries would love access to the current protected areas of land. But it is all up to the Obama Administration to decide whether it will impose the National Rule or give into Colorado’s demands. If the Colorado Roadless Act does pass and countless acres are used for commercial industries, where does it end? One thing is certain: if the Obama Administration allows states to create their own roadless rule act, countless acres of precious forest will lose their protection and be lost for good. (Individual - #14.4.40000.021)

The Forest Service should never weaken protections for Colorado’s last standing wild forests. All of our natural lands are under pressure by humans hoping for financial gains from using, and destroying, public lands, and should never be approved by the Forest Service supposedly protecting the public lands. (Individual, Onaga, KS - #141.8.40000.160)

**TO PRESERVE THE AREAS FOR FUTURE GENERATIONS**

The 2001 Roadless Rule was put into effect to preserve pristine wilderness. Giving in to corporate interests by overturning that rule would constitute an abdication of the stewardship of irreplaceable, unspoiled environment. While the short-term profit to corporations is apparent, the loss to future generations would be incalculable. (Individual, Fort Myers, FL - #108.8.40000.700)

**TO AVOID SETTING A PRECEDENT FOR OTHER STATES AND TO PROTECT THE FORESTS**

Currently, Colorado is attempting to pass a roadless forest management rule that would be disastrous to the state. The act, if put in place, would limit forest protection and allow more commercial industries in protected areas of land. At this time, the Colorado Governor is asking to exempt 4.2 million of 58 million acres of roadless forest put into place by the 2001 National Roadless Act. The Colorado Roadless Act cannot pass because it will allow other states to ask for exclusion from the current National Roadless Act. The government has our best interest in mind; they believe in protecting and preserving our rich ecological forests. State officials, on the other hand, may be looking to cash in on the forest resources in order to benefit the state and disregard what’s best for the environment. (Individual - #14.1.40000.720)

**BECAUSE THE RULE IS CONSISTENT WITH GOOD STEWARDSHIP**

We should have the sensitivity to take care of this beautiful planet that is finite in size and is our home. As a taxpayer, parent, grandparent and one who recognizes that we are to be good stewards of that which has been bequeathed to each generation, it is time to say no to the commercial and or private agents that would cut down the last tree. The National Roadless Rule must always be sacrosanct. (Individual, Dallas, TX - #325.3.40000.740)

**TO REMAIN CONSISTENT WITH THE MISSION OF THE FOREST SERVICE**

Weakening the National 2001 Roadless Rule violates the trust The People have placed in you. Such a violation would not only irreparably damage the relationship between The People and the U.S. Forest Service, but the Forest Service itself. It would raise internal questions such as: Is the purpose of the Forest Service to peddle our national heritage to the highest bidder...or is it to preserve, protect and defend that heritage? I hope you know what your answer should and must be. (Individual, Sparks, NV - #128.9.40000.160)

You are “the Forest Service”...not the “oil and gas or timber service.” These areas won’t come back based on the past performance. Read my lips. Forest Service...do your jobs and toss out any interference

from our illustrious congressionally bought and paid for “representatives.” (Individual, Andover, MA - #142.8.40000.720)

## **2-18 Public Concern: The Forest Service should reveal whether previously developed roadless areas were returned to a roadless condition after resource development occurred.**

### **BECAUSE THESE RESOURCES ARE NEEDED BY MODERN SOCIETY**

A question that comes to my mind is, have past roadless areas that have been developed for underground resources, gas and oil, been returned to a roadless condition after materials extraction has run its course. It seems to me with population growth materials will be necessary in increasing quantities for continuation of a civilized society that relies on all the modern conveniences and necessities that we have become accustomed to. If I were an extraction industry, I would be foaming at the mouth to get raw resource material wherever I can find it. It would mean profit to the company, myself, and the people who work here. My heart says, keep these wild places as they are, but in my mind I feel like something has to give somewhere. (Individual, Boulder, CO - #136.8.40000.800)

## **Wildlife and Habitat Concerns**

## **2-19 Public Concern: The Forest Service should ensure that the Rule requires projects to maintain the viability of fish and wildlife populations.**

### **THROUGHOUT THE DURATION OF THE PROJECT**

Create strong language that requires any project in a roadless area to maintain the viability of fish and wildlife populations throughout the duration of the project. Language in the proposal regarding cutthroat trout does not require that projects refrain from harming fish and wildlife during the project, only that they retain conditions over the long term. This could allow populations to be exterminated even if the conditions were returned to pre-project conditions years after the project was complete. (Individual, Durango, CO - #84.5.41100.160)

## **2-20 Public Concern: The Forest Service should protect fish and wildlife habitat.**

The latest Roadless Rule from the Forest Service is not adequate.

We need a rule that provides the highest level protection for the best fish and game wildlife in Colorado. (Individual, Lakewood, CO - #331.1.41100.001)

## **2-21 Public Concern: The Forest Service should protect wildlife.**

### **AS AN EXAMPLE TO THE REST OF THE WORLD**

At this point, there needs to be an unprecedented call to action from our country to set an example for the rest of the global community. Our ultimate quest should be to protect God’s creatures and preserve them for our children to enjoy. This can only be done if we are willing to approach the issue with a sense of urgency. “The richest values of wilderness lie not in the days of Daniel Boone, nor even in the present, but rather in the future.” Aldo Leopold, Wilderness Society founder. (Individual, Groveland, FL - #347.3.41100.740)

## **2-22 Public Concern: The Forest Service should protect roadless wildlife habitat.**

### **BECAUSE MANY SPECIES NEED WILD, UNROADED LANDS TO SURVIVE**

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 covered up by roads. It must be large and 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. (Individual, Upland, CA - #493.1.41110.331)

**BECAUSE THESE AREAS SUPPORT GAME SPECIES THAT ARE IMPORTANT TO THE SPORTING COMMUNITY**

Roadless areas are vital to terrestrial wildlife. Over 50 percent of all elk summer concentration and production areas are located in roadless areas. Studies have repeatedly shown a strong negative reaction to roads by elk, including abandonment of habitat, lower birth rates, lower bull-to-cow ratios, and dispersal to private lands. Roadless areas also contain thousands of acres of Mule Deer, Bighorn Sheep, Mountain Goat, and Grouse habitat, all vitally important to the sporting community. The 15 most hunted Game Management Units (GMUs) in Colorado all have over 66,000 acres of National Forest roadless land and 12 of these GMUs have over 100,000 acres, illustrating the incredible significance of these lands to the hunting community. (Recreational CO - #628.2.41110.560)

**2-23 Public Concern: The Forest Service should provide abundant, secure habitat for elk and deer.**

Colorado has approximately 290,000 elk and nearly 540,000 deer. Our roadless areas currently provide them with abundant secure habitat. Supporting these population numbers would be difficult, if not impossible, without public lands in their present condition. Please preserve our wild backcountry/roadless areas protected with a rule that provides protections greater than or equal to those provided by the 2001 National Roadless Rule. (Individual, Boulder, CO - #547.1.41110.330)

**2-24 Public Concern: The Forest Service should protect the viability of fish and wildlife habitat throughout the duration of permitted projects.**

**BECAUSE LOCAL COMMUNITIES DEPEND ON HUNTING, FISHING, AND WILDLIFE VIEWING-RELATED TOURISM**

Colorado's backcountry, hunting and angling heritage are critical to the future health of the wilderness. Additionally, the associated outdoor economy and reliance of local communities on hunting, fishing and wildlife-viewing dollars would not be possible without pristine public lands. Annually, hunting, fishing and wildlife viewing contribute nearly \$2 billion and over 20,000 jobs to Colorado's economy. Additionally, nearly 60 percent of all native cold water fisheries habitat in Colorado is in roadless areas and all of the 15 most hunted game management units are over 50 percent roadless.

I urge you to create strong language requiring any project in a roadless area to maintain the viability of fish and wildlife populations throughout the duration of the project. The current language in the proposal regarding cutthroat trout does not require projects to refrain from harming fish and wildlife during the project; only that they retain "conditions" over the long term. This oversight allows for the potential that fish and wildlife populations could be significantly harmed or even exterminated during the course of the project, even if pre-project conditions are achieved upon project completion. (Individual - #775.2.41000.002)

**2-25 Public Concern: The Forest Service should limit roads.**

**TO LIMIT THE SPREAD OF INVASIVE SPECIES AND DISEASES**

Roads are a major factor in the spread of invasive species, and of diseases which can devastate plant populations and decimate valuable tree stands. (Individual, Grove City, OH - #282.4.41000.680)

**2-26 Public Concern: The Forest Service should develop a replanting plan.**

When you cut down the trees, do you, Forest Service, have a plan to re-plant! Probably not. (Individual, Northfield, OH - #135.8.42000.160)

**2-27 Public Concern: The Forest Service should restore native plants and provide for more water.**

Where the sand blows, we need to restore native plants and some watering. There was more water in Colorado before man took lots of it, and had to dig deeper and deeper to find water. (Individual, Fort Collins, CO - #125.10.41210.242)

**2-28 Public Concern: The Forest Service should revise the biodiversity analysis.****TO PROVIDE GREATER SPECIFICITY AND SUPPORTING DOCUMENTATION**

Supplementary Information in the Federal Register Notice:

Table 2, Comparison of Environmental Consequences by Alternative:

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 [Colorado Timber Industry Association] recommend that you either provide supporting documentation or delete references to biodiversity. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.19.41600.330)

**2-29 Public Concern: The Forest Service should seek to preserve contiguous roadless areas.****TO PROTECT SPECIES VIABILITY AND THE HEALTH OF THE PLANET**

The introduction of upper tier natural areas has provided important assurance that a few pockets of contiguous nature will continue to be there for the planet’s health. Only if such places exist and are allowed to remain undisturbed and continuous (not split by roads, power lines, pipelines and telecommunication lines) will migration patterns and by extension the entire above-referenced counterweight [roadless areas] serve their intended function. If anything, current roadless areas need to be connected and made into larger, continuous areas where wildlife can maintain their range, health and viability. For example, we have historically dissected such areas by manmade features such as Blue Mesa Reservoir, cutting the range of its inhabitants. As a result, much game has lost the ability to move to its winter range. We may not have realized then that we were impacting populations of game animals. In a similar way, there may today be things we do not yet understand, changes that our actions would cause, that would be irremediable. In the 1950s, for example, many were willing to carve up what today are valued pieces of beauty. We did not see the importance of allowing the planet to have roadless areas at all. We would not today have the options we have, to protect our planet and retain its long-term viability. What natural balances might there be that we do not yet understand, that would be ruined by bisecting unspoiled forests with pipes or power towers? (Individual, Gunnison, CO - #407.2.41700.350)

**2-30 Public Concern: The Forest Service should protect the long-term ecological health of the Southern Rockies bioregion.****IN HARMONY WITH THE GOALS OF NEPA, NFMA, AND THE ESA**

The CRR [Colorado Roadless Rule] offers opportunities that should not be missed to ensure the long-term ecological health of the Southern Rockies bioregion—furthering the goals of NEPA (National Environmental Policy Act), the National Forest Management Act (NFMA), and the Endangered Species Act (ESA). For example, the congressionally stated purposes of ESA are to “provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved[.]” 16 U.S.C [U.S. Code] [section] 1531(b). Roadless area conservation will clearly further this goal. (Preservation/Conservation, Boulder, CO - #625.29.40000.130)

**2-31 Public Concern: The Forest Service should describe how wetlands will be protected****TO COMPLY WITH E.O. 11990, PROTECTION OF WETLANDS**

Impacts to types and functions of wetlands in mountain environments are difficult or impossible to mitigate due to shorter growing seasons and low nighttime temperatures. To ensure that wetlands are protected to the extent possible, it may be necessary to use best management practices (BMPs) to protect sensitive soils, wetlands, riparian areas, meadows, stream and critical habitat.

We [U.S. Environmental Protection Agency (EPA)] recommend that the FEIS [Final Environmental Impact Statement] describe how the USFS will show compliance with Executive Order (EO) 11990,



Protection of Wetlands, including how wetlands will be identified, avoided, or ultimately mitigated at the project-specific level. (U.S. Environmental Protection Agency, Washington, DC - #685.20.41000.170)

## **2-32 Public Concern: The Forest Service should consider exclusion of tree-cutting, road construction, and LCZs in wetland areas.**

### **TO ENSURE THAT WETLANDS ARE PROTECTED TO THE GREATEST EXTENT POSSIBLE**

To ensure that wetlands are protected to the greatest extent possible, it may be necessary to consider exclusion of tree-cutting, road construction, and LCZs in areas where wetlands would be adversely impacted. We [EPA] support establishment of riparian habitat buffer zones to avoid adverse impacts to streams and riparian areas. Avoidance of tree-cutting, road construction, and LCZs in riparian areas may be necessary, as well as protections for high-quality wetland resources such as fens on the GMUG and San Juan National Forests, where these unique features are more common. (U.S. Environmental Protection Agency, Washington, DC - #685.22.41000.201)

## **2-33 Public Concern: The Forest Service should consult with the U.S. Fish and Wildlife Service on the effects of the proposed rule on listed species and critical habitat.**

### **TO COMPLY WITH SECTION 7 OF THE ESA**

Protect threatened and endangered wildlife and plants. Colorado Roadless Areas are known to host or have suitable habitat for six species of wildlife listed as threatened under the Endangered Species Act (DEIS [Draft EIS] at 191), one wildlife species proposed for such listing (id.), and one listed and one proposed plant species (id. at 164–165). One species, Canada lynx, could occur in 307 roadless areas, and another, Mexican spotted owl, could occur in 32 roadless areas. DEIS at 192. Critical habitat for the Preble's meadow jumping mouse occurs in six roadless areas, and for Mexican spotted owl, critical habitat exists in nine roadless areas. DEIS at 191.

The listed species receive formal protection under the Endangered Species Act. Also, the 2001 Roadless Rule, currently in effect, provides some protection by considerably limiting activities that could harm these species or their habitat. Selection of any alternative other than Alternative 1 could subject all of the listed and proposed species to increased risk of habitat degradation or destruction because much more activity that could harm species would be allowed under Alternatives 2, 3, and 4. For example, the greatly increased allowance for logging under Alternatives 2 and 4 in non-upper tier areas could fragment habitat for lynx and/or Mexican spotted owl. The more protective the roadless rule, the better the chance that ESA-listed and candidate species can survive and recover to full viable populations.

The Forest Service must consult with the Fish and Wildlife Service under Section 7 of the Endangered Species Act on the possible effects of a Colorado Roadless Rule on listed and proposed species and critical habitat. (Preservation/Conservation, Santa Fe, NM - #591.57.41300.135)

## **2-34 Public Concern: The Forest Service should prohibit chemicals, produced water, and drilling rigs in fish and wildlife habitat.**

The latest Roadless Rule from the Forest Service is not adequate.

We need a rule that prevents cattle grazing on Federal land when it affects native fish and game. (Individual, Lakewood, CO - #331.5.41000.810)

## **2-35 Public Concern: The Forest Service should protect roadless areas and associated native trout species.**

### **BECAUSE THESE SPECIES ARE HEAVILY RELIANT ON ROADLESS AREAS**

As sportsmen, we [Bull Moose Sportsmen's Alliance] value roadless areas as an essential piece of the natural heritage that sustains hunting and fishing. We are committed to conserving these lands so that

future generations can continue to enjoy them through hunting, fishing, and connecting with the great outdoors.

In Colorado, roadless areas support the majority of habitats for the state's three at-risk native subspecies of trout—more than 75 percent of the remaining habitat for Greenback cutthroat trout, nearly 60 percent of the remaining habitat for Rio Grande cutthroat trout, and more than 70 percent of the remaining habitat for Colorado River cutthroat trout. Additionally, the headwaters for all of Colorado's major rivers are, at least in part, in roadless areas, providing invaluable benefits to downstream fisheries, agriculture, and municipal water uses far beyond the boundaries of the roadless areas themselves. (Recreational CO - #628.1.41120.002)

#### **BECAUSE EROSION AND SEDIMENTATION FROM ROADS CAN NEGATIVELY AFFECT FISH HABITAT**

Roadless areas also are strongholds for some of Colorado's last remaining native fish populations, and provide unrivaled opportunities for anglers to fish for Rio Grande cutthroat, greenback cutthroat, and Colorado River cutthroat trout. Too many roads can increase sediment loads in waterways and lower the quality of spawning habitat, decreasing the likelihood that these native trout and fishing opportunities can be sustained. (Recreation/Conservation Organization, Missoula, MT - #673.2.41300.330)

### **2-36 Public Concern: The Forest Service should protect cutthroat trout habitat.**

#### **BECAUSE THE POPULATION HAS BEEN DECLINING**

One of our concerns as trout fishermen is the destruction of habitat for native cutthroat trout, whose populations have been declining for years. Your current proposal leaves gaps that will allow destruction of these habitats. That needs to be corrected. Any projects (which there should be few, anyway) must refrain from altering, damaging or destroying cutthroat trout populations. (Individual, Loveland, CO - #366.3.41400.330)

### **2-37 Public Concern: The Forest Service should protect and enhance cutthroat trout habitat.**

This state, Colorado, has worked to increase the populations of cutthroat trout which were once thought lost to extinction. As a native fish of Colorado, it is our duty to protect and increase habitat for the survival of this trout. As a fisherperson, I relish seeing these beautiful fish in our clear mountain streams and lakes. (Individual - #368.2.41300.560)

#### **IN SUPPORT OF FISHING**

Take the Colorado cutthroat trout for example. This fish represents the essence of the American Frontier—innocent, beautiful, fragile, and untamed. Roads threaten the headwaters where these fish maintain their fragile existence. More habitat should be created where non-native fish are eliminated so that the cutthroat has a wider range to survive and prosper. This will allow today's anglers and future anglers that direct connection with the wild essence of this unique area. (Individual, Durango, CO - #40.2.41300.330)

### **2-38 Public Concern: The Forest Service should remove rule language related to cutthroat trout.**

#### **BECAUSE THE SPECIES IS ALREADY PROTECTED UNDER NEPA AND THE ESA**

Tri-State requests that language in the proposed ruling regarding cutthroat trout habitat impacts be removed.

The Endangered Species Act and NEPA processes are already in place to help protect the cutthroat trout subspecies. (Utility Group, Westminster, CO - #677.15.41300.130)

#### **BECAUSE THE LANGUAGE IS TOO GENERAL AND EXCESSIVELY RESTRICTIVE**

Tri-State requests that language in the proposed ruling regarding cutthroat trout habitat impacts be removed. The language in the proposed ruling is too general and excessively restrictive.

The proposed language does not allow for mitigation measures to protect or avoid negative impacts to cutthroat trout habitat if avoidance is not possible. (Utility Group, Westminster, CO - #677.17.41300.160)

**BECAUSE MANAGEMENT PLANS FOR THIS SPECIAL-STATUS SPECIES ARE ALREADY IN PLACE**

Tri-State requests that language in the proposed ruling regarding cutthroat trout habitat impacts be removed.

The subspecies of cutthroat trout in Colorado are currently petitioned for listing or are already listed as threatened under the Endangered Species Act. In addition, the USFS has listed the subspecies as sensitive. Both of these actions have associated species-management plans to protect cutthroat trout populations and habitat. (Utility Group, Westminster, CO - #677.14.41300.300)

**BECAUSE CUTTHROAT TROUT SHOULD NOT BE THE ONLY SPECIES GIVEN SPECIAL CONSIDERATION**

Of particular interest in the Key Elements [of the Colorado Roadless Rule] document is the specific requirement that “road construction...not diminish native cutthroat trout habitat over the long term.” The summary for the RDEIS [Revised Draft Environmental Impact Statement] states that “[r]oadless areas are important because they are, among other things...important fish and wildlife habitat.” (Id. at 3). What the specific cutthroat trout reference demonstrates is that—as discussed supra—the proponents of Alternative 4 had more than sufficient input into the rulemaking process and actually obtained special recognition for an interest near and dear to them. It is in fact entirely inappropriate for native cutthroat trout to be the only fish or wildlife species called out as requiring special consideration. If the purpose of the Roadless Rule is to protect important fish and wildlife habitat, this special reference to cutthroat trout should be stricken. Instead, all species of fish and wildlife should receive equal consideration in a biologically defensible, multi-species management approach when road building is considered. (Recreation/Conservation Organization, Berthoud, CO - #836.14.41120.050)

**2-39 Public Concern: The Forest Service should strengthen the language relating to cutthroat trout.**

The language relating to cutthroat trout populations needs serious strengthening, needs teeth! (Individual - #630.5.41300.160)

**2-40 Public Concern: The Forest Service should modify the language relating to cutthroat trout.**

**TO ENSURE THAT TROUT POPULATIONS ARE PROTECTED IN BOTH THE SHORT TERM AND LONG TERM**

Following recommendations from the Colorado petition, the draft rule contains provisions to protect native cutthroat trout catchments by including a standard of review for construction of roads and linear construction zones (at [section] 294.43 (b)(2)(iii), [section] 294.43 (c)(2)(iv) and [section] 294.44(b)(4)(iii)). However, these provisions to avoid diminishing conditions in native cutthroat habitat include the phrase “over the long term.” Most native cutthroat recovery waters are relatively small stream reaches, and the isolated cutthroat populations found in these waters are vulnerable to both long- and short-term impacts. As written, the draft rule could allow shorter duration impacts that could lead to extirpation of small distinct cutthroat populations because there is no prohibition on impacting the trout populations, only a requirement to avoid diminished habitat conditions over the long term. Even if conditions are restored over the long term, there is no requirement that sustainable native trout populations be maintained. Furthermore, the phrase “over the long term” is ambiguous: how long is the “long term”, ten years, thirty years, one hundred years? We recommend that the qualifier “over the long term” be removed and that language be added, stating that “activities cannot damage or destroy native cutthroat trout populations.” If the “over the long term” qualifier or similar language is to remain, it should be clarified to better define the standards and to ensure that cutthroat populations themselves are maintained-not just their “long term” habitat. (Recreation/Conservation Organization, Denver, CO - #617.22.41300.330)

**TO CLARIFY THE CONSEQUENCES IF CONDITIONS ARE DIMINISHED**

Language in [section] 294.43(b)(2)(iii) as to determination of whether activities will diminish conditions for native cutthroat trout is problematic. The rule does not address what will occur if it were determined the project would diminish conditions.

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

We [National Wildlife Federation and Colorado Wildlife Federation] recommend that the following be added to the regulatory language:

“If it is determined that a non-discretionary project would diminish conditions in the water influence zone and/or in native cutthroat habitat, the Regional Forester will require a plan for protecting native cutthroat populations and their habitat during project activities that insures activities will not alter, damage, or destroy native cutthroat trout populations.” (Preservation/Conservation, Denver, CO - #620.7.41120.161)

**2-41 Public Concern: The Forest Service should revise the language related to disturbances to cutthroat trout habitat.****TO ENSURE THAT CUTTHROAT TROUT POPULATIONS ARE ADEQUATELY PROTECTED**

[ATT1]“Sportsmen’s Solutions” for the Proposed Colorado Roadless Rule:

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

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

Rationale: The final Colorado Roadless Rule petition required that activities within native cutthroat catchments not diminish watershed conditions while the recently proposed rule includes the added language, “over the long term.” Sportsmen believe this could lead to extirpation of small distinct cutthroat populations during activities because there is no prohibition on impacting trout populations, only that they retain watershed conditions over the long term. Even if conditions are restored over the long term, there are no requirements that sustainable native trout populations are retained during a project. Further, “over the long term” is ambiguous. Does this mean 5 years, 20 years, or 100? If this language is to remain, the long term should be defined and additional language should be added requiring the sustainability of native trout populations. (Recreation/Conservation Organization - #539.9.41400.240)

**2-42 Public Concern: The Forest Service should amend the Rule to specify the consequences for negatively affecting cutthroat trout habitat.****TO PROVIDE GREATER LEGAL PROTECTION FOR THE FOREST SERVICE AND HABITAT PROTECTION FOR THE TROUT**

[ATT1]“Sportsmen’s Solutions” for the proposed Colorado Roadless Rule:

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

Solution: Add the following to the regulatory language:

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

Rationale: Without adding language for how to proceed in the event a project diminishes conditions in the water influence zone and/or in native cutthroat habitat, there is no assurance that a project would not drastically damage or even destroy a cutthroat population. This omission leaves the Forest Service legally vulnerable and does not adequately protect native trout populations. (Recreation/Conservation Organization - #539.10.41400.240)

## **Timber Harvest, Forest Health, and Fire and Fuels Management**

### **Timber Harvesting**

#### **2-43 Public Concern: The Forest Service should prohibit tree cutting for profit in CRAs.**

##### **ONLY NON-PROFIT TREE CUTTING FOR FOREST HEALTH SHOULD BE ALLOWED**

There should be no tree cutting for profit in any CRA (Colorado Roadless Area). The only tree cutting allowed should be done to prevent the spread of diseases or infestation and should be closely supervised by authorities that will not benefit financially by such actions. (Individual - #416.3.42000.266)

##### **BECAUSE THE COSTS OUTWEIGH THE BENEFITS**

The economic benefit of Colorado's open spaces and road-free back country is hard to quantify. That said, it is clear that sacrificing any of the remaining wilderness for lumber is not worth it. There is almost no societal benefit to logging in Colorado (though I admit there is a small economic benefit in the form of jobs), but the societal and economic cost in the form of lost wilderness (one of the main attractions of the state) outweighs the benefit in almost all cases (gas wells being an obvious exception as energy is a necessity) when lost wilderness is in question. (Individual - #740.1.42000.770)

#### **2-44 Public Concern: The Forest Service should narrow the exceptions for timber harvesting.**

##### **BECAUSE THEY ARE TOO VAGUE**

The provision in the regulations allowing logging "to maintain or restore the characteristics of ecosystem composition" appears to be much too vague and opens the areas up to the possibility of excessive abuse. The ability of administrators to misuse this open-ended provision invites excessive "forest control" and violates the very concept of leaving the natural process to itself when away from communities. (Individual, Denver, CO - #624.3.42000.330)

##### **TO PROTECT MORE OF THE ROADLESS AREAS FROM UNNECESSARY TIMBER HARVEST**

As noted in other responses, the proposed rule provides overly broad exceptions to the prohibition on logging. The exceptions to the prohibitions on logging in roadless area are described at 36 CFR [Code of Federal Regulations] 294.42. In non-upper tier areas, they would allow logging in the "community protection zone" (CPZ), which extends up to 1.5 miles from at-risk communities. 294.42(c)(1), 294.41. Approximately 25 percent of the total roadless acreage is within 1.5 miles of at-risk communities. RDEIS at 108. In other words, one-fourth of Colorado's National Forest roadless acreage would be at risk from logging under this provision. On the Arapaho-Roosevelt, Pike-San Isabel, and White River National Forests, 35 percent or more of the roadless acreage is within this 1.5 mile zone and would be at risk. Id.

This is considerably more than is needed to protect communities from wildfire. Cohen, 1999 and 2000, showed through experiments that no structure, even one made entirely of wood, will ignite from even a very hot fire at a distance greater than about 30 meters. (This is the "home ignition zone—HIZ). For safety, cutting for some beyond the HIZ might be desirable, even where such activity entered a roadless area. However, we do not see how cutting 1.5 miles away from structures at risk would ever be necessary. (Preservation/Conservation, Colorado Springs, CO - #581.169.42000.263)

## 2-45 Public Concern: The Forest Service should increase restrictions on timber harvest and road construction in roadless areas.

### INCLUDING REDUCING THE DISTANCES ALLOWED TO PROTECT AT-RISK COMMUNITIES

The allowance for logging a long way from communities at risk is clearly not needed. The fact that the rule contains such provisions is even more mysterious in light of the fact that road construction would be allowed only in the first ½ mile of the CPZ. 294.43(c)(1)(vi) and (vii). How would logging be conducted for a distance of an additional mile in the CPZ (or in the cases of watershed protection or ecosystem maintenance/restoration, an unlimited distance), without roads, i.e., with no easy way to remove the fuel that was cut? The RDEIS states that “Removal of trees to reduce hazardous fuels or reduce the spread of forest diseases or insects is often economically feasible only if a road system is present.”

RDEIS at 90. See also *id.* at 94, which states that costs of operation increase substantially with the distance of a project from a road. And *id.* at 110 states that “[c]ritical locations within roadless areas may not be treated if the area cannot be accessed by roads”.

Cutting and leaving the material on site would seldom be appropriate, as this would create easily-ignitable fuel, risking wildfires and contradicting the goal of treatment to reduce the threat of fire. Similarly, burning the material would be risky because there would be no easy way to fight the fire if it escaped prescription. Also, if stands dominated by dead and dying trees were cut, there would likely be too much fuel to burn without damaging soils and watershed.

Helicopter logging could be done, but it is hard to imagine this would occur very often because it is so expensive. The product value of the wood, if any, is not likely to be even close to the amount needed to recoup expenses of copter use for any given project. Cable logging over a long distance (more than several hundred yards) is also not realistic because of cost and the difficulty of setting it up in a remote location.

For ground-based hazardous fuel reduction, the RDEIS at 82 notes that skid distances greater than 1000 feet are rare. Log forwarders, masticators [Footnote 4: Lodgepole pine and spruce-fir forests are said to “have too much biomass to use masticators to achieve management objectives”. RDEIS at 93–94. *Id.* at 110 states that 8–10-inch-diameter trees are the largest than can be masticated.], or other mechanical equipment could be used (see *Id.*), but that would mean repeated passes on paths, which would in effect become roads. Such paths or roads would traverse rugged terrain, sometimes at high altitude where the growing season is short. Thus they might be difficult or impossible to restore.

In any case, logging would likely leave skid trails, slash piles, trash, and other effects, and cause a major degradation and loss of roadless area characteristics, at least in the short to mid term (up to 30 years). It could also lead to the introduction and spread of noxious weeds into roadless areas, which currently have a lower risk of courting invasive species because of less disturbance compared to roaded areas. RDEIS at 98; see also Gelbardi and Harrison, 2005. The cost of weed treatment in remote areas, where there is no road access, is high. RDEIS at 99.

Under Alternative 2, hazardous fuel reduction treatments are expected to occur on 5300 acres of Colorado Roadless Areas annually. RDEIS at 83. Cutting for other reasons brings the projected total to 5800 acres annually. That is a significant amount of roadless area to be degraded by logging.

We [Rocky Mountain Wild et al.] thus recommend that the final Colorado Rule have considerably stronger restrictions on logging and road construction in roadless areas. We believe that the maximum distance for such activities in roadless areas should be no more than one-quarter mile from the roadless area boundary, and that more than a half mile from the boundary is clearly more than is needed or justified. (Preservation/Conservation, Santa Fe, NM - #591.16-17.42000.002)

## 2-46 Public Concern: The Forest Service should revise the exceptions for timber harvest in CRAs.

### TO ALLOW TREE CUTTING WHERE BENEFICIAL TO HABITAT

Many of TRCP’s [Theodore Roosevelt Conservation Partnership’s] partners conduct on-the-ground restoration projects, such as aspen regeneration, to maintain habitat diversity that benefits fish and game and many other species of fish and wildlife that require early successional habitat. We recognize the

importance of this work for our fish and wildlife resources and believe it can be achieved in CRAs using carefully planned projects under the following language in the rule: “Tree-cutting, sale, or removal is needed to maintain or restore the characteristics of ecosystem composition, structure and processes for the purposes of fish and wildlife conservation. These projects are expected to be infrequent.” This language should replace [section] 294.42(c)(3) and be added to 294.42(b). (Recreation/Conservation Organization, Missoula, MT - #673.10.42000.330)

#### **TO LIMIT TIMBER HARVEST IN WATERSHEDS**

294.42(c)(2) would allow almost unlimited logging within roadless areas, as there is no limitation on how far into roadless areas such logging could be done. Since many watersheds contain one or more roadless areas, a large amount of logging could be done under this provision. Though the same limitation on logging (focus on small trees, retain large trees) in the CPZ applies to this provision (see 294.42(c)(2)(i)), the areas where this provision would be most likely to be applied are probably those dominated by dead and dying lodgepole pine, similar to CPZ logging. Thus, this limitation would be no more likely to be invoked than it would be for logging within the CPZ. (Preservation/Conservation, Colorado Springs, CO - #581.170.42000.240)

#### **2-47 Public Concern: The Forest Service should require that timber harvest activities disturb the ground as little as possible.**

Any logging practices must be tightened to make sure the ground is disturbed as little as possible. (Individual, Ridgway, CO - #485.2.42000.220)

#### **2-48 Public Concern: The Forest Service should retain the provision that gives tree-cutting decision-making authority to the Regional Forester.**

On July 9, 2010 we [Outdoor Alliance et al.] wrote to you and provided some perspectives from our community, based on our initial evaluation of the Colorado revised petition. We are pleased to see that many of the concerns we expressed in these themes are addressed in the proposed rule.

We endorse the provisions of the proposed rule that keep tree-cutting decisions with the Regional Forester, rather than a responsible official as was contemplated in earlier iterations of the rule. [Footnote 3: Id. at 21289.] (Recreation/Conservation Organization, Washington, DC - #681.5.42000.160)

#### **2-49 Public Concern: The Forest Service should provide supporting information for the conclusion that forest-wide commercial timber production levels would remain constant.**

Revised Draft Environmental Impact Statement:

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 [Colorado Timber Industry Association (CTIA)] 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. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.25.41210.830)

#### **2-50 Public Concern: The Forest Service should prohibit road construction in support of timber harvest.**

##### **BECAUSE THESE ROADS RESULT IN SIGNIFICANT ENVIRONMENTAL DAMAGE**

You close roads for every excuse...but yet let the loggers have free reign in any given area, which not only devastates the roads, but wreaks havoc on the habitat, etc. Plus, they leave a general mess everywhere they go. If you are so worried about “preserving our forests for future generations” as everyone hears so much about, then a few things need to change for the loggers as well...like clean up

and replanting of trees...it's done in other states, and it works well. (Individual, Grand Junction, CO - #223.3.42000.201)

## **2-51 Public Concern: The Forest Service should reduce the allowed length of new logging roads in roadless areas.**

### **TO ONE-QUARTER MILE**

Your proposed rule would allow logging up to 1.5 miles into roadless areas, or in some cases, over an unlimited distance. Roads could be built a half mile into these areas.

I understand the concern for fire threat, and the desire to allow logging to reduce danger to nearby homes. Well, this kind of "logging" need be only the first quarter-mile or so from areas needing protection from fire. (Individual - #389.1.42000.260)

## **2-52 Public Concern: The Forest Service should promote use of alternatives to wood-based paper and building materials.**

### **RATHER THAN ALLOW TIMBER HARVEST ON ROADLESS AREAS**

All remaining roadless areas should remain roadless. Half of the clearcut forests go to paper, a disposable product, and particleboard, an inferior and toxic building material. We need to go to hemp and agricultural waste for paper. We need to go to concrete housing, which would be much less flammable. It would also be more energy efficient. (Individual - #396.1.40000.700)

## **Forest Health**

## **2-53 Public Concern: The Forest Service should clarify what will happen to areas affected by pine beetle.**

What is going to happen with all the acreage of standing beetle-killed trees? Let it burn? Or timber sale and reforestation? (Individual - #45.2.43210.260)

While the Draft Environmental Impact Statement of the proposed rule does mention the significant mountain pine beetle outbreak in northern and central Colorado, there was no discussion of how the proposed rule would affect the mitigation of dead standing tree hazards or the future recovery of these forests. (Timber or Wood Products Industry or Association, Bethesda, MD - #748.7.43210.260)

## **2-54 Public Concern: The Forest Service should engage in active forest management.**

### **TO RESTORE FORESTS AND IMPROVE FOREST HEALTH**

Human management of National Forests, including Inventoried Roadless Areas, is essential and must be recognized in the final rule.

A philosophical and theoretical concept of ecosystem management is shared by most of the environmental community and many in the U.S. Forest Service. It is perhaps best articulated in the 1998 document titled "Ecosystem Conceptual Model" developed by the U.S. Forest Service Sierran Province Assessment and Monitoring Team during the Sierra Nevada Framework process.

The "Ecosystem Conceptual Model" is a theoretical concept of how all the "pieces" fit together and interact to form the entire ecosystems, from geological processes of soil formation from bedrock and the effect of climate change on photosynthetic capture of solar energy, right down to the effects of roads and landings on the capture of solar energy.

The essence of the concept is this: a) Pre-European-settlement forests were shaped largely by fire—both lightning- and Indian-ignited fire—that was frequent, widespread, and generally of low intensity; b) European settlers wiped out Indian-ignited fire, and later residents logged, built roads, and suppressed most of the lightning- and human-ignited fires; and c) Modern forests are thus highly unnatural, but pre-



settlement “natural” forests will be restored if we just stop logging, close roads, and re-introduce frequent low-intensity fire (prescribed fire). In other words, the forest will fix itself if we just stop doing the wrong things. That concept is appealing to well-meaning idealists, and many in the Forest Service seem to believe it would be relatively easy to implement.

Unfortunately, that concept is also badly mistaken. The awkward facts are that: (1) modern forests have structures and compositions radically different from historic natural forests; (2) large human populations now occupy forests and/or depend on them for essential commodities and functions, ranging from timber and water to recreation and safety; and (3) both law and regulation provide for human uses that did not exist in the pre-settlement forests.

In order to accommodate these awkward facts, Federal land managers must be pro-active in restoring our forests to structures and compositions that are both natural and sustainable, with full regard for both ecological and human necessities.

The environmental community’s plans for IRAs is replete with avoidance of the hard questions, wishful thinking regarding the effectiveness and acceptability of prescribed fire, misinterpretation of technical and scientific information, and almost a complete disregard of the legal requirement for timber production and other human-benefit objectives. The environmental community’s recommendations are not capable of restoring and sustaining Colorado’s National Forests.

BRC [Blue Ribbon Coalition] takes a different view. We agree that the goal should be to restore National Forests to a more natural ecosystem function (natural structures and compositions) with regard to human-benefit objectives. However, we do not agree that the best way to restore a ‘natural ecosystem function’ is to just “stop doing the wrong things.” Rather, BRC supports pro-active resource management.

The final rule should not overly restrict the Agency’s ability to accomplish this important restoration mission. That ability should include active management of recreation, mechanical vegetative treatments, prescribed fire, logging and other human manipulation. (Motorized Recreation, Pocatello, ID - #592.19-20.40000.160)

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

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

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

Every study/and EIS needs to address the maintenance of forest health; if does not, it is nothing but a distraction and an inordinate waste of scarce resources of manpower and money. (Timber or Wood Products Industry or Association, Fort Collins, CO - #710.1.43000.002)

## **2-55 Public Concern: The Forest Service should allow more access for forestry management.**

### **TO PROVIDE FOR GREATER FOREST HEALTH**

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

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

A Colorado Roadless Rule that is tailored specifically to Colorado rather than a one-size-fits-all national approach is a better way to solve our state-specific problems. I would support a change to the Roadless Rules that might carve out a specific niche for access to some of these areas for purposes of forestry management and fuels mitigation. (Business, Crawford, CO - #719.1.43000.266)

## **2-56 Public Concern: The Forest Service should acknowledge that the Rule would restrict forest and watershed health projects to areas outside of CRAs.**

Restoration of Forest and Watershed Health:

In recognition of its overwhelming benefits to a much broader section of society, the dominant theme of current Forest Service and Department of Agriculture management is the restoration of forest and watershed health. As stated by Secretary Vilsack: “Our shared vision begins with restoration. Restoration means managing forest lands first and foremost to protect our water resources, while making our forests more resilient to climate change.” Secretary of Agriculture Tom Vilsack, Seattle, Washington, August 14, 2009. The proposed Colorado Roadless Rule so restricts the use of management options or increases their costs within CRAs, and especially the upper tier areas, that in almost all cases forest and watershed health projects will be conducted outside the CRAs. The CRAs will become neglected areas, where necessary restoration of the National Forest ecosystems is prohibited, either expressly or as a practical matter from a need to prioritize limited management funds to areas where they can achieve the greatest results. (Business - #674.1.43000.621)

## **2-57 Public Concern: The Forest Service should consider the effect of predicted large fires on invasive plant species in the analysis.**

### **BECAUSE THE FIRES ARE A RESULT OF REDUCED FOREST MANAGEMENT OPTIONS**

The restrictions run counter to the protection of roadless characteristics by preventing the restoration of healthy forests that are resistant to insects, disease, and invasive species. “[C]umulative restrictions would reduce the ability to achieve some desired conditions of healthy forests and fire hazard reduction.” DEIS at 97 The DEIS recognizes that wildfire creates “an opportunity for invasive plant invasion,” and once invasive plants are established, their detrimental effects on resource values “may persist for decades or perhaps indefinitely.” DEIS at 97(citation omitted). However, the DEIS arbitrarily fails to consider that large fires, which it predicts will result from limiting forest-health restoration options, will directly result in increased invasive plant species. DEIS at 97–101. (Business - #674.4.43000.358)

## **2-58 Public Concern: The Forest Service should acknowledge that insects, disease, and wildfire pose the greatest threat to forest health.**

The biggest threat to roadless area landscapes may not be tree cutting but rather fire and insects. Many areas that underwent tree harvesting in the past still have a high degree of naturalness and natural integrity. For example, areas that were ‘tie-hacked’ in the 1920s are still part of today’s roadless inventory on several National Forests. But many of these roadless areas have been or will be burned over by wildfire or attacked by epidemic populations of bark beetles. While an area may still retain its roadless characteristic, other environmental services (e.g., wildlife habitat, watershed protection, etc.) could be compromised by the dynamic forces of nature and the loss of opportunity for more effective management. (Timber or Wood Products Industry or Association, Bethesda, MD - #748.10.43000.621)

### **RATHER THAN TREE CUTTING OR ROAD CONSTRUCTION**

The proposal’s limitations on management options are at the risk of losing the very characteristics used to define roadless areas. The DEIS and the Colorado petition incorrectly assume that tree-cutting, sale or removal, and road construction/reconstruction have the greatest likelihood of altering and fragmenting landscapes, resulting in immediate, long-term loss of roadless area values and characteristics. Landscape level disturbances at unnatural levels, including insect and disease outbreaks and catastrophic wildfire, resulting from and resulting in degraded forest health pose a much greater threat. No road within the Hayman burn area has created greater sedimentation, stream degradation, invasive plant species invasions, landscape alteration and overall loss of roadless area characteristics than has been created by

the Hayman Fire. The Hayman Fire is more representative of large Colorado wildfires over the last 20 years than the exception, and the resulting negative effects on roadless characteristics within these other large burn areas is also true. A focus on protecting and restoring forest and watershed health in general and to reduce the risk of large and damaging wildfires, and providing for effective and cost-efficient post-fire forest and watershed recovery, will better serve the goals of protecting roadless characteristics than broadly defining CRA boundaries and restricting management tools. Such focus will also best protect our communities and their watersheds. (Business - #674.2.43000.621)

A road network is a critical component for the management of healthy forests. Roads provide the access to areas by both personnel and equipment. Road availability and condition are critical factors in the cost and feasibility of most forest management activities. SAF [Society of American Foresters] recognizes that roads can create some of the greatest impacts to the forest ecosystem, whether through erosion, sediment deposition in waters, conduits for invasive species expansion, or through increased human use. However, regarding the following statement on page 4 of the Rule Making for Colorado Roadless Areas Revised Draft Environmental Impact Statement:

“As recognized in the 2001 Roadless Rule, tree-cutting, sale or removal, and road construction/reconstruction have the greatest likelihood of altering and fragmenting landscapes...”

While there was evidence to support that statement in 2001, the large intense wildfires and major mountain pine beetle infestations over the past 10 years have shown that forests are dynamic and influenced by many other stressors that impact the forest landscape. (Timber or Wood Products Industry or Association, Bethesda, MD - #748.2.43000.680)

## **2-59 Public Concern: The Forest Service should acknowledge that the proposed rule would negatively affect forest health.**

### **BECAUSE IT WOULD RESULT IN POOR MANAGEMENT, WHICH WOULD INCREASE CHANCES OF WILDFIRE AND DISEASES**

The rule [Proposed Action] will have a negative impact on the forest health because of poor management. This will increase the chances of wildfires and diseases that would be devastating to the forest and surrounding communities. (Individual, Cortez, CO - #586.4.43000.260)

## **2-60 Public Concern: The Forest Service should retain current language related to insect and disease outbreak.**

### **BECAUSE THE NEW LANGUAGE IS ECOSYSTEM FOCUSED**

Insect and disease outbreak language has been made more conservative by replacing previous language with ecosystem-focused management language at [section] 294.42(c)(3), focusing on the need to “maintain or restore the characteristics of ecosystem composition, structure and processes.” [Footnote 2: Id. at 21290.] (Recreation/Conservation Organization, Washington, DC - #681.4.43200.330)

## **2-61 Public Concern: The Forest Service should remove Clear Creek County areas from within CRA boundaries.**

### **OR ALLOW FOR ALL MANAGEMENT OPTIONS NEEDED TO RESTORE FOREST AND WATERSHED HEALTH**

A healthy, natural forest ecosystem, with its species and age-class diversity, stocking levels and mosaics, provides pure water and is more resistant to large-scale disease, insect epidemics and stand replacement wildfire. While extreme disturbances are always possible, their frequency and magnitude can be reduced by management focused on improving watershed health with the least amount of environmental degradation. The Colorado Roadless Rule should direct management emphasis at forest and watershed health as the best means of protecting and enhancing roadless characteristics. The boundaries of the CRAs within Clear Creek County should be removed to at least the tops of the divides above the watersheds within which each of the County’s communities lies, or the rule revised to allow all management options necessary to provide for restoring forest and watershed health. (Business - #674.9.43000.240)

## **2-62 Public Concern: The Forest Service should provide for management flexibility as allowed in Alternative 3.**

### **TO PROMOTE FOREST HEALTH**

The last thing Colorado needs to do, considering the current health of the forests, is to limit the options available to improve overall forest health. To insure clean water, wildlife diversity, rare plants, trees need to be healthy, not just green.

Alternative 3 is the best option. It may hold more risk in some cases, but it is only temporary compared to the risk of not improving forest health and ending up with additional expanses of trees killed by insect or fire.

Focusing on cutting small-diameter trees defeats the purpose of forest management. Yes, large trees are important, and there should always be large trees, but to remove only small trees that are the next generation and leave a disproportionate amount of large trees that are more susceptible to insects and disease is short-term management.

With the exception of the few, the USFS looks for the easy road. If it's going to be an uphill battle, often the battle is not waged even if it is the right thing to do, such as thinning a roadless area across the fence from a subdivision that has thinned their property. The NEPA process provides quality control; please do not add yet another layer that requires approval from the regional forester. (Individual, Salida, CO - #122.1.43000.100)

### **TO ALLOW FOR BADLY NEEDED FOREST HEALTH MANAGEMENT ACTIVITIES**

Grand County has been the epicenter of the mountain pine beetle epidemic. The beetle has destroyed upwards of 90 percent of the mature pines in our predominately lodgepole pine forests. As the forests that surround our towns, subdivisions and homes turn from red to grey, most residents understand and expect mitigation work to continue and expand. As of spring 2011, nearly two-thirds of the private forested acres in this county have been mitigated to some level. Unfortunately this is not the case with adjacent Federal lands. With the current Roadless Rule being suspended, the Arapahoe Roosevelt National Forest is operating under their 1997 Forest Plan and the Medicine Bow Routt National Forest is operating under the Interim Directive by Secretary of Agriculture Vilsack, neither of which address the existing devastated condition of our forests. The current plans and the proposed Roadless Rule effectively take these acres off the table for management due to added costs and controversy.

Grand County Board of Commissioners does not feel any Roadless Rule is presently appropriate. Placing additional acreage under further restrictions removes cost-effective management tools for improving overall forest health. Only 32 percent of our county is under private ownership. Over 62 percent of Grand County land is federally managed; approximately 41 percent is under United States Forest Service (USFS) management, and already 115,330 acres (19 percent) of USFS-managed land is locked under Wilderness or special protection designation, which essentially stops active management. Grand County Board of Commissioners feels the roadless-designated acres, especially the upper tier designation, is a cost-cutting arrangement to cover the current reduction in land management funding. A cut in management funding should not result in so many areas becoming "unmanageable."

Grand County, along with other communities located in mountain pine beetle impacted ecosystems, is left particularly vulnerable from the lack of active past management. In 2003, Congress passed the Healthy Forest Restoration Act (HFRA) to encourage more local control to maintain or restore ecosystem composition, structure and processes within the historic range of variability that would be expected to occur under natural disturbance regimes of the current climatic period. As no two forests are exactly alike, local decisions and local action are needed to improve the current decadent and diseased state of our forests. Grand County Board of Commissioners believes that the proposed Colorado Roadless Rule contradicts the spirit and intent of the HFRA by further restricting active management opportunities and driving up costs to manage the areas of forest designated "roadless."

With so much standing dead timber, the next thirty years are crucial for residents living, working and recreating in these forests because of the potential for catastrophic wildland fire. As a community we need to move towards more potential forest management and mitigation opportunities, not place greater restrictions and reduce beneficial management practices. Performing mitigation work is already costly; additional restrictions for access to forested acres, many of which are located adjacent to existing

subdivisions and county roadways, will increase mitigation costs exponentially and effectively remove these acres from treatment. Additionally, the ability to maintain current roads and access into these areas is essential for emergency operations to include search and rescue and evacuation of backcountry enthusiasts in the event of a wildland fire.

The forest should be a dynamic and diverse environment that is resilient and healthy. A healthy forest creates and sustains a vigorous local economy by attracting both permanent residents and tourists to an area.... Grand County Board of Commissioners would encourage the USFS and the State of Colorado to keep all appropriate areas open to potential treatment and improvement. The future health and resilience of the forest and the communities that depend upon the forest require it. (Grand County Board of Commissioners, Hot Sulphur Springs, CO - #177.1-3.43000.002)

#### **BECAUSE FOREST PLANS ALLOW TREE CUTTING FOR FOREST HEALTH**

Forest plans generally allow tree cutting in IRAs to improve habitat for all species, including threatened, endangered, proposed, regionally designated sensitive species or other species. This is vital to the health of the forest. Compared to the other three alternatives, this alternative [3] provides the greatest opportunities to achieve resource management objectives that include improving forest health and reducing hazardous fuels. (Individual CO - #241.6.43000.300)

### **2-63 Public Concern: The Forest Service should balance forest management activities with conservation as provided in Alternative 4.**

#### **TO PROTECT ROADLESS AREAS WITHOUT LIMITING OPPORTUNITIES TO REMOVE BEETLE-KILLED TREES**

At the meeting on May 25, there were some who were objecting to the expansion of roadless areas on grounds that it would limit or curtail the potential for logging some of the extraordinary numbers of beetle-killed lodgepole pine trees that have been destroyed in recent years. They argued that allowing logging would provide jobs and income to a great number of people in these tough economic times. In my discussions with some of the regional foresters at the meeting, my belief that the areas that would be included in the new roadless rules if Alternative 4 were to be adopted contain very little of the beetle-killed lodgepole trees! The vast majority of the areas that would be encompassed by Alternative 4 consists primarily of aspen and sub-alpine fir forests! Hence, the argument that expansion of the roadless areas would be a suppression of economic vitality in that respect is basically moot! Hunting, fishing and wildlife viewing contribute nearly \$2 billion and over 20,000 jobs annually to Colorado's economy. That far surpasses any dollar amount or potential job numbers that could be gained by allowing logging of dead lodgepole timber in any of the areas that would come under protection if Alternative 4 is chosen.

I'm asking that the Forest Service and State of Colorado select Alternative 4 and do what is really best for the future vitality of our National Forests located in the state of Colorado. (Individual, Steamboat Springs, CO - #31.3.43210.800)

## **Timber Harvest for Forest Health**

### **2-64 Public Concern: The Forest Service should promote forest thinning.**

#### **TO ADDRESS THE BEETLE INFESTATIONS**

I am in disagreement with the part of the rule about what is needed is a planning rule for logging and forestry. Colorado has been in the grips of a bark beetle infestation due to overgrown forest due to lack of healthy forest thinning; this is a direct result of banning all retail forestry operations, and the cause of the last 4 years of wild fires. (Individual, Agate, CO - #19.2.42000.260)

Special consideration should be given to large swathes of dead lodgepole pine and other species affected by the pine beetle epidemic that has despoiled entire hillsides and mountainsides across Colorado. Private companies, as well as Forest Service personnel, should be given governable exceptions to all tiers of the Roadless Rule for tree-cutting of these specifically infected trees. All effort should be made to extract the cut trees without resorting to building (temporary) roads in roadless areas, perhaps via

temporary ski-lift-type conveyors or airlifted machinations. Bark beetle infestation eradication should be a priority of Forest Service officials. (Individual, Denver, CO - #2.1.43210.260)

#### **TO IMPROVE FOREST HEALTH**

We need to send in people to thin the forests to restore the forests to what they were before man stopped the fires. The dead trees need to be used for building homes, boats, windmills, barns, shelters, furniture—not wasted. (Individual, Fort Collins, CO - #125.9.43110.830)

### **2-65 Public Concern: The Forest Service should acknowledge that tree cutting has forest health benefits.**

#### **AND IS NEEDED TO REDUCE THE INTENSITY OF WILDFIRES**

Recognize the benefits of tree cutting to forest health and surrounding communities' safety and economic well-being:

All of the discussion regarding potential tree cutting in the various alternatives within the USFS Rule seems to assume that tree cutting will have entirely negative effects. That is not an accurate assumption.

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. Such active management is crucial in Colorado, where huge portions of forested areas are impacted by beetle-kill. We [Western Business Roundtable] recommend that USFS acknowledge the positive benefits of tree cutting on wildlife habitat and provide for its use in the final rule. (Business, Golden, CO - #838.10.43000.002)

### **2-66 Public Concern: The Forest Service should allow selective timber harvest and associated road construction.**

#### **TO ADDRESS THE FOREST HEALTH ISSUE**

I moved to Steamboat Springs five years ago. The Forest Service was then reporting that one million acres of the conifer forest north of I-70 was dead. That number has grown to two million, and now four million acres of dead trees. This represents geometric growth, or rather death.

Through the greater Rocky Mountain eco-system, that number is estimated to be thirty million acres of dead trees stretching from Canada to Mexico. While not as dramatic as the Gulf, or the Exxon Valdez, oil spills, the environmental impacts of this flora loss will be far more long lasting and profound.

Former Representative Salazar called this a crisis as early as 2005. Senator Udall has obtained some funding to mitigate the damage. However, mitigation is limited just as much by access as it is by funding.

We are now faced with choices. We can let this dead wood burn. Once we dry out, it will burn. Recall that during the Yellowstone fire, smoke clouds darkened the sky as far south as New Mexico. What will be the impact of just a one-million-acre fire? How many homes will be lost and communities will suffer? Another choice is to fast track the removal of this valuable resource while most of the dead trees are still standing. That will create jobs for loggers, truckers, millers, sales people and managers. In the near term, it will require clearing forest roads. Once the dead wood is removed, these roads can be allowed to become trails, providing access for multiple uses, just as thousands of old mining and logging roads throughout Colorado do now. (Individual, Steamboat Springs, CO - #59.3.42000.260)

As a Colorado resident who enjoys spending time in the wilderness hunting, fishing, and camping, I am always in agreement with regulations that protect and manage wild areas. However, in this particular circumstance, I feel that the regulations proposed do not fully take into account the devastation that the mountain pine beetle has caused on the wild lands this legislation is meant to protect.

From my understanding of this legislation, areas designated as roadless will not be able to have timber removed except for areas within 1/2 mile of existing roads and residences. While this seems effective at protecting infrastructure, this leaves little opportunity for instituting an effective management plan for the vast areas of forest that have been devastated by the pine beetle epidemic.

I feel it would be important to leave open the possibility of building logging roads and removal of timber in designated beetle-kill areas when it has been determined necessary to safely and effectively rejuvenate the forest and prevent large forest fires. (Individual, Bennett, CO - #26.1.43210.260)

I want to go on record to say I'm all for building new roads into Forest Service lands. Especially to remove diseased trees. The current health of the National Forest due to the hands off/people out (people are intrinsically bad) is a bad philosophy.

Recent extreme policies seem to be creating a tinder box tangle of diseased trees waiting for a massive high temperature forest fire that will lead to real erosion problems and scorched earth on a massive scale in the forest. Remember the same types of forest fire west of Denver a few years back in Buffalo Creek? That is exactly what is going to happen for a majority of the forest I now see in Colorado. Get new roads into the forest and get the old growth out. No, I don't have a PhD in forestry; I do have eyes and a brain though. This is really pretty obvious, isn't it? (Individual - #426.1.43000.680)

## **2-67 Public Concern: The Forest Service should reconsider restrictions on tree cutting.**

### **TO IMPROVE THE OPTIONS FOR ADDRESSING DISEASED TREES**

It seems restrictions on tree cutting preclude any possibility of controlling tree diseases, other than use of fire, which is more dangerous. It seems maintaining healthy forests ought to be the primary mission of the Forest Service. (Individual, Steamboat Springs, CO - #57.1.43100.260)

### **FOR FUELS REDUCTION, FOREST HEALTH, AND WILDLIFE HABITAT**

Revised Draft Environmental Impact Statement:

p 190: 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 [Colorado Timber Industry Association] recommend that you acknowledge the potentially positive benefits of tree cutting on wildlife habitat. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.23.41000.261)

### **TO ENSURE SUFFICIENT MANAGEMENT FLEXIBILITY TO PROTECT WATERSHEDS AND WATER SUPPLIES**

BWWP [Board of Water Works of Pueblo] has consulted and worked closely with Aurora Water, Colorado Springs Utilities and Denver Water in preparing these comments. BWWP serves a population of approximately 108,000 with associated business and industry primarily in the City of Pueblo. Much of BWWP's water supply originates in the National Forests, and BWWP also owns and operates infrastructure in and near the National Forests. Philosophically, BWWP questions the wisdom of putting in place rules that could limit or impede the U.S. Forest Service's ability to manage and adapt to rapidly changing forest conditions due to beetle infestation, climate change and wildfire. We believe these changes create a great deal of uncertainty and the best way to address this uncertainty is to allow the U.S. Forest Service the flexibility to adapt to changes and to have discretion in the management of the National Forests. Portions of the Colorado Roadless Rule, especially the designation of upper tier roadless areas, could hamper the ability of U.S. Forest Service personnel to put their experience and expertise in forest management to use in adapting to changing conditions. We hope the final Colorado Roadless Rule is flexible enough to meet the forest management, watershed protection and future water supply needs of Colorado. (Utility Group, Pueblo, CO - #834.1.43000.160)

**2-68 Public Concern: The Forest Service should prohibit tree cutting to address insect damage.****BECAUSE IT HAS LITTLE EFFECT ON THE SPREAD OF BEETLES AND NEGATIVELY AFFECTS WATER QUALITY AND QUANTITY**

Watershed tree cutting: The USFS has found that tree cutting does not stop/prevent more beetle kill; cutting will remove dead trees, cause erosion, and degrade water quality and quantity. (Individual, Steamboat Springs, CO - #58.4.43210.240)

**2-69 Public Concern: The Forest Service should allow timber removal, including for personal use.****TO SUPPORT FOREST HEALTH**

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. (Individual, Dolores, CO - #477.5.43000.300)

**Fire and Fuels Management****2-70 Public Concern: The Forest Service should restrict fuel management activities to hand crews.**

Please leave the roadless areas of Colorado roadless. I am a backcountry 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 clearcutting, should be done to accomplish this task. (Individual, Los Lunas, NM - #469.8.43000.500)

**2-71 Public Concern: The Forest Service should limit timber harvest for fuels reduction.****TO AREAS WHERE IT WILL BE MOST EFFECTIVE**

The final rule must tighten the overly broad discretion that would allow logging far into the backcountry. Logging must be limited to areas where it would be most effective in reducing the fire threat to residences and other infrastructure. (Individual, Denver, CO - #15.3.43000.261)

Activities should only be allowed in roadless areas if they maintain or enhance the character of roadless areas. For example, logging should be allowed in roadless areas only to reduce the threat of fire to adjacent built-up areas and then for the minimum distance needed for that purpose. (Individual, Durango, CO - #421.2.63000.260)

**2-72 Public Concern: The Forest Service should reduce the distance into roadless areas at which timber harvest can occur for the purpose of fire protection.****BECAUSE A HALF MILE IS SUFFICIENT TO PROVIDE THE NEEDED PROTECTION**

I believe the logging provisions of the proposal unnecessarily subject the areas to possible excessive abuse.

The distance allowed for logging in a CPZ of up to 1.5 miles far exceeds what is necessary to adequately protect structures. There is no evidence that cutting trees that distance away would gain any significant benefit. Protecting a community for the surrounding half mile would be more than adequate protection, based on the research that has been done. Further distances would subject the forests to possible damage that cannot be justified. (Individual, Denver, CO - #624.2.42000.263)



## **2-73 Public Concern: The Forest Service should avoid restrictions on tree removal.**

### **TO AVOID RESTRICTIONS ON COMMERCE AND ALLOW FOR WILDFIRE PROTECTION ACTIVITIES**

On page 21276, Section 294.42 (pages 25-29, 41, 59, 63, 105, 112, 124 of EIS), the agencies will prohibit tree removal, which is placing restrictions on commerce, trade, building construction, heating and any and all uses of wood products and any other resources from forests. In HFRA (pages 42, 65, 112, 118, 125 EIS), which is from the Federal Register 66 FR 753, January 4, 2001, there is a list of at-risk communities in Colorado that are at risk for wildfires. Most of central and western Colorado cities and communities are among those listed. These agencies are using this list to implement their global agendas upon state lands and all citizens of Colorado. (Individual - #181.5.42000.002)

## **2-74 Public Concern: The Forest Service should reconsider the restrictions on tree cutting in upper tier areas.**

### **TO ENSURE THAT SUFFICIENT FIRE MITIGATION IS ALLOWED COMMUNITIES IN THESE AREAS**

I can tolerate Alternative 2 if the “upper tier” provisions are removed and provisions for tree cutting in all roadless areas are relaxed and/or removed. My major concern is wildfire, especially in the beetle kill areas of the state. Communities and individuals located in upper tier areas have little or no fire mitigation options and will be unable to get fire insurance to protect their property and their investment. While the communities and individuals in the non-upper tier roadless areas do have some fire mitigation options available, it is my fear that those in the beetle kill areas will be unable to cut and remove trees sufficiently to keep a major fire storm from destroying their property. Further, their fire insurance will likely increase significantly. Since these regulations are being “forced” on the population, it seems that the state and Federal governments should be liable for the consequences of their actions. (Individual CO - #237.1.43130.260)

### **TO ENSURE THAT WATER RESOURCES ARE PROTECTED FROM CATASTROPHIC WILDFIRES**

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

Water resources are absolutely critical for everyone in Colorado, as well as the potential for catastrophic wildfires with limited means to practice timber harvesting for forest health and to fight wildfires places watersheds in extreme danger. (Montezuma County Commissioners, Cortez, CO - #707.6.43100.20)

## **2-75 Public Concern: The Forest Service should permit timber harvest only to reduce fire threat to homes and infrastructure.**

I agree with the following point about the Colorado Roadless Rule and hope you will include it in your considerations:

Logging should be limited to only those areas where it is needed to reduce the fire threat to nearby homes and other infrastructure. Generally, this would be only the first quarter mile or so from areas needing protection from fire. (Individual, Denver, CO - #763.3.42000.263)

## **2-76 Public Concern: The Forest Service should only allow timber harvest to protect existing structures.**

### **AND SHOULD ONLY ALLOW A 1000–1500 FOOT BUFFER**

Logging has forever changed most forests of southern North America. Only where logging is undertaken to provide firebreak for already-existing structures should it be allowed, and then only to provide a buffer of 1000 to 1500 feet. (Individual, Gunnison, CO - #407.3.42000.263)

**2-77 Public Concern: The Forest Service should reconsider the prohibition on tree cutting in upper tier areas.****TO ADDRESS SAFETY OF LOCAL COMMUNITIES, RISK OF WILDFIRES, AND COSTS OF EMERGENCY SERVICES**

Section 294.42 Prohibition on Tree-Cutting, Sale or Removal:

Within the upper tier designation, tree-cutting, sale or removal would be prohibited. This leads directly to a safety concern for small communities throughout our state. With the already existing high levels of beetle-killed trees, this may render CPZs (Community Protection Zones) ineffective. The threat of wildfires and no way to get to them, along with no provisions for mitigation to aid in habitat recovery or restoration of scenic view sheds, could economically cripple nearby communities for a long time period. Not to mention the high risks placed upon our [Dolores County Board of County Commissioners] local Fire Protection Districts and Sheriff's Department in regards to response times and effectively being able to help citizens in a great time of need. Besides the damage that fire brings to timber resources, it also affects wildlife, and many western Colorado communities rely heavily on economic sectors of grazing, timber and mineral extraction, hunting, fishing, and other recreational activities. Our biggest and most important resource is water. A catastrophic wildfire caused by a limited means to practice timber harvests could gravely affect watersheds. Within this ruling, under Regulatory Planning and Review, is the listed financial factor of \$100 million or more as an annual effect on the economy, a fiscal impact that does not take into consideration small rural communities. (Dolores County Board of Commissioners, Dove Creek, CO - #633.3.43000.002)

**2-78 Public Concern: The Forest Service should limit timber harvest in roadless areas.****TO THOSE AREAS WHERE IT IS NEEDED TO REDUCE FIRE THREAT**

I am a regular user of our precious national and state forest lands, and I believe that roadless areas deserve the highest protections. The attempt to twist the rule to allow logging is unconscionable and inconsistent with the spirit of the roadless areas. Activities should only be allowed in roadless areas if they maintain or enhance the character of roadless areas. Logging should be limited to only those areas where it is needed to reduce the fire threat to nearby homes and other infrastructure. (Individual, Durango, CO - #423.1.42000.263)

**2-79 Public Concern: The Forest Service should reconsider the allowances for fire and fuel reduction.**

I am writing to you to voice my opposition to the proposed Colorado Roadless Rule now being considered. As a Colorado resident, I actively support fuels reduction activities in Colorado. Unfortunately, in this proposal, all fuels-reduction work would be only allowed to happen if it were located within 1.5 miles of a community, unless it was an area specially designated by a Regional Forester as threatening a watershed. (Individual - #715.1.43100.240)

**2-80 Public Concern: The Forest Service should provide more information on the implementation of prescribed burns.**

We [EPA] recommend the FEIS provide more detail regarding: (1) requirements for the incorporation of the Interagency Prescribed Planning and Implementation Procedures Guide (July 2008) into the site-specific burn plans designed for each prescribed burn conducted as a result of the various tree-cutting exceptions; (2) appropriate smoke-monitoring techniques and mitigation (including meteorological conditions favorable for mitigating prescribed fire smoke and alternatives to prescribed fire, such as mechanical fuel reduction methods); and (3) how the public will be notified of pending burns. (U.S. Environmental Protection Agency, Washington, DC - #685.8.43100.262)

## **INCLUDING WHETHER TREE CUTTING AND ROAD CONSTRUCTION WILL RESULT IN MORE PRESCRIBED BURNS**

The RDEIS has a very limited discussion of prescribed fire except to acknowledge that it is often applied in conjunction with tree-cutting. The RDEIS should clarify whether additional tree cutting and road construction will result in significantly more use of prescribed fire over increased acreage, as stipulated in Alternatives 1, 4, 2, and 3, respectively. (U.S. Environmental Protection Agency, Washington, DC - #685.6.43100.262)

## **2-81 Public Concern: The Forest Service should reconsider the wildfire buffer zone.**

### **BECAUSE IT IS INSUFFICIENT TO PROVIDE NEEDED PROTECTION**

On page 21276 and 21276 [sic], Section 294.41 and 294.42, (page 65, 106, 118 in EIS) there is mention of a 1½ mile boundary enacted for every community for a wildfire buffer zone, as if a wildfire is planning to stop right at the 1½ mile marked boundary. This is creating buffer zones for protected areas rather than wildfire management and is placing human lives in danger, destruction of property, destroying animals and animal habitats from negligence and such mismanagement practices. (Individual - #181.4.43100.200)

## **2-82 Public Concern: The Forest Service should allow some road construction.**

### **FOR FIGHTING FOREST FIRES**

How about wildfires, and being able to get men and equipment into areas that you have decided it best for all of us to eliminate any way in and out? (Individual - #32.2.43100.680)

To maintain a roadless forest is absolute stupidity. The only way to protect a forest is to have some roads for fire breaks and also access in case of fire. Maybe the folks in Washington should take care of their asphalt jungle and stay out of Colorado. (Individual, Greeley, CO - #10.1.43100.680)

## **2-83 Public Concern: The Forest Service should restrict road construction for fuels reduction.**

### **BECAUSE FIRE MITIGATION IS POINTLESS**

Wildfires have burned through our forests for years, and will continue to do so regardless of our intervention. They do not need fire mitigation; indeed, the request for “fire access” roads reeks of an excuse to build roads for other purposes. (Individual - #758.3.43100.333)

### **BECAUSE FUELS REDUCTION MAY NOT SIGNIFICANTLY REDUCE THE FIRE RISK TO STRUCTURES**

Wildfire hazards can be mitigated without drastically compromising roadless areas. The Forest Service recognizes the importance of properly maintaining structures and structure parameters to reduce the threat of structure damage or destruction by wildfire (RDEIS, pp. 103). Flame-resistant building materials and treatment of fuels within 200 feet of a structure remain the best way to reduce damage or destruction of a structure in a wildfire event. While we [Forest Service Employees for Environmental Ethics] desire that no structure should be lost during a wildfire, the Forest Service cannot prevent the inevitable. When one lives within a forest for which wildfire is a natural ecological occurrence, damage or loss of structures is a risk one assumes and is a risk that the Forest Service cannot prevent regardless of the number of roads built, trees cut, or acres of vegetation removed. The Forest Service acknowledges this fact in the RDEIS on page 103 by admitting that spotting (which can result in structure ignition) “can occur from a few meters to several miles” from the main fire. The RDEIS goes on to conclude that even with the road-building and vegetation treatment exemptions proposed, structures may still be damaged or lost in wildfire events: “Therefore the 1/2 mile may not be sufficient for community protection goals as spotting could easily breach the treatments. There may be critical locations in fire pathways that cannot be treated outside the CPZ” (RDEIS, pp. 113).

This begs the question: why destroy roadless character through the building of temporary and forest roads within roadless areas in an attempt to reduce the wildfire hazard to forest communities even when the Forest Service admits that to do so will not necessarily prevent structure damage or destruction? (Government Employee/Union, Eugene, OR - #831.6.43100.621)

## **2-84 Public Concern: The Forest Service should restrict the allowed distance for fuel-reduction road construction.**

### **TO ONE-QUARTER MILE FROM A ROADLESS BOUNDARY**

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. (Individual, El Jebel, CO - #382.1.43130.001)

## **2-85 Public Concern: The Forest Service should revise the definition of “at risk communities.”**

### **TO ENSURE TIMBER HARVEST EXEMPTIONS ARE ALLOWED ONLY WHERE ACTUALLY NEEDED**

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. (Individual, Boulder, CO - #455.5.43130.261)

### **TO ELIMINATE RELIANCE ON THE PROBLEMATIC DEFINITION IN THE HFRA**

The proposed rule’s definition of “at-risk community” must be modified in order to restrict and concentrate fuels treatments (and attendant road building) to properly enhance the safety of such communities. Specifically, the draft rule’s reliance on the definition included in the Healthy Forest Restoration Act (HFRA)—which includes essentially three different, potentially conflicting, definitions of at-risk community. In particular, and at the least, the HFRA definition includes a long list of supposed community names, many of which either do not exist or are not clearly located. That portion of the HFRA definition—and the list of community names in particular—must be removed from the final rule. (Preservation/Conservation, Denver, CO - #684.18.43130.160)

## **2-86 Public Concern: The Forest Service should ensure that response times to fires and other emergencies are not compromised.**

Designation [of roadless areas] is a threat to health, safety and welfare of local citizens. Our [Montezuma County] local Fire Protection Districts and Sheriff’s Department are opposed, as the designation will make it harder to respond in a timely manner to fires and other emergencies in areas that are difficult to reach anyway.

1. Response time to lightning-caused and/or general fire emergencies delayed significantly.
2. Response time to emergencies involving, but not limited to: hikers, bicyclists, horseback riders and outdoorsmen.
3. Discouraging dead timber retrieval, providing an abundance of fuel for wildland fires to grow and spread. (Montezuma County Commissioners, Cortez, CO - #707.5.74000.264)

## **2-87 Public Concern: The Forest Service should reconsider restrictions on road construction and tree cutting for fuels reduction.**

### **TO AVOID LIMITING THE ABILITY TO MITIGATE AND SUPPRESS WILDFIRES**

It is understood that the Forest Service is primarily interested in comments pertaining to changes made since the 2008 Roadless Proposal. Based on that request, the following comment does address those changes, but are submitted with the caveat that the 2008 proposal was also flawed and not in the best interest of the citizens of Montrose County or Colorado.

With regard to [section] 294.42, “Prohibition on tree-cutting, sale, or removal”, we [County Commissioners for Montrose County, Colorado] believe that the proposed rule poses a significant threat to life and property within Colorado. By further restricting temporary road building and tree cutting for fuels reduction to a finite area around certain communities, this rule drastically limits the ability of local communities and Federal lands agencies to mitigate and suppress wildfires. This year’s catastrophic wildfires in the forests of Arizona should be the only evidence necessary to demonstrate the need for this type of mitigation. The proposed rule runs contrary to this evidence by restricting the ability to conduct fuels reduction even further than the 2008 proposal. (Montezuma County Board of Commissioners, Montrose, CO - #621.2.43130.790)

**2-88 Public Concern: The Forest Service should only allow timber harvesting to reduce fire threats to homes and infrastructure.**

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. (Individual - #483.8.43130.261)

**2-89 Public Concern: The Forest Service should create and map municipal water supply areas.**

**TO ADEQUATELY ASSESS THE IMPLICATIONS OF WILDFIRE PROTECTION**

Municipal Water Supply: Given the implications of unmitigated wildfire on municipal water supply systems, we [Pitkin County Board of Commissioners] recognize the need to allow the Regional Forester to determine the extent of mitigation allowed outside of identified “Community Protection Zones” on a case-by-case basis. However, as a more proactive approach, we recommend that municipal water supply areas be identified and mapped as part of the EIS analysis, so that implications of wildfire protection on roadless areas can be adequately assessed. (Pitkin County Board of Commissioners, Aspen, CO - #587.11.43130.242)

**2-90 Public Concern: The Forest Service should restrict timber harvesting in the Pagosa Springs and Wolf Creek areas.**

**AND ONLY PERMIT IT FOR FIRE SAFETY PURPOSES**

As a frequent visitor to Pagosa Springs and Wolf Creek, I am very concerned about the possible change in the access to areas for cutting timber, etc. I do feel this should be restricted and only allowed for possible fire safety. (Individual, West Bloomfield, MI - #73.1.42000.260)

**2-91 Public Concern: The Forest Service should avoid increasing the size of roadless areas on the Pike-San Isabel National Forest.**

**TO ENSURE FLEXIBILITY IN FIRE MANAGEMENT IS MAINTAINED**

I have concerns regarding the proposed 107,300-acre increase in roadless areas on the Pike/San Isabel Forest and the 22,300-acre 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 area’s designation as roadless will reduce the tools available to managers to deal with fire mitigation issues. (Individual, Colorado Springs, CO - #190.6.43100.620)

## **Community Wildfire Protection Plans, Community Protection Zones, and Wildland-Urban Interface**

**2-92 Public Concern: The Forest Service should add a discussion of fire suppression as it relates to public safety.**

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 [Colorado Timber Industry Association] recommend adding such a discussion. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.18.43110.001)

## **2-93 Public Concern: The Forest Service should ensure communities have the right to engage in fuels treatment programs.**

### **WHETHER OR NOT THEY HAVE A COMMUNITY WILDFIRE PROTECTION PLAN IN PLACE**

Communities should have the right to protect themselves before, during and after a wildfire event regardless if they have a CWPP [Community Wildfire Protection Plan] in place or not. Communities should not be restricted on performing a fuels treatment program. (Individual, Austin, CO - #175.4.43130.263)

## **2-94 Public Concern: The Forest Service should retain exceptions for tree cutting to reduce wildfire hazards.**

We [Town of Breckenridge] are very supportive of the language in the Plan that provides exceptions for tree-cutting to reduce wildfire hazards. Because of the mountain pine beetle outbreaks, there is much forest management work that needs to occur to mitigate wildfire risk on the forests surrounding our community. The Summit County Wildfire Protection Plan addresses these wildfire risk issues and the private lands directly to the west of the Hoosier Ridge roadless area are defined “focus areas” mapped in the Plan. (Town of Breckenridge, Breckenridge, CO - #680.2.43130.261)

The proposed rule provides exceptions for road building and timber cutting in roadless areas for purposes of reducing the risk of catastrophic wildfire impacts on communities. Trout Unlimited believes the Forest Service has designed this exception reasonably, and the new limitations—allowing road building only within the first half-mile of the Community Protection Zone, and tree cutting to extend an additional mile only in limited circumstances—are appropriately tailored to the needs of fuels management in Colorado. (Recreation/Conservation Organization, Denver, CO - #617.10.43130.680)

## **2-95 Public Concern: The Forest Service should retain the proposed restrictions on road construction and tree cutting outside of Community Wildfire Protection Plans.**

Fuel Mitigation Within Community Protection Zone: We [Pitkin County Board of Supervisors] support revisions from the 2008 Rule that restrict temporary roads for fuels reduction to a specific distance (1/2 mile) from communities; and limits tree cutting for fuels reduction to 1/2 mile from a community, unless an adopted Community Wildfire Protection Plan identifies a need for tree thinning in an area up to 1-1/2 miles from a community. To the extent that temporary roads and fuels reduction (and related sale and removal) can be effectively accomplished within 1/2 mile of communities, we support the more restrictive standard. (Pitkin County Board of Supervisors, Aspen, CO - #587.10.43130.680)

## **2-96 Public Concern: The Forest Service should require the Regional Forester to document the reasons for authorizing tree cutting outside of 0.5 mile of the CPZ.**

### **TO PROVIDE TRANSPARENCY**

No requirement that the Regional Forester document in writing the reasons for authorizing tree cutting outside of 0.5 mile of the CPZ:

We [National Wildlife Federation and Colorado Wildlife Federation] understand the USFS manual provides some guidance. For purposes of transparency and to educate the public, we urge that the final rule specify that the Regional Forester document the reasons when authorizing tree cutting beyond the 0.5 mile of the CPZ. (Preservation/Conservation, Denver, CO - #620.5.43100.160)

## **2-97 Public Concern: The Forest Service should revisit the limitations on tree cutting in CPZs.**

### **BECAUSE THEY ARE IRRELEVANT GIVEN THE CONDITIONS ON THE GROUND**

The draft rule provides the following limitation on cutting, selling, or removing timber from the portions of roadless areas within the CPZ: "Projects undertaken pursuant to paragraphs (c)(1)(i) and (ii) of this section will focus on cutting and removing generally small-diameter trees to create fuel conditions that modify fire behavior while retaining large trees to the maximum extent practical as appropriate to the forest type."

294.42(c)(1)(iii).

This limitation is appropriate but irrelevant to the current situation in many roadless areas in Colorado. The greatest perceived need for logging in roadless areas would most likely be in areas on the Routt and White River National Forests that have experienced a high level of mortality in stands dominated by lodgepole pine. In such areas, all dead and dying trees are typically removed to reduce fuels. Also, mature lodgepole pine trees in any stand tend to be about the same diameter. Thus this direction to retain larger trees would not apply. This is noted in the Preamble: "In forest types such as lodgepole pine, trees may be dead or dying, regardless of size, and may need to be removed..."

Preamble at 21277.

Finally, this limitation is applied only "to the maximum extent practical", meaning the local manager could decide not to apply or to only minimally apply it, even where there were large trees that could be retained. (Preservation/Conservation, Portland, OR - #591.12.43100.263)

## **2-98 Public Concern: The Forest Service should reconsider the distance from the nearest community that roads can be constructed.**

### **TO FOCUS LIMITED FIRE-FIGHTING RESOURCES ON AREAS NEAR AT-RISK COMMUNITIES**

I [U.S. Representative Diana DeGette] am concerned about some of the proposed regulations that permit road building far from the nearest community for fuel reduction. We have limited dollars to deal with the threats of forest fire around these areas. Those limited dollars should be targeted to the areas closest to those communities rather than far into the backcountry. (U.S. Representative Diana DeGette, Denver, CO - #671.6.43130.263)

## **2-99 Public Concern: The Forest Service should clarify the relationship between Wildland-Urban Interfaces and transmission lines.**

Removing discussions of the wildland-urban interface (WUI) from the current version of the rule leaves transmission lines, considered part of the WUI, in a gray area. Tri-State requests that this be addressed in the final rule. (Utility Group, Westminster, CO - #677.6.43130.160)

### **TO ENSURE THAT SUFFICIENT ACCESS IS PROVIDED FOR FIRE PREVENTION**

Fire prevention is vital for transmission lines because of the importance of reliable power to local communities. Tri-State implements protection measures to ensure electric reliability and non-outage situations as well as to reduce the risk of transmission lines causing forest fires. Tri-State recommends that fire prevention measures for transmission lines and facilities be included in discussions regarding Community Protection Zones or be defined as a part of Community Protection Zones in Section 294.41 of the 2011 proposed Roadless Area Rule. Tri-State needs access to transmission corridors and permission to remove trees for fire damage prevention. (Utility Group, Westminster, CO - #677.5.43130.263)

**2-100 Public Concern: The Forest Service should adjust CRA boundaries to reflect the management jurisdictions of local communities.****TO BE CONSISTENT WITH THE HEALTHY FOREST RESTORATION ACT AND COMMUNITY WILDFIRE PROTECTION PLANS**

Watershed protection ordinances are already in place for municipalities authorized under Colorado law. Towns are empowered to protect their water source. This is a particular issue for Empire, CO and the Mad Creek Watershed where the Colorado Roadless Rule is in conflict with the Healthy Forest Restoration Act (HFRA) passed in 2003. In the HFRA, Congress directed communities in the Wildland/Urban Interface (WUI) to prepare Community Wildfire Protection Plans (CWPP). Once completed, a CWPP provides statutory incentives for the Forest Service and the Bureau of Land Management to give consideration to the priorities of the local communities as they develop and implement forest management and hazardous fuel reduction projects.

Empire's Community Wildfire Protection Implementation Plan (CWPIP) is under the umbrella guidance of the Clear Creek County CWPP. The Empire CWPIP provides wild fire hazard and risk assessments and mitigation recommendations for the Empire communities and associated watershed situated between 8,300 and 11,300 feet elevation in Clear Creek County. The Colorado Roadless Rule did not consider the Healthy Forest Restoration Act or Community Wildfire Protection Plans.

The proposed rule should be revised to recognize these ordinances and adjust the boundaries accordingly to reflect the management jurisdictions of the local communities. (Place-Based Group, Idaho Springs, CO - #532.3.43130.130)

**2-101 Public Concern: The Forest Service should reduce the restrictions on forest management within CPZs.****TO ENHANCE FOREST HEALTH AND REDUCE COSTS**

The restrictions on management within the Community Protection Zones (CPZs) are particularly troublesome. Limiting temporary roads to 1/2 mile from a CPZ ignores the need to focus on improving forest and watershed health. As noted in the DEIS (page 94), tree-cutting costs often increase substantially with the distance of a project from a road. The same is inherently true of virtually all forest health restoration activities. Honestly, but unfortunately, the DEIS recognizes that the Rule "is unlikely to substantially improve forest health and hazardous fuel conditions overall...[[and]] [[t]]he upper tier CRA acres would preclude forest health treatments involving tree-cutting and may thereby lead to larger areas of dead trees, and potentially larger and more damaging wildfires." DEIS at 95. (Business - #674.3.43130.260)

Considering the CPZ area as potentially a 1.5-mile management zone is largely a fallacy. "The additional conditions that extend the CPZ beyond 0.5 mile are specific and may not allow for many additional treatments outside the 1/2 mile portion of the CPZ." DEIS at 112. There is no tree cutting allowed within the upper tier acres, and outside the CPZ but not within upper tier acres; although trees can be cut to reduce the wildfire hazard to a municipal water supply, temporary roads are allowed only within the first 0.5 mile of the CPZ, DEIS at 112. Prohibiting temporary roads will make treatment costly, and therefore unlikely. All treatments require focusing on small-diameter trees, DEIS at 112, which will prevent the realization of economic return to offset treatment costs, even where large trees are dying or dead because of insect and disease outbreak or fire, and especially in areas where temporary roads are not allowed. (Business - #674.6.43130.261)

**TO EXTEND THE AREA FOR ALLOWED TREATMENT BEYOND 0.5 MILE**

The distances applied to restricted management options near CPZs are themselves arbitrary and insufficient for protecting resource values, communities, and roadless characteristics. "[C]ritical locations outside the 0.5 mile CPZ may not be treated due to the limitations on temporary road construction," resulting in a "higher risk of a high-severity wildfire" DEIS at 113. Temporary road construction is allowed within 0.5 mile of the CPZ, which may be extended to 1.5 miles where steep slopes create the potential for wildfire behavior endangering at-risk communities or geographic features



aid in creating an effective fire break. However, “under moderate fire weather conditions, gusts of 20 mph produce spotting distance of over 1/2 mile and...under the influence of stronger gusts, such as those experienced from passing thunderstorms, spotting distances in excess of 1.5 miles are possible from groups of subalpine fire and lodgepole pine. Therefore, the 1/2 mile may not be sufficient for community protection goals as spotting could easily breach the treatments. There may be critical locations in fire pathways that cannot be treated outside the CPZ. Suppression opportunities would be impacted by restrictions on tree-cutting and road construction...In the event of a wildfire, there could be the need for extensive and costly restoration and rehabilitation. Intermediate levels of treatments for maintenance and restoration of ecosystem composition and structure may lead to more dead trees and higher severity wildfires...” DEIS at 113. (Business - #674.8.43130.261)

#### **TO ENSURE THAT SUFFICIENT FUELS REDUCTION TREATMENTS CAN BE MADE**

As we [Society of American Foresters (SAF)] understand it, tree harvesting and treatments can take place up to 1-1/2 miles from the boundary of Community Protection Zone (CPZ), provided there is Community Wildfire Protection Plan. However, road construction would still be limited to one-half mile from a CPZ. Given current economic conditions, the road construction restriction will severely limit wood product removal for utilization purposes (to help fund the fuels treatment) and/or to further improve fuels reduction efforts for areas greater than 1,000 feet from a road. Therefore, SAF is concerned that these areas will not receive the treatments needed for effective fuels reduction. (Timber or Wood Products Industry or Association, Bethesda, MD - #748.9.43130.680)

## **Mining**

### **2-102 Public Concern: The Forest Service should allow mineral development on public lands.**

#### **TO LIMIT EFFECTS ON FEDERAL, STATE, COUNTY, AND CITY ROADS**

On pages 128, 129 of the EIS, quarried rock is mentioned and such mineral extraction on public lands would not be permitted under the Rule. The adverse insurmountable impacts from this are not mentioned in the Federal Register notices. The Agency expects private lands to be the only mineral extraction area for quarried rock and such prohibitions placed upon mineral extractions on public lands have insurmountable and devastating impacts to Federal highways, state roads, and county and city roads. (Individual - #181.13.44300.680)

### **2-103 Public Concern: The Forest Service should avoid increasing regulations on mining.**

#### **BECAUSE MORE REGULATIONS ARE NOT NEEDED**

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. (Individual, Tucson, AZ - #462.3.40000.002)

### **2-104 Public Concern: The Forest Service should restrict mining on public lands.**

#### **BECAUSE THESE ACTIVITIES OFTEN RESULT IN ENVIRONMENTAL DISASTERS**

Our public lands are not up for sale and the management thereof should not be dictated by private industry but by taxpaying and voting citizens of the United States of America. By the way, if you owned property and lived on this property with existing coalbed methane wells, then you would understand the environmental devastation they wreak and the low-class employees that do not abide by local environmental and health and safety regulations, and they do not have to abide by all the Environmental Protection Agency regulations that private citizens must obey...they have been waived by our Washington, D.C. Administration. For example, just examine the British Petroleum oil leak of 2010 in

the Gulf of Mexico. The tragic loss of eleven human lives, human livelihoods, and the disastrous and deadly environmental results are yet to be determined over the coming decades. Let's use common sense and scientific evidence to make wise decisions for our country's beautiful National Forests. (Individual, Vicksburg, MS - #140.9.44000.002)

## **2-105 Public Concern: The Forest Service should prohibit removal of "mineral materials" from roadless areas.**

### **TO PROTECT ROADLESS AREAS**

Prohibit removal of "mineral materials" in roadless areas. The RDEIS states that none of the alternatives would prohibit "development of mineral material sites". RDEIS at 127, 128. By "mineral materials", we [Rocky Mountain Wild et al.] assume the Forest Service means salable, or common variety, minerals, such as sand, gravel, stone, etc, as defined at 36 CFR 228.42.

It is true, as the RDEIS, id., states, that mineral materials development is unlikely without roads, and road construction is limited under Alternatives 1, 2, and 4. However, a few miles of road are expected to be built each year for fuel reduction projects and other activities. See RDEIS at 85. In such situations, it might be convenient for the road contractor to mine road base material nearby, within roadless areas. If this occurred, it would increase the impact on roadless area characteristics by destroying naturalness, and disturbing soil, and possibly water and air (the latter during mineral retrieval and removal).

Unlike locatable and leasable minerals, we believe that the Forest Service has total control of disposal of mineral materials on National Forest lands under the Common Varieties of Mineral Materials Act of 1947, 30 United States Code (U.S.C.) 601 et seq. Therefore, prohibiting the mining and removal of mineral materials from roadless areas is well within the Agency's discretion.

Language should be added to the rule to prohibit any mining or removal of mineral materials in all roadless areas, subject to valid existing rights. At an absolute minimum, such activity must be prohibited in upper tier areas. (Preservation/Conservation, Carbondale, CO - #591.66.44300.160)

## **2-106 Public Concern: The Forest Service should prohibit mining in roadless areas.**

### **BECAUSE OF THE DAMAGE DONE IN THE PAST BY MINING**

A century ago, unregulated mining interests extracted the metals they wanted and disappeared, leaving behind tailings to leach acid into many Colorado streams. Back then, no one stood up for the land. To this day, Coloradans are paying the price of such indifference, in the form of permanently poisoned, high country streams.

Now comes the U.S. Forest Service with a Colorado Roadless Rule which proposes to compound that error, despite public concern, and because of the political influence of commercial interests. The rule will open up now-pristine Federal lands to commercial exploitation, at an equally long-term price. (Individual, Littleton, CO - #556.1.40000.201)

## **2-107 Public Concern: The Forest Service should hesitate to restrict mining for strategic minerals in Colorado.**

### **TO ENSURE A DOMESTIC SUPPLY OF THESE IMPORTANT MINERALS**

As mentioned at the public meeting in Durango, I am concerned about no information regarding "Strategic Minerals" and how they may be developed in the future without the ability to create new exploration and mining roads. Our country is in dire need of being able to develop our own resources and the San Juan Mountains have historically been a center of mining activity. We need to keep these areas available for exploration and mining since the same geological processes that created these beautiful mountains also created an area of mineral wealth. Please do not close down our access to be able to provide our country and our citizens with all of the minerals needed for our alternative energy projects and all of our electronic devices. We cannot be dependent on other countries such as China for these minerals. (Individual, Ouray, CO - #121.1.44000.700)

## **2-108 Public Concern: The Forest Service should avoid imposing limits or creating financially burdensome requirements on natural resource development activities.**

### **TO PROTECT STOCKPILES OF METALS AND RARE EARTH MINERALS OF POTENTIAL STRATEGIC IMPORTANCE**

The RDEIS states that the 1872 mining laws supersede the proposed Colorado Roadless Rule, yet it still does not acknowledge existing mining and other property rights within historic mining communities that are interspersed with public lands and are supported by historic road infrastructures. Roads do exist in these areas; therefore, the areas do not meet the criteria for roadless designation. Historic mining communities have construction cost advantages for development of both mining and renewable energy because road systems are already in place via historic road networks which predate the U.S. Forest Service.

As an example, in addition to Henderson Mine's molybdenum, there are approximately 2,000 mining claims in Clear Creek County which represent an additional wealth of mineral resources including metals such as gold, silver, copper, and rare earth minerals. Roadless designation could make access to these claims unduly difficult to obtain, thereby diminishing the viable economics of these patented properties. Mining Engineer David Mosch prepared and provided to Clear Creek County maps of potential natural resource extraction areas (see Appendix—Exhibits #2, 3, 4, and 5, [ATT3, 4, 5, 6].) As our nation reevaluates its national defense stockpile of metals and rare earth minerals, no consideration of these future needs were taken into account in the RDEIS.

The proposed plan must be revised to include language that would prevent the rule from imposing limits or making it unduly financially burdensome on activities related to the exploration and development of natural resources, to include hard rock mining and renewable energy. (Place-Based Group, Idaho Springs, CO - #532.7.40000.860)

## **2-109 Public Concern: The Forest Service should acknowledge that lands more valuable for minerals should not be set aside for other uses.**

### **TO COMPLY WITH FEDERAL LAWS**

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."

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 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 Section 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.

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.

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 rights-of-way, 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 known as the National Forest Management Act of 1976 (NFMA). NFMA first amends the RPA by putting in a new Section 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 Section 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. (Individual, Rifle, CO - #492.7-13.44000.130)

## **2-110 Public Concern: The Forest Service should reconsider requiring that road construction for mining not affect native cutthroat habitat.**

### **BECAUSE IT WOULD IN ESSENCE PROHIBIT MINING IN THESE AREAS**

Clear Creek County is an historic hard rock mining area.

The Draft EIS states, “Locatable mineral resource activities are non-discretionary [to USFS]. The public has a statutory right to come onto public domain land to prospect, explore, and develop locatable mineral resources, and the Forest Service cannot prohibit this activity on these NFS lands. Therefore, none of the proposed alternatives would affect the statutory right of reasonable access to prospect, explore and develop NFS lands open to mineral entry and location.” (Page 129, 1st [paragraph].)

We understand that reasonable access to private lands which must cross Forest lands are the same, subject to reasonable regulation by virtue of the Forest Service Organic Administration Act, Federal Lands Policy Management Act, Alaska National Interest Land Conservation Act, and other laws and court decisions. The Rule applies yet another layer of regulation of that access.

The additional layer of regulation which is certainly new with the proposed rule is that road construction/reconstruction and power for extraction operations be found to not “diminish, over the long-term, conditions in the water influence zone and in the native cutthroat habitat” if constructed in a native cutthroat trout catchment or identified recovery watershed. (Proposed 36 CFR[sections] 294.43(b)(2)(iii), 294.43(c)(2)(iii) and 294.44(b)(4)(iii). If we correctly interpret [section] 294.43(c)(2) this layer of regulation would not apply to road construction/reconstruction in non-Upper Tier Areas.) This appears to be an absolute prohibition if impacts cannot be fully mitigated. The history of Clear Creek County, and perhaps its future, includes substantial mining in native cutthroat habitat. Mining country does not necessarily offer alternatives to access or opportunities for mitigation; there may be no ability to fully mitigate impacts.

We question, therefore, an additional layer of regulation that includes an absolute or potentially absolute prohibition against access or linear construction zones in native cutthroat habitat. We recommend these sections expressly allow “reasonably possible” mitigation even if the habitat is diminished over the long term. (Clear Creek County Board of Commissioners, Georgetown, CO - #537.7-8.44000.340)

### **2-111 Public Concern: The Forest Service should analyze potential effects on rare earth minerals.**

The DEIS does not consider rare earth minerals and potential impacts. (U.S. Department of the Interior, Office of Environmental Policy Compliance, Washington, DC - #829.2.44100.840)

### **2-112 Public Concern: The Forest Service should include a provision to deal with potential future need to access important minerals, such as rare earths.**

The final nature of this rule may preclude future options for mining in Montrose County.

Our county has potential commercial deposits of ‘rare earth’ minerals. At the time of the roadless rule process, and even as of this date, we [Montrose Economic Development Corporation] cannot project the issues that the Roadless Rule designation may create. There was no provision in the rule for extraordinary future needs for access to nationally important minerals. We have no suggestions on addressing this problem, but list this as a separate issue that occurs with long-term, binding rules that cannot be adjusted as the dynamics of forest ecology, wildlife trends and needs for natural resources change. (Business, Montrose, CO - #618.7.44100.002)

### **2-113 Public Concern: The Forest Service should allow use of lands by the energy industry.**

#### **TO PROMOTE JOBS AND TAX REVENUES**

I believe we can use parts of this land to produce revenue for Colorado in jobs and tax revenue in the energy industry. (Individual, Agate, CO - #19.3.44000.800)

### **2-114 Public Concern: The Forest Service should clarify that the forest management plan in place before the 2001 Roadless Rule should govern pending mining permit applications.**

[ATT 1] Effective January 8, 2008, the State of Colorado and the USDA entered into a Memorandum of Understanding (the “MOU”), which provides that the Federal lands within Colorado will be managed consistent with the 2001 Roadless Rule. The 2001 Roadless Rule has been invalidated and enjoined from enforcement within Colorado. The MOU seeks to enforce within Colorado a forest management plan that has been determined to be illegal. The MOU, as it relates to the 2001 Roadless Rule, is invalid. The 2001 Roadless Rule cannot be enforced in Colorado despite what the MOU would propose. (Mining Industry/Association, Denver, CO - #832.24.20100.100)

### **2-115 Public Concern: The Forest Service should ensure that authorizations do not include oil and gas or coal.**

[DEIS] Page 44, Chapter 2: the term “Authorizations” refer to land uses allowed under a special use permit, contract, or similar legal instrument. There are numerous types of lands and recreation-related authorizations issued for occupancy and use of National Forest System (NFS) lands. Oil, gas and coal leases on NFS lands are a type of authorization issued by the BLM. All of the alternatives allow for the continuation, transfer, or renewal of valid and existing land use authorizations for activities in roadless areas. The term “existing authorities” refers to those authorities that are issued prior to the effective date of the final rule. Authorizations should not include oil and gas or coal. Once the area has been leased it is a valid and existing right to remove the resource with conditions (stipulations), based on the stipulation that the agency has sold the impact right to the leasee. (U.S. Department of the Interior, Office of Environmental Policy Compliance, Washington, DC - #829.6.44000.139)

## **2-116 Public Concern: The Forest Service should document the effects of maintaining roadless area restrictions on the development of the mineral estate.**

### **BECAUSE THE PROPOSED RULE MAY MAKE LANDS UNAVAILABLE FOR MINERAL DEVELOPMENT**

The DEIS needs to clearly document the impacts of maintaining roadless area restrictions on the development of the mineral estate. Restricting access, by limiting the ability to build access roads makes areas inaccessible for development, depending on the mineral. It is possible that the road policy will change USFS planning documents to make lands unavailable for mineral extraction. (U.S. Department of the Interior, Office of Environmental Policy Compliance, Washington, DC - #829.1.44000.680)

## **2-117 Public Concern: The Forest Service and the Uncompahgre Field Office should identify the mineral resource potential that may be affected by CRAs, specifically in the North Fork of the Gunnison River.**

It is important to identify the mineral resource potential in the Uncompahgre Field Office (UFO), and specifically in the North Fork of Gunnison River, that would be affected by the proposed CRAs. See the enclosed GIS map [not attached] showing, among other things, land status, mineral resource potential areas, and the CRAs (map also available electronically from Ms. Christina Reed at [[Christina.Reed@blm.gov]]). Following is a summary of the acreage affected by CRAs:

- There are 901,770 acres in the USFS Grande Mesa/Uncompahgre/Gunnison (GMUG) CRAs where the mineral estate is administered by BLM.
- There are 340,670 acres of FS (Forest Service) GMUG CRAs on UFO.
- There are 105,600 acres of high oil and gas potentially.
- There are 47,430 acres of moderate oil and gas potential covered by CRAs on UFO in the North Fork.
- There are 57,180 acres of high coal bed methane gas potential covered by CRAs on UFO in the North Fork.
- There are 97,780 acres of moderate coal bed methane gas potential covered by CRAs on UFO in the North Fork.
- There are 21,810 acres of high coal potential covered by CRAs on UFO in the North Fork. (U.S. Department of the Interior, Office of Environmental Policy Compliance, Washington, DC - #829.4.44000.800)

## **Boundary Adjustments for Mining Claims**

## **2-118 Public Concern: The Forest Service should revisit the CRA delineation around the Henderson Mine.**

### **TO PROTECT HEALTH AND SAFETY**

Clear Creek County is the home of the Henderson Mine which, along with the Mill located in Grand County, is the world's largest primary producer of molybdenum and serves as a key mineral resource for both Colorado and the United States. The owner of the Mine, Freeport-McMoRan Copper & Gold, Inc. ("Climax"), has repeatedly brought it to the attention of the USFS and Colorado Department of Natural Resources during previous Roadless Rule public comment periods that the proposed roadless areas surrounding the Henderson Mine should be removed from the roadless area inventory and not be subject to regulation by the Roadless Rule.

The CRA delineation around the Freeport private lands has not been given adequate consideration regarding the public health and safety issues related to the current large industrial mining operations and on-going prospecting. In order to ensure maximum health and safety, management activities should not be restricted in this area as it will diminish Climax's ability to sufficiently, responsibly and rapidly respond to emergency situations (i.e., wild land fires). (Clear Creek County, Georgetown, CO - #537.1.44100.264)

**2-119 Public Concern: The Forest Service should remove the Henderson Mine from within CRA boundaries.****BECAUSE THE ROADLESS DESIGNATION IS NOT APPROPRIATE AND WOULD LIMIT CLIMAX'S ABILITY TO RESPOND TO EMERGENCIES**

Climax owns and operates the Henderson Mine and Mill, which is the largest primary producer of molybdenum in the world. For 35 years, Henderson operations have produced molybdenum, a key strategic mineral resource for both Colorado and the United States. Molybdenum is a mineral that is a vital element to a clean energy economy, used in applications such as photovoltaic cells, high-strength steels and catalysts that are essential to the production of low sulfur fuels. Climax also owns the Climax Mine, which is being redeveloped as part of a \$700 million investment and will employ almost 400 people when operating again. At the end of 2010, Climax's Colorado operations employed approximately 650 workers in Colorado. [Footnote 1: Climax employed approximately 771 workers in Colorado as of July, 2011.] The total direct and indirect impact of these operations on Colorado's economy was approximately 3,600 jobs in 2010. In total, these operations provided direct and indirect economic annual impacts of approximately \$306 million to Colorado's economy. Both Henderson and Climax have collectively produced 2.9 billion pounds of molybdenum and contribute to a significant percentage of the market where high-purity chemical-grade molybdenum metal is required. Climax is and has been, without doubt, a very important contributor to Colorado's economy, including the surrounding communities and local region.

The Henderson Mine and Mill are located in Clear Creek and Grand Counties, and the Climax Mine is located in Summit, Lake, Eagle and Park Counties, Colorado. Climax responsibly administers approximately 26,000 acres of land in these six counties. Climax believes in, and has been repeatedly recognized for, a sound commitment to environmental and land stewardship, including: state and national award recognition for implementation of an innovative biosolids program that has been successful in the reuse of waste material supporting reclamation efforts; earning the Colorado Division of Reclamation Mining and Safety's 1998 Hardrock Reclamation Award for the reclamation of a former tailings pond to a freshwater reservoir for water users in the Eagle River Valley; acknowledgements from the USDA Forest Service ("USFS") and the Colorado Department of Public Health and Environment for environmental stewardship and Pollution Prevention initiatives; and recent recognition from the State of Colorado for restoration of part of the Arkansas River. As part of the company's efforts to invest in the long-term sustainability of local communities, Climax invested more than \$600,000 in 2010 to assist with projects focused on priority issues identified by local communities, such as environment, health and wellness, recreation and cultural heritage, education and training, economic development, and transportation.

Climax first recognized potential issues associated with the development and implementation of the Colorado Roadless Rule and impact on Climax operations and facilities in late 2008. At that time, Climax provided comments to the USFS, and also met with the USFS, regarding the fact that the Roadless Rule maps incorrectly depicted the entire 2,600 acres of private Henderson Mine fee lands and facilities as Inventoried Roadless Area. Climax also requested at that time that the vicinity surrounding the Henderson facilities be removed from the roadless area inventory.

Climax noted that the designation as inventoried roadless is not appropriate because the area, being in the immediate vicinity of a large industrial complex, does not meet the roadless area criteria; that the designation will diminish Climax's ability to adequately, responsibly and quickly respond to emergency situations; and that the designation will limit the opportunities for energy corridors, which is inconsistent with the policy and intent of the Energy Policy Act of 2005. Since 2008, Climax has repeatedly expressed its concerns to the USFS as well as the Colorado Department of Natural Resources. Attached please find comment and related letters outlining these concerns as submitted by Climax to USFS and the Colorado Department of Natural Resources on November 19, 2008, September 30, 2009, October 13, 2009, and, at Tabs A, B, C, and D, respectively [see ATT2, ATT3, ATT4, ATT5]. The comments contained in these letters are reiterated and incorporated herein by this reference. (Mining Industry/Association, Empire, CO - #593.1-3.44100.002)

**BECAUSE THE MINE IS AN AREA OF SIGNIFICANT CURRENT MINERAL ACTIVITY**

Area of significant mineral activity:



As Climax Molybdenum Company has repeatedly expressed, the vicinity surrounding the Henderson Mine should be removed from the roadless area inventory and not be subject to regulation by the Roadless Rule and/or DEIS, if implemented. Proposed roadless areas surrounding the private lands comprising the Henderson Mine facility should be excluded from the Inventoried Roadless Area designation.

The Henderson Mine and related facilities constitute a very large industrial mining complex that has been in operation for over thirty years, and may potentially operate well into the future. It is our understanding that the USFS based the roadless inventory, at least in part, upon certain criteria contained in the Forest Service Handbook. One of these criteria directs USFS “not [[to]] include areas of significant current mineral activity. See Forest Service Handbook 1909.12 (Land Management Planning Handbook), Chapter 70 (Wilderness Evaluation), Section 71.11 (Criteria for Including Improvements), Item 4, January 31, 2007.

The Henderson Mine is an area of “significant current mineral activity.” As such, it is not appropriate to designate the areas immediately adjacent to and surrounding the Henderson Mine and related facilities as Inventoried Roadless Areas. Under any circumstances, these areas should not be subject to regulation by the Roadless Rule and/or DEIS, if implemented. (Mining Industry/Association, Empire, CO - #593.4.44100.620)

#### **TO ENSURE THAT FUTURE DEVELOPMENT OF UNPATENTED MINING CLAIMS WILL NOT BE PRECLUDED**

Potential future mineral development:

Climax [Molybdenum Company] maintains certain unpatented mining claims within the area surrounding the Henderson and related facilities that is presently designated as Inventoried Roadless Areas. Although we are well aware of the arguments suggesting that the Roadless Rule and DEIS, if implemented, will allow owners of unpatented mining claims to develop their claims into producing mines, we are also well aware that the same arguments were advanced in a prior debate concerning designation of Wilderness areas pursuant to the Wilderness Act of 1964. What we are not aware of, however, are any reasonable examples where unpatented mining claim owners have successfully permitted a mine in a Wilderness area, despite maintaining legally valid prior existing rights pursuant to the General Mining Law of 1872.

In essence, we are of the general belief that the Roadless Rule, if implemented, will result in creation of “de facto” Wilderness areas, which under the Roadless Rule, will be managed in similar fashion as the Wilderness areas that were properly and legally designated pursuant to the Wilderness Act of 1964.

We find it troubling that the Roadless Rule does not include any language specifically clarifying USFS’s assertion that the Roadless Rule, if implemented, will not affect any rights granted pursuant to the General Mining Law of 1872, as was suggested by the Colorado Mining Association in a comment letter to the Colorado Department of Natural Resources, dated October 2, 2009. The unpatented mining claims owned and located by Climax pursuant to the General Mining Law of 1872 near the Henderson facilities cover a known mineralized area and a historic mine (the Puzzler Mine). Indeed, the unpatented mining claims may well be the source of molybdenum ore at some future date. An existing Notice of Intent P - (1987-043, Tab E) [see ATT6], currently on file with the Colorado Division of Reclamation Mining and Safety, acknowledges the existence of a road to the Puzzler Mine across USFS lands that are now part of the proposed roadless areas surrounding the Henderson Mine. Notwithstanding the fact that this area is an area of “significant mineral activity” within a known mineralized area, which contains roads, to the extent that the area remains burdened by the restrictions imposed by the Roadless Rule and/or DEIS, if implemented, the advancement of this potential molybdenum resource will be hindered, with the distinct possibility that the resource could be sterilized in the ground, never to be developed. We hope that you agree that impediments to potential future economic development in areas immediately adjacent to a major world molybdenum resource are unwarranted, unnecessary, and under any circumstances, untenable to the surrounding communities and local region. (Mining Industry/Association, Empire, CO - #593.7-8.44100.840)

## **2-120 Public Concern: The Forest Service should reconsider designation of the Henderson Mine area as Roadless.**

### **BECAUSE IT COULD RESULT IN ILLEGAL TAKE OF PRIVATE PROPERTY**

Designation of the vicinity surrounding the Henderson Mine and related facilities as Inventoried Roadless Areas will necessitate the use of Climax [Molybdenum Company's] private lands for the development of energy corridor #144-275, which in turn, implicates a Constitutional 5th Amendment taking of Climax's private property rights. Under any circumstances, the Roadless Rule and DEIS do not take a hard look at and lacks adequate analysis regarding the effects and impacts of such roadless designation in this energy corridor area vis-a-vis potential takings of Climax's private property rights as required pursuant to the National Environmental Policy Act and Executive Order 12630 issued March 15, 1988.

The inherent conflict in Federal programs, one emphasizing energy corridor development and the other seeking substantive limitations to future development, pose real and tangible impacts to Climax that must be corrected as part of the adoption of Roadless Rule and/or DEIS, if implemented. (Mining Industry/Association, Empire, CO - #593.6.61000.130)

## **2-121 Public Concern: The Forest Service should modify CRA boundaries to avoid restricting access to the Avalanche and Jennie Lynn mining claims.**

### **TO PRESERVE REASONABLE RIGHTS OF ACCESS, COMPLY WITH REVISED STATUTE (RS) 2477, AND AVOID A REGULATORY TAKE OF PRIVATE PROPERTY**

We represent the Clyde P. Kassens, Jr. Trust (the "Trust"), which owns several mining claims near Silver Plume, Colorado, including the Avalanche Claim (Clear Creek County Assessor's Parcel No. 1957-142-00-623) and the Jennie Lynne Mining Claim (Clear Creek County Assessor's Parcel No. 1957-142-00-623). Under the proposed Colorado Roadless Rule, a portion of the Avalanche Claim and nearly all of the Jennie Lynn Claim would fall within the proposed Colorado Roadless Area ("CRA"). See Exhibits A-C, Maps 1-3 [see ATT1, ATT2, ATT3]. As a result, the Trust would be severely, if not completely, restricted from accessing its property if the Colorado Roadless Rule were to be enacted in its current form. The purpose of this letter is to provide public comment to the Forest Service on behalf of the Trust as to the location of the CRA.

As indicated on the enclosed maps [see ATT1, ATT2, ATT3], the portions of the Jennie Lynn Claim and Avalanche Claim located within the proposed CRA are on the following described lands in the Arapaho-Roosevelt National Forest area:

- N1/2, NE1/4, SE1/4 of Section 15, Township 4 South, Range 75 West, 6th P.M.;
- S1/2, SE1/4, NE1/4 of Section 15, Township 4 South, Range 75 West, 6th P.M.; and
- SW1/4, SW1/4, NW1/4 of Section 14, Township 4 South, Range 75 West, 6th P.M (collectively, the "Affected Property").

Historically, the Trust has maintained by right unfettered access to its private property. Such access is partly based on and pursuant to an Agreement between the Colorado Department of Highways and the Bureau of Land Management (the "Access Agreement"). See Exhibit D, Access Agreement [see ATT4]. The purpose of the Access Agreement is "to provide an access [[along Interstate 70]]....to various mining claims in the area" and "connect with one of several old mine trails." See Exhibit E, Letter from Department of Highways [see ATT5]; Exhibit D, Access Agreement, [section] 2.A. Moreover, various state and Federal agencies have cooperated to ensure that owners of mining claims in the Silver Plume area would be able to access their properties across Federal lands. The mining trails across Federal lands to access the Jennie Lynn Claim and Avalanche Claim likely constitute R.S. 2477 rights-of-way. Under Colorado law, R.S. 2477 rights-of-way are protected real property interests. The Trust has relied on this understanding when making decisions in regard to the prospective use of its properties. The proposed CRA would fundamentally alter the ongoing understanding between the parties, established rights-of-way, and historical practice by eliminating unfettered access to the Jennie Lynn and Avalanche Claims and currently permitted activities thereon.

The proposed Colorado Roadless Rule prohibits tree cutting, road construction and reconstruction, and the use of linear construction zones within roadless areas, with few limited exceptions. 36 CFR [section]

294.42 - 294.43 (proposed April 15, 2011). The Trust does not object to the activities which are to be prohibited within proposed roadless areas; instead, the Trust objects to the CRA boundary.

In many respects, the Forest Service's delineation of the CRA seeks to purposefully avoid existing mining claims. This is consistent with property owners' historic rights of access to their mining claims pursuant to the Access Agreement, R.S. 2477 rights-of-way, and historic practice. A review of the map of the Silver Plume area clearly shows that nearly all of the local mining claims fall outside of the proposed CRA. See Exhibit C, Map 3 [see ATT3]. In fact, the Jennie Lynn Claim is one of very few mining claims falling primarily within the proposed CRA. Given the Forest Service's apparent intent to not include existing mining claims within the proposed CRA, revising the CRA boundary line to completely exclude the Avalanche Claim and the Jennie Lynn Claim, and the historical access to those claims, would be both prudent and reasonable. This can be accomplished by the Forest Service removing the above-described affected property controlled by the Forest Service from the proposed CRA.

Removing the affected property from the CRA would not frustrate the Forest Service's stated purpose of the Roadless Rule—that is, to preserve lands with “roadless area characteristics,” including: undisturbed soil, sources of public drinking water, habitat for threatened and endangered species, primitive/semi-primitive non-motorized recreation areas, reference landscapes, traditional cultural properties, and other locally identified unique characteristics. 36 CFR [section] 294.41. As a mining claim subject to historic and future development, the Trust's properties are mostly void of these characteristics. Further, under the Roadless Rule, the Forest Service places an emphasis on preserving high priority, “upper tier” areas within the CRA. The Trust's properties are located on the fringe of the proposed CRA and not near an upper tier area. A minor alteration of the CRA boundary to exclude the affected property would allow the Forest Service to fulfill the purpose of the Roadless Rule and not disrupt and eliminate the Trust's historic, unfettered rights of access to its properties.

Moreover, without reasonable rights of access, the Forest Service's Roadless Rule would deprive the Trust of a vested R.S. 2477 right-of-way and the economically viable use of his property. Consequently, implementation of the CRA as currently configured would amount to a regulatory taking of the Trust's property. See *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978). Such an outcome further supports revision of the CRA to exclude the Avalanche Claim and the Jennie Lynn Claim.

In *Penn Central*, the Supreme Court set forth 3 factors to determine whether a regulatory has occurred: (1) the character of the government action; (2) the economic impact of the regulation; and (3) the extent to which the regulation interferes with reasonable investment-backed expectations. *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978). As discussed above, the Forest Service is seeking to create a roadless area within Colorado to preserve the natural environment based on the “roadless area characteristics” and has delineated the CRA to mostly excluded privately held property in the Silver Plume area. The CRA would take the established right-of-way and deny the Trust from reasonable access, thereby restricting activities on the Jennie Lynn and Avalanche claims. Clearly, the Trust would incur significant economic impact as a result of the roadless designation. Further, the Roadless Rule had not been contemplated by the Forest Service in this area when the Trust (and its predecessor, Clyde P. Kassens) purchased these properties. The Trust has reasonably relied on the expectation that it could access the property without restriction and take all actions currently allowed on the properties for future development and prospective use of the Jennie Lynn and Avalanche Claims. The Roadless Rule would destroy these reasonable expectations. Under this basic regulatory takings analysis, implementation of the proposed CRA would likely constitute a regulatory taking of the Trust's real property.

In addition, the Supreme Court stated in the *Penn Central* decision that “government actions that may be characterized as acquisitions of resources to permit or facilitate uniquely public functions have often been held to constitute ‘takings’” and provided several examples. *Penn Central*, 438 U.S. at 128; See *United States v. Causby*, 328 U.S. 256 (1946) (direct overflights above the claimant's land, that destroyed the present use of the land as a chicken farm, constituted a “taking”); *Griggs v. Allegheny County*, 369 U.S. 84 (1962) (overflights held a taking); *Portsmouth Co. v. United States*, 260 U.S. 327 (1922) (United States military installations' repeated firing of guns over claimant's land is a taking); *United States v. Cress*, 243 U.S. 316 (1917) (repeated floodings of land caused by water project is a taking). Similarly, the Forest Service has proposed to eliminate the Trust's reasonable right of access to,

and use of, its properties for the “uniquely public function” of creating roadless areas. Again, such action would likely constitute a regulatory taking.

In short, the Forest Service’s implementation of the proposed Colorado Roadless Rule would severely restrict the Trust’s access to its property, as plainly shown on the enclosed maps [see ATT1, ATT2, ATT3], and its ability to undertake currently allowed uses of the properties. A minor alteration to the CRA, as proposed by this letter, would result in the preservation of historic, vested rights of access and prevent the Trust from being unfairly prejudiced or injured, as well as allow the Forest Service to accomplish the overlying purpose of the Roadless Rule. Accordingly, the Trust respectfully requests that the Forest Service revise the proposed Colorado Roadless Rule to exclude the Jennie Lynn Claim and Avalanche Claim and the historical access to those claims from the CRA by removing the affected property. (Consultants/legal representatives, Glenwood Springs, CO - #588.1-6.44000.138)

## **2-122 Public Concern: The Forest Service should avoid designating Little Selma, Little Mamie, and the St. Louis mining claims as Roadless.**

### **BECAUSE THEY ARE HISTORIC, PATENTED LODGE MINING CLAIMS**

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. (U.S. Geological Survey) 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 1880s 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 [ATT 1, 2, 3]. (Private Land Inholding Owner, Sterling, CO - #488.1.60100.680)

## **Coal Mining**

## **2-123 Public Concern: The Forest Service should prohibit road construction for coal mining.**

### **BECAUSE ROADS DEGRADE THE ROADLESS CHARACTER**

Prohibit roads for coal mining. The undersigned [Rocky Mountain Wild et al.] believe that road construction for coal mining in roadless areas is inappropriate. Under Alternatives 2 and 4, construction of 52 miles of road is predicted in roadless areas over 15 years. RDEIS at 86, 125. As with roads constructed for other purposes, roads to support coal mining would degrade roadless character.

Though these roads “would be temporary and must be decommissioned” (RDEIS at 86), “[s]ome roads may remain on the landscape for the duration of mining in a particular area or lease” (Id. at 125). That could be a decade or more. Thus, degradation of roadless area characteristics would still occur, since higher-standard road construction would likely be needed for at least the longer-duration road segments, making full restoration difficult or impossible. To maintain roadless area characteristics, it is much better not to build roads in the first place. (Preservation/Conservation, Monument, CO - #591.24.44500.680)

Roads for leasable coal operations: We [Forest Service Employees for Environmental Ethics] recognize and concede the exception for those leases issued before promulgation of the 2001 Roadless Rule and leave it to the courts to determine the legality of leases between 2001 and the present, but we do not support road-building for the development of future lease areas. The Forest Service’s preferred Alternative 2 and Alternative 4 provide mechanisms for road building in what will be designated roadless areas. Even with the caveat that roads are temporary, there is no limit on the years a road can be considered temporary and after which, must be decommissioned. If “temporary” roads are built, what is

to stop them from being used for the next decade or two or three? At that point, what is the difference between a temporary and permanent forest road? Once again, road-building in roadless areas destroys the inherent nature and intent of designating the areas as roadless to begin with. (Government Employee/Union, Eugene, OR - #831.8.44500.680)

#### **BECAUSE ALTERNATIVE ENERGY IS RAPIDLY REPLACING COAL**

As new solar panel production methodologies, improved efficiencies, etc., as testified in Congress as reaching cost parity with natural gas electrical generation in just two years, and coal in 8 years, there is no longer any need to give coal companies any more subsidies or rights to free incursion in our National Forests. Please do not give them the right to make any more roads, including for ventilation tunnels or any other means, in our Colorado forests. It's time for King Coal's free ride to end. (Individual, Glenwood Springs, CO - #743.8.44500.880)

### **2-124 Public Concern: The Forest Service should acknowledge that restricting development of coal resources on NFS lands could negatively affect future energy development and mineral industry employment.**

[DEIS] Page 131 and Page 132, Chapter 3: The preclusion of future development of coal resource under NFS lands (except for existing leases) could negatively impact future energy development and mineral industry employment in the United States. (U.S. Department of the Interior, Office of Environmental Policy Compliance, Washington, DC - #829.10.44500.800)

### **2-125 Public Concern: The Forest Service should avoid delays in processing routine administrative reviews or authorizations of coal mining permit applications.**

#### **AND SHOULD NOT RELY ON THE 2001 ROADLESS RULE**

[ATT 1] Situations exist where permit applications are being delayed. For example, the Forest Service has failed to take action in approving a routine lease modification for another operator within the North Fork Valley, a modification that does not even involve road construction or other developmental activities. Ultimately, these delays could result in delayed production, impacting operations and their employees. Neither Colorado nor the USDA should engage in any further delays in processing routine administrative reviews or authorizations by directly or indirectly relying upon the 2001 Roadless Rule, as that Rule has been invalidated and has no legal effect in Colorado. (Mining Industry/Association, Denver, CO - #832.22.44510.160)

### **2-126 Public Concern: The Forest Service should ensure that Oxbow can continue to mine their lease within the Spring House Park IRA.**

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 (British thermal unit) 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 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.

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. (Oil, Natural Gas, Coal, or Pipeline Industry, Somerset, CO - #456.1.44510.002)

**2-127 Public Concern: The Forest Service should disclose the effects from methane drainage vents.****INCLUDING EFFECTS ON HABITAT, SOIL EROSION, WATER QUALITY, AIR QUALITY, AND INVASIVE PLANTS**

The EIS must disclose the impacts of methane drainage vents. The RDEIS estimates that three miles of road would be needed per section of land “for methane drainage purposes”. Id. at 124. However, we find no estimation of the acreage that would be occupied by, or the impacts that could occur from, construction and operation of methane drainage wells. Impacts could include, but are not necessarily limited to: fragmentation and/or destruction of wildlife habitat, soil erosion, water quality degradation, air quality degradation, and introduction and spread of noxious weeds.

The 2008 DEIS estimated that methane vent wells would be “installed on pads about 0.33 acres in size”, and that 10 to 20 wells are constructed per section of land. 2008 DEIS at 108. Why is there no such information in the RDEIS? Estimates of the number of drainage wells per section, their size, and possible impacts for their construction and use must be included in the FEIS. (Preservation/Conservation, Livingston, MT - #591.61.44500.423)

**2-128 Public Concern: The Forest Service should allow coal mine methane collection pipelines and other buried infrastructure within temporary roads for coal-related activities.****BECAUSE METHANE IS AN IMPORTANT RESOURCE**

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 [Grand Mesa Uncompahgre and Gunnison National Forest]. Oxbow Mining, LLC 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. (Oil, Natural Gas, Coal, or Pipeline Industry, Somerset, CO - #456.4.44510.680)

**2-129 Public Concern: The Forest Service should avoid limiting methane capture infrastructure to the right-of-way for temporary roads.****TO AVOID MAKING IT COST PROHIBITIVE**

The exceptions contained in Alternative 2 allow for continued placement of methane drainage facilities to provide for the safety of underground miners. At the same time, there has been a strong push from some Federal agencies and nongovernmental organizations for capture of that methane, which has not been proven cost-effective. CMA (Colorado Mining Association) appreciates the continued inclusion of methane capture infrastructure in the allowable activities in the North Fork Valley Coal Mining Area, but opposes limitation of these pipelines to the right-of-way for temporary roads, which would continue to drive up costs of methane capture—making it economically infeasible. (Mining Industry/Association, Denver, CO - #832.4.44510.423)

**2-130 Public Concern: The Forest Service should disclose surface effects from the construction of methane drainage well pads.**

The RDEIS Fails To Disclose Surface Impacts From The Construction Of Methane Drainage Well Pads. Coal mine methane removal requires “methane drainage (vent) well drilling with associated access roads.” RDEIS at 124. Drilling requires the clearing of a level pad to accommodate the large drill rig necessary to drill a well. Federal agencies have characterized these methane drainage well (MDW) pads as about a third of an acre in size. This surface disturbance from well pad construction is in addition to any road construction disturbance. [Footnote 9: See photos of methane drainage well pads constructed for the West Elk Mine in the North Fork Valley, attached as Exh. 5. These photos were taken by the author in 2009 directly adjacent to Forest Service roadless lands.]

The RDEIS states that “between 10 and 20 methane drainage well locations per 640-acre section have been constructed at the existing mines. For the purpose of this analysis, it was assumed that about three miles of road per section would be needed for methane drainage purposes.” RDEIS at 124. [Footnote 10: Based on these numbers, one would expect between 3 and 7 well pads per mile of road. (10- 20 MDW pads per square mile divided by three miles of road per square mile = 3-7 MDW pads per mile of road.)] The RDEIS then estimates the number of miles of road constructed in roadless areas to facilitate coal mining by year 15 under varying alternatives: 7 miles under Alternative 1; 50 miles under Alternatives 2 and 4; and 64 miles under Alternative 3. RDEIS at 125. However, the RDEIS fails to include any estimate of the surface disturbance from MDW pad construction. This contrasts with statements in the Forest Service 2008 Colorado Roadless Rule DEIS, which estimated that MDW pads are “about 0.33 acres in size.” Forest Service, Colorado Roadless Rule Draft EIS at 108 (2008), excerpts attached as Exh. 6.

Assuming 3 to 7 MDW pads per square mile of road, at 0.33 acres per MDW pad, surface disturbance from MDWs alone could be 7–15 acres under Alternative 1; 50–100 acres under Alternatives 2 and 4; and 64–130 acres under Alternative 3.

The Forest Service clearly could have disclosed the impacts from MDW pad construction. Indeed, the RDEIS contains a table for oil and gas drilling that may occur under each alternative which compares, among other things, “estimated projections of oil and gas road miles, road acres, wells, pads, pad acres ....” RDEIS at 126. Given that the Forest Service disclosed the impacts of “wells, pads, [[and]] pad acres” for oil and gas drilling in roadless areas, it can and must do the same for coal mine MDWs. (Preservation/Conservation, Denver, CO - #691.11-12.44500.423)

## **2-131 Public Concern: The Forest Service should include a discussion of potential wastewater discharges associated with coal preparation plants.**

### **TO PROVIDE BETTER BASELINE INFORMATION**

We [EPA] appreciate the RDEIS discussion of potential wastewater discharges associated with oil and gas operations, and recommend inclusion of similar information related to coal preparation plants. While we realize that the project-level NEPA analyses for the existing oil, gas, and coal leases most likely addressed specific details of wastewater discharges and waste rock storage, we recommend the Roadless Rule RDEIS discussion include a summary to better disclose baseline conditions. Such a summary might include the following:

- Estimate of water quantity used and its source;
- Percentage of wastewater disposed by surface discharge versus underground injection;
- Use of other possible disposal methods such as evaporation ponds;
- Location of waste rock piles and disposal procedures; and
- Identification of BMPs [best management practices] to prevent surface water and groundwater contamination. (U.S. Environmental Protection Agency, Washington, DC - #685.23.44200.243)

## **North Fork Coal Area**

## **2-132 Public Concern: The Forest Service should retain the proposed North Fork Valley Coal Resource Special Area.**

### **BECAUSE COAL IS A VITAL NATIONAL RESOURCE**

Gunnison County has designated the North Fork Valley Coal Resource Special Area and has adopted the Coal Resource Special Area Coal Mining Regulations. In those Regulations, Gunnison County recognizes that coal is a resource valuable to the United States, Colorado and Gunnison County that deserves to be extracted and put to use.

To that end, Gunnison County supports aspects of Alternative 2 that support the ability of coal companies to access areas for venting underground mines for miner safety and continued operation. Gunnison County also supports exploring options to recover methane from active and inactive coal mines and urges that access to these sites be considered in the rule. (Gunnison County Board of Commissioners, Gunnison, CO - #526.1.44510.423)

**BECAUSE COAL MINING IS A SIGNIFICANT ECONOMIC CONTRIBUTOR IN THE REGION**

[ATT 1] CMA [Colorado Mining Association] supports the continued recognition of historic and active coal mining being conducted in the North Fork Area, and any Colorado-specific Roadless plan that allows for exploration and development of coal in the CRAs in that region. Coal mining continues to be an important part of the economy of the North Fork Valley. It is the source of high-paying jobs for nearly 1,000 miners in the region. Additionally, coal mining is the largest taxpayer in the region. Coal mines in the North Fork Valley account for approximately forty percent (40 percent) of Colorado's coal production and are responsible for significant taxes and royalties that support state and local programs including public schools. The coal that is produced from this region is high quality (low in sulfur and mercury). This coal is shipped nationwide and supplies reliable and affordable electricity to millions across the United States. To leave this vital segment of the Colorado economy subject to unreasonable and onerous requirements will result in harming the economies of the rural Colorado communities that depend upon the high-paying jobs that mining brings. (Mining Industry/Association, Denver, CO - #832.14.44510.800)

**2-133 Public Concern: The Forest Service should reconsider the North Fork coal mine.****BECAUSE COAL MINING DAMAGES THE ENVIRONMENT**

North Fork mine is an unsure process as coal has many problems that are detrimental to our air, water, health, snow pack, mercury, visible/viewing air shed, heavy metals in fly ash, and acid rain. This is not good for Colorado. (Individual, Steamboat Springs, CO - #58.1.44510.200)

**2-134 Public Concern: The Forest Service should exclude the Currant Creek and Priest Mountain areas from the North Fork coal mining area.**

Thank you in particular for not including Priest Mountain and the Currant Creek area in the North Fork coal area. How anyone can even consider Priest Mountain as a part of the North Fork coal area is beyond me. Please protect Currant Creek! (Individual, Grand Junction, CO - #574.2.44510.200)

**BECAUSE IT ISN'T NEAR TO CURRENT MINING ACTIVITY**

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. (Individual, Durango, CO - #374.5.44510.620)

**2-135 Public Concern: The Forest Service should prohibit coal mining in the Currant Creek CRA and should not expand the North Fork coal mining area.****TO PROTECT WILDLIFE HABITAT AND VEGETATION COMMUNITIES**

Limit the impacts of coal mining in roadless areas.

Maintain the integrity of the Currant Creek Roadless Area. We [Rocky Mountain Wild et al.] are very pleased to see that the Currant Creek Roadless Area is no longer included in the North Fork coal mining area. See RDEIS at 33 and Map 13. This roadless area: is remote, with difficult access and travel; is important deer-fawning and elk-calving ground; has deer and elk winter range; and is highly utilized by black bears in fall. Profiles of Colorado Roadless Areas (2008 DEIS Appendix) at 66-67. About one-third of the area also has steep oak brush canyons, presenting a vegetation type that is not very prevalent in Colorado's roadless areas. Id. and 2008 DEIS at 131. This area is not under a coal lease. RDEIS Map 13. It is also not near any existing coal mining; thus, mining here would first require a whole new mine portal, a railroad spur to transport mined coal, and a high-standard road for access.

We note with concern that the Forest Service expects some activity in the Grand Mesa coalfield, which includes the Currant Creek area, in the next 15 years. RDEIS at 122-123. Any coal mining in the Currant Creek CRA would be a major impact, both within and outside of the CRA. The undersigned strongly



urge the Forest Service to prohibit mining and related surface use and facilities in this area. The USFS must ensure that the North Fork mining area is not expanded beyond what is currently proposed in the draft rule.

Under Alternatives 2 and 4, a total of 52 miles of road would be constructed in the next 15 years, with 50 miles of this in CRAs. RDEIS at 86. Some of these roads could remain on the landscape for the duration of mining (RDEIS at 125), which could be a few decades. (Preservation/Conservation, Carbondale, CO - #591.59.44510.300)

## **2-136 Public Concern: The Forest Service should exclude Currant Creek from the North Fork coal area.**

I support the Forest Service's recognition that the Currant Creek (Priest Mountain) CRA should not now or ever be included in the North Fork Coal Area. Delta County should remain blessed with the important and beautiful area, and we believe it should have the strictest protections. (Individual, Nashville, TN - #627.3.44510.200)

### **AND SHOULD GIVE THE AREA UPPER TIER PROTECTION**

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

Thank you for joining the State of Colorado in removing Currant Creek RA (Roadless Area) from the North Fork Coal Area. Currant Creek is nowhere near any currently operating mine, and should never be excluded from the most stringent roadless protection that the USFS has to offer. I ask that this precious natural area in Delta County be given upper tier protection and never be added to the North Fork Coal Area. (Individual - #564.3.44510.620)

Currant Creek is nowhere near any currently operating mine, and should never be excluded from the most stringent roadless protection that the USFS has to offer. This natural area in Delta County must be given upper tier protection and never be added to the North Fork Coal Area. (Individual, Cedaredge, CO - #554.3.44510.620)

I want to urge the Forest Service that Currant Creek (Priest Mountain Inventoried Roadless Area) should not be included in the North Fork coal area. The area deserves first tier protection, and there are plenty of other areas open to coal and oil and gas exploration. (Individual, Crested Butte, CO - #443.5.44510.420)

### **BECAUSE IT PROVIDES HIGH-VALUE WILDLIFE HABITAT, IS NOT NEAR OTHER COAL OPERATIONS, AND HAS NO MINERAL LEASES**

TRCP [Theodore Roosevelt Conservation Partnership] appreciates the removal of the 10,800-acre Currant Creek Roadless Area from the North Fork coal mining exceptions. This area provides high-value elk winter and summer range, elk and mule deer migration corridors, key breeding habitat for elk and wild turkey, and prime black bear habitat. Currant Creek is not close to any other coal operations nor have the mineral rights been leased—it is inappropriate for the North Fork coal mining exceptions. (Recreation/Conservation Organization, Missoula, MT - #673.6.44510.330)

## **2-137 Public Concern: The Forest Service should reconsider reducing the size of the North Fork coal area.**

We [Colorado Timber Industry Association] recommend restoring the 9,000 acres to the North Fork coal mining area. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.7.44510.001)

### **BECAUSE IT WILL BE ECONOMICALLY DISASTROUS FOR LOCAL COMMUNITIES**

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. (Motorized Recreation CO - #479.7.44510.840)

**TO MEET LOCAL COMMUNITY NEEDS AND BE CONSISTENT WITH MULTIPLE USE**

As a participant in the multiple-use process, Delta Timber recommends restoring the 9,000 acres to the North Fork coal mining area. This is a critical need to our local community and falls within the concept of multiple-use in National Forest management. (Timber or Wood Products Industry or Association, Delta, CO - #623.5.44510.134)

**BECAUSE ALL RECOVERABLE COAL RESERVES SHOULD BE AVAILABLE FOR DEVELOPMENT**

The North Fork Valley is rich in coal resources, and the modern mining operations have successfully reclaimed mined lands to better than pre-mining conditions. Given that fact, it is not clear why any coal is being taken away from the American people. It is also not clear what the criteria were for the North Fork Coal Mining area boundary—why were some Roadless areas with identified recoverable coal reserves not included in the coal mining exemption area. Those Federal coal reserves are being removed from development and benefit of the American people. All recoverable coal reserves should be made available for development. (Individual - #189.2.44510.422)

**2-138 Public Concern: The Forest Service should include the Currant Creek area in the North Fork mining area.**

I request that the Currant Creek Area be included in the North Fork Mining Area thus returning the mining area to 29,000 acres. (Individual, Austin, CO - #175.2.44510.001)

**TO FACILITATE DEVELOPMENT OF VALUABLE COAL RESOURCES**

Recently, Oxbow Mining, LLC 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 [see ATT2] 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 [Currant Creek Roadless Area] 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. (Oil, Natural Gas, Coal, or Pipeline Industry, Somerset, CO - #456.8.44510.160)

[DEIS] Page 33, Chapter 1, paragraph 3: A 9,000-acre reduction in the North Fork coal mining area from the Currant Creek CRA reduces high-potential Federal coal reserves in that area which could be expected to yield 50MM (million metric) tons of recoverable reserves. A 9,000-acre reduction in the North Fork coal mining area from the Currant Creek CRA not only reduces high-potential Federal coal reserves in that area but could have the consequence of also reducing high-potential Federal coal reserves south of the USFS boundary by rendering the reserves in the south insufficient in quantity to provide an economically mineable lease tract. (U.S. Department of the Interior, Office of Environmental Policy Compliance, Washington, DC - #829.5.44510.840)

The inclusion of the North Fork Coal Mining Area in Alternative 2 allows exceptions for temporary road construction for the purpose of exploration and production of coal in this historic coal mining community. Unfortunately, the provisions of Alternative 2 still do not go far enough to protect future mining in this area. CMA [Colorado Mining Association] strongly urges the reinstatement of the Currant Creek Roadless Area within the boundaries of the North Fork Coal Mining Area. The Currant Creek tract contains approximately 9,000 acres essential to future coal mine development.

The removal of the Currant Creek area is without technical support for the reasons provided by Oxbow Mining in the technical report accompanying its comments. The existence of substantial recoverable coal resources in that area require its inclusion in the North Fork Coal Mining Area, particularly in view of its proximity to historic mined areas and a recently announced exploration project. The economy of the North Fork Valley has depended upon coal mining for more than a century, and the resources in the Currant Creek area could sustain mining employment in the area for an estimated additional twenty years as well as providing additional revenues to state, Federal and local governments through the payment of royalties and taxes. Failure to include Currant Creek would likely require its abandonment. (Mining Industry/Association, Denver, CO - #832.3.44510.840)

**BECAUSE THE WILDLIFE RESOURCES ARE LIMITED AND CAN BE PROTECTED**

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 Mining, LLC takes issue with both of these comments. 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 comment 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 [see ATT5] 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. (Oil, Natural Gas, Coal, or Pipeline Industry, Somerset, CO - #456.5.44510.300)

**BECAUSE THERE IS LIMITED GEOLOGIC INFORMATION AVAILABLE ABOUT THE AREA**

There is very limited geologic information available for the CCRA [Currant Creek Roadless Area]. This is one of the reasons why Oxbow Mining, LLC 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 ft. above the coal seam. Current underground mining technology limits coal mining in the 2,500 ft. to, at most, the 3,000 ft. overburden cover zone. For the CCRA, this upper limit of mining generally corresponds to the 8,800 ft. surface contour interval. Please see the attached Map #1 for details of this area [see ATT1]. The area generally located below the 8,800 ft. surface contour contains the probable recoverable coal resources and includes approximately 4,430 acres (see Map #2 [see ATT2]) of the CCRA. Map #3 [see ATT3] shows that the 4,430-acre area located below the 8,800 ft. surface contour is comprised almost entirely of the Mountain Shrub/ Oak Brush vegetative community type. The attached Monarch and Associates report [see ATT5] has reviewed the wildlife values of the probable coal mineable areas, assuming the potential mining areas would be located below this 8,800 ft. contour. (Oil, Natural Gas, Coal, or Pipeline Industry, Somerset, CO - #456.6.44510.330)

**BECAUSE THE NATION NEEDS THESE COAL RESOURCES**

The North Fork coal mining area in Delta, Colorado formerly included approximately 9,000 acres of the Currant Creek CRA. These 9,000 acres have been removed from North Fork coal mining area yet they contain 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. (Business, Denver, CO - #458.9.44510.422)

### **TO PRESERVE ACCESS TO THIS LARGE COAL DEPOSIT AND THE ECONOMIC OPPORTUNITES ASSOCIATED WITH MINING THE AREA**

Oxbow Mining, LLC estimates (see Map #2 [see ATT2]) that the mineable 4,430-acre CCRA area located below the 8,800 ft. 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 [see ATT4]). 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. (Oil, Natural Gas, Coal, or Pipeline Industry, Somerset, CO - #456.7.44510.800)

### **TO PRESERVE THE ECONOMIC VALUE FOR LOCAL COMMUNITIES**

Section 294.43 has an arbitrary section that excludes 9,000 acres of the Currant Creek CRA from the North Fork coal mining area exception. This acreage contains significant “super-compliant” coal reserves for the North Fork Valley in neighboring Delta County. We [Montrose Economic Development Corporation] have many local businesses that provide significant support activity for the coal and mining industry. There seems to be no analysis or attention to economic effects of removing this acreage from the North Fork coal mining exception and seemed to be based on nebulous public comments regarding wildlife values. There appeared to be no effort to balance those comments with the economic values. We strongly believe that this exception found in the original Colorado Rule should be reinstated. This is another example of a compromise of a compromise that results in an unworkable solution. (Business, Montrose, CO - #618.6.44510.800)

Removal of the 9,000 acres of Currant Creek CRA from the North Fork Mining Area:

The Board (Delta County Board of Commissioners) opposes the removal of the Current Creek CRA from the North Fork Coal Mining Area exception identified in the 2008 Colorado Roadless Rule. It is imperative that the coal resources identified in that area be available for exploration and extraction for the future socio-economic well-being of the citizens of Delta County, the citizens of the municipalities within Delta County, the citizens of the State of Colorado, and, in fact, the citizens of the United States. As the available coal reserves in the area surrounding existing mines in the North Fork are depleted, it is important for the economy and national security to be able to move “westward” within the North Fork Area to explore and extract known mineral resources in the Currant Creek Area. Just recently, Oxbow Mining, LLC announced an exploration program for the Oak Mesa Project adjacent to the Currant Creek area in question and within the North Fork Coal Area exception.

The three existing coal mines in the North Fork Valley employ 891 miners who reside in the municipalities of Cedaredge, Crawford, Delta, Hotchkiss, Orchard City, Paonia, and unincorporated areas of Delta County in 2010. The commonly accepted multiplier for local economic benefit from coal mining is at least four, meaning that for every individual directly employed by the coal mines, three more are employed by local support industries. For example, although the largest taxpayer in Delta County is the one North Fork Valley coal mine located in Delta County and the second largest is an adjacent mine in Gunnison County with underground workings in Delta County, the third largest is the Union Pacific Railroad, which is almost entirely dedicated to transporting coal through Delta County,

and the fourth largest is the local electrical cooperative, whose largest customers by far are the coal mines.

The current average salary and benefits for Delta County miners employed by the North Fork Valley coal mines exceeds \$100,000 per year and there are nearly 900 Delta County residents employed by the North Fork Valley coal mines; payroll alone pumps nearly \$90 million per year into the Delta County economy. It would be virtually impossible to attract another employer of that magnitude to an isolated rural area like Delta County.

Over 95 million tons of recoverable coal reserves have been identified by the U.S. Geological Survey in 9,669 acres of the Currant Creek Area. The exploration and development phase of this KRCRA (Known Recoverable Coal Resource Area) is estimated to bring approximately 500 million dollars into the economy of Delta County. In addition, taxes, royalties, and fees generated in the subsequent production phase are estimated (using the 2010 year rates) as follows:

Property Tax (coal production only) \$14,000,000

Severance Tax (\$0.31 per ton) \$30,000,000

Bonus Bid (estimated at \$0.25 per ton) \$24,000,000

Black Lung Tax \$100,000,000

Abandoned Mine Tax \$11,000,000

Federal Royalties \$325,000,000

TOTAL \$500,000,000

Approximately 48 percent of the Federal royalties are returned to the State of Colorado and local governments through a complex mechanism of fund disbursement. In 2010 Delta County, exclusive of revenues received by the local school district and municipalities, received \$898,734 in severance and Federal mineral leasing taxes. These payments are very significant for the future socio-economic well-being of Delta County!

Many local governmental entities rely heavily on this money in order to provide local services expected by their taxpayers. Local services ranging from education of our children to our parks, from road construction and maintenance to emergency services, from jails to libraries, and many others, are funded by these local tax monies.

The State of Colorado was over \$300 million short on its 2010 fiscal year budget and over \$1.1 billion dollars short on its 2011 fiscal-year budget. Those budgets were balanced (mostly at the expense of higher education), leaving some significant holes in the services that the state can provide. The revenue generated by mineral extraction within the State of Colorado would go a long way toward filling these holes.

Additionally, another important socio-economic benefit of the coal industry to Delta County is the symbiotic relation that has developed between coal mining and agriculture in Delta County. Not only are many small farmers employed directly by the mines or support industries, but agriculture and coal mining share many of the same support industry needs (i.e., general repair and maintenance services, etc.). Without the income generated by the coal mines, the critical mass necessary to sustain most of those support services could not survive on only the agricultural support trade.

Finally, on the national level, the past six Administrations have identified energy independence as a national priority. If, for some reason, the high-quality (super-compliant) coal mined in Delta County is not available; either the standard of living we enjoy in the United States will have to decrease or we will have to rely on less desirable (dirtier, more expensive, or politically unstable) energy sources. Continued availability of coal is critical to helping the nation bridge the gap we face in moving to U.S. energy independence. (Delta County Board of Commissioners, Delta, CO - #626.2-4.44510.840)

**2-139 Public Concern: The Forest Service should avoid any provisions that would jeopardize future mining operations in the North Fork Valley or elsewhere in Colorado.****BECAUSE MINING IS A VITAL PART OF THE STATE'S ECONOMY**

[ATT 1] While CMA [Colorado Mining Association] supports the DNR's [Colorado Department of Natural Resources'] initial efforts to ensure that mining operations in the North Fork Valley will be permitted to continue, CMA believes the Proposed Plan should further be revised to ensure that it contains no measures that jeopardize the future of mining operations in the North Fork Valley or elsewhere in Colorado. Mining must be allowed to remain a vital part of Colorado's economy, as it accounts for nearly \$3 billion in sales and more than \$13 billion in overall economic benefits, hundreds of millions in taxes and more than 5,000 high wage jobs. In the North Fork Valley alone, coal mining accounts for nearly \$500 million in sales and accounts for more than 40 percent of the state's coal production. Federal coal royalties, which help to support public schools in Colorado, are in excess of \$27 million per year. (Mining Industry/Association, Denver, CO - #832.7.44510.840)

**2-140 Public Concern: The Forest Service should revise the road construction provisions related to the North Fork coal mining area.****TO ALLOW ROAD CONSTRUCTION WHEN ONE OF THE LISTED CONDITIONS IS MET RATHER THAN REQUIRING THEM ALL TO BE MET**

[ATT 1] The Proposed Plan seeks to allow for the construction of temporary and long-term roads within certain designated areas collectively referred to as the North Fork coal mining areas (the "North Fork Areas"), and CRAs, so long as such road construction is already permitted under a lease issued by the Secretary of the Interior. See the Proposed Plan at [section] 294.33(b), (d). However, the Proposed Plan would essentially forestall any future temporary or long-term road construction in CRAs and severely limits any future road construction.

Under the Proposed Plan, temporary and long-term road construction for coal exploration is permitted in those areas identified on the CRA maps. While at first blush this provision appears to protect the mining interests located in the North Fork Area, in reality it does not.

Notably, the Proposed Plan makes contingent the approval of any road construction in the North Fork Area upon authorization by the Responsible Official [Footnote 3: Responsible Official is defined within the Plan as the Forest Service official with the authority to make a decision regarding the CRAs.]. Before a temporary or long-term road may be constructed, the Responsible Official must determine that:

- "i. there is no opportunity for the project to be implemented outside a Colorado Roadless Area without causing substantially greater environmental impact;
  - ii. that motorized access, without road construction, is not technically feasible;
  - iii. that road construction is consistent with the applicable land management plan direction, and
  - iv. regarding construction of a forest road, that a temporary road would not provide reasonable access."
- See the Proposed Plan at [section] 294.33(e).

The Proposed Plan requirements set forth in [section] 294.33(e) would impose a significant burden upon underground coal mining operations in the North Fork Area. Certainly, any road construction should be consistent with applicable land management plan direction. However, requiring that each of the other conditions also be met essentially eviscerates any exception that is provided for in the Proposed Plan to permit continued coal exploration in the North Fork Area. It will be exceedingly difficult, if not in most cases impossible, for any proposed temporary or long-term road to meet each of the requirements set forth in [section] 294.33(e) of the Proposed Plan.

For instance, if it is determined by a Responsible Official that a temporary or long-term road may be constructed outside a CRA, therefore prohibiting the construction of the road within the CRA, that alternative may be cost prohibitive to the operator. So despite the fact that a road may be constructed outside a CRA, the cost of construction may be such that an operator is prohibited from constructing the road. The result would be to force the operator to abandon future mining projects associated with the proposed road. While the Proposed Plan seeks to protect the existing lease rights of operators in the

North Fork Area, in reality it holds them subject to conditions that will be in many cases overly burdensome or otherwise impossible to meet.

To remedy this defect, Proposed Plan [section] 294.33 (e) should be revised to read as follows:

“Roads constructed or reconstructed in Colorado Roadless Areas as provided in paragraphs (b) and (d) shall only be authorized if the Responsible Official determines:

- i. there is no opportunity for the project to be implemented outside a Colorado Roadless Area without causing substantially greater environmental impact, or resulting in substantially higher costs of construction;
- ii. that motorized access, without road construction, is not technically or economically feasible;
- iii. that road construction is consistent with the applicable land management plan direction, [delete] and [delete] or
- iv. regarding construction of a forest road, that a temporary road would not provide reasonable access.”

These proposed changes are consistent with and give meaningful effect to [section] 294.33 (b) and (d) of the Proposed Plan. With these changes, the Responsible Official will have the authority to approve the construction of a temporary or long-term road if only one of the above conditions is met rather than all of the conditions. (Mining Industry/Association, Denver, CO - #832.10-12.44510.680)

## **2-141 Public Concern: The Forest Service should acknowledge that alternatives to North Fork coal are available.**

### **PARTICULARLY POWDER RIVER BASIN COAL FROM WYOMING**

If Current Coal Buyers Seek Substitutes for North Fork Valley Coal That Is No Longer Available Due to Roadless Area Protection, They Are Likely to Turn Powder River Basin (sic) (Basin) (PRB) Coal to Replace Some of It:

To help frame this comparison of the different alternatives, some understanding of where North Fork coal is shipped and its place in the national market is important. Colorado is currently the 11th largest coal producer in the country (2010). [Footnote 16: The EIA document “U.S. Coal Supply and Demand: 2010 Year in Review” clearly shows that in 2009 Colorado was the 10th leading coal-producing state. This stands in contrast to the RDEIS which states that Colorado was the 6th leading coal-producing state. In 2010, Colorado was the 11th leading coal producing state.] In 2010 Colorado produced 25.2 million tons of coal. [Footnote 17: Ibid.] The North Fork mines in general produce high-quality bituminous coal with low sulfur content. It is a relatively high-priced source of coal compared, for instance, to Wyoming’s Powder River Basin coal. It is also used in much smaller volumes by the non-Colorado electric generators who purchase it. This is due to its specialized use by those electric generators. Some of it is sold to electrical generators where it is blended with much higher sulfur coals from the eastern United States. This blending allows electric generators to meet emission standards that limit the pounds of sulfur emitted per million BTU of energy. With its high BTU and low sulfur content, North Fork coal is ideal for this use. North Fork coal is also stockpiled to be burned when ambient air quality events would otherwise require curtailment of generation to avoid potential violations of the Clean Air Act’s local ambient air quality standards. In a conversation between the Forest Service and the BLM, the Mining Engineer for the Uncompahgre Field Office stated that the North Fork coal was used as “a filler market [[coal]], rather than a major producer.” [Footnote 18: Notes of Conversation between Liane Mattson, FS and Desty Dyer, Mining Engineer, BLM. 4-24-2008.]

Wyoming, by far the nation’s leader in coal production, has a very similar kind of coal in terms of sulfur content and that coal is generally also burned to help reduce sulfur emissions as mandated by the Clean Air Act. It is so similar in fact that Wyoming coal mines sell to 17 of the same electric generators as Colorado coal does. The one striking difference is the volume of coal that Wyoming sells compared to Colorado coal in general but especially North Fork Valley coal. In 2009 the North Fork sold approximately 11.6 million tons of coal. [Footnote 19: <http://www.eia.gov/coal/review/pdf/feature10.pdf>] During that same period, Wyoming sold more than 431 million tons of coal. That is, Wyoming sold more than 60 times as much coal as the North Fork Valley did.

If Alternative 1 is selected and ultimately coal mining is phased out at the West Elk, Elk Creek, and the Bowie mines, the reduction in coal supply could be somewhat offset by expanded mining of Powder River Basin (PRB) coal. To completely offset the decline in North Fork mining, the increased PRB production would have to be increased approximately 2.5 percent over the PRB 2010 level of production. It is possible that PRB mines could increase production by this amount. Coal production in Wyoming increased from 2009 to 2010 by almost exactly 2.5 percent. (Preservation/Conservation, Denver, CO - #690.10-11.44510.840)

## **2-142 Public Concern: The Forest Service should revise Map 13.**

### **TO MORE CLEARLY SHOW THE BOUNDARIES OF THE NORTH FORK COAL MINING AREA**

[DEIS] Page 15, Chapter 2, last line, regarding Map 13 and all other places it is referenced: Map 13 confuses overlays; perhaps color could help. It indicates that the North Fork coal mining area in Alternative 2 does in some areas go beyond the area of Recoverable Coal Resources. It does not seem logical to be naming areas beyond Recoverable Coal Resources as a "mining area". In T13S R89 W, the North Fork coal mining area should be extended to the eastern extent of the Recoverable Coal Resources Area. (U.S. Department of the Interior, Office of Environmental Policy Compliance, Washington, DC - #829.7.44510.620)

## **Oil and Gas Development**

## **2-143 Public Concern: The Forest Service should prohibit oil and gas drilling in roadless areas.**

### **TO PROTECT ECOSYSTEMS**

We have few pristine lands protected in this country. Please leave them as they are! Oil and gas are not the answer to our energy problems and eliminating ecosystems and endangering animals are not good ideas. As those ecosystems go, so does man! (Individual, Edwardsville, IL - #145.8.40000.421)

### **BECAUSE SOLAR ENERGY IS A VIABLE ALTERNATIVE**

No oil and gas drilling in our roadless national forests. Stop the stupidity. I have had solar on my house for the past 14 years and it generates over 50 percent of my annual electrical needs! (Individual, Cupertino, CA - #81.1.44000.880)

### **AND USE ALTERNATIVE ENERGY INSTEAD**

Please do not allow any oil or gas leases in Colorado's backcountry or forests. This Bush legacy is completely unacceptable. Oil companies are drilling all over the planet, even in depths of oceans deeper than 6,000 feet. What is the cause of their gluttonous greed? Don't let oil and gas companies destroy the planet.

Don't destroy the planet. Use wind and solar in current urban communities. Not oil and gas drilling. (Individual, Oakland, CA - #202.8.44600.850)

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. It's time to say no to more roads for development and fossil fuel extraction when we should be moving towards clean renewable fuels instead. (Individual, Fort Collins, CO - #468.6.44600.880)

### **TO PROTECT ENDANGERED SPECIES**

I oppose all oil and gas drilling on these lands. It is a complete lie to print that there are no adverse effects on endangered species, wildlife or aquatic from these destructive plans. A complete and utter untruth. Please don't print lies in the Federal Register. (Individual, Florham Park, NJ - #25.5.44600.350)



### **BECAUSE FRACKING IS ENVIRONMENTALLY DAMAGING**

The environmentally disastrous practice of “fracking” for natural gas and the lack of regulatory oversight of this practice, as well as other industrial environmental concerns, make this a dangerous proposal to support. (Individual - #715.3.44600.160)

## **2-144 Public Concern: The Forest Service should prohibit oil and gas leasing in CRAs.**

### **BECAUSE THERE IS SUFFICIENT UNDEVELOPED LEASED LAND IN OTHER AREAS OF COLORADO**

Withdrawal of Roadless Areas From Availability: As Forest Service fact sheets indicate, the Colorado Roadless Areas (CRAs) and Inventoried Roadless Areas that do not have existing oil and gas leases, “are assumed to have low to moderate potential for oil and gas occurrence and low to no potential for development.” [www.fs.usda.gov/roadless](http://www.fs.usda.gov/roadless) - U.S. Forest Service Fact Sheet re: Oil & Gas Direction in the Proposed Colorado Rule. While we [Pitkin County Board of Commissioners] support the proposed Rule direction to prohibit roads on new oil and gas leases within the CRAs, we believe it would be appropriate to go a step further and withdraw the Colorado Roadless Areas from availability for new oil and gas leases, particularly given limited resource and development potential. There is a significant amount of already leased and as yet undeveloped public land in Colorado that suggests that issuance of new oil and gas leases is unnecessary in Roadless Areas. (Pitkin County Board of Commissioners, Aspen, CO - #587.7.44600.421)

### **BECAUSE ALLOWING LEASING EVEN WITH NO SURFACE OCCUPANCY (NSO) STIPULATIONS STILL RESULTS IN EFFECTS ON ROADLESS AREAS**

Fully protect all roadless areas from the potential impacts of oil-gas activities.

Withdrawal of roadless areas from availability for oil and gas leasing is necessary to protect roadless characteristics. Both the 2001 Rule and the Colorado Roadless Rule aim to prevent fragmentation and degradation associated with road building on the remaining unroaded portions of our National Forests. The Rules seek to protect high-quality soil, water, and air; sources of public drinking water; diversity of plant and animal populations; habitat for listed, threatened, proposed, sensitive, and candidate species, as well as habitat for those dependent on large swaths of undeveloped land; primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation; reference landscapes; natural-appearing landscapes with high scenic quality; among others.

With regard to oil and gas development, the proposed Colorado Rule would prohibit temporary or permanent road construction and reconstruction associated with development of oil and gas leases within CRAs. While this is necessary to ensure protection of roadless areas and roadless characteristics, it does nothing to constrain extensive and isolating development around the edges of roadless areas. In areas with high gas potential, directional drilling activities aimed at development of underground mineral resources are beginning to surround the roadless area.

Take for example a recently approved 71-well oil and gas development on West Mamm Creek, about 9 miles south of Rifle, Colorado. About six pads were authorized on a private inholding within the Mamm Peak IRA/CRA. Roadless lands were stipulated with NSO, but minerals were available for lease. By BLM’s own admission: “the adjacent NFS land would be subject to direct and indirect impacts to wildlife as a result of intensive oil and gas activities.” [Footnote 16: USDO (United States Department of Interior) Bureau of Land Management, Colorado River Field Office, West Mamm Master Development Plan, June 2010, [http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/69474\\_FSPLT2\\_023245.pdf](http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/69474_FSPLT2_023245.pdf) (accessed 7/29/10), at Executive Summary - 1.] Deer and elk winter range, elk calving areas, a stream with populations of Colorado River cutthroat trout, and the Battlement Lynx Analysis Unit were among wildlife values to be impacted. Impacts include: surface disturbance associated with new pad development and road construction, industrial levels of noise pollution, substantial air emissions, increased potential for contamination of West Mamm Creek, and, depending on issuance of a Special Use Authorization, year-round road maintenance (e.g., plowing in the winter) on FS Road 818, which would facilitate entry of coyotes and other predators into lynx habitat. Here is a telling diagram from the West Mamm Master Development Plan [Footnote 17: Id., at 54.] [See ATT2].

Since the surface-disturbing activities associated with this project were on private lands, the Federal agencies did not have authority to impose protective timing stipulations to reduce impacts. This project clearly shows that when roadless areas are available for leasing, there can be development up to the edges of those IRAs, and roadless values will thus be impacted, in some cases severely. (Preservation/Conservation, Livingston, MT - #591.44-45.44600.621) (Preservation/Conservation, Durango, CO - #591.44.44600.621)

## **2-145 Public Concern: The Forest Service should eliminate the oil and gas leasing exceptions.**

### **BECAUSE THEY ARE INCONSISTENT WITH THE 2001 ROADLESS RULE AND ROADLESS AREA CONSERVATION**

Alternative 1 would provide exceptions to roadless rule protections [that] would apply not only to existing mineral leases, but that the exception “includes any new lease issued immediately upon expiration of an existing lease.” DEIS at 50. Both exceptions are inconsistent with both 1) the 2001 Roadless Rule, which prohibited any mineral leases lacking NSO stipulations, and 2) the goal of the current effort: roadless area conservation. (Preservation/Conservation, Boulder, CO - #625.10.44600.002)

## **2-146 Public Concern: The Forest Service should restrict road construction for gas drilling.**

### **TO PROTECT COMMUNITIES AND WILDERNESS**

As a resident of over-drilled Western Colorado, I can comment firsthand on the devastating effects to wildlife, air, land, and water, that road building, in pursuit of gas drilling, has had on communities and wilderness. (Individual, Rifle, CO - #448.4.40000.002)

### **BECAUSE EVEN TEMPORARY ROADS CAN BE USED FOR DECADES**

Reduce road construction allowed for oil and gas leases. Under Alternative 3, approximately 11 miles of road would be constructed annually for oil and gas activities. RDEIS at 87. Under Alternatives 2 and 4, road construction would be 9 miles annually. [Footnote 8: RDEIS p. 126 provides a different set of figures covering an unspecified time period. There are greater, but still relatively slight, differences between the alternatives in this table.] In other words, the proposed rule (Alternative 2) and Alternative 4, the latter with much more “upper tier” acreage than Alternative 2, would not provide much protection against roads for oil and gas activities in roadless areas. Any Colorado Roadless Rule needs to provide a much higher level of protection than the proposed rule would do.

Though they would have to be “temporary” roads under the proposed rule (294.43(c)(1)(viii)), roads for oil and gas activity can be used for decades, as long as the lease(s) they serve is/are still producing. Well pads are also constructed, which are areas up to several acres in size that are cleared of vegetation to make way for drilling equipment. Waste material from drilling is often produced and deposited on the cleared area. This makes areas drilled for oil or gas very hard to restore to natural conditions. This means that areas which host such activity are not likely to have roadless area characteristics restored. (Preservation/Conservation, Denver, CO - #591.23.44600.680)

## **2-147 Public Concern: The Forest Service should prohibit road construction on all oil and gas leases.**

I would 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. (Individual, West Bloomfield, MI - #73.5.44600.621)

## **2-148 Public Concern: The Forest Service should prohibit road construction for, and surface occupancy of, oil and gas leases within roadless areas.**

What a Colorado Roadless Rule should contain:

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

Road construction for development of oil and gas leases and surface occupancy within roadless areas should be prohibited. Resources should instead be accessed through directional drilling from places outside the roadless areas; or roadless areas should be withdrawn from oil and gas leasing altogether. (Preservation/Conservation, Colorado Springs, CO - #731.10.44600.061)

## **2-149 Public Concern: The Forest Service should reconsider road construction restrictions for oil and gas leases.**

### **TO AVOID NEGATIVE ECONOMIC EFFECTS**

It is understood that the Forest Service is primarily interested in comments pertaining to changes made since the 2008 Roadless Proposal. Based on that request, the following comments do address those changes, but are submitted with the caveat that the 2008 proposal was also flawed and not in the best interest of the citizens of Montrose County or Colorado.

With regard to [section] 294.43, "Prohibition on Road Construction and Reconstruction", we [County Commissioners for Montrose County, Colorado] believe that the proposed rule will adversely impact the development of natural resources within Colorado and thereby result in significant damage to the State's already struggling economy. By limiting the construction of roads associated with future gas and oil leases, the proposed rule hinders the development of these resources. In recent years, domestic gas and oil production have been one of the few bright spots in the national economy. In particular, these industries have flourished in the western United States. Colorado needs to maintain the ability to develop these resources for the benefit of both the State and the nation. Our concerns are the same with regard to limitations on road building associated with water conveyance structures which have also been expanded from the 2008 Rule. This proposed rule would significantly limit future development of natural resources in Colorado and would be economically damaging to the State. (Montrose County Board of Commissioners, Montrose, CO - #621.3.44600.800)

## **2-150 Public Concern: The Forest Service should require directional drilling for oil and gas development.**

### **INSTEAD OF ALLOWING ROADS IN ROADLESS AREAS**

I am concerned about water, watersheds, wildlife/habitat issues and our over-reliance on fossil fuels. Our planet and civilization are in peril and improved roadless protections are steps toward sanity and the preservation of the quality of life we hold so dear in Colorado.

Use directional drilling for oil and gas instead of roads in roadless areas. (Individual, Durango, CO - #742.3.44600.002)

## **2-151 Public Concern: The Forest Service should require NSO stipulations for all mineral leases in roadless areas.**

### **TO AVOID REPEATING PAST MISTAKES**

I strongly encourage the application of unwaivable No Surface Occupancy mineral-leasing stipulations for all roadless areas identified for protection in the Roadless Rule. The lack of rigorous adherence to previous NSO stipulations has caused untold strife in the HD Mountains Roadless Area [on the San Juan National Forest]. In the early 1980s, a Forest Supervisor waived the existing NSO stipulations, allowing for an expansion of gas exploration and drilling, and sparked the subsequent 30 years of contentious, expensive, and generally destructive controversy about drilling the Roadless Area. I urge the Forest Service to learn from its past mistakes, and create strict, unwaivable conditions for application of NSO stipulations to all future mineral leases in Colorado Roadless Areas. (Individual, Bozeman, MT - #839.4.44600.160)

**2-152 Public Concern: The Forest Service should at minimum require NSO stipulations for all oil and gas leases in roadless areas.****TO PROTECT ROADLESS CHARACTERISTICS**

If roadless areas are not withdrawn from mineral leasing, all future oil and gas leases must include NSO stipulations. Oil and gas pads and associated development pose many of the same threats to roadless area characteristics as road construction and timber production. For example, well pads with tanks, pits, and vehicle traffic degrade air and water quality, disturb soils, fragment habitat, eliminate primitive and semi-primitive recreational opportunities, and degrade scenic quality. Nonetheless, prohibitions on road building and tree-cutting in the proposed rule do nothing to prohibit these activities within roadless areas leased for oil and gas development.

Protection of critical roadless values requires prohibitions on all surface-disturbing activity, not just road construction and reconstruction. All roadless areas should be protected with NSO stipulations for future oil and gas leases. At the very least, upper tier areas must be protected with NSO stipulations. In all cases, exceptions, waivers and modifications to these NSO stipulations must not be allowed. The current language at 294.46(a) would allow waivers, exceptions, and modifications as long as no road construction resulted. (Preservation/Conservation, Livingston, MT - #591.47.44600.621)

**2-153 Public Concern: The Forest Service should prohibit fracking with additives other than water and solid proppants.****TO PROTECT HEADWATERS AND BREEDING GROUNDS**

The strongest language should be directed towards sub-surface activities, such as “fracing” with additives other than water and solid proppants, that “...could potentially...” endanger headwaters and breeding grounds, the way drilling/production companies damage residential areas on our Western Slope. Issues such as poorly cemented casings, ignorance of near-surface faults and the fallacious belief that there can be no communication between deep, productive zones and near-surface aquifers, even while fracing. Such damage should be met with extreme penalties, in light of the high-tech exploration tools available to the industry today. (Individual, Littleton, CO - #851.4.44600.160)

**2-154 Public Concern: The Forest Service should permit only non-toxic fracking materials.****TO PROTECT HUMANS, WILDLIFE, AND SURROUNDING WATER**

Wherever gas recovery permits are extant or new, the process of hydraulic fracking should be expressly limited to the use of nontoxic fracking materials only; the use of any toxic chemicals such as benzenes in the fracking process poses a significant threat to animals, humans, and the surrounding water table and reserves. (Individual, Denver, CO - #2.2.44600.200)

**2-155 Public Concern: The Forest Service should ensure that chemicals, produced water, and drilling rigs are prohibited in fish and wildlife habitat.**

I would ask that in considering the Colorado Roadless Rule, you take this point into consideration so that the proposed rule will:

Keep harmful chemicals, produced water, and drilling rigs out of the most valuable fish and wildlife habitat. (Individual - #795.3.44600.330)

**2-156 Public Concern: The Forest Service should describe the plan for reclamation of expired oil and gas lease sites and roads.****TO ENSURE THAT RECLAMATION OCCURS AND IS SUFFICIENT**

At a public meeting in Montrose, Colorado, I asked if there was an enforceable plan for reclamation of expired oil and gas lease sites and roads. Although the answer was yes, I did not get reassurance as to the type of reclamation that drillers must use, the length of time they have, if they post remediation deposits,

are they adequate if they default and the Forest Service must reclaim. I have seen oil and gas that have not been reclaimed to the natural flora. These roads and pads must be reclaimed to the natural flora. (Individual, Cedaredge, CO - #842.3.44600.350)

**2-157 Public Concern: The Forest Service should acknowledge the MOU between DOI, DOA, and EPA regarding air quality and oil and gas decisions.**

We [EPA] are pleased that recent Instruction Memorandums on Oil and Gas Leasing will apply special provisions requiring environmental analyses for oil and gas leasing and in the approved Surface Use Plans of Operation. We recommend the RDEIS acknowledge the recently signed June 23, 2011, U.S. Department of the Interior (DOI) and U.S. EPA Memorandum of Understanding and its applicability to future oil and gas leasing projects in the CRAs. [Footnote 1: The June 23, 2011 Memorandum of Understanding among the Department of Agriculture (DOA), Department of the Interior and the Environmental Protection Agency, "Regarding Air Quality and Mitigation for Federal Oil and Gas Decisions through the National Environmental Policy Act".] (U.S. Environmental Protection Agency, Washington, DC - #685.13.44600.160)

**2-158 Public Concern: The Forest Service should analyze the effects from reasonable, foreseeable levels of gas development on ecosystems, habitat, and wildlife.**

Eighty percent of mineral development in Colorado occurs on private lands, most Federal leases are located on BLM lands which are generally less sensitive than IRA/CRAs, and Colorado's ongoing drilling boom is already threatening the carrying capacity of our habitat, waters, and air—especially on or in the vicinity of the White River and GMUG [Grand Mesa, Uncompahgre and Gunnison] National Forests, where the great majority of the disputed leases are located. The cumulative impacts analysis in the DEIS predicts "no significant cumulative effect to the development of land gas resources" from any of the alternatives. The same conclusion would apply to the environmentally approved approach to these disputed leases in a new alternative precluding any development that would compromise the overarching goal of roadless areas conservation. By contrast, under the existing alternatives, the FS must analyze the potentially significant adverse ecosystem, habitat and wildlife impacts of reasonable foreseeable levels of development. (Preservation/Conservation, Boulder, CO - #625.23.44600.200)

*Gap Leases*

**2-159 Public Concern: The Forest Service should require that gap leases be brought into compliance with NEPA or invalidated.**

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. (Individual, El Jebel, CO - #382.4.44610.131)

**2-160 Public Concern: The Forest Service should require that gap leases be consistent with NEPA and the 2001 Roadless Rule.**

The Forest Service and Bureau of Land Management must take affirmative steps to ensure that leases issued in roadless areas after the 2001 Roadless Rule ("gap leases") are not developed in violation of that Rule, NEPA. (Individual, Aspen, CO - #559.10.44610.131)

**2-161 Public Concern: The Forest Service should cancel the gap leases.**

**BECAUSE THE INDUSTRY HAS TAKEN ADVANTAGE OF THE CONFUSED ROADLESS STATUS**

The new rule is certainly more clear. However, there are still issues that need to be addressed.

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? (Individual, Cedaredge, CO - #452.2.44610.850)

## **2-162 Public Concern: The Forest Service should invalidate those gap leases found to be in violation of the 2001 Roadless Rule.**

### **OR AT LEAST SHOULD PROHIBIT EXTENSION, RENEWAL, OR REISSUANCE OF THE LEASES**

Gap Leases: Gap Leases issued in roadless areas after the 2001 Roadless Rule should be reviewed to determine whether they are in violation of that Rule, and if they are found to be so, should be invalidated rather than “grandfathered” by a new Colorado Roadless Rule. Short of cancellation of these leases, we [Pitkin County Board of Commissioners] support the proposed prohibition of their extension, renewal or reissuance and recommend that “No Surface Occupancy” (NSO) stipulations be imposed. (Pitkin County Board of Commissioners, Aspen, CO - #587.9.44610.640)

### **TO COMPLY WITH AGENCY REGULATIONS AND OTHER LAWS**

The FS must consider invalidating “gap” leases. [“Gap” leases are those oil and gas leases issued within roadless areas after implementation of the 2001 Roadless Rule that either 1) do not contain prohibitions on road construction, reconstruction, and surface occupancy, or 2) contain prohibitions on similar activities based upon the effect of the 2001 Roadless Rule.] The RDEIS fails to even consider the potential that gap leases will not be developed. Since the Tenth Circuit [Court] has not yet issued a decision in pending litigation on the validity of the 2001 Rule, this is a substantial oversight. The oversight is especially significant in the Thompson Divide where thousands of acres of gap leases were issued in conflict with the 2001 Roadless Rule.

The Forest Service must take affirmative steps to resolve the gap lease problem rather than simply ignoring it. To comply with Agency regulations and other laws, any final rule must require gap leases issued without appropriate stipulations will be invalidated or brought into compliance with mandates of the 2001 Roadless Rule when that Rule is upheld.

The Forest Service should ensure that roadless areas encumbered with gap leases have interim protection until the Tenth Circuit [Court] validates the 2001 Roadless Rule.

The Forest Service should not give the impression in any Final EIS or Final Colorado Roadless Rule that illegal gap leases will be grandfathered by a new Colorado Roadless Rule. Instead, any analysis and any Final Rule should explicitly respect only valid and existing rights that predate implementation. (Preservation/Conservation, Carbondale, CO - #406.5.44610.141)

## **2-163 Public Concern: The Forest Service should avoid grandfathering invalid oil and gas leases.**

### **BECAUSE THEY WERE ISSUED IN CONFLICT WITH THE 2001 ROADLESS RULE**

The FEIS should explicitly avoid grandfathering invalid oil and gas leases. If the Forest Service intends to leave the fate of gap leases with the 2001 Rule, then the Agency ought to make it clear that any Colorado Rule will not grandfather those rights. Many gap leases were issued in conflict with the 2001 Rule, and should not be explicitly or implicitly ratified in the Colorado Roadless Rule. Unfortunately, the RDEIS is not so clear. For example, in discussing Alternative 1, the document “would not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing occupancy and use of National Forest lands issued before the effective date of the final Rule.” RDEIS, at 11. While it may be implied, the Agency should specifically state that “Alternative 1 would not revoke, suspend, or modify any valid and enforceable permit, contract, lease, or other legal instrument...” This minor clarification is important. The Forest Service should not give the impression that illegal gap leases will be grandfathered by a new Colorado Roadless Rule. (Preservation/Conservation, Colorado Springs, CO - #591.41.44610.160)

## **2-164 Public Concern: The Forest Service should acknowledge that the gap leases were issued in violation of the 2001 Roadless Rule and are currently covered by a national injunction.**

The RDEIS effects analysis is seriously and illegally flawed in regard to the existing oil and gas leases in IRAs. The Forest Service incorrectly claims that Alternative 1: 2001 Roadless Rule will allow oil and gas development on 67,600 acres of IRAs that are leased without No Surface Occupancy stipulations. 2008 DEIS at 117. This error is an unfortunate consequence of the Forest Service's failure to acknowledge that the existing oil and gas leases were issued in violation of the Roadless Rule and that they are currently covered by the national injunction specifically prohibiting road construction and other oil and gas activities in IRAs that are inconsistent with the Roadless Rule. [Footnote 7: See Final Injunction Order, Feb. 6, 2007, *People of the State of California et al. v. United States Department of Agriculture*, No. 3:05-cv-03508-EDL ("The Forest Service is enjoined from approving any surface use of a mineral lease issued after January 12, 2001, that would violate the Roadless Rule...")] (Preservation/Conservation, Denver, CO - #591.22.44610.141)

## **2-165 Public Concern: The Forest Service should either rescind or revise the gap leases.**

### **TO ENSURE THAT ALL LEASES IN ROADLESS AREAS HAVE NSO STIPULATIONS**

The gap leases should not have been issued absent NSO stipulations for IRA lands, and are accordingly subject to rescission or reform.

Throughout the process leading to the current DEIS, WRA's [Western Resources Advocates] comments to Colorado and the FS have focused on the need to ensure that IRA lands mistakenly burdened with gap leases be protected as required by law, envisioned by the 2001 Rule, and expected by Colorado and the public. The great majority of gap leases are found on spectacular, wildlife-rich landscapes in the White River and GMUG [Grand Mesa, Uncompahgre and Gunnison] National Forests. Finding a way to protect roadless values in these spectacular roadless forests needs to be one of the Agency's leading concerns in finalizing a Colorado Rule.

The FEIS should either: 1) invalidate or rescind gap leases lacking NSO stipulations to protect roadless values because they were issued contrary to applicable law and policy; or 2) ensure that all IRAs within such leases are protected by NSO stipulations that are a) not subject to waiver, and b) specifically imposed to protect roadless values on IRA lands included in the gap leases.

The law and policies in effect when the gap leases were issued imposed either substantive (Roadless Rule in effect by Agency policy or court order) or procedural (Regional Forester responsibility to review any decisions that could result in road construction activities in IRAs, such as an oil and gas lease lacking adequate NSO stipulations) protections that were not observed. See Exhibit 1 [ATT 1], WRA [Western Resource Advocates] correspondence with FS and Colorado Department of Natural Resources (CDNR).

Some of the gap leases were clearly issued in violation of applicable procedures or based on outdated analysis. These leases are readily undone or reformed to impose missing provisions going to roadless area conservation. To the extent certain gap leases are subject to various shades of grey, they were all issued contrary to the intent and spirit of both the 2001 Rule (protecting IRAs and not preventing creation of any new alleged rights that could allow road construction) and the Colorado rulemaking process.

From start to finish, the Colorado process was intended to maintain the status quo by conserving roadless areas unless an explicit determination was made to exclude or exempt specific lands based on an explicit compromise. No such compromises were ever made or recommended by the state Task Force regarding oil and gas leasing, as there were for limited, defined tracts regarding issues such as coal mining or ski area expansion. Accordingly, the gap leases were issued *ultra vires* and should be considered void *ab initio* and subject to rescission and cancellation—or reformation to ensure roadless area conservation through appropriate NSO stipulations. See Exhibit 2 [ATT 2].

Regardless of the specific circumstances accompanying lease issuance, Colorado's roadless areas should not be lost due to acts of omission, failure to adhere to applicable procedures, reliance on pre-2001

leasing authorizations, or the misconstrual or misinterpretation of applicable policies on the part of individual officials. It is a well-settled rule of administrative law that the *ultra vires* acts of individual officials cannot bind the sovereign or Federal agencies. Under the circumstances, adjusting the leases to ensure roadless area conservation is comparable to the FS recognition that the Chief can make administrative corrections to the boundaries of CRAs. See DEIS at 52. (Preservation/Conservation, Boulder, CO - #625.12-13.44610.100)

#### TO BE CONSISTENT WITH THE SPIRIT OF THE COLORADO PETITION

[ATT 1] Remedy for “interim” mineral leases issued in Colorado Roadless Areas:

Regarding the spirit of the Colorado Petition, that broad-based process resulted in a consensus that all current IRAs in Colorado National Forests should be protected, except for certain limited exceptions that are not relevant to oil and gas leasing. Accordingly, both the letter and the spirit of the Petition apply prospectively with regard to oil and gas leasing in IRAs. Any prior non-NSO interim IRA leases were inconsistent with the spirit and outcome of the Petition process as well as the position of the Colorado Division of Wildlife. (Preservation/Conservation, Boulder, CO - #625.32.44610.180)

### 2-166 Public Concern: The Forest Service should acknowledge that gap leases can be rescinded or modified.

#### AS PROVIDED FOR IN FEDERAL AND CASE LAW

The RDEIS misstates Agency authority to cancel and further stipulate existing oil and gas leases. The RDEIS states that “a lease...becomes an irretrievable commitment of resource; a lease cannot be cancelled by the government, except by due process when the lessee does not meet the terms and conditions of the lease.” RDEIS at 117-118. In fact, the government has broad authority to cancel leases. Relevant regulations provide that “leases shall be subject to cancellation if improperly issued.” 43 C.F.R. 3108.3(d). Case law confirms that leases issued in violation of applicable laws, regulations, and rules will be subject to administrative cancellation. [Footnote 14: See for example *Boesche v. Udall*, 373 U.S. 472, at 495 (holding that Secretary of Interior has broad authority to cancel leases administratively based on pre-lease factors).] Further, every BLM lease reserves in the Agency authority to impose reasonable measures to minimize adverse impacts on other resource values, including restricting the siting of lease activities. [Footnote 15: See Section 6 of BLM’s standard lease form, Form 3100-11. Note that lease notices also reiterate that BLM leases are subject to “reasonable measures” as necessary to “minimize adverse impacts” to land uses and other resource values not otherwise addressed in lease stipulations at the time operations are proposed.]

Understanding this authority is critically important. In order to effectively protect roadless areas and roadless area characteristics in Colorado, the Forest Service and the BLM must take affirmative steps to ensure that leases issued in roadless areas after implementation of the 2001 Roadless Rule are not developed in violation of that Rule. The proposed Colorado Rule and the RDEIS completely ignore this problem and agency authority to resolve it.

Either the Colorado Rule must specifically prohibit road construction and reconstruction on all leases issued since January 2001 or the Forest Service must separately impose those stipulations on each lease in roadless areas in order to be sure the Colorado Rule does not create this gap in roadless protection. (Preservation/Conservation, Livingston, MT - #591.42-43.44610.100)

#### TO PROTECT ROADLESS VALUES

Three examples of how [gap] leases can be rescinded or modified to protect roadless values require the Agency’s consideration: one each in Colorado, Wyoming and Utah.

First, the BLM voided leases on the White River National Forest after IBLA [Interior Board of Land Appeals] determination that proper FS consent to the leases was not obtained by BLM prior to offering the parcels for sale. See Exhibit 1 [ATT1]. The decision followed a suspension of the leases subsequent to the IBLA decision affirming NEPA and ESA [Endangered Species Act] challenges to issuance based on the Agency record. BLM refunded any payments made by the lessees to make them whole.



This decision is directly applicable, because it involved gap leases on the White River NF offered for sale in 2004. To the extent proper consent was not provided for the remaining gap leases, they are similarly subject to rescission.

Second, in the Wyoming Range in 2010, the Bridger-Teton National Forest issued a decision not to authorize leasing on 44,720 acres of disputed proposed leases in the Wyoming Range. See Exhibit 3 [ATT3]. The contested leases were offered in 2005 and 2006. The decision is currently under reconsideration, with the ultimate outcome expected to be re-affirming the decision not to issue the disputed leases based on grounds very similar to the concerns about the impacts to roadless area conservation that underlay the gap leasing dispute in Colorado. Regardless of the decision, this example further establishes the authority of the FS to take action regarding leases that mistakenly received initial approvals based on inadequate environmental review and impacts analysis.

Third, on the Uinta National Forest in Utah, legal challenges to IRA leases lacking NSO stipulations resulted in an order of dismissal under which the court recognized the ability of the FS to address inadequate provisions to ensure roadless area conservation after lease issuance. The FS position in litigation establishes its ability to impose post-leasing NSO stipulations, subject to allowing lessees the option of receiving a refund of monies paid for the disputed leases. Suspending leases and prospectively applying NSO stipulations to protect roadless values is a viable option.

A coalition of conservation groups challenged 67 disputed oil and gas leases on the Uinta National Forest. *Utah Rivers Council, et al. v. USFS, et al.*, “Petition for Review of Agency Action and Complaint for Injunctive and Declaratory Relief”, 2:10-cv0567-TC, 2 (D. Utah, 2011). The conservation groups challenged the FS and BLM actions under NEPA and other applicable laws. *Id.* at 36-48. The conservation groups alleged that the authorization and issuance of the leases violated NEPA because the agencies failed to take a hard look at potential environmental impacts or inform the public of those impacts. *Id.* at 50–51.

As a result of the litigation and with the consent of the FS, BLM suspended the 67 leases pending completion of a NEPA review. *Utah Rivers Council, et al. v. USFS, et al.*, Proposed Order Granting Motion to Dismiss, 2:10-cv0567-TC, 1 (D. Utah filed May 5, 2011). After the litigation was filed, the FS completed a new Oil and Gas Leasing EIS for the Uinta National Forest.

Alternative 4 of EIS applies NSO stipulations to well pads and facilities and a special administrative stipulation (No Ground Disturbance [NGD]) to preclude road construction in IRAs. *Id.* Therefore, IRAs and mitigation land areas could only be accessed by directional drilling, without causing direct disturbance to surface resources. *Id.* NSO and NGD stipulations combine and apply to prohibit any surface disruption within IRAs without exceptions, waivers, or modifications. *Id.* at 4-115.

The Court concluded that the new terms and stipulations authorized in that document superseded prior FS leasing authorizations and could be relied on to alter stipulations applying to the 67 disputed leases. *Id.* at 2. The Court dismissed the matter as moot because there was no longer a live case or controversy—based on the agencies’ representations that they had the authority to provide the relief sought by plaintiffs: ensuring roadless area conservation through protective stipulations or relinquishment of the leases. *Id.*

The Uinta example establishes that the CRR [Colorado Roadless Rule] ROD [Record of Decision] can approve similar provisions to resolve the disputed gap leases in Colorado. The FS should provide holders of the disputed gap leases with the option of accepting a refund, or continuing to hold the leases subject to NSO stipulations to ensure the conservation of roadless values in the event development is approved for non-roadless lands on the leases. Alternative 4 from the Uinta Leasing EIS is within the Agency’s authority to implement, and would fairly resolve the Colorado gap leases question in a manner that furthers the conservation of roadless area values. (Preservation/Conservation, Boulder, CO - #625.16-8.44610.100)

## **TO CORRECT THE FAILURE TO CONSULT WITH THE COLORADO DIVISION OF WILDLIFE AND TO ASSESS ROADLESS VALUES**

[ATT 1] Remedy for “interim” mineral leases issued in Colorado Roadless Areas:

For most if not all of the interim IRA leases, the responsible land management agencies (BLM and FS) appear to have failed to consult with CDOW [Colorado Division of Wildlife] or ignored CDOW’s views. Had the agencies complied with applicable law by preparing site-specific pre-leasing

environmental reviews, CDOW—as well as other interested agencies, local governments and the broader public—would have been able to articulate their concerns and argue the law prior to the leasing decisions. In the White River IBLA [Interior Board of Land Appeals] case, both the Town of Carbondale and Pitkin County joined the challenge to ensure protection of IRA values.

Arguments raised in the White River [National Forest interim IRA lease] appeal provide grounds for voiding or modifying those interim IRA leases, and other similarly situated leases. Specifically:

The checklist of the NEPA Validation Form used by the FS for these parcels lacked a line for IRAs or roadless values. Appellant's IBLA [Interior Board of Land Appeals] Reply at 13. (Preservation/Conservation, Boulder, CO - #625.33-34.44610.131)

#### **BECAUSE NSO STIPULATIONS MUST INCLUDE SPECIFIC PROTECTIONS FOR ROADLESS CHARACTERISTICS**

[ATT 1] Arguments raised in the White River [National Forest interim IRA lease] appeal provide grounds for voiding or modifying those interim IRA leases, and other similarly situated leases. Specifically:

NSO or other stipulations lacking specific protections for roadless area values cannot be counted on to protect such values. [Appellant's Interior Board of Land Appeals] Reply at 19. Many NSO stipulations provide for waivers under certain circumstances, and could result in no protections at all. For example, some stipulations are contingent on future raptor surveys, and the NSO stipulations only apply if the surveys identify nests or individual birds. Lease issuance is the point of “irreversible and irretrievable commitment of resources.” (Preservation/Conservation, Boulder, CO - #625.36.44610.621)

### **2-167 Public Concern: The Forest Service should analyze an alternative that includes invalidating the gap leases.**

#### **TO PROTECT ROADLESS AREAS AND COMPLY WITH NEPA**

The RDEIS must consider invalidation or appropriate stipulation of gap leases. NEPA requires agencies to analyze a reasonable range of alternatives. 40 CFR 1502.14. This includes analysis of reasonable alternatives not within the jurisdiction of the lead agency. *Id.* The RDEIS analysis fails to analyze alternatives invalidating or appropriately stipulating gap leases. This analysis also fails to consider the potential impacts of gap lease invalidation or appropriate stipulation of those leases within alternatives.

Gap leases are gas leases let after implementation of the 2001 Roadless Rule that overlap with Inventoried Roadless Areas and either do not have stipulations prohibiting tree cutting and road construction/reconstruction at all, or contain stipulations barring those activities as long as the 2001 Rule remains effective. Leases without stipulations prohibiting tree cutting and road construction were issued in conflict with the 2001 Rule, and this must be cured to protect roadless areas. The gap leases are currently covered by the national injunction specifically prohibiting road construction and other oil and gas activities in IRAs that are inconsistent with the Roadless Rule. [Footnote 10: See Final Injunction Order, Feb. 6, 2007, *People of the State of California et al. v. United States Department of Agriculture*, No. 3:05-cv-03508-EDL (“The Forest Service is enjoined from approving any surface use of a mineral lease issued after January 12, 2001, that would violate the Roadless Rule...”)] Leases issued with stipulations tied to the fate of the 2001 Rule must not be presumed developable, as the RDEIS does.

This is a significant issue, given that tree cutting and road construction could proceed on more than 67,600 acres of roadless lands covered by gap leases without affirmative agency action. See 2008 DEIS at 117. Such action would contravene the Agency's attempt to protect roadless areas and roadless area characteristics.

There is no question that gap leases were let in conflict with the 2001 Rule. For example, Alternative 1: Provisions of the 2001 Roadless Rule, which simply retains provisions of the 2001 Rule, prohibits road construction on leases issued after implementation of a Colorado rule. [Footnote 11: See for example RDEIS Table 2-13 at 68: “Road construction is prohibited on leases within IRAs issued after (the effective date of the Colorado Rule).”] Nonetheless, analysis of that alternative assumes all existing leases would be developed. [Footnote 12: See RDEIS, at 300: “Economic impacts displayed in Table 3-59 are substantially larger than those presented in the DEIS. Impacts attributable to oil and gas are very similar to those estimated in the DEIS for alternatives 2, 4, and 3. However, impacts under alternative 1

are nearly three times larger. In the DEIS, the 2001 rule was in effect and severely limited the leasing of roadless acres. In the RDEIS, the 2001 rule is no longer in effect in Colorado and leasing of these lands has already occurred. Limitations on road activity for future leases would not occur until a Colorado rule is in effect. Leases awarded prior to the decision can be developed according to lease stipulation under any alternative, resulting in much higher projections of drilling and production under alternative 1 than estimated in the DEIS.”] If road construction on future leases would violate the provisions of the 2001 Rule, road construction on gap leases would also violate provisions of that Rule. [Footnote 13: See for example RDEIS at 138: “Any lands leased in an IRA, after the effective date of the Colorado Roadless Rule, would prohibit road construction or reconstruction but would otherwise be available for development as described in future programmatic leasing analyses or a site-specific analysis prepared pursuant to NEPA.”]

Here the Agency is simply turning a blind eye to a problem that it created rather than looking at reasonable alternatives to resolve the problem.

To comply with NEPA, any FEIS must consider the potential impacts of invalidating gap leases. To comply with Agency regulations and other laws, any final Colorado Roadless Rule must require that gap leases issued without appropriate stipulations prohibiting tree cutting and road building will be invalidated or brought into compliance with the 2001 Rule. (Preservation/Conservation, Denver, CO - #591.38-40.44610.100)

## **2-168 Public Concern: The Forest Service should ensure that gap leases do not convey valid existing rights to construct roads in roadless areas.**

### **TO PROTECT HABITAT, WATER QUALITY, AND ROADLESS CONSERVATION**

The DEIS would limit new road construction or reconstruction “to roads needed pursuant to rights granted under an existing lease[.]” DEIS at 68. First, this begs the question of whether the rights purported to be conveyed or the lease itself are valid in the first instance. Second, this raises the question of the extent to which a given well location or plan of operations is needed to access minerals under a given roadless area. Third, the DEIS anticipates that “the majority of road construction or reconstruction would take place in areas previously leased for oil and gas development” as well as the North Fork coal mining area and adjacent to communities for hazardous fuels reduction. DEIS at 84. Gap leases should not be considered to confer valid rights to construct roads in IRAs simply because the FS failed to impose NSO stipulations prior to issuance. The limited number of pre-2001 leases are a different story; but the final Rule should preclude roads on gap leases that would fragment habitat, impact water quality, encourage motorized traffic, and otherwise undercut the goal of roadless area conservation. (Preservation/Conservation, Boulder, CO - #625.15.44610.680)

## **2-169 Public Concern: The Forest Service should prohibit roads for mineral leases issued since enactment of the 2001 Roadless Rule.**

### **BECAUSE THOSE LEASES VIOLATE THE LAW AND AGENCY REGULATIONS**

Do not allow roads for mineral leases let since the 2001 Rule became effective. The proposed rule would allow roads for mineral leases let right up to the time a Colorado Rule becomes effective. 294.13(c)(1)(viii). This is simply inappropriate. Many existing oil and gas leases within CRAs were issued after implementation of the 2001 Rule while that Rule was clearly in effect. Despite the fact that the 2001 Rule clearly prohibits road construction and reconstruction and provides no exception for oil and gas development, many of these leases were issued without stipulations prohibiting road construction on their roadless portions. Leases issued within roadless areas after implementation of the 2001 Rule were issued in conflict with that Rule and in violation of the law and agency regulations. The Forest Service simply cannot let this mistake go uncorrected. The Forest Service must explicitly indicate that road construction will not be permitted within roadless portions of these leases or the Agency must cancel the leases. Either way, the EIS cannot simply assume development of these leases will proceed and road building within CRAs will be authorized. (Preservation/Conservation, Denver, CO - #591.21.44610.160)

**2-170 Public Concern: The Forest Service should assert its authority to conserve areas subject to gap leases.****BECAUSE THEY WERE INAPPROPRIATELY LEASED WITH INADEQUATE STIPULATIONS**

The direct footprint of wellpads, roads and pipelines accounts for only a small fraction of the acres that will be impacted and ecosystem functions that could be compromised or lost by developing disputed [gap] leases. It is incumbent on the FS to assert its authority to conserve these areas which were wrongly (or mistakenly) leased with inadequate stipulations. The admission that the disputed leases only appear to prohibit roads on 22,700 acres, while allowing them on about 136,700 acres—is disturbing for what it says about the Agency’s lapses of judgment, supervision and coordination from 2001–08 when these leases were issued in contravention of FS policies then in effect. DEIS at 139. Subsequently repudiated energy policies emphasizing fossil fuel production at all costs are no excuse for not adhering to applicable procedures and substantive standards. Looking forward, the availability of solutions allows the FS to focus on resolving the situation pursuant to its recognized legal authority. (Preservation/Conservation, Boulder, CO - #625.20.44610.160)

**2-171 Public Concern: The Forest Service should acknowledge that the gap leases should have been subject to either substantive or procedural protections that were not observed.**

[ATT1] The Interim Directive [ID] issue was central to some of the argument in the White River IBLA [Interior Board of Land Appeals] appeal challenging IRA leases. That issue applies equally to all IRA leasing during the effective period of those IDs where IRA parcels lacked NSO stipulations that specifically protect roadless area values and characteristics.

These policies were violated by any subsequent oil and gas leases that may allow new road construction in IRAs.

Remedy for “interim” mineral leases issued in Colorado Roadless Areas:

The attached Statement of Reasons [SOR] from the IBLA [Interior Board of Land Appeals] challenge [not attached] more fully explains WRA’s [Western Resource Advocates] position on when which version of the Roadless Rule was in effect, and what law or policies applied during periods when dueling court orders or administrative uncertainty cast some doubt on the issue. See SOR at 13–17.

Because the WRNF [White River National Forest] leases subject to the appeal [challenging IRA interim leases] were remanded by IBLA [Interior Board of Land Appeals], the agencies, BLM and FS, are in a position to ensure that IRA values are protected going forward should they choose to modify rather than void the leases pursuant to the remand. Unless other IRA leases from the May 2004 sale similarly lack full protections for roadless values, it might be unnecessary to further inquire into exactly what policies were in effect in May 2004. The SOR relies on (a) USDA’s commitment to uphold the Roadless Rule and protect roadless values (SOR at 14), and (b) my [Mike Chiropoulos] belief that the original 2001 Rule became effective for the period between the expiration of the IDs in June 2003 and the reinstatement of the IDs in July 2004 (SOR at 15).

Without delving into the particular circumstances applicable during each “interim” lease offering of IRA parcels, it appears that the law and policies in effect during most or all of these sales imposed either substantive (Roadless Rule in effect by Agency policy or court order) or procedural (Regional Forester responsibility to review any decisions that could result in road construction activities in IRAs, such as an oil and gas lease lacking adequate NSO stipulations) protections that were not observed.

For instance, when the state petition process was announced, the Forest Service committed to conserve IRAs until state petitions are received and acted upon. According to a June 21, 2006, Press Release, “During the state-petitioning process, the Forest Service will continue to maintain interim measures to conserve inventoried roadless areas.” USDA Press Release No. 0212.06 (June 21, 2006). The Agency’s assurances are linked to FSM (Forest Service Manual) 1900, Interim Directive No. 1920-2006-1 concerning the management of Inventoried Roadless Areas. (Preservation/Conservation, Boulder, CO - #625.30-31.44610.100)

## **2-172 Public Concern: The Forest Service should acknowledge that a site-specific EIS should have been prepared for any non-NSO IRA lease.**

### **TO COMPLY WITH NEPA**

[ATT 1] Arguments raised in the White River [National Forest interim IRA lease] appeal provide grounds for voiding or modifying those interim IRA leases, and other similarly situated leases. Specifically:

New information under NEPA: IBLA [Interior Board of Land Appeals] remanded the WRNF [White River National Forest] leases based on this argument. The WRNF leases were based on a 1993 EIS without any subsequent site-specific pre-leasing NEPA analysis. New information going to the importance of roadless areas for habitat, ecosystem health, water quality and recreation—to name a few qualities—should have been considered in updated, site-specific pre-leasing NEPA documents for all of the interim leases.

An EIS should have been prepared for any non-NSO IRA lease parcels, consistent with the IDs [interim directives], Agency policy, and court decisions establishing that decisions that could authorize new roads in IRAs constitute potentially significant impacts. For many of the interim leases, no additional site-specific NEPA was completed at the leasing stage. Just like the WRNF appeal, this violated the law.

Programmatic documents such as Forest Plan revisions applying to millions of acres cannot satisfy NEPA for decisions that could result in new roads in specific IRAs. See [Appellant's Interior Board of Land Appeals] reply at 17. For instance, the 2002 White River Revised Forest Plan EIS specifically requires additional, site-specific environmental analysis prior to approving decisions—such as non-NSO oil and gas lease issuance—that may change the unroaded character of an IRA. *Id.* (Preservation/Conservation, Boulder, CO - #625.35.44610.131)

## **2-173 Public Concern: The Forest Service should clarify that the Rule neither validates nor extinguishes the gap leases.**

### **TO AVOID PREJUDICING ONGOING LITIGATION**

Treatment of gap leases: Leases for oil and gas development were issued in existing inventoried roadless areas when the 2001 Roadless Rule was not considered by the Forest Service to be in effect; these are currently under legal challenge and are commonly called the “gap leases.” In the Federal Register notice, this issue is briefly addressed with a statement that the “proposed rule is not designed or intended to alter previously approved decisions”—language which might be deemed to validate the gap leases that are under challenge. Trout Unlimited continues to recommend that the Forest Service include clear language in the rule, or at minimum in the preamble, stating that the rule neither validates nor extinguishes these leases so that the new rulemaking does not prejudice the ongoing litigation. (Recreation/Conservation Organization, Denver, CO - #617.26.44610.141)

## **2-174 Public Concern: The Forest Service should apply NSO requirements to all gap leases and all new oil and gas leases.**

### **TO PROTECT ROADLESS AREAS**

To ensure that Colorado’s valuable wild lands receive the level of protection they deserve, a final Colorado Rule must be significantly improved.

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. (Individual, Santa Cruz, CA - #64.2.44600.200)

**2-175 Public Concern: The Forest Service should ensure that the Rule will allow for NSO requirements for gap leases.****TO COMPLY WITH THE NINTH DISTRICT COURT ORDER**

TRCP [Theodore Roosevelt Conservation Partnership] remains concerned about the implications that the Colorado Roadless Rule could have on oil and gas leases sold after Jan. 12, 2001 that do not have surface use stipulations with road-building prohibitions.

The TRCP is working to ensure the responsible development of our mineral resources. We believe that responsible energy development in National Forest roadless areas means, at a minimum, that the surface of all roadless areas should be safeguarded from roadbuilding during the development of oil and gas resources.

The proposed Colorado Roadless Rule has the potential to allow road building for the development of 70,000 acres of gap leases that were sold after the promulgation of the 2001 Roadless Area Conservation Rule [RACR].

As stated in the Nov. 29, 2006, 9th District Court relief order and upheld in the 9th Circuit Court of Appeals, these gap leases were issued without the required stipulations and the court ordered that surface use in roadless areas for the development of gap leases be restricted.

The 2001 Roadless Rule shall apply to activities commenced hereafter with respect to any and all mineral leases in IRAs in National Forest lands not affected by the Tongass Amendment that issued after January 12, 2001. The Forest Service is enjoined from approving or allowing any surface use of a mineral lease issued after January 12, 2001, that has not already commenced on the ground and which would violate the Roadless Rule. (People of the State of California vs. the United States Department of Agriculture. United States District Court Northern District of California. Page 13. Nov. 29, 2006.)

However, because these surface use restrictions aren't included in the stipulations for each lease parcel, the language provided in [section] 294.43(c)(1)(viii) of the proposed Colorado Roadless Rule could eliminate the requirement that these parcels be developed in accordance with the RACR.

The primary concern is that the effective date for these required stipulations will move from Jan. 12, 2001 to a future date when the Colorado Roadless Rule record of decision is signed. Any parcels sold prior to the effective date of the Colorado rule without road-building prohibition stipulations attached to the lease could potentially become available for road building to develop oil and gas resources.

We request that language be added to the Colorado Roadless Rule to ensure that the rule does not abrogate or otherwise have any effect on legally binding surface use restrictions that apply to oil and gas leases sold prior to the effective date of the Colorado rule. (Recreation/Conservation Organization, Missoula, MT - #673.8-9.44610.141)

**2-176 Public Concern: The Forest Service should acknowledge that the gap lease areas' greatest value is as conservation lands.****IN LIGHT OF CHANGING CLIMATE POLICIES AND REQUIRED DECREASES IN GHG EMISSIONS**

The DEIS considers societal "demand" for oil and gas at 147. Any production from the disputed gap leases would be a drop in the bucket of the nation's annual energy consumption, and the FS should note that climate policies are expected to result in the urgently needed decreases in fossil fuel use in coming years, rather than the projected demand increase in the DEIS. Scientists are calling for an 80 percent reduction in GHG [greenhouse gas] emissions by 2050. In light of the New Energy Frontier being pursued by Federal agencies, the FS needs to analyze the ability of renewable projects, conservation and efficiency to meet energy demand in a more environmentally sound manner, consistent with the goals of NEPA. In any case, the conservation values of the IRA/CRA lands burdened with disputed gap leases far outweigh the minimal and dubious benefits to society of expanding its search for fossil fuels to Colorado's last intact roadless areas. (Preservation/Conservation, Boulder, CO - #625.22.44610.251)

## **2-177 Public Concern: The Forest Service should revise the fiscal analysis to include only the development that could occur after reformation of the gap leases.**

### **TO ACCURATELY ACCOUNT FOR THE EFFECTS**

The fiscal analysis should be revised to analyze only that level of development that could occur after the [gap] leases are reformed to protect roadless values. DEIS at 295. First, the FS should acknowledge the uncertainty and guesswork inherent in projections of future drilling and production levels. Second, as in similar examples in neighboring states, it is more than likely that only a negligible amount of mineral development would be foregone if these lands are protected. See [http://trib.com/homepage\\_lead/article\\_5f37a862-cc68-5d6e-97ff-133491407859.html](http://trib.com/homepage_lead/article_5f37a862-cc68-5d6e-97ff-133491407859.html) (Wyoming Governor Freudenthal asserting that protection of the entire 1.2-million-acre Wyoming Range, believed to have significant mineral potential, would have only negligible impacts on overall drilling and production levels in the state). Third, the FS should acknowledge that any wells not drilled on these IRA/CRA's are likely to be replaced by drilling an equal number of wells on more appropriate locations as the state's healthy oil and gas industry employs available rigs for other, more suitable projects. Accordingly, it is highly unlikely that any less revenue would accrue to government during the analysis period. (Preservation/Conservation, Boulder, CO - #625.25.44600.800)

## **2-178 Public Concern: The Forest Service should analyze how developing gap leases would fit into multiple-use, sustained-yield management goals.**

On the one hand, there are market-based, environmental (such as air quality increments) and other limits on the level of drilling and quantity of fluid minerals which can be profitably extracted during a given time period without over-stressing the environment or under-cutting profitability. The FS has yet to consider how developing [gap] leases might fit into multiple-use, sustained yield management goals for these lands, including the potential for full-field oil and gas development to effectively crowd out competing uses, including recreation, grazing, hunting and outfitting, clean water runoff, and other ecosystem services or public uses. The DEIS did not consider whether continued low gas prices would dampen industry interest in pursuing controversial and costly exploratory drilling programs before the lease terms expire.

On the other hand, there are abundant opportunities to employ available equipment and work forces on drilling projects planned for more appropriate private or public lands. Capital, equipment and workers not dedicated to projects on the disputed gap leases could be productively employed in drilling elsewhere in the state. Thus, the economic impact of conserving roadless values on the gap leases would likely be de minimis, contrary to the Table at DEIS 301. The existing analysis fails to recognize the abundance of alternative drilling locations, or the practical and natural limits on total drilling activity. (Preservation/Conservation, Boulder, CO - #625.26.44600.800)

## **2-179 Public Concern: The Forest Service should improve the analysis of effects from developing gap leases.**

### **TO MORE ACCURATELY ADDRESS THE EFFECTS AND THE LIKELY AMOUNT OF DRILLING**

Impacts analysis of developing the gap leases in the DEIS is woefully inadequate, as is the underlying analysis in the existing Forest Plans to which Agency leasing approvals purportedly tiered. First, the Forest Plans anticipated minimal drilling across the entire forest, let alone the more remote gap lease areas that were far from proven geological formations or infrastructure.

Second, for the same reasons tree cutting compromises roadless values, oil and gas development is as bad or worse. The gap lease IRA/CRA's on the White River and GMUG [Grand Mesa, Uncompahgre and Gunnison National Forests] are generally characterized by steep slopes, rugged topography, forest communities (i.e., trees) that require clearing for access roads and wellpads, and headwaters streams that serve as watersheds for downstream communities. Growing seasons are short, soils are shallow and prone to erosion, and the climate is harsh. On top of the direct impacts of blading roads, clearing pads, and burying pipelines, the risk of accidents and spills are ever-present and must be accounted for in

addition to direct and indirect habitat loss, sedimentation, erosion, and associated impacts. (Preservation/Conservation, Boulder, CO - #625.24.44610.200)

## *Other Oil and Gas Development Issues*

### **2-180 Public Concern: The Forest Service should require NSO stipulations on oil and gas leases.**

NSO Stipulation in Roadless Areas: We [Pitkin County Board of Commissioners] recommend that all legitimate existing oil and gas leases issued prior to the 2001 Roadless Rule be encumbered by a “No Surface Occupancy” (NSO) stipulation. (Pitkin County Board of Commissioners, Aspen, CO - #587.8.44600.640)

#### **TO SAFEGUARD THE SURFACE VALUES OF ROADLESS AREAS**

I request that a more balanced approach be taken for oil and gas development. Modern technologies allow for directional drilling, and “no surface occupancy” requirements should be incorporated into the rule to allow development but ensure that it is done in a way that safeguards the surface values of roadless areas. (Individual, Lorton, VA - #242.4.44600.206)

#### **TO PROTECT NATURAL RESOURCES**

I ask and urge you to protect roadless areas with No Surface Occupancy (NSO) stipulations and do not grant any waivers to prevent development from disturbing the surface inside roadless areas. Invasive species, chemical contamination, habitat fragmentation, damage to waterways and the degradation of the visual splendor of these areas are impacts that we cannot afford in the last wild places we have. (Individual, Denver, CO - #531.2.44600.200)

#### **TO PROTECT ROADLESS CHARACTERISTICS**

Future [oil and gas] leases should be discouraged. If future site-specific analysis finds that small areas at the edge of CRAs might be leased and developed without occupying the surface of the roadless area (by directional drilling from locations outside CRA boundaries), any such leases must include NSOs to fully and permanently protect roadless characteristics. The review process must consider the potential for activities outside the CRA to impact roadless characteristics—and ensure that NSO and other stipulations are designed, and the lease boundaries drawn—to avoid such impacts. Such leases should also avoid creating any unrealistic expectations in bidders that they can recover oil or gas under roadless lands that is not economically recoverable using technologies available at the time of the leasing proposal. (Preservation/Conservation, Boulder, CO - #625.11.44600.621)

### **2-181 Public Concern: The Forest Service should avoid waivers and should require NSO stipulations.**

#### **TO AVOID DAMAGE TO ROADLESS AREAS**

Protect roadless areas with No Surface Occupancy (NSO) stipulations and not to grant waivers. This will keep development from disturbing the surface inside roadless areas and creating harmful impacts such as erosion, invasive species, chemical contamination, habitat fragmentation, damage to waterways, and visual degradation. (Individual, Durango, CO - #40.3.44000.002)

### **2-182 Public Concern: The Forest Service should include a “no-waiver” clause in the NSO stipulations.**

Waivers for oil and gas development: The proposed draft rule directs that the Forest Service “not authorize the Bureau of Land Management to grant any request for a waiver, exception, or modification to any oil or gas lease if doing so would result in any road construction within a Colorado Roadless Area.” The State of Colorado’s most recent petition recommended that waivers not be granted not only for road-building but for no surface occupancy (NSO) provisions as well. Given the significance of roadless areas for a wide range of important public values, such a “no-waiver” clause for NSO



stipulations should be included in the final rule. (Recreation/Conservation Organization - #617.24.44600.002)

## **2-183 Public Concern: The Forest Service should require pre-leasing site-specific analysis for oil and gas leases.**

### **TO DETERMINE WHETHER LEASES CAN BE DEVELOPED USING DIRECTIONAL DRILLING**

With regard to future leasing, any such proposals should be subject to pre-leasing site-specific analysis to determine how much acreage could be developed using proven directional drilling technologies from outside the IRA/CRA boundaries consistent with the conservation of roadless values. DEIS at 140. Leases should not be authorized that might create an unrealistic expectation in the lessee that rights to develop the minerals were being conveyed even if roadless area conservation would be compromised. Any future leasing must be 1) limited to acres that can be responsibly developed consistent with roadless area conservation; and 2) subject to site-specific evaluation by a multi-disciplinary team of resource experts to make science-based determinations, modeled on BLM pre-leasing review under current policies. (Preservation/Conservation, Boulder, CO - #625.21.44600.621)

## **2-184 Public Concern: The Forest Service should reconsider prohibitions on extending, renewing, or reissuing existing oil and gas leases.**

### **TO ENSURE THAT PRODUCTIVE AND ECONOMICALLY VIABLE LEASES ARE NOT TERMINATED**

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. (Business, Denver, CO - #458.8.44600.850)

This proposed rule does not allow for leases in CRAs to be extended, renewed or reissued. This management approach fails to take into account the myriad of obstacles a lessee may encounter which may prevent timely development of a lease, particularly with respect to the lack of access provided to the lease. It is our [Western Energy Alliance, et al.] concern that unreasonable constraints on development could be used to force a lease to "time out" before marketable production can be established. In addition, rather than adopting a blanket prohibition on new leasing, it would be more prudent to make such decisions on a case-by-case basis that takes into account site-specific circumstances. (Oil, Natural Gas, Coal, or Pipeline Industry, Aurora, CO - #616.12.44600.850)

## **2-185 Public Concern: The Forest Service should acknowledge that it is illegal to impose stipulations that are inconsistent with existing lease rights.**

In Table 2-11 of the RDEIS, the USFS specifies that "[e]ach environmental analysis for oil and gas leasing shall consider eight listed items in determining conditions for inclusion in approved Surface Use Plans of Operations. These considerations apply to both existing oil and gas leases, under which some roads would be allowed and future oil and gas leases under which no roads would be allowed." See RDEIS at page 57. This statement is confusing and would appear focused on a surface use plan of operation rather than a lease. If the Agency intends to address these issues at the leasing stage, we recommend that a roadless notice to lessee (NTL) be developed and attached to any new leases that may be sold in the future.

With respect to all valid existing leases that were issued before the final Colorado Roadless Rule goes into effect, the USFS cannot legally impose stipulations or conditions of approval that are inconsistent with existing, contractual lease rights. Altering the original stipulations of a valid existing lease, including the prohibition of roads or designating certain areas as no surface occupancy (NSO), is unlawful and could result in contentious litigation. For the same reasons, USFS cannot impose

conditions of approval that are inconsistent with existing, contractual lease rights. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.21.44600.002)

## **2-186 Public Concern: The Forest Service should eliminate the 600-foot setback around existing roads.**

### **TO AVOID THE POTENTIAL FOR THE SETBACK LAND TO BE RE-LEASED IN THE FUTURE**

Why the 600-ft Setback Around Existing Roads in the Colorado Roadless Rule Inventory Must be Eliminated:

This comment applies to any Colorado IRA with an existing road(s) which has a 600-ft. setback—300 ft. or one football field—to either side, within which there are no roadless protections. It's just ordinary Forest Service land.

Bomb on the Shelf in Colorado Roadless Rule [CRR]:

If existing post-2001 leases in the IRAs were invalidated by the courts in upholding the Clinton 2001 rule, or if the leaseholders simply walked away from expiring 2002–2003 leases because they were uneconomic, or if the leases were eliminated for any other reason, would IRAs be free of the threat of drilling since the CRR prohibits future leasing after enactment?

No, because there is a huge bomb on the shelf waiting to go off: There is a 600-ft-wide setback around existing roads in IRAs which is ordinary National Forest land without the CRR re-leasing ban. Therefore, the land within the setback could be re-leased by any future national administration. When natural gas prices go back up, it's likely that gas drillers would nominate this land, since there's plenty of acreage to site wellpads merely within the setback: one football field to either side of existing roads, running the entire length of the road. Plus easy access to the pads via the existing road which would merely need upgrading.

This affects all IRAs with existing roads, but particularly Springhouse Park, which has two roads—Buck Mtn Trail #804 and Thousand Acre Flats Trail, which penetrate to the core of the large IRA, just about all of which—17,000 acres—has been leased. With, say, one wellpad every half mile, which would provide for 12 pads along Buck Mtn #804 alone, from which a majority of the IRA to the north and south could be directionally drilled.

If that happened, the public—which also uses the same roads—would enjoy Springhouse Park from an industrial corridor of rigs, pipes, tanks and noisy compressor stations. (The resource underneath is coalseam gas, which must be compressed to suck it out of the ground.) (Individual, Paonia, CO - #527.1-2.44600.160)

### **BECAUSE IT WOULD OPEN AREAS OTHERWISE NOT AVAILABLE FOR DRILLING**

Why the 600-ft Setback Around Existing Roads in the Colorado Roadless Rule Inventory Must be Eliminated:

This comment applies to any Colorado IRA with an existing road(s) which has a 600 ft. setback—300 ft. or one football field—to either side, within which there are no roadless protections. It's just ordinary Forest Service land.

It's a giveaway to the natural gas drillers by saving them costs they can't afford:

1. The [600-foot] setback [stipulation] doesn't concentrate inevitable drilling as GMUG NF [Grand Mesa, Uncompahgre and Gunnison National Forests] officials apparently think, but it actually makes possible drilling programs that would otherwise not happen. These are general comments, but focus on Springhouse Park: It's most at risk and has the highest value:

- 17,000 acres leased, almost all by Petrox which has already issued a comprehensive 20-well drilling program
- This is 2nd largest number of leases in all GMUG IRAs. These were all leased 2002–2003, thus are close to expiration and subject to immediate Petrox effort to hold and/or develop.
- There are 2 roads going to the center of the IRA, easy access that the 600-ft setback makes even easier.
- Here is high recreational value to be lost with gas drilling: close to North Fork, old-growth aspen, little SAD, long-distance views of mountains around Anthracite Pass; the 2 roads make recreation access easy also.

2. Why the drilling is not inevitable: It's not realized how thin is the Petrox economic margin, how just a small increase in costs would push them over the edge. Consider how Garfield County drilling economics, in the center of Piceance Basin, nicely survived the crash in natgas [natural gas] prices to \$4/Mcf (per thousand cubic feet) in 2009–2011, but Gunnison County (Springhouse Park) economics did not.

In the following table, the right column shows the source of the 2007 Gunnison County cost and profit numbers from a report by Bill Barrett Co. on their Gibson Gulch field five miles SE of Silt [see ATT1]. The table shows how those Garfield County numbers changed in 2011, compared to 2011 numbers for Gunnison County-Springhouse Park.

Garfield County Economics

2007	2011
Denver natgas price	
\$6.83	\$4.00
Gas liquids	
\$0.83	\$3.00 went up with oil
Realized Price/Mcf	
\$7.66	\$7.00

Lease Operating Costs + Pipelines: Gathering and Pipeline fee

Garfield County--Denver

(0.92)	(0.92)
(0.45)	(0.45)
Gross Margin Cash	
\$6.29	\$5.63
Drilling Cost/Mcf	
\$2.34	(\$2.34)
Net Margin	
\$3.95	\$3.29 very close-saved by gas liquids

Gunnison County Economics 2011 Springhouse Park

	2011
Denver natgas Price/Mcf	\$4.00
Natgas Liquids/Mcf	\$0.00
Realized Price/Mcf	\$4.00

Costs: Lease Operating + Gathering and Pipeline Fee

Garfield County-Denver (0.92)

Generous—costs higher in Springhouse Park

Pipeline: Springhouse Park to Garfield County:

Bull Mtn and Sheep Pipeline fees	(0.30)
Taxes	(0.45)
Gross Margin-Cash Flow	\$2.33
Drilling Cost/Mcf	(\$2.34)
Generous—costs higher in Springhouse Park	

Garfield County survived the crash of gas prices to \$4/Mcf due to bonus of natgas liquids (NGLs): 3–4 gal/Mcf @ \$1. Gunnison County did not: Springhouse Park’s gas producing formation is coalseams, which are bone dry.

What you’ve just seen is worse than it looks...

- Coalseam gas takes time to start producing: Dewatering for up to a year, plus slow incline to a plateau vs. conventional gas like that in Garfield County which stats up at a high level. Coalgas makes you wait, so has a lower present value. Coalgas operating costs are higher: it requires compression to suck gas out of the wellbore. Upshot—nobody, but nobody is drilling for coalgas nationwide w/\$4 prices for dry gas.
  - Costs have been made the same and held constant in above table 2007–2011 for both Garfield and Gunnison, but actual costs in Springhouse Park would be much higher due to distance from service and supply infrastructure, contrasted with Garfield County where it’s all right around the corner.
3. What does Petrox do? Cut costs wherever it can. The 600-ft setback is a huge advantage for them:
- The two roads give ready-made cheap access to the heart of the lease bloc. The main road is boggy (see photos [photos not provided]) but with no roadless protection due to 600-ft setback, both roads can be upgraded under ordinary FS [Forest Service] standards. Two football fields of setback for the entire length of both roads leaves plenty of acres with no roadless protection to site well pads conveniently, right in the only place Petrox can afford.
  - But if there were no setback, roadless protections would give the FS the authority to deny such massive upgrading, forcing Petrox to carve entirely new roads through drier ground, if it was available. FS cannot deny leaseholder access if there are no NSO [no surface occupancy] strips, but with roadless protections, FS would have maximum leverage to control such access to protect sensitive wetlands. Petrox response would be 4. Petrox Alternatives—which the 600-ft setback also makes possible:
    - a) Wait for gas prices to go up. Seek to unitize leases, allow to hold whole block with just one or minimal number of wells drilled to establish production. Alas, same result: 600-ft setback is a unitizer’s dream: Allows upgrading of just part of existing main road to site, one well in center of leasehold. No company could afford building a new road just to drill one well.
    - b) Sell Springhouse Park leases to GE/SG [Gunnison Energy/SG Interests I, Ltd.] who enjoy lower cost leverage. They own Bull Mtn/Sheep pipelines, so can save 30c/Mcf in pipeline fees. Same result once again: GE/SG uses same advantage of being able to upgrade one of the two existing roads, with no roadless protections, to get access for one centrally located well to unitize all the acres. (Individual, Paonia, CO - #527.3-8.44600.850)

## 2-187 Public Concern: The Forest Service should reconsider the restriction on tree cutting around oil and gas facilities.

### BECAUSE IT COULD DELAY OR INHIBIT REGULAR AND ADEQUATE MAINTENANCE OF WELL SITES

Language in [section] 294.42 implies the need for the Regional Forester’s approval for any tree removal operation, even if located within an existing lease or right-of-way. The requirement for approval before any tree-removal operations can proceed will unnecessarily delay or inhibit regular and adequate maintenance and repair of well sites, associated roads, and pipelines. Trees pose a potential danger if they are too close to natural gas pipelines. A fallen tree could damage aboveground equipment and tree roots can damage pipeline coating and cause corrosion. Trees also can obstruct the view for pipeline inspectors conducting aerial surveillance and cause access delays in the event of an emergency. Finally, trees can impede access for routine maintenance and pipeline repair. We [Western Energy Alliance et al.] recommend that an exception to the tree-cutting prohibition be included to allow tree-cutting in CRAs on grandfathered well pads, associated roads pipeline rights-of-way and where pipeline construction is otherwise permitted under the proposed rule. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.40.44600.261)

## 2-188 Public Concern: The Forest Service should prohibit drilling in Thompson Creek.

I am against any gas drilling in Thompson Creek. (Individual, Carbondale, CO - #187.1.44600.001)

## **2-189 Public Concern: The Forest Service should prohibit drilling in the Thompson Divide.**

Please keep drilling out of this Thompson Divide and keep the roads roadless. (Individual - #411.1.63000.421)

### **TO PROTECT SURFACE VALUES, WATERSHED HEALTH, AGRICULTURAL AND DOMESTIC WATER SUPPLIES, AND HABITAT CONNECTIVITY**

CRAs within the Thompson Divide should be withdrawn from availability for future oil and gas leasing to ensure protection of surface values, watershed health, agricultural and domestic water supplies, as well as connectivity with adjacent habitats (including CRAs outside of the Divide) and functionality of the area as wildlife habitat and an important movement corridor.

If the Forest Service (FS) cannot through this rulemaking process withdraw the CRAs within the Thompson Divide from availability for future oil and gas leasing, the Agency should ensure that No Surface Occupancy (NSO) stipulations are imposed on any future oil and gas leases overlapping with CRAs in the area. (Preservation/Conservation, Carbondale, CO - #406.3.44600.002)

## **2-190 Public Concern: The Forest Service should revise the estimates of reasonably foreseeable oil and gas development in CRAs.**

### **BECAUSE THE ONES USED ARE OUT OF DATE**

The estimates of reasonably foreseeable oil and gas development in CRAs are inadequate. The BLM's Reasonable Foreseeable Development (RFD) scenarios incorporated into the proposed rule are out-of-date and fail to take into account several new oil and gas resource areas, including emerging shale gas plays in the North Fork Valley. As a result, they do not represent the most accurate and current analysis of oil and gas development potential in CRAs. Due to recent advances in exploration and production technology, areas that were previously considered to lack recoverable oil and gas reserves may now contain substantial resources. Accordingly, the USFS must not assume that areas that have not been traditionally leased for oil and gas development do not contain oil and gas resources. We [Western Energy Alliance et al.] recommend that the final rule include an updated portrayal of reasonably foreseeable oil and gas development in CRAs, which may incur the need to perform a supplemental RFD analysis. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.38.31000.421)

# **Climate Change and Air Quality**

## **Climate Change and Greenhouse Gases**

## **2-191 Public Concern: The Forest Service should protect roadless areas as carbon sinks.**

### **TO MITIGATE THE EFFECTS OF CLIMATE CHANGE**

Colorado's undegraded natural areas include vast carbon sinks working 24/7 to buffer effects of climate change due to accelerating global warming. They are simply too great a resource to squander. (Individual, Nyack, NY - #138.8.45000.200)

## **2-192 Public Concern: The Forest Service should revise the analysis of coal mining effects.**

### **TO INCLUDE INCREASED GHG PRODUCTION**

The environmental review in the proposed Colorado Roadless Rule is not complete as it fails to account for increased greenhouse gas emissions that will result from increased coal mining made possible by new road creation allowed under the proposed rule. (Individual, Denver, CO - #48.3.45000.422)

**2-193 Public Concern: The Forest Service should either delete or provide supporting data for the climate change discussion.**

Revised Draft Environmental Impact Statement:

p 190: The section also contains several paragraphs of speculative discussion regarding climate change. We [Colorado Timber Industry Association] recommend that you either provide supporting, explanatory data or delete this discussion. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.22.31000.251)

**2-194 Public Concern: The Forest Service should include an analysis of the proposal's effects on climate change.****TO COMPLY WITH EPA'S REQUIREMENTS**

The RDEIS Fails To Properly Evaluate The Proposal In Light Of Climate Change:

EPA has often pressed land management agencies to disclose an action's impact on climate change, and to evaluate an action in the context of climate change. [Footnote 139: See, e.g., Exh. 42 (EPA comment on New Elk mine); L. Svoboda, EPA to Forest Service re: Big Moose timber sale (Oct. 2010) (Exh. 25). EPA urges agencies to disclose the impacts of climate change on the proposed action, and the impacts of the proposal on regional and local climate change policies. EPA states that action agencies should: analyze whether potential effects from the proposal and alternatives may be exacerbated by regional climate change impacts; whether regional climate change may affect the proposal; and discuss how GHG emissions from the proposal and alternatives may affect Federal, state, tribal, regional or local GHG plans, GHG inventories, Climate Action Plans, GHG Emissions Targets, policies or controls. EPA New Elk Letter (Exh. 42) at 2. EPA comments on a Colorado timber sale EIS echo this recommendation, stating that the Forest Service should: "describe any potential inconsistencies between the action and any relevant Regional, Tribal or State climate change plans or goals, as well as the extent to which the USFS would reconcile, through mitigation or otherwise, its actions with such plans." EPA Big Moose Letter (Exh. 25) at 7.] The Forest Service's analysis here, where it exists, is cursory, and fails to address many of the factors that EPA has previously addressed.

For example, the RDEIS neither mentions nor addresses state or regional plans to limit climate change, and how the various alternatives may impact those plans, something EPA repeatedly has urged land management agencies to address. The Forest Service thus ignores the fact that the State of Colorado has a "Climate Action Plan," [Footnote 140: See Colorado Climate Action Plan (November 2007), attached as Exh. 81.] and that then-Governor Bill Ritter in 2008 issued an Executive Order calling for, among other things, a 20 percent reduction in greenhouse gases below 2005 levels by 2020 and an 80 percent reduction below 2005 levels by 2050. According to Governor Ritter: "Many sectors of Colorado's economy, including agriculture, recreation, skiing, and tourism, could experience significant changes and impacts if emissions are not reduced." [Footnote 141: See Executive Order D 004 08, "Reducing Greenhouse Gas Emissions in Colorado" (April 22, 2008) at 1, attached as Exh. 82.] The Forest Service must correct this omission in any subsequently prepared NEPA document on the Colorado Roadless Rule. (Preservation/Conservation, Denver, CO - #691.72-73.45000.180)

**2-195 Public Concern: The Forest Service should improve the analysis of the effects of coal mining on climate change.****BECAUSE THE ANALYSIS IN THE DEIS IS INSUFFICIENT AND INACCURATE**

The RDEIS Fails To Disclose The Impacts Of Climate Change Pollution That Will Occur From Alternatives That Will Permit More (Or Less) Coal Mining:

The RDEIS fails to analyze the potential greenhouse gas (GHG) pollution that will result from varying levels of coal mining permitted by the alternatives. The RDEIS states only:

The development of coal for energy produces greenhouse gasses through the expenditure of fossil fuels during development and processing, and also through emissions from longer-term extraction, transportation, and processing facilities. Prohibitions on extraction of these resources within CRAs [[Colorado Roadless Areas]] would likely shift production to areas outside of roadless areas, and for

demand in the eastern U.S., to other western U.S. sources. It is unlikely that reduced mineral extraction in roadless areas related to any alternatives would result in a significant change to total atmospheric greenhouse gas concentrations, due to the substitution of other fossil energy sources.

RDEIS at 129. The RDEIS provides no citation (or basis) for these conclusions, nor does it attempt to quantify or even estimate GHG impacts. The Agency's conclusions are incorrect.

A report prepared by Powers Consulting, Inc. studies the RDEIS's four-sentence "analysis" of the impacts of the varying alternatives and concludes that the RDEIS's analysis is in error. [Footnote 1: Power Consulting, Inc., "Greenhouse Gas Implications of Changes in North Fork Valley, CO, Coal Mining: A Critical Review of the Colorado Roadless Areas Rulemaking RDEIS" (July 2011), attached as Exh. 1.] The Power Consulting report, quoted at length below, states in part:

[[T]]he total of the "analysis" of greenhouse gas emissions in the RDEIS consists of the following four assertions: [Footnote 2: Citing RDEIS at 129.]

1. The relevant GHGs to be considered when evaluating different levels of coal mining are those associated with the fossil fuels consumed during the development of the mine and the extraction, processing, and transportation of the coal.
2. The methane released by the North Fork Valley coal mines is a potent greenhouse gas. For that reason capturing or flaring that methane from future coal production could make an important contribution to greenhouse gas reduction.
3. Reductions in coal production within roadless areas would likely just shift that coal production to areas outside of the Colorado Roadless Areas. Current customers for that coal in the eastern United States would likely shift their demand to other western U.S. sources.
4. Because substitute coal sources would replace any reduction in coal production from Colorado Roadless Areas, it is unlikely that any of the alternatives would result in a significant change to total atmospheric greenhouse gas concentrations.

Three quite separate issues are raised in these RDEIS assertions. We will take each up in turn.

The conclusions from our analysis...contradict the above RDEIS assertions that GHG emissions will be unaffected by the various management alternatives being considered. Coal mining in the North Fork Valley contributes to climate change in three ways. First, coal mine operations contribute to climate change through the use, directly and indirectly, of fossil fuel to energize the heavy equipment used in mining and processing the coal and transporting it to customers. Second, North Fork mines release methane gas, a very powerful greenhouse gas, in unusually large amounts. Third, coal is only mined so that it can be burned. Coal combustion emits the GHG carbon dioxide.

The Forest Service could and should have analyzed and disclosed the impacts of each of the alternatives on climate change by examining in detail how the alternatives would change the GHGs that might result from each of these three sources. Instead, the RDEIS contains only the most cursory discussion of the GHG impacts of coal mine operations, and largely ignores the likely impacts of methane and coal combustion.

This stands in stark contrast to the efforts the RDEIS devoted to the measurement of the economic impacts associated with the various alternatives. The RDEIS carefully studied how the different levels of coal mining would impact regional production, employment, and labor income, commissioning an Economics Specialist Report on that topic. That report found "sizable" or "substantial" difference among the alternatives in terms of economic impacts. [Footnote 3: Citing RDEIS at 295 and 306, and the Economics Specialist Report (in Forest Service files) at 50-51.] However, when it came to the impact of those different levels of coal mining on GHG emissions and climate change, the RDEIS provides almost no analysis or information except the general assertion that: "It is unlikely that reduced mineral extraction in roadless areas related to any alternatives would result in a significant change to total atmospheric greenhouse gas concentrations..." ([RDEIS at ] 129). This failure to provide any analysis of the impact of the alternatives on GHG emissions is a serious and unnecessary omission.

Below we discuss the significant difference in GHG emissions associated with the RDEIS's various alternatives. We conclude that if coal mining is reduced in the North Fork Valley, three things will happen:

A. Powder River Basin or some other low-methane source of coal will be substituted for some of the coal not mined in the North Fork and substituting that low-methane coal for high-methane North Fork coal will result in significant reduction in emissions of methane, a powerful GHG, and

B. Because coal supply will have been reduced and there are no perfect substitutes for the North Fork Valley coal, the cost of coal-fired electric generation will rise and the attractiveness of coal as a source of energy will decline, also reducing the emissions of GHGs because of reduced coal combustions; and

C. Customers will turn to less carbon-intensive substitutes for coal, including investments in energy efficiency by electric generators, businesses, and households, more generation from renewable energy sources, and natural gas.

A mix of all three of these adjustments is likely to be the response to reduced coal supply. All three responses would allow coal consumers to meet their energy needs with reduced GHG emissions. The Forest Service did not undertake even the most rudimentary economic analysis of these likely adjustments and their impacts. Any subsequent Forest Service analysis must address these adjustments and their GHG implications. [Footnote 4: Power Consulting (Exh. 1) at 2-4.]

Among the specific conclusions of the Power Consulting report is that if Alternative 1 is adopted, consumers of North Fork coal may adapt to the reduction in North Fork coal available under that Alternative by substituting coal from Wyoming's Powder River Basin. Given that North Fork coal is particularly gassy—that is, that mining North Fork coal requires the release of nearly 100 times more methane per ton of coal mined than Powder River Basin coal—switching from North Fork coal to Powder River Basin coal would likely result in a huge reduction in methane-caused GHG pollution. [Footnote 5: *Id.* at 6-11.] Specifically, Powers Consulting concludes that “the net CO<sub>2</sub> savings under Alternative 1 by mining Wyoming coal in place of North Fork coal is about 189 million tonnes.” [Footnote 6: *Id.* at 10.] In sum, “[t]he alternative that saves the most CMM [[coal mine methane]] from being vented into the air is Alternative 1 because of the effective restriction on new coal leases. If Alternatives 2, 3, or 4 are chosen, then the volumes of methane previously discussed will likely be vented into the atmosphere directly...” [Footnote 7: *Id.* at 28.]

Thus, contrary to the cursory “analysis” in the RDEIS, it is likely that choosing Alternative 3 over Alternative 1 could result in up to an additional 189 million tons of CO<sub>2</sub> equivalent GHG emissions in methane pollution—an amount greater than all of the GHG-related emission in Colorado over a year, or an amount equal to the GHG pollution of more than 40 very large coal-fired power plants over a year. While the CO<sub>2</sub> savings from reduced methane emissions caused by Alternative 1 are likely to be spread over several decades, this savings is still significant. The Forest Service must address the significant differences in likely GHG pollution among the alternatives in any subsequently prepared NEPA document on the Colorado Roadless Rule. (Preservation/Conservation, Denver, CO - #691.3-7.45000.422)

#### **BECAUSE EPA AND OTHER FEDERAL LAND MANAGEMENT AGENCIES HAVE ANALYZED GHG EMISSIONS AND THEY ARE A FORESEEABLE EFFECT OF THE PROPOSED ACTION**

Bolstering the Forest Service's duty to prepare a more thorough analysis of GHG pollution likely to result from the alternatives' varying limitations on North Fork coal mining is the fact that courts, the EPA, and other Federal land management agencies have all closely analyzed and disclosed the GHG pollution likely to result from coal combustion, a foreseeable impact of the proposed actions here.

For example, in *Mid-States Coalition for Progress v. Surface Transp. Board*, the Eighth Circuit held that the Agency must analyze the impacts from increased use of coal caused by the Agency action: construction of a railroad to deliver coal from Wyoming's Powder River Basin to Midwestern and Eastern utilities. 345 F.3d 520 (8th Cir. 2003). The court noted that the increased coal use was likely and foreseeable, and that the environmental effects of burning more coal must be included in the EIS. *Id.* at 549. The court held:

The increased availability of inexpensive coal will at the very least make coal a more attractive option to future entrants into the utilities market when compared with other potential fuel sources, such as nuclear power, solar power, or natural gas. Even if this project will not affect the short-term demand for coal, which is possible since most existing utilities are single-source dependent, it will most assuredly affect the nation's long-term demand for coal. *Id.*



EPA has pressed other land management agencies to disclose impacts that the Forest Service glosses over here, stating in comments on a recent coal lease that BLM “should ... include an estimate of the greenhouse gases emitted in the burning of the mined coal, as that is a logical consequence of mining the coal.” [Footnote 8: L. Svoboda, EPA, Comments on South Gillette Area Coal Lease Applications Draft EIS (Dec. 19, 2008) at 5th page, attached as Exh. 2. BLM’s Final EIS for the South Gillette leases ultimately included an estimate of the GHG pollution likely to result on an annual basis from all mines in the Powder River Basin. See BLM, Final EIS for the South Gillette Area Coal Lease Applications (Aug. 2009) at 4-117 (“In 2006, the Wyoming Powder River Basin coal mines produced approximately 432.0 million tons of coal. Using factors derived from laboratory analyses, it is estimated that approximately 716.9 million metric tons of CO<sub>2</sub> would be generated from the combustion of all of this coal (before CO<sub>2</sub> reduction technologies are applied.”), excerpts attached as Exh. 3.] Similarly, here, coal combustion is a logical consequence of permitting road construction in known areas with coal resource, particularly when the very purpose of permitting road construction is to facilitate coal mining.

Further, action agencies have disclosed the GHG impacts of coal combustion when considering actions that may facilitate coal mining. For example, BLM estimated the volume of GHGs likely to result from coal combustion in analyzing a recent decision to lease coal at West Antelope leases in Wyoming. There, BLM “assumed that coal mined from the WAIL [[West Antelope II coal lease]] tracts, like coal from other mines in the area, will be burned in coal-fired power plants to generate electricity. It then estimated the likely emissions of CO<sub>2</sub> and other GHGs from plants burning coal from the Mine and other coal mines in the Basin.” See Powder River Basin Resource Council, 180 IBLA 119, 132 (2010) (citations omitted).

BLM also last month published an environmental assessment (EA) that included an estimate of the GHG pollutants likely to result from a coal lease in the North Fork Valley. See BLM, Environmental Assessment, Elk Creek East Tract Coal Lease (June 2011) at 19-20, excerpts attached as Exh. 4. The EA concluded that a decision to permit the mining of 3.96 million tons of coal would produce up to about “9.6 million metric tons of carbon dioxide equivalent” when the coal was combusted. While BLM characterized this figure as “a conservative overestimate,” the EA demonstrates that such estimates are possible, and the estimate provides a sense of scale of GHG pollution resulting from the decision to allow coal leasing.

The Forest Service thus can and should disclose the GHG impacts from all of the impacts of prolonging the lives of North Fork coal mines—including methane pollution, emissions from operating the mines and transporting coal, from the end use of coal likely to be mined under the various alternatives, and the impacts of any substitution of other coal for North Fork coal—as is more fully detailed in the Power Consulting report. (Preservation/Conservation, Denver, CO - #691.8-10.45000.422)

## **2-196 Public Concern: The Forest Service should provide a quantitative analysis of potential GHG emissions associated with coal resources.**

Currently, all existing coal leases in IRAs/CRA are located in the Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG). Potential future coal development varies by alternative, and EPA’s comments are directed at the differences in potential future development. Alternative 1 (2001 Roadless Rule) would effectively prohibit future leases due to prohibition of road construction; Alternatives 2 and 4 (Colorado Roadless Rule) would allow road construction for future leases in the 20,000-acre North Fork coal mining area of the GMUG; and Alternative 3 (No Action) would allow road construction for future leases in the entire analysis area. The potential acres of accessible coal resources vary greatly by alternative, resulting in a wide range estimated accessible recoverable tons of coal in roadless areas. The RDEIS provides roadless area estimates for acres of accessible coal resources and tons of accessible recoverable coal resources, respectively, as follows:

- Alternative 1—5,900 acres available (all currently leased) with potentially 108 million tons of recoverable coal;
- Alternatives 2 and 4 (North fork coal mining area)—19,625 acres available (only 4,025 acres currently leased) with potentially 360 million tons of recoverable coal; and
- Alternative 3—36,900 acres available (only 5,900 acres currently leased) with potentially 675 million tons of recoverable coal.

The RDEIS includes only a qualitative discussion of GHG emissions associated with development and use of coal resources. It is unclear whether there is the potential for unmitigated methane emissions associated with future development in the North Fork coal mining area. To fully inform decision-makers and the public regarding the range of impacts resulting from each alternative's potential future coal development and associated GHG emissions and climate change impacts, we [EPA] recommend analysis and disclosure of GHG emissions including:

1. Quantify and disclose in CO<sub>2</sub>-equivalent terms the projected annual and total lifetime cumulative GHG emissions, including emissions from combustion of the mined coal, resulting from future coal development (see, <https://www.epa.gov/RDEE/energy-resources/calculator.html>).
2. Qualitatively discuss the link between GHGs and climate change, and the potential impacts of climate change. Estimating the level of GHG emissions from the potential future coal development associated with each of the alternatives can serve as a reasonable proxy for assessing potential climate change impacts, and provide decision makers and the public with useful information for a reasoned choice among alternatives.
3. Describe any relevant regional, tribal or state climate change plans or goals, as well as the extent to which USFS would reconcile, through mitigation or otherwise, its proposed action with such plans. For example, please consider the Colorado Climate Action Plan (<http://www.cdphe.state.co.us/climate/ClimateActionPlan.pdf>), the Western Climate Initiative (<http://www.westernclimateinitiative.org>), the Governor's Blue Ribbon Council on Climate Change 2007 Final Report ([http://www.deq.utah.gov/BRAC\\_Climate/final\\_report.htm](http://www.deq.utah.gov/BRAC_Climate/final_report.htm)), and Utah's GHG reduction goals to reduce GHG emissions to 2005 levels by 2020 ([http://www.deq.utah.gov/Climate\\_Change/GHG.goal.htm](http://www.deq.utah.gov/Climate_Change/GHG.goal.htm)).
4. Analyze in detail the potential means to mitigate GHG emissions and disclose potential GHG reductions associated with sure [sic, "such"] measures. EPA recommends the Final Colorado Roadless Rule require implementation of reasonable mitigations measures that would reduce or eliminate project-related GHG emissions from future coal development. We recommend adding a summary discussion of ongoing and projected regional climate change impacts relevant to the action area based on U.S. Global Change Research Program assessments and that the FEIS identify any potential need to adapt the proposed action to these effects, as well as any potential impacts from the proposed action that may be exacerbated by climate change. (U.S. Environmental Protection Agency, Washington, DC - #685.14-16.44500.250)

## **2-197 Public Concern: The Forest Service should analyze the climate change effects from coal mining in North Fork for each of the alternatives.**

### **Greenhouse Gas Implications of Changes in North Fork Coal Mining:**

The U.S. Department of Agriculture Forest Service (Forest Service) has prepared a Revised Draft Environmental Impact Statement (RDEIS) in support of rulemaking for alternative management regimes for Colorado's roadless areas. [Footnote 7: Rulemaking for Colorado Roadless Areas Revised Draft Environmental Impact Statement, USDA Forest Service, April 15, 2011. [www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5291426.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5291426.pdf)] That RDEIS considers four alternatives that would provide greater or lesser protection to the roadless qualities of Colorado's remaining, unprotected roadless areas within National Forests. The alternative providing the greatest protection to roadless areas would enforce the 2001 Roadless Rule promulgated by the Clinton Administration (Alternative 1). The alternative that would provide the least protection would not adopt any specific roadless rule but, instead, would leave the management of current roadless areas to each National Forest's forest plan (Alternative 3). Two other alternatives would seek to "carve out" the coal-bearing North Fork Valley roadless areas and exempt them from restrictions on roads necessary for the continued development of the region's coal resources (Alternatives 2 and 4).

This report focuses on how those alternative management regimes would impact coal mining in the North Fork Valley of western Colorado and the release of greenhouse gases (GHGs). The purpose of this report is not to undertake a comprehensive analysis of GHG emissions associated with the different levels of coal mining analyzed by the RDEIS. That is an analysis the Forest Service is required to undertake. The purpose of this report is to make clear that the RDEIS did not provide an analysis of this significant environmental impact.

The RDEIS makes explicit that the level of coal mining and the potential volume of coal extracted will vary among the alternatives the RDEIS analyzes. As the RDEIS says: “The 2001 [[Clinton]] Rule does not withdraw inventoried roadless areas from the development of mineral material sites. However, it does prohibit road construction or reconstruction associated with developing new mineral material sites within inventoried roadless areas. This effectively precludes the sale and disposal of mineral materials from sites well within inventoried roadless areas...” (p.127). Thus the various alternatives’ management regimes considered by the Forest Service have significant implications for the future level of coal production in the North Fork Valley.

Under Alternative 1 of the RDEIS, coal mining in the North Fork is projected to cease altogether by 2018. [Footnote 15: Economic Specialist Report 2010 at page 27 table E 11.] This can be compared to Alternative 3 which would have coal mining in the North Fork Valley continue until 2079. These are the end points of the possibilities that were considered in the RDEIS.

In the RDEIS, the Forest Service estimates that in the roadless areas of the Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG NF) there are about 1.2 billion tons of in-place coal reserves. This represents 75 percent of all of the 1.6 billion tons of in-place coal reserves across the whole of the GMUG NF. [Footnote 8: RDEIS, p. 121. Both IRA and CRA included.] The Forest Service approximates the potentially recoverable reserves by taking 50 percent of the coal reserves in place.

For the mines on the GMUG NF affected by the Roadless Rule, if there are no roadless rule restrictions limiting access to this coal (Alternative 3), 675 million tons of coal would be potentially recoverable. [Footnote 9: Specialist Report for Leasable Energy Minerals: Coal, prepared by Liana L. Mattson, GMUG NFs, Final Report, June 2010, p. 9, Alternative 3.] If the most protective roadless rule considered were to be adopted (Alternative 1), only 108 million tons of potentially recoverable reserves would be available. That is, a roadless area management decision that facilitated coal mining (Alternative 3) would make 568 million additional tons of recoverable coal reserves available for production and use. [Footnote 10: Leasable Energy Minerals Report, Table 4, p. 9, and RDEIS Table 3-18, p. 35, comparison of Alternative 3 and Alternative 1. This includes more than just the Somerset coalfield roadless areas. It also includes the adjacent Grand Mesa coal field roadless areas. There currently are no coal leases there but the RDEIS believes that there is the potential for coal development there over the next 15 years if a roadless rule does not restrict such development. See Figure 3, p. 7 for a map of these coalfields (Coal Resource and Development Potential (2006), GMUG National Forests)]

Compared to the annual production in the North Fork Valley in recent years of 16 million tons of coal, that 568 million additional tons of recoverable reserves represents a substantial quantity of additional coal that could be produced and burned if a management decision is made by the Forest Service to adopt a management alternative that facilitates access to that coal.

[Footnote 11: Yet another way to look at this is to look at what the mining level would be in the average year under Alternatives 1 and 3. Alternative 1 has all mining operations stopping by 2018. (Bowie is forecasted to close in 2013, Elk Creek in 2012, and West Elk in 2018). Given their current production this would mean an average mining rate of 4.9 million tons per year for the duration of the study period (through 2025). This can be compared to Alternative 3 which has an average mining rate of 11.7 million tons per year for the duration of the study period. These average projected mining levels do not deplete the available coal resources the RDEIS estimated would be available under the two alternatives by 2025.]

Coal is the most carbon-intensive of the fossil fuels whose burning releases substantial GHGs. In addition, the three North Fork Valley mines that would produce this coal are among the most gassy coal mines in the United States. As a result the mining of this particular coal would also release substantial quantities of methane gas which is at least 21 times more powerful than carbon dioxide as a heat-trapping greenhouse gas.

The quantity of coal whose mining would be facilitated by, and quantity of the methane releases that would accompany, that mining under Alternatives 2 or 3 should have indicated the need for the RDEIS to provide a careful analysis of the impacts on greenhouse gas emissions and climate change. The RDEIS, however, does not analyze the impact of facilitating this additional coal mining on greenhouse gas emissions. Instead, the RDEIS asserts that facilitating this mining will have no significant impact on greenhouse gas emission. The RDEIS’s discussion of the impact of different levels of coal mining on

greenhouse gas emissions is contained in a single paragraph with only four sentences on greenhouse gas emissions.

Although that paragraph promises that “These and other effects are further discussed in the following sections,” they are not. As a result the total of the “analysis” of greenhouse gas emissions in the RDEIS consists of the following four assertions: [Footnote 12: P. 129.]

1. The relevant GHGs to be considered when evaluating different levels of coal mining are those associated with the fossil fuels consumed during the development of the mine and the extraction, processing, and transportation of the coal.
2. The methane released by the North Fork Valley coal mines is a potent greenhouse gas. For that reason capturing or flaring that methane from future coal production could make an important contribution to greenhouse gas reduction.
3. Reductions in coal production within roadless areas would likely just shift that coal production to areas outside of the Colorado Roadless Areas. Current customers for that coal in the eastern United States would likely shift their demand to other western U.S. sources.
4. Because substitute coal sources would replace any reduction in coal production from Colorado Roadless Areas, it is unlikely that any of the alternatives would result in a significant change to total atmospheric greenhouse gas concentrations.

Three quite separate issues are raised in these RDEIS assertions.

The conclusions from our analysis contradict the above RDEIS assertions that GHG emissions will be unaffected by the various management alternatives being considered. Coal mining in the North Fork Valley contributes to climate change in three ways. First, coal mine operations contribute to climate change through the use, directly and indirectly, of fossil fuel to energize the heavy equipment used in mining and processing the coal and transporting it to customers. Second, North Fork mines release methane gas, a very powerful greenhouse gas, in unusually large amounts. Third, coal is only mined so that it can be burned.

Coal combustion emits the GHG carbon dioxide.

The Forest Service could and should have analyzed and disclosed the impacts of each of the alternatives on climate change by examining in detail how the alternatives would change the GHGs that might result from each of these three sources. Instead, the RDEIS contains only the most cursory discussion of the GHG impacts of coal mine operations, and largely ignores the likely impacts of methane and coal combustion.

This stands in stark contrast to the efforts the RDEIS devoted to the measurement of the economic impacts associated with the various alternatives. The RDEIS carefully studied how the different levels of coal mining would impact regional production, employment, and labor income, commissioning an Economics Specialist Report on that topic. That report found “sizable” or “substantial” difference among the alternatives in terms of economic impacts. [Footnote 13: RDEIS, pp. 295 and 306. Economics Specialist Report, pp. 50–51. While the Economics Specialist Report characterizes the impacts of mineral development as “substantial” (p. 50) and “sizeable” (p. 15), it also pointed out that in the regional context of a growing economy these impacts were “relatively small” (p. 50). This relabeling is more rhetoric than it is economics.] However, when it came to the impact of those different levels of coal mining on GHG emissions and climate change, the RDEIS provides almost no analysis or information except the general assertion that: “It is unlikely that reduced mineral extraction in roadless areas related to any alternatives would result in a significant change to total atmospheric greenhouse gas concentrations...” (p. 129). This failure to provide any analysis of the impact of the alternatives on GHG emissions is a serious and unnecessary omission.

Below we [Earth Justice et al.] discuss the significant difference in GHG emissions associated with the RDEIS’s various alternatives. We conclude that if coal mining is reduced in the North Fork Valley, three things will happen:

- A. Powder River Basin or some other low-methane source of coal will be substituted for some of the coal not mined in the North Fork and substituting that low-methane coal for high-methane North Fork coal will result in significant reduction in emissions of methane, a powerful GHG, and

B. Because coal supply will have been reduced and there are no perfect substitutes for the North Fork Valley coal, the cost of coal-fired electric generation will rise and the attractiveness of coal as a source of energy will decline, also reducing the emissions of GHGs because of reduced coal combustions; and

C. Customers will turn to less carbon-intensive substitutes for coal, including investments in energy efficiency by electric generators, businesses, and households, more generation from renewable energy sources, and natural gas.

A mix of all three of these adjustments is likely to be the response to reduced coal supply. All three responses would allow coal consumers to meet their energy needs with reduced GHG emissions. The Forest Service did not undertake even the most rudimentary economic analysis of these likely adjustments and their impacts. Any subsequent Forest Service analysis must address these adjustments and their GHG implications. (Preservation/Conservation, Denver, CO - #690.1-7.45000.422)

## **2-198 Public Concern: The Forest Service should revise the DEIS to acknowledge that the alternatives will result in varying degrees of carbon emissions.**

### **TO CORRECT THE CURRENT ASSUMPTIONS IN THE DEIS**

The Greenhouse Gas Emission Implications of Substituting Other Energy Sources for North Fork Valley Coal:

North Fork Valley coal is mined, processed, and transported to customers to be burned for the energy it contains. [Footnote 39: A minority of coal is used in steel production rather than primarily for its energy content. Such metallurgical or coking coal is quite a bit more valuable than the thermal coal that is burned primarily for its energy content in electric generative facilities, concrete production facilities, and other industries needing process heat. North Fork Valley coal is sold as thermal coal to electric generators.] The RDEIS emphasizes that different quantities of coal will be produced under the various alternatives. In fact, one of the points of Alternatives 2, 3, and 4 is to facilitate the continued mining of coal in the North Fork Valley. Despite recognizing that the level of coal mining would vary from one alternative to another, the Forest Service concludes that there will be no variation in carbon emissions associated with that coal. As shown below that assumption is false.

A. The RDEIS Conclusion: Different Levels of Coal Production Have No Greenhouse Gas Impacts.

The RDEIS asserts that because there are alternative sources of coal or other fossil fuels available to replace any coal that is not mined in the North Fork Valley, the impacts of the alternatives considered on greenhouse gas emissions will not differ significantly.

“Prohibitions on extraction of these resources within CRAs would likely shift production to areas outside of roadless areas, and for demand in the eastern U.S., to other western U.S. sources. It is unlikely that reduced mineral extraction in roadless areas related to any alternatives would result in a significant change to total atmospheric greenhouse gas concentrations, due to the substitution of other fossil energy sources.” (p.129)

This argument assumes that there are perfect substitutes for the coal coming from the roadless areas in the North Fork Valley that can be pursued at no additional cost by the existing customers for this coal. But the RDEIS clearly understands that this is not the case. The RDEIS points out that:

“Road prohibitions under alternative 1 would restrict access to known reserves of compliant and super-compliant coal, contributing to less overall availability of “clean” coal to meet demand...Under alternatives 2 and 4, roads allowed for the developing known coal reserve in the North Fork coal mining areas...and contribute to supply needed to meet demand. However, road prohibitions in Colorado Roadless Areas...would contribute to an undetermined quantity of coal not being...developed, contributing to a known resource base being unavailable to meet demand. Under alternative 3, access to leased coal reserves and other coal resources in roadless areas throughout the State would contribute to supply needed to meet demand.” (p. 147)

These RDEIS comments clearly recognize the interaction of supply and demand in determining the price of a commodity. In general, reductions in supply leave an existing level of demand unsatisfied and markets react to the reduced supply by bidding up the price paid for the remaining supply. As a result, higher prices both reduce demand and increase supply until supply and demand are back in balance. The

net result is a somewhat higher cost of using coal and somewhat lower level of consumption relative to what otherwise would have been the case if supply had not declined.

The RDEIS quote above also recognizes that coal is not a homogeneous commodity with each ton of coal from any source interchangeable with any other ton of coal. This is another way of saying that a ton of coal from any source is not a perfect substitute for a ton of coal from some other source. Clearly some types of coal can be substituted for other types of coal although there may be both capital, operational, curtailment or other costs associated with that substitution. Electric generators have found the mix of coal sources that they believe minimize their costs of electric generation. If forced to change that mix, they are likely to face higher costs as they have to move away from their previous optimal mix. For instance, Powder River Basin coal could be used in place of North Fork Valley coal by generators in regions that have difficulty meeting ambient air quality standards. But because of the lower BTU content of that coal, curtailment of generation during pollution events would likely be more frequent and longer, a significant cost to the utility.

The RDEIS quotes above also recognizes one quality of coal that is important, sulfur content, that determines whether the coal qualifies as “compliant” or “super-compliant” in meeting air quality standards. North Fork coal is not only low in sulfur but also has relatively high BTU content. Because the emission standard is stated in terms of pounds of sulfur per million BTU, the higher the BTU content and the lower the sulfur content, the more likely it is the coal can be burned without violating that emission standard. This can allow electric generators to avoid building costly pollution control facilities that scrub the sulfur from the combustion gases coming from the burning coal.

This is one reason that North Fork coal is shipped east to many electric generators. It can be blended with other coals to reduce the sulfur per million BTUs of fuel so that the blended coal meets emission standards. In addition to the emission standards, ambient air quality standards require the air in a local area in a given time period have densities of various pollutants, including sulfur, that are below a certain threshold. If weather conditions and power plant operation result in emissions from a generator that surpass that threshold, emissions from such generators must be reduced until the ambient air quality standard is met. This can be done by reducing the burning of coal and the generation of electricity at a generating plant. But such curtailments of electric generating facilities can be costly as a utility turns to other sources such as natural gas-fired generators or market purchases from distant generators. Alternatively, electric generators can store high BTU/low-sulfur coal, such as North Fork Valley coal, for burning during what otherwise would be pollution events requiring curtailment of generation. This avoids shutdowns or reductions in generation.

The ash and other chemical content of coal can also be important to particular electric generators, leading them to avoid some types of coal while preferring others. Some of the northern Powder River Basin coals, for instance, contain high levels of sodium that can cause slag buildup on the boiler and/or the fouling of pollution control devices. Unless the boiler or pollution control equipment is built to handle these problems, sodium content can be a costly contaminant. The optimal firing of boilers and control of operation and maintenance costs can lead electric generators to choose or blend different types of coal.

These examples illustrate that coal is not a uniform commodity where one ton of coal is always precisely interchangeable with another ton of coal. [Footnote 40: In our [Earth Justice et al.] earlier discussion of the additional GHG emissions associated with facilitating the mining of North Fork Valley coal, we compared that coal with PRB (Powder River Basin) coal. As our language in that discussion made clear, we were talking about a hypothetical alternative source of coal without discussing the impact of such a substitution on costs to any particular electric generator. Here we are focused on exactly those costs and the fact that, as the RDEIS recognizes, there are not “perfect,” costless, substitutes available.] Electric generators have to carefully choose the coal or mix of coals that will allow them to minimize the costs of operating their generators and meeting air quality standards. In addition, as investments are made in new electric generators and air pollution facilities, the economic tradeoffs between higher capital investments and less expensive coal and lower capital investments and the use of more expensive coal must be considered. Put slightly differently, one type of coal can substitute for another but not in a costless fashion. The same is true in the utility planning process: Natural gas, nuclear, wind, and solar are all potential substitute fuels for coal, but each has its own complex of capital, operating, and performance costs that must be carefully considered in making a choice.

In general, utilities are operating with what they believe to be the least cost mix of capital investments, operation and maintenance costs, and fuel costs. If their source of supply of a particular coal that in the past helped them minimize their costs ceases to be available, the cost of obtaining a similar coal is likely to rise or a different type of coal that raises their costs will have to be used. The costs of using coal to generate electricity will rise.

Such increases in the cost of using a primary input into a production process, such as coal for electric generation, will have a predictable impact: less of it will be used than if the costs had not gone up. This has implications for greenhouse gas emissions. Facilitating the production of coal has an impact on greenhouse gas emissions because it encourages the burning of more coal than otherwise would have been burned because it makes it less costly to bring supply into balance with demand, just as the RDEIS notes at page 147. (Preservation/Conservation, Denver, CO - #690.21-26.45000.840)

## **2-199 Public Concern: The Forest Service should analyze the differences in GHG emissions for each of the alternatives.**

### **BECAUSE THERE IS A SIZEABLE DIFFERENCE AMONG THE ALTERNATIVES**

Greenhouse Gas Emission Differences As a Result of Changes in Colorado Coal Supply Associated with the RDEIS Alternatives Are Not So Small That the RDEIS Could Ignore Them:

The RDEIS correctly points out that it is likely that in response to any reductions in coal production from Colorado's roadless areas, coal production outside of roadless areas in Colorado, the Western United States, or elsewhere will increase in a partially offsetting way. As a result, under the alternative most protective of roadless area values (Alternative 1, the 2001 Roadless Rule), the greenhouse gas implications of the change in coal mining in Colorado roadless areas will likely be less than the full carbon content of the Colorado coal not mined since some amount of substitute coal will be burned instead. The environmental benefits from not releasing huge volumes of methane under Alternative 1, however, are likely to remain quite high.

Some might argue that this makes the greenhouse gas implication of the change in roadless area coal mining in Colorado small enough to be ignored in the RDEIS. Such an assertion, however, misunderstands the purpose of the environmental impact process which is intended to provide environmental full disclosure that accurately analyzes all of the impacts of a proposed action. Many of the negative environmental impacts, possibly all, may, after analysis, be judged to be small enough to be acceptable given the positive impacts expected.

For example, the RDEIS analysis of the regional economic impacts reveals that the impacts of the various alternatives on regional employment and labor income would be relatively small, less than one percent. [Footnote 55: The Economics Specialist Report while pointing out that in a regional context of a growing economy these impacts are "relatively small" (p. 50) also at times labels these impacts "substantial" (p. 50) and "sizeable" (p. 15).] That does not mean that the economic analysis was a waste of time and should not have been included in the RDEIS process. The analysis of all potentially significant impacts is important in fully informing the ultimate decision maker as well as the public. Such full information is expected to lead to better decision making because the full array of public and private, market and non-market costs and benefits will have been taken into account.

The same is true of a full exploration of the greenhouse gas implications of changes in the quantity of coal mined in the North Fork Valley, including impacts on the volume of coal that ultimately is burned.\

Some Federal agencies in the past when dealing with fossil fuel development have not considered the GHGs released as a result of the combustion of the fossil fuels whose development their policies and decisions facilitated. The BLM, however, in its 2010 analysis of the West Antelope II coal leases in Wyoming, did estimate the likely emission of CO<sub>2</sub> and other GHGs from plants burning the coal from the mine. [Footnote 56: Powder River Basin Resource Council, 180 IBLA 119, 132 (2010). Also see Final EIS for South Gillette Area Coal Lease Applications (August 2009), BLM, p. 4-117.] For those Federal agencies that have ignored the combustion impacts of the fossil fuel production they are enabling, various explanations have been offered for the decision not to deal with the combustion that always follows the development and production of fossil fuels. One, of course, is the one we have discussed above: The claim that there are perfect substitutes available for the fossil fuels and therefore supply and demand are irrelevant. As a result, they simply assert that the level of greenhouse gas emissions will be

unaffected by production of more or less fossil fuels. We [Earth Justice et al.] have explained above the serious economic flaw in that argument. (Preservation/Conservation, Denver, CO - #690.41-43.45000.840)

The EIS must estimate the greenhouse gases likely to be emitted from coal mining in roadless areas. Alternatives 2 and 4 would specifically allow roads to be constructed to service coal mines. The RDEIS assumes that road construction for coal mining is necessary, presumably to install methane vents: “It was assumed that where road construction or reconstruction would be prohibited, that [[coal]] mining would be severely limited to the point that mining the reserves would be uneconomic.”

RDEIS at 129; see also id, at 124.

Under Alternatives 2 and 4, about 52 miles of road would be constructed, allowing access to coal that would not be available under Alternative 1, which is the true No Action Alternative. Thus the EIS must disclose the impacts of this coal mining on the emission of greenhouse gases, especially methane, carbon dioxide and ozone. However, we find no estimate of these emissions in the RDEIS.

This issue is important because the difference between the amount of recoverable coal from the alternative most protective of roadless areas (Alternative 1) and the least protective alternative (Alternative 3) would be 566 million tons. RDEIS at 135. The difference between Alternative 1 and the Proposed Action (and also Alternative 4) is 252 million tons. Id. Thus there would be a sizable difference in greenhouse gas emissions among the alternatives. (Preservation/Conservation, Durango, CO - #591.61.45000.422)

## **2-200 Public Concern: The Forest Service should analyze the differences between alternatives in coal mine methane emissions.**

### **BECAUSE COAL MINE METHANE IS AN IMPORTANT CONTRIBUTOR TO GHG EMISSIONS**

Coal Mine Methane Emissions at the North Fork Valley Mines:

The RDEIS explicitly states that the coal mine methane being released by the North Fork Valley Mines as coal is produced represents an important contribution to greenhouse gas emissions.

“Methane, a gas produced in underground coal mines and removed for safety reasons, is a potent greenhouse gas and capturing or flaring gas produced from the existing, as well as future, coal leases could be an important contribution to greenhouse gas reduction.” (p. 129)

The RDEIS also indicates that reducing the release of GHGs from the mines is “desirable”:

“Methane capture is desirable compared to venting or flaring due to the fact that methane is a potent greenhouse gas. The use of captured methane would also substitute for other fossil fuels, and thereby eliminate the environmental impacts, including GHG, associated with the production and transportation of those fuels.” (p. 132)

Clearly the Forest Service recognizes the significance and importance of the coal mine methane emissions associated with additional coal mining in the North Fork Valley. It directly follows that a Forest Service decision to facilitate the ongoing mining of this gassy coal when there are sources of coal that release far less methane causes an “important” increase in greenhouse gas emissions. The RDEIS failed to discuss this “important” difference in the greenhouse gas impacts of the various alternatives considered.

Instead of directly discussing this important greenhouse gas implication of the alternatives, the RDEIS contradicts itself and concludes that there is no difference among the alternatives in terms of greenhouse gas emissions:

“It is unlikely that reduced mineral extraction in roadless areas related to any alternatives would result in a significant change to total atmospheric greenhouse gas concentrations, due to the substitution of other fossil energy sources.” (p. 129)

This simply is not true. [Footnote 14: We [Earth Justice et al.] assume that the RDEIS has not purposely shifted the emphasis from greenhouse gas “emissions” to greenhouse gas “concentrations.” The latter refers to the cumulative impact of emissions over time, e.g., since the start of the industrial revolution. In percentage terms the impact on “concentrations” would be smaller than the impact on annual



“emissions.” There is no difference, however, in the level of concern about one as opposed to the other. They are different ways of describing the same problem.] If coal mining shifts from mines with some of the highest concentrations of methane release to less gassy coal sources such as Powder River Basin coal, in the Forest Service’s words, “this could be an important contribution to greenhouse gas reduction.” The RDEIS can and should analyze these effects in detail in any subsequently prepared NEPA document.

In addition, all fossil fuels do not have the same carbon emissions per BTU of energy. To the extent that natural gas is substituted for coal in energizing electric generators, there are significant reductions in greenhouse gas emissions. This too is ignored in the RDEIS’s brief discussion of the greenhouse gas implications of that alternative. (Preservation/Conservation, Denver, CO - #690.8-9.45000.423)

## **2-201 Public Concern: The Forest Service should analyze the potential for coal mine methane capture and use for each of the alternatives.**

### **BECAUSE ALTERNATIVES 2, 3, AND 4 ALL COULD RESULT IN SIGNIFICANT AMOUNTS OF METHANE BEING VENTED INTO THE ATMOSPHERE**

Roadless Rule Implications for Coal Mine Methane (CMM) Capture and Use:

The RDEIS carefully states that “Methane, a gas produced in underground coal mines and removed for safety reasons, is a potent greenhouse gas and capturing or flaring gas produced from the existing, as well as future, coal leases could be an important contribution to greenhouse gas reduction.” [Footnote 68: RDEIS page 129.] The RDEIS is acknowledging that the CMM [Coal Mine Methane] could be captured and used in some fashion to help reduce greenhouse gases. The RDEIS then argues that Alternative 1 would put “Limits on placing facilities to manage coal mine methane.” [Footnote 69: RDEIS page 131. The RDEIS appears to make contradictory statements about how the alternatives would affect CMM capture and use. Table 2-13, p. 69, says that under Alternative 1 there is “No regulatory prohibition on the use of roads constructed or reconstructed for purpose of collecting and transporting coal mine methane.” More cryptically it also says that there is “No rule language on location of buried infrastructure needed to capture, collection, and use of coal mine methane.” It is therefore unclear how any of the alternatives would limit CMM capture and use as the RDEIS states on page 131.] There appears to be some confusion in the RDEIS on what the differential impact of the alternatives is on the ability to capture and use/destroy CMM. At one point the RDEIS suggest that Alternative 1 would somehow prevent the capture of methane while, in fact, Alternative 1 in would do exactly the opposite: It would prevent the methane from ever leaving the coal.

Currently the West Elk mine is the only mine in the North Fork that is capturing any of their methane. As of 2009, West Elk captured about 7 percent of the methane that comes from their mine. [Footnote 70: U.S EPA, “Coal Mine Methane Recovery at Active U.S. Coal Mines: Current Projects and Potential Opportunities.” West Elk is tapping methane from an abandoned part of the West Elk mining operation, a coal seam that is no long being mined rather than capturing CMM currently being released by the mining operations.] That is about 1.5 percent of the total methane that is currently coming from mining in the North Fork. There are no road restrictions on the current leases and yet only 1.5 percent of the CMM is being captured. If Alternative 1 is adopted, the stated goal of “important contributions to greenhouse gas reduction” in reference to CMM, would be most easily reached since the mining that releases the methane would cease as the current leases are mined out. At present the current coal companies in the area have not collected or mitigated, and have no current plans to collect or mitigate, more than a tiny fraction of the CMM coming out of their mines’ ventilation air and drainage wells. Bringing up, as a bulleted point in the RDEIS, [Footnote 71: RDEIS page 10.] the potential loss of the ability to collect CMM because of a prohibition on new road building when the coal companies are not at present considering collecting the methane, and when the Forest Service in this RDEIS does not consider requiring the coal companies to do so, seems confused at best. When the lack of new road building under Alternative 1 is directly associated with restrictions on new coal mining that would reduce the release of the methane, the assertion is simply wrong.

The fact is that there is no reason that any of the alternatives should prevent the capture of CMM. If coal mining is allowed to occur, then the drainage wells have to be put in place to remove the CMM. If drainage wells are installed, a road system to facilitate this construction and maintenance of the drainage wells will be put in place. CMM collection pipes could be laid near or buried under those roads or

temporary pipes could be laid between the drainage wells to collect the CMM. Those pipes can transport the CMM back to a central location where it could be (among other things) flared, cleaned then compressed and then used as liquid natural gas, burned in a combustion engine to create electricity, or combusted (as some of it is now at West Elk) to heat the mines. [Footnote 72: In 2010 Power consulting looked at the feasibility of putting in CMM collection systems on the West Elk mine and evaluated potential uses for the CMM. An Economic Analysis of the Capture and Use of Coal Mine Methane at the West Elk Mine, Somerset, Colorado.] There is no need for additional roads under which to bury the CMM collection pipes as those pipes would likely need to be regularly moved as the wall of the mine moves down the seam. None of the alternatives would place restrictions on a temporary CMM drainage collection system, nor would flaring require additional road construction. [Footnote 73: The RDEIS appears to explicitly admit this. It points out that “coal mine methane capture operations would be restricted to using existing coal mine roads (pp. 131–132)” for Alternatives 1, 2 and 4. It also notes that under Alternative 1 there is “[n]o regulatory prohibition on the use for roads...for purposes of collecting and transporting coal mine methane (p. 69).” The RDEIS also says that Alternative 3 “does not limit location of buried infrastructure (p.69). Finally for Alternatives 2 and 4]

Alternative 1 could lead the different coal mines to balk in the face of the additional investment in, say, a methane-powered electrical generator or other such investments required for the capture and use of CMM. If the mines are not going to be open through 2025 and beyond, the mines might conclude that investment in CMM capture and use equipment might not be economical at this point. But the reluctance to invest would be tied to the fact that the CMM under that alternative would not be produced or produced only at much lower levels, reducing the need for the capture and use-destruction efforts. This suggests that far more CMM is kept from being released into the atmosphere by choosing Alternative 1 rather than hoping the coal mines will agree to capture and use their methane under any of the alternatives.

Unless such capture and use is mandated by the Federal agencies (something the Forest Service could consider as mitigation in the Colorado Roadless Rule EIS), the coal mines do not appear, at present, to be willing to capture, flare, or otherwise mitigate methane emission from their mines. The mine companies’ reluctance to address methane emissions is exemplified by West Elk mine. There the Mountain Coal Company, which runs the mine, is directed by the BLM as part of the company’s lease to collect all CMM that is economically feasible. [Footnote 74: R2P2 report 2009.] The West Elk mine, however, has repeatedly stated that it is not economical to collect that methane other than the small volumes mentioned above. The mine thus continues to vent millions of cubic feet a day of a powerful greenhouse gas into the atmosphere.

The alternative that saves the most CMM from being vented into the air is Alternative 1 because of the effective restriction on new coal leases. If Alternatives 2, 3, or 4 are chosen, then the volumes of methane previously discussed will likely be vented into the atmosphere directly, voiding the Forest Service’s stated opportunity of making “an important contribution to greenhouse gas reduction.” (Preservation/Conservation, Denver, CO - #690.55-59.44510.423)

## **2-202 Public Concern: The Forest Service should consider an alternative that would reduce GHG emissions resulting from coal mining in the North Fork area.**

### **TO COMPLY WITH NEPA**

The Forest Service Must Consider Reasonable Alternatives to Reduce Greenhouse Gas Emissions Caused By Exemptions To The Rule To Permit Mining Under Roadless Lands In The North Fork Coal Area:

1. NEPA Requires that the Forest Service Analyze All Reasonable Alternatives to the Proposed Action.

NEPA is the “basic national charter for protection of the environment[.]” and the “centerpiece of environmental regulation in the United States.” *New Mexico ex rel. Richardson v. BLM*, 565 F.3d 683, 703 (10th Cir. 2009) (“centerpiece”); 40 C.F.R. [section] 1500.1(a) (“charter”). In taking a “hard look” at the potential impacts of a proposed Federal action, an EIS must “study, develop, and describe” reasonable alternatives to the proposed Federal action. 42 U.S.C. [section] 4332(2)(E). This alternatives analysis is “the heart of the [EIS].” 40 C.F.R. [section] 1502.14. NEPA’s implementing regulations emphasize that an EIS must “[r]igorously explore and objectively evaluate all reasonable alternatives,”

giving “each alternative substantial treatment” in the EIS. *Colo. Envtl. Coal. v. Dombeck*, 185 F.3d 1162, 1174 (10th Cir. 1999); 40 C.F.R. [section] 1502.14(a). See also *Utahns for Better Transportation v. U.S. Dep’t of Transportation*, 305 F.3d 1152, 1166 (10th Cir. 2002). “By considering reasonable alternatives to the proposed action, the agency ensures that it has considered all possible approaches to, and potential environmental impacts of, a particular project; as a result, NEPA ensures that the ‘most intelligent, optimally beneficial decision will ultimately be made.’” *Wilderness Soc’y v. Wisely*, 524 F. Supp. 2d 1285, 1309 (D. Colo. 2007) (citation omitted). “[T]he existence of a viable but unexamined alternative renders an environmental impact statement inadequate.” *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1519 (9th Cir. 1992) (citation omitted).

“While NEPA ‘does not require agencies to analyze the environmental consequences of alternatives it has in good faith rejected as too remote, speculative, or impractical or ineffective,’ it does require the development of ‘information sufficient to permit a reasoned choice of alternatives as far as environmental aspects are concerned.’” *Richardson*, 565 F.3d at 708 (quoting *Dombeck*, 185 F.3d at 1174).

## 2. The RDEIS Will Result in Significant Greenhouse Gas Emissions Far Above the Significance Thresholds Set by CEQ and EPA.

The U.S. Supreme Court, Federal agencies, and state and local governments have all recognized the threat of climate change and the necessity of reducing GHG emissions. The harms caused by climate change “are serious and well recognized.” *Massachusetts v. EPA*, 549 U.S. 497, 521 (2007). These harms include, inter alia, unprecedented rates of sea level rise, a reduction in mountain glaciers and snowpack, and a change in the timing of the spring melting of ice on rivers and lakes. *Id.* The U.S. Environmental Protection Agency (EPA) has concluded that “[w]arming of the climate system is unequivocal,” and the “root cause” of this warming is the elevated concentration of greenhouse gases resulting from anthropogenic activities, such as burning coal and other carbon-based fuels. See *Endangerment and Cause or Contribute Findings for Greenhouse Gases*, 74 Fed. Reg. 66496, 66517-18 (Dec. 15, 2009). Accordingly, President Obama, the U.S. Forest Service, and former Colorado Governor Ritter have issued orders calling for a reduction in the emissions of greenhouse gases by Federal and state agencies. [Footnote 13: See Exec. Order No. 13514 (Oct. 5, 2009), reprinted in 74 Fed. Reg. 52117 (Oct. 8, 2009) (stating that “reduction of greenhouse gas emissions [[shall be]] a priority for Federal agencies” and establishes a national policy that Federal agencies “shall ... measure, report, and reduce their greenhouse emissions from direct and indirect activities”); Interior Secretary Order No. 3289 (Sept. 14, 2009), attached as Exh. 7; Forest Service Roadmap for Responding to Climate Change (July 2010) at 8 (Forest Service strategy calls for the agency to “reduce emissions” that cause climate change); Colo. Exec. Order No. D 004 08 (Apr. 22, 2008), attached as Exh. 8.]

In addition, CEQ has issued draft guidance concerning climate change that bears on the consideration of alternatives. The guidance addresses “when and how Federal agencies must consider the impacts of proposed Federal actions on global climate change, as well as the expected environmental effects from climate change that may be relevant to the design of the proposed Federal action.” The draft guidance states:

Examples of proposals for Federal agency action that may warrant a discussion of the GHG impacts of various alternatives, as well as possible measures to mitigate climate change impacts, include: approval of a large solid waste landfill; approval of energy facilities such as a coal-fired power plant; or authorization of a methane venting coal mine. [Footnote 14: Memorandum from Nancy H. Sutley, Chair, Council On Envtl. Quality, to Heads of Federal Departments and Agencies, at 3 (Feb. 8, 2010), available at [http://ceq.hss.doe.gov/nepa/regs/Consideration\\_of\\_Effects\\_of\\_GHG\\_Draft\\_NEPA\\_Guidance\\_FI\\_NAL\\_02182010.pdf](http://ceq.hss.doe.gov/nepa/regs/Consideration_of_Effects_of_GHG_Draft_NEPA_Guidance_FI_NAL_02182010.pdf) (last viewed July 14, 2011), attached as Exh. 9.]

The draft guidance also recommends that where a source emits 25,000 tons per year or greater of CO<sub>2</sub>-equivalent (CO<sub>2</sub>e), it “would be appropriate” for the agency to “discuss measures to reduce GHG emissions, including consideration of reasonable alternatives.” [Footnote 15: Sutley, CEQ Draft Guidance (Exh. 9) at 3.]

The GHG pollution resulting from the North Fork coal mines as a result of adopting Alternatives 2, 3, or 4 will be substantial by any measure. According to a report on the RDEIS by Dr. Tom Power, methane pollution from these three alternatives will amount to 5 million metric tons per year of CO<sub>2</sub> equivalent GHG emissions, 200 times greater than the presumptive threshold that the CEQ has proposed to identify

projects with significant greenhouse gas emissions under NEPA. [Footnote 16: Id. at 3 n.2 (stating that 25,000 tons of CO<sub>2</sub>e is a “useful, presumptive, threshold” for discussing a project’s greenhouse gas emissions under NEPA).] Moreover, the direct methane emissions under the three alternatives will be 50 times greater than the most conservative major source thresholds for greenhouse gases under the Clean Air Act. [Footnote 17: See PSD and Title V Greenhouse Gas Tailoring Rule, 75 Fed. Reg. 31514, 31516 (June 3, 2010) (after July 2011, all stationary sources that emit 100,000 tons or more of CO<sub>2</sub>e will be major sources requiring a PSD or Title V permit for its greenhouse gas emissions).]

When the GHG emissions from combustion of coal mined as a result of the proposed actions under Alternatives 2 through 4 are considered, the project’s climate impacts may become even greater and more significant. (Preservation/Conservation, Denver, CO - #691.13-16.45000.130)

#### **BECAUSE EFFECTIVE CONTROL TECHNOLOGIES AND MITIGATION MEASURES EXIST**

The RDEIS Should Analyze Reasonable Alternatives That Would Reduce or Mitigate the Greenhouse Gas Pollution Resulting From Road Construction And Mining In The North Fork Coal Mining Area:

The RDEIS acknowledges that methane has damaging environmental impacts, and that practical measures exist to reduce those impacts.

Methane, a gas produced in underground coal mines and removed for safety reasons, is a potent greenhouse gas and capturing or flaring gas produced from the existing, as well as future, coal leases could be an important contribution to greenhouse gas reduction.

RDEIS at 129.

But despite the substantial greenhouse pollution resulting from adoption of Alternatives 2 through 4, and despite the Forest Service’s admission that measures could result in “important contribution[[s]] to greenhouse gas reductions,” the Forest Service failed to analyze in detail any alternative in the RDEIS that would reduce the project’s greenhouse gas emissions.

The Forest Service’s failure to analyze such alternatives is particularly troubling given the Agency’s admission and abundant evidence that practical and effective control technologies and mitigation measures exist to reduce coal mine methane emissions. These measures include: methane flaring; methane capture for use (energy generation) or sale; combustion of ventilation air methane (VAM); and carbon offsets. Adopting alternatives requiring coal mines to mitigate methane emissions through these measures as a condition of bulldozing roads in roadless areas would not hinder the project’s purpose of permitting “development of coal resources in the North Fork coal mining area.” RDEIS at Summary-4.

The Forest Service has authority to implement such alternatives. The RDEIS notes that concerning coal mining, the “Forest Service has the responsibility to 1) ensure that the permit action is consistent with the Forest Plan, 2) designate the post-mining land use, and 3) include adequate protection measures for surface resources on NFS lands.” RDEIS at 121. Coal mining on Forest Service land may occur only with that Agency’s consent, and the Forest Service may impose conditions on such mining to protect forest resources. See 30 U.S.C.[section]1272(e) (coal mining operations “shall be permitted ... if the Secretary finds that there are no significant recreational, timber, economic, or other values which may be incompatible”); 30 C.F.R. [section]740.4(c)(2) (DOI’s Office of Surface Mining must “consult [[]] with and obtain [[]] the consent ... of the Federal land management agency with respect to ... any special requirements necessary to protect non-coal resources.”); 30 C.F.R. [section]740.4(e)(2) (Federal land management agency is responsible for protection of non-mineral resources). These authorities require the Forest Service to protect its lands from the climate change impacts caused by the billions of cubic feet of methane that will likely result from a decision to permit road construction within the roadless North Fork coal mining area.

The RDEIS’s failure to consider alternatives that would reduce or offset methane emissions—alternatives which mines in other states and countries are adopting—violates not only NEPA but represents a huge missed opportunity. The Forest Service has the opportunity to spur innovation and take a leadership role in addressing climate change. The Agency should not take a passive “wait and see” approach on climate change while other countries move forward. Instead, the Forest Service must consider the measures identified below as reasonable alternatives or reasonable mitigation measures.

A BLM Air Quality Specialist recognized that the Agency has a duty to consider alternatives to reduce or mitigate the greenhouse gas emissions when evaluating an expansion plan at one of the North Fork Mines (Oxbow’s Elk Creek mine). According to the specialist: “Clearly, there are very real limitations to

the applicability of CMM [[coal mine methane]] projects. However, they have been successfully demonstrated in many places and we need to fully and honestly explore the possibilities before we claim that we cannot require or even allow them at Oxbow.” [Footnote 18: Email from Aaron Worstell, BLM, to Barbara Sharrow, BLM (May 7, 2009 2:11 PM), attached as Exh. 10.]

Indeed, the EPA Coalbed Methane Outreach Program (CMOP) recently reported that within the United States in 2008, there were fourteen active underground mines with coal mine methane mitigation projects that recovered and used 37 billion cubic feet of methane. [Footnote 19: Pamela Franklin et al., EPA Activities to Promote Coal Mine Methane Recovery, presented at the U.S. EPA Coalbed Methane Outreach Programs 2010 U.S. Coal Mine Methane Conference, October 2010, at 7, attached as Exh. 11.] At a CMOP sponsored conference in Fall 2010, information was presented on active and planned coal mine methane mitigation projects around the world, including in China, Mongolia, and the United States. [Footnote 20: See, generally, presentations from the U.S. EPA Coalbed Methane Outreach Programs 2010 U.S. Coal Mine Methane Conference, October 2010: M. Cote, Tai Xi Coal Group Coal Mine Methane Feasibility Study, attached as Exh. 12; J. D’Amico, Coal Mine Methane “Recovery and Utilization” Strategies, attached as Exh. 13; N. Duplessis, Pioneering VAM Oxidation, attached as Exh. 14; and, C. Talkington, “Achieving Near-zero Methane Emissions Coal Mining,” attached as Exh. 15. See also Yuecheng Coal Mine Methane Power Generation Project Clean Development Mechanism Project Design Document Form, March 25, 2011, attached as Exh. 16, for an example of the details of a mitigation project.]

There is a long and safe history of mitigation through flaring at working coal mines in the United Kingdom, Australia, and elsewhere. [Footnote 21: See *infra*.] Russia has recently launched its first coalbed methane to energy project. [Footnote 22: GE, “Russia to begin producing Power from Coal Bed Methane,” February 15, 2011, available at <http://www.genewscenter.com/content/detail.aspx?ReleaseID=11912&NewsAreaID=2> (last viewed July 14, 2011), attached as Exh. 17.] Hundreds of coal mine methane reduction projects are planned throughout the world. [Footnote 23: See D. Claughton, “Clean Coal Projects Funded,” ABC Rural, June 8, 2010, <http://www.abc.net.au/rural/content/2010/s2921412.htm?site=sydney> (last viewed July 14, 2011), attached as Exh. 18; IEIA, “Test Plan, Methane capture from the Zory Mine borehole, Methane to LNG Zory Coal Mine Project, Assistance Agreement: XA-83396101-0,” April 2009, attached as Exh. 19; Global Methane Initiative, Projects, available at <http://www.globalmethane.org/projects/index.aspx?sector=coal> (last viewed July 14, 2011) (listing scores of projects), attached as Exh. 20.] Mitigation of coal mine methane is clearly a rapidly maturing field. [Footnote 24: United Nations ECE and Methane to Markets Partnership, Best Practice Guidance on Effective Methane Drainage and Use in Coal Mines, 2011, attached as Exh. 21; see Figure ES-1 (at xvi) for a breakdown of approximately 240 known utilization and abatement projects.]

Given BLM’s statement that coal mine methane pollution mitigation alternatives “have been successfully demonstrated in many places,” and the proven history of viable mitigation projects in the United States and elsewhere, the Forest Service must “fully and honestly explore” any such alternative possibilities in any subsequently prepared NEPA document. [Footnote 25: See email from Aaron Worstell to Barbara Sharrow (Exh. 10).] (Preservation/Conservation, Denver, CO - #691.17-21.45000.422)

#### **BECAUSE OFFSET MITIGATION IS A VIABLE OPTION**

The Forest Service Must Analyze In Detail A Reasonable Alternative To Offset The Greenhouse Gas Emissions Of Coal Mining In Roadless Areas:

The Forest Service must consider in detail an alternative that would require any coal mine constructing roads in roadless areas to facilitate such mining to offset GHG emissions from the coal made available as a result of road construction in the roadless area. Such an alternative is reasonable.

There are numerous precedents and existing mechanisms through which project developers can offset their global warming impacts. California State agencies have, on several occasions, required such offsets as a condition of approving construction of projects that would release significant quantities of greenhouse gases. For example, the State of California and ConocoPhillips entered an agreement in 2007 that required the company to offset greenhouse gas emissions caused by the company’s proposed refinery. [Footnote 26: Settlement Agreement (Sept. 10, 2007), attached as Exh. 22.]

The U.S. EPA has repeatedly urged land management agencies to consider offsets as a way to reduce the global warming impacts of agency actions, including, specifically, impacts of coal mine methane. In a 2007 letter to the Forest Service concerning a proposal to permit methane drainage wells at the West Elk Mine (which will benefit from a rule that permits road construction in the North Fork coal mining area, as proposed under Alternatives 2 through 4), EPA specifically rejected a Forest Service statement that the alternative of GHG offsets was not reasonable:

EPA believes that it is reasonable to consider offset mitigation for the release of methane, as appropriate. Acquiring offsets to counter the greenhouse gas impacts of a particular project is something that thousands of organizations, including private corporations, are doing today.

For example, the U.S. Forest Service and National Forest Foundation launched a plan on July 23, 2007 to sell credits to those seeking to offset their greenhouse gas footprint by measuring carbon stored in trees on areas reforested after wildfires, tornados, and other catastrophic events. The asking price for the two pilot projects is \$6 per metric ton of carbon dioxide. [Footnote 27: Letter of L. Svoboda, EPA to C. Richmond, GMUG National Forest (Aug. 6, 2007) at 7, attached as Exh. 23.]

As EPA suggested, numerous entities exist that permit developers to purchase carbon offsets that are third-party verified. The Carbon Fund and the Climate Action Reserve both permit entities to purchase carbon “credits.” [Footnote 28: See, e.g., [www.carbonfund.org](http://www.carbonfund.org) (Carbon Fund) (last visited May 6, 2011); [www.climateregistry.org](http://www.climateregistry.org) (Climate Registry) (last visited May 6, 2011).] In 2009, the total U.S. carbon offset market was worth \$74 million, with 19.4 million metric tons of CO<sub>2</sub>e in traded volumes. The supply of credits in 2009 reached 29 million tons of CO<sub>2</sub>e. [Footnote 29: See Point Carbon Research, “US Offset Markets in 2010: The Road Not Yet Taken” (Mar. 1, 2010) at 1, attached as Exh. 24.]

EPA made a similar recent request that the Forest Service consider alternatives that would offset GHG emissions concerning a proposal to log and burn certain forest lands in Colorado. In its letter, EPA recommended that the Forest Service’s final NEPA document should “discuss reasonable alternatives and/or potential means to mitigate or offset the GHG emissions from the action.” [Footnote 30: See letter of L. Svoboda, EPA Region 8 to T. Malecek, Rio Grande National Forest (Oct. 27, 2010) at 8, attached as Exh. 25.]

Despite the fact that the GHG impacts from each of the alternatives can be estimated, the fact that offsets have been required by other agencies, the fact that EPA has repeatedly requested that the Forest Service consider offsetting the GHG impacts of proposed actions, and the fact that numerous mechanisms exist to offset GHG impacts in the U.S., the Forest Service failed to analyze a reasonable alternative that would require Oxbow to offset some or all of its GHG impacts.

The Forest Service cannot allege that an alternative that would allow coal mines to bulldoze roads through roadless areas while requiring that mining companies obtain offsets would not fulfill the proposed action’s purpose and need. Such an alternative would allow mines in the North Fork coal mining area to expand underground operations and continue producing coal. It would simply increase the mines’ cost of doing so while mitigating some of the mines’ unnecessarily damaging impacts. Further, because the Forest Service has failed to evaluate this alternative, it cannot allege that the alternative is not economically feasible. The Forest Service certainly cannot argue that such an alternative is not technically feasible since purchasing carbon offsets is not technically demanding. It simply would require the mines to quantify the amount of CO<sub>2</sub>e emissions (in tons) that it would offset, find a reputable vendor or exchange, and pay the appropriate price per ton for verifiable credits. [Footnote 31: One company, Terrapass, is selling carbon offsets on the web for \$5.95 per 1,000 pounds of CO<sub>2</sub> equivalent. See <http://store.terrapass.com/store/c/18-Carbon-offsets.html> (last viewed July 14, 2011), pages printed at Exh. 26.]

For these reasons, the Forest Service must consider the reasonable alternative of requiring coal mines who bulldoze roads through roadless areas to purchase carbon credits to offset the emissions from accompany permission to mine in roadless areas. (Preservation/Conservation, Denver, CO - #691.22-24.45000.422)

## **2-203 Public Concern: The Forest Service should analyze the GHG emissions associated with production and transportation at North Fork mines.**

### **AND SHOULD ACKNOWLEDGE THAT METHANE EMISSIONS ARE A LARGER SOURCE OF GHG EMISSIONS**

The Greenhouse Gas Emissions Differences among the Alternatives That Are Associated with Mining, Processing, and Transportation of North Fork Valley Are Likely to be Quite Small:

The greenhouse gas emissions associated with the electricity and fossil fuels used in producing, processing, and transporting that coal are important contributors to climate change, and the Forest Service should analyze and disclose them in any subsequently prepared NEPA document on the Colorado Roadless Rule. But compared to the methane emissions and the burning of the coal itself, these production and transportation costs are secondary or tertiary concerns. Further, GHG emissions from production, processing, and transport are likely to be similar for coal production in the North Fork when compared to likely coal substitutes from the Powder River Basin.

The RDEIS, while mentioning the GHG emissions associated with the operation of the coal mines, provided no quantification of those GHGs. The RDEIS could have analyzed and disclosed such emissions just as the BLM did in that Agency's Final EIS for the Wright Area Coal Lease Applications in Wyoming. [Footnote 63: Wright Area Coal Lease Applications Final Environmental Impact Statement, BLM High Plains District Office, Casper, Wyoming, July 2010, pp. 3-324-325. [http://www.blm.gov/pgdata/etc/medialib/blm/wy/information/NEPA/hpdo/Wright-Coal/feis.Par.33083.File.dat/01\\_WrightCoalVol1.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wy/information/NEPA/hpdo/Wright-Coal/feis.Par.33083.File.dat/01_WrightCoalVol1.pdf)]

Since the RDEIS did not provide any of this information, we [Earth Justice et al.] draw on an example from Wyoming. The example is a surface mine that uses explosives to help break up the coal, an electric dragline to pick up the coal, and trucks hauling the coal to a loading station. We use this as a proxy to provide an approximation of the GHG emissions associated with operating a western coal mine. [Footnote 64: We are aware that using the energy consumed by surface mining provides only a crude indication of the emissions from operating a Colorado underground mine and an even cruder measure of the difference in greenhouse gas emission between North Fork mines and the alternative mines that might be used instead which is what we would like to measure.] This allows a look at the greenhouse gas footprint of a coal mine that we can then compare with other emissions associated with the production and use of the coal. This will allow us to determine whether or not these emissions associated with coal mine operations and transportation are the emissions we should be paying primary attention to or whether they are secondary sources of emissions that are dwarfed by other first-order sources of GHG emissions.

The estimated tonnes of CO<sub>2</sub> equivalent per million tons of coal mined due to the operation of the mine totaled 29,400. [Footnote 65: <http://www.oricaminingservices.com/Section.aspx?SectionID=290&CultureID=3>]. We can extrapolate the amount of equivalent CO<sub>2</sub> that would be produced by mining 568 million tons of North Fork coal (Alternative 3 compared to Alternative 1). The resulting CO<sub>2</sub> equivalent produced by operating a mining operation that produces 568 million tons is approximately 17 million tonnes. To complete this examination we then need to add the CO<sub>2</sub> emissions associated with the shipping of the coal.

Researchers at Carnegie Mellon University looked at various different methods of transporting energy and the CO<sub>2</sub> footprint associated with the transportation [Footnote 66: [http://wpweb2.tepper.cmu.edu/ceic/pdfs/ceic\\_03\\_04.pdf](http://wpweb2.tepper.cmu.edu/ceic/pdfs/ceic_03_04.pdf)]. One of the methods that they considered was shipment of coal by rail. This method had the most expensive fuel (diesel) but a relatively small CO<sub>2</sub> footprint compared to the other alternatives. Using their CO<sub>2</sub> emissions per ton-mile estimate, we can generate an estimate of the CO<sub>2</sub> equivalent that it takes to ship 568 million tons of coal 1000 miles. 1000 miles was chosen as an approximation of the average distance that the coal could travel to assess the importance of the CO<sub>2</sub> associated with transportation by rail. Using that ton-mile estimate, it would create approximately 33 million tonnes of CO<sub>2</sub> to ship 568 million tons of coal 1000 miles.

These are not insignificant numbers, but those numbers need to be put in the context of the North Fork mines. The total CO<sub>2</sub> equivalent to mine and ship the difference in coal between Alternatives 1 and 3 (568 million tons) is approximately 50 million tonnes of CO<sub>2</sub> equivalent. Of course, if some of the coal currently produced in the North Fork Valley simply shifts to other Colorado or Wyoming sources with

similar production and transportation costs, there are likely to be little or no GHG emission savings in the production and transportation process associated with those volumes.

Assuming that there is no substitution of other coal sources, the coal mine operation and transportation GHG emissions can be compared with the approximate CO<sub>2</sub> equivalent of CMM that would be released from mining the North Fork coal which total about 233 million tonnes of CO<sub>2</sub>. This was discussed above in more detail. [Footnote 67: CMM is taken to mean all methane that is released during the mining process. The EPA gives estimates of total methane released by the gassiest mines in the country in their Coalbed Methane Outreach Program (CMOP). We do not differentiate between ventilated air methane (VAM) and the methane released by methane drainage wells (drained gas).] This comparison shows us that the emissions associated with coal mine operations and transportation are approximately 21 percent or one fifth of the CO<sub>2</sub> equivalent caused by CMM released by mining North Fork coal. In this light the methane released from the mining of the coal dwarfs any differences that there might be in transportation or mining operations. CMM in this light is a first order concern and CO<sub>2</sub> equivalent emissions associated with mining and transportation of the coal to market are secondary concerns.

While the RDEIS mentions that there were GHG emissions associated the heavy equipment used to build and operate the mines and transport the coal, the RDEIS fails to analyze or estimate the quantity of these emissions. These emissions can be quantified and the Forest Service should analyze them in any subsequently prepared NEPA document on the Colorado Roadless Rule. Similarly, if there are expected differences in these emissions associated with the adaptations to the reduced North Fork Valley supply, these too could have been calculated so that the net impact on GHG emissions associated with production and transportation could have been included in the overall impacts. (Preservation/Conservation, Denver, CO - #690.51-54.45000.422)

## **2-204 Public Concern: The Forest Service should acknowledge that Powder River coal has lower life-cycle emissions than North Fork coal.**

### **BECAUSE THE METHANE PRODUCED BY NORTH FORK COAL OUTWEIGHS THE LOWER CO<sub>2</sub> EMISSIONS ASSOCIATED WITH NORTH FORK COAL**

While Burning Powder River Basin (PRB) Coal May Result in More GHG Emissions per BTU than North Fork Coal, Life-Cycle Emissions from Powder River Coal Are Still Substantially Lower than Life-Cycle Emissions from North Fork Coal:

Important way that we can look at the methane being released is to compare it to the CO<sub>2</sub> that is released when the coal is burned. Not all coals release the same amount of CO<sub>2</sub> when they are burned. There are modest differences among coals. The EPA pays close attention to the amount of CO<sub>2</sub> released, and it provides the CO<sub>2</sub> volumes for different coal types as well as different states. [Footnote 30: [http://www.eia.gov/cneaf/coal/quarterly/co2\\_article/co2.html](http://www.eia.gov/cneaf/coal/quarterly/co2_article/co2.html).] Anthracite, the highest grade of coal, is also the dirtiest in terms of giving off the most CO<sub>2</sub> per million BTU burned. The coal after Anthracite, in terms of pounds of CO<sub>2</sub> per million BTU, is Lignite followed by Sub-Bituminous and finally Bituminous.

When comparing North Fork coal (Bituminous) with PRB coal (Sub-Bituminous), the lower CO<sub>2</sub> emissions per million BTU needs of Colorado Bituminous coal compared to PRB Sub-Bituminous coal must be taken into account. The RDEIS estimates that Alternative 1 would prevent 568 million tons of coal from being mined in Colorado. This is the equivalent of 775 million tons of Wyoming PRB coal when the lower BTU content of PRB coal is accounted for. This would result in 1,450 million tonnes of CO<sub>2</sub> being produced by Wyoming coal when it is burned. This can be compared to the CO<sub>2</sub> that would be produced by the equivalent Colorado coal when it is burned: 1,405 million tonnes of CO<sub>2</sub>. Thus, if the equivalent Wyoming coal were burned instead of North Fork coal, an extra 44.9 million tonnes of CO<sub>2</sub> would be produced. The lower BTU quality of PRB coal cancels out its slightly lower carbon intensity when burned.

This extra CO<sub>2</sub> produced by burning Wyoming coal in the place of North Fork coal must then be balanced against the savings of CMM [Coal Mine Methane] that results from the same switch. This balancing allows one to calculate the total net carbon balance for the CMM and the combustion of the coal. Under Alternative 1, as explained above, 546 billion cf (cubic feet) of CMM are saved by mining Wyoming coal instead of North Fork coal. As noted earlier, methane is at least 21 times more effective



at trapping heat than CO<sub>2</sub>. To compare the CO<sub>2</sub> released from the combustion of the coal with the CMM saved by mining Wyoming coal instead of North Fork coal, we do a simple conversion. The 546 billion cf of CMM is equivalent to 233.5 million tonnes of CO<sub>2</sub>. [Footnote 31: <http://www.epa.gov/cmop/resources/converter.html>.] So the net CO<sub>2</sub> savings under Alternative 1 by mining Wyoming coal in place of North Fork coal is about 189 million tonnes. This number takes into account the added CO<sub>2</sub> from burning larger volumes of Sub-Bituminous Wyoming coal and the CO<sub>2</sub> equivalent gained from not mining the far gassier North Fork coal.

To put this in perspective, the US emitted about 2,000 Tg (teragrams) of CO<sub>2</sub> from all coal-fired electric generation in 2006. [Footnote 32: [http://www.epa.gov/climatechange/emissions/co2\\_human.html#industrial](http://www.epa.gov/climatechange/emissions/co2_human.html#industrial).] A Tg is a million metric tons. If Wyoming coal were used instead of Colorado coal, the carbon equivalent savings would represent a savings of about 9.5 percent of 2006's total CO<sub>2</sub> output by coal-fired electrical generators in the United States. [Footnote 33: This comparison between annual US CO<sub>2</sub> emissions from electric generation to the cumulative 15-year impact associated with the RDEIS's modeling of the different alternatives' impacts is intended to provide a relative measure of the size of the emissions. If we were seeking to measure the differences in annual impacts, we would have to adjust for the two different time frames.]

This large potential CO<sub>2</sub> equivalent savings contrasts with the RDEIS assertion that: "It is unlikely that reduced mineral extraction in roadless areas related to any alternatives would result in a significant change to total atmospheric greenhouse gas concentrations, due to the substitution of other fossil energy sources." [Footnote 34: RDEIS chapter 3, page 129.] Elsewhere in the RDEIS (p. 129), the Forest Service explicitly recognizes that avoiding these potential CMM releases represents an "important" reduction in GHG emissions.

We can also look at this in terms of what the North Fork Valley mining level would be in the average year under Alternatives 1 and 3. Alternative 1 has all mining operations stopping by 2018 (Bowie is forecasted to close in 2013, Elk Creek in 2012, and West Elk in 2018). Given their current production, this would mean an average mining rate of 4.9 million tons per year for the duration of the study period (through 2025). [Footnote 35: Economic Specialist Report, Table E7, pp. 15–16. Production rate weighted by the years of production and divided by the 15 years in the study period.] Taking into account the average CO<sub>2</sub> equivalent released by the combustion of North Fork coal, this volume of coal would release 2 million tonnes of CO<sub>2</sub> per year for the duration of the study period. This can be compared to Alternative 3 which has a mining rate of 11.7 million tons per year [Footnote 36: Economic Specialist Report, p.49.] for the duration of the study period and would release almost 5 million tonnes of CO<sub>2</sub> per year, two and a half times as much per year [Footnote 37: As mentioned previously, the annual production stretched over the RDEIS 15-year study period is not the same as the differences in the total recoverable coal associated with the alternatives. The total potential coal that could be mined is large.].

But the actual total tonnes of CO<sub>2</sub> equivalent that would be released under Alternative 3 compared to Alternative 1 would be much larger than this suggests since the mines would be able to operate far beyond the 2011–2025 study period under Alternative 3, while all coal mining would cease under Alternative 1 in 2018. Under Alternative 3, there are 675 million tons of coal available to be mined. [Footnote 38: RDEIS Table 3.18, p. 135.] At a mining rate of 11.7 million tpy (tons per year), this would allow about 58 years of mining, 43 more years than the study period. (Preservation/Conservation, Denver, CO - #690.17-20.45000.422)

Substituting Powder River Basin [PRB] Coal for North Fork Valley Coal Will Result in Far Less Methane Emissions Because Powder River Basin Coal Is Far Less Gassy Than North Fork Valley Coal Per Ton of Coal Mined:

One of the principal differences between PRB coal and North Fork coal emerges during the mining process. PRB coal is mined in a fundamentally different manner than North Fork Valley coal. PRB coal is generally surface mined whereas North Fork Valley coal is mined underground. The North Fork underground mines are extremely gassy in terms of methane releases when compared to PRB surface mines. In fact the North Fork mines are some of the gassiest mines in the country.

Methane is produced when organic material is compressed and heated as it undergoes metamorphosis on its way to becoming coal. This process is called coalification. The Methane can be produced by anaerobic bacterial respiration or thermogenically as the organic material gets buried progressively deeper. The methane is stored in the matrix of the coal and can be released if pressure is taken off the coal. "Coal" is actually a spectrum mineral principally differentiated by its BTU content. At the low end of the spectrum of burnable coal for power generation is lignite and at the high end is anthracite. Anthracite is almost never burned to generate electricity because of its extremely high BTU content and value for other uses. Anthracite is relatively rare compared to the lower BTU families of coal.

PRB coal is a Sub-Bituminous coal and the North Fork coal is a slightly higher grade of coal, Bituminous. PRB coal has a 25–30 percent lower heat content when compared to the North Fork coal. PRB coal is generally about 8,800 BTU and North Fork coal is about 12,000 BTU. With the added BTU content of North Fork coal, comes a lot more methane gas. The PRB coal has been sitting so close to the surface, for so long, that the methane that was in the matrix of the coal has largely already been lost as it migrated out of the coal to a lower pressure (the atmosphere). This migration and loss of most of the methane from PRB coal likely happened so long ago that the methane did not contribute to the current anthropogenic rise in GHGs. This loss of the methane gas in the distant past stands in dramatic contrast to the North Fork coal where it was not possible for the methane contained within that coal, which has been deeply buried and under pressure for millions of years, to lose its methane. The important difference is that the PRB coal lost much of its methane well before the industrial revolution and North Fork coal is losing its methane now as it is mined.

The U.S. Environmental Protection Agency has tracked and expressed concern with the climate change implications of coal mine methane (CMM) for years. The EPA has identified mines all over the country that are extremely gassy in terms of methane releases and has suggested ways that those mines might limit the CMM that they give off. Coal mines all over the country and around the world are actively capturing and using or flaring, or otherwise mitigating their CMM pollution. The North Fork mines were identified as having both high methane coal and a high potential to capture their CMM because to the high volume of it. In fact the West Elk mine in the North Fork Valley is currently capturing a small part of its methane to heat the mine.

CMM is a major contributor to climate change because methane is an extremely effective heat trapping GHG. Averaged over 100 years, it is at least 21 times more efficient than CO<sub>2</sub> at trapping heat. [Footnote 20: IPCC. *Changes in Atmospheric Constituents and in Radiative Forcing*. 2005. Page 212 table 2.14 <http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-chapter2.pdf> and D. Shindell "Improved Attribution of Climate Forcing Emissions." *Science*. 2009.] For a clearer understanding of just how much gassier the North Fork mines are when compared to PRB coal mines, we used the Black Thunder mine in the PRB and compare it to the Bowie No.2 mine in the North Fork. Black Thunder produced 86 million tons of coal in 2007 [Footnote 21: This value is from page 11 of a 2008 EPA document, "U.S. Surface Coal Mine Methane Recovery Project Opportunities."] while liberating about 9.4 million cubic feet per day (mmcf/d) of methane. Bowie No.2 produced about 1.4 million tons of coal in 2009 while liberating 14 mmcf/d of methane [Footnote 22: These values are from page 2 of a 2010 EPA document, "Coal Mine Methane Recovery at Active U.S. Coal Mines: Current Projects and Potential Opportunities." And <http://www.deltacountyindependent.com/news/north-fork/17614-bowie-mine-is-temporarily-closed.html>]. Thus Bowie produces about 10 cf/ton and Black Thunder produces about 0.11 cf/ton of methane. That is, Black Thunder has about 1/90th the methane per ton that Bowie has. [Footnote 23: "Coal Mine Methane Recovery at Active U.S. Coal Mines; Current Projects and Potential Opportunities" 2010] Taking all of the North Fork mines together, they released about 32 mmcf/d of CMM while recovering about 11.6 million tons of coal in 2009. [Footnote 24: <http://www.eia.gov/cneaf/coal/page/acr/table9.html> and <http://www.deltacountyindependent.com/news/north-fork/17614-bowie-mine-is-temporarily-closed.html>.]

Almost 300 million tons of PRB coal could be mined in Wyoming before a similar amount of methane would be released. This is equivalent to 27 times as much coal as the North Fork mines produce in a year. It is for this reason that facilitating the continued mining of the North Fork coal should be carefully analyzed in terms of the substantial greenhouse gas implications associated with the coal mine methane releases. The Forest Service should critically and carefully look at the impacts of facilitating the mining of some of the gassiest coal in the nation.

One can approximate the different GHG impacts of the alternatives the RDEIS analyzed by looking at the projected lifetimes of the North Fork mines as specified in the RDEIS, Table 3-18. [Footnote 25: Rulemaking for Colorado Roadless Areas Draft Environmental Impact Statement, page 145, Table 3-18.] Part of this table has “estimated recoverable coal resources potentially rendered inaccessible in roadless areas due to rulemaking.” Alternative 1 has 568 million tons rendered inaccessible and Alternative 3 (no action) has none. The average methane gas liberated per ton for North Fork coal mines, as estimated by the EPA in 2009, is about 1,006 cf [Footnote 26: CMOP 2010 Coal Bed Methane Recovery at Active U.S. Coal Mines: Current Projects and Potential Opportunities]. Given this per ton volume of methane released, Alternative 1 would prevent the venting about 571 billion cf of CMM. Alternative 3 would save no CMM and vent all the methane gas into the atmosphere. If that coal is not mined in the North Fork and we assume an equal amount of coal in BTU terms comes from Wyoming, and, again, we take Black Thunder as a proxy for PRB coal, Alternative 1 would still save about 546 billion cf of CMM, about 4 percent less than the 571 billion cf discussed above because of the need to mine more Wyoming coal to get the same BTUs. Alternative 3 would save nothing.

To better understand what more than 500 billion cf of methane means, we provide a few comparative examples. 500 billion cf of methane is roughly 20 percent more than all of the natural gas the United States uses in an average month of the year for residential consumption. [Footnote 27: <http://www.eia.gov/dnav/ng/hist/n3010us2M.htm>.] It is approximately the annual consumption of all natural gas in the state of Indiana. [Footnote 28: Ibid.] It is roughly enough energy to run all of the natural gas vehicles in the U.S., at current consumption, for 17 years. The point of these comparisons is to indicate the significant size of the methane gas volumes that facilitating the continued mining of North Fork coal will release. [Footnote 29: We [Earth Justice et al.] recognize that we are sometimes comparing annual emissions to emissions associated with the mining of the estimated recoverable coal resources over many years, the coal reserves potentially rendered inaccessible in roadless areas due to rulemaking. We are simply attempting to put those potential emissions in a context that indicates their large size.] (Preservation/Conservation, Denver, CO - #690.12-16.45000.423)

## **2-205 Public Concern: The Forest Service should analyze an alternative that includes combusting ventilation air methane.**

### **TO REDUCE GHG EMISSIONS FROM COAL MINING**

The Forest Service Must Analyze In Detail Reasonable Alternatives To Reduce Coal Mines’ Greenhouse Gas Emissions By Combusting Ventilation Air Methane:

A significant portion of methane emissions from the North Fork mines whose lives will be lengthened by the ability to bulldoze roads through roadless areas will be released not through drainage wells, but through the mine’s ventilation system. Although more attention has been given to drainage and related methane capture techniques, ventilation air methane (“VAM”) emissions are a critical component of an underground coal mine’s environmental impact. According to EPA, VAM accounted for 56 percent of total U.S. coal mine methane emissions and 80 percent of emissions from underground mining alone in 2008—totaling 101 billion cubic feet of methane. [Footnote 32: U.S. EPA, U.S. Underground Coal Mine Ventilation Air Methane Exhaust Characterization (July 2010) at 1, attached as Exh. 27.] At Oxbow’s Elk Creek Mine, which is in the North Fork coal mining area, the story is similar. VAM accounts for a steady 75 percent of all methane emissions at the Mine between 2004 and 2006. [Footnote 33: BLM, Elk Creek East Tract EA (April 2011) at 20, Table 5, excerpts attached as Exh. 28. For 2004, VAM = 75 percent of all methane emissions ( $3.8 / 5.1 = .745$ ). For 2005, VAM = 75 percent of all methane emissions ( $4.1 / 5.5 = .745$ ). For 2006, VAM = 76 percent of all methane emissions ( $5.6 / 7.4 = 0.756$ ).]

Because VAM represents a potentially large portion of damaging methane pollution caused by a Forest Service decision to permit coal mines to bulldoze roads in roadless areas, the Forest Service must consider an alternative that would require North Fork coal mines to mitigate or eliminate VAM emissions as a condition of using those roadless lands.

A wealth of data demonstrates that VAM mitigation measures are technically and economically feasible, since such measures have been adopted at coal mines in the United States and around the world.

In fact, there is a long history of capturing and/or combusting methane, including VAM. [Footnote 34: J. Somers and H. Schultz, Coal mine ventilation air emissions: project development planning and

mitigation technologies, 13th United States/North American Mine Ventilation Symposium, 2010, at 116, attached as Exh. 29.] Unlike methane emissions from drainage wells, VAM cannot be flared because the concentrations of methane in ventilation air are too dilute; so other technologies must be used to control VAM emissions. EPA reports that technology is available and in use to harness VAM. [Footnote 35: U.S. EPA, “Ventilation Air Methane (VAM) Utilization Technologies,” September 2009, at 1 attached as Exh. 30.] These technologies permit coal mines to combust VAM even at very low concentrations. [Footnote 36: *Id.* at 1. See also United Nations Economic Commission for Europe and Methane to Markets Partnership, “Best Practices Guidance for Effective Methane Drainage and Use in Coal Mines,” (Exh. 21) at 36 (“Current VAM technologies are generally not able to process methane concentrations below 0.2 percent without use of additional fuel, but research efforts are underway to lower the concentration threshold because VAM concentrations at many mines worldwide fall below 0.2 percent.”).] This combustion has been shown to destroy 95 percent or greater of VAM, greatly reducing global-warming pollution emitted by a mine. [Footnote 37: D. Kosmack, “Capture and Use of Coal Mine Ventilation Air Methane,” (undated) at 79, excerpts attached as Exh. 31. See also Durr Environmental and Energy Systems, “Securing Your VAM Investment with Proper RTO Technology,” presented at the 6th session of the Ad Hoc Group of Experts on Coal Mine Methane, United Nations Economic Commission for Europe, (Oct. 2010) at 4, attached as Exh. 32 (claiming methane conversion rate of up to 99 percent with Regenerative Thermal Oxidation technology).]

MSHA [Mining Safety and Health Administration] has approved VAM mitigation projects and has established procedures for continuing to do so. [Footnote 38: E. Sherer, “MSHA and Coal Mine Methane,” presented at the U.S. EPA Coalbed Methane Outreach Programs 2010 U.S. Coal Mine Methane Conference (October 2010), at 16-21, attached as Exh. 33.] Further, a variety of mechanisms exists to fund and/or partially offset the cost of coal mine methane mitigation systems. [Footnote 39: See, generally, U.S. EPA, Coal Mine Methane (CMM) Finance Guide, EPA-400-D-09-001 (July 2009) attached as Exh. 34.]

EPA’s Coalbed Methane Outreach Project has recently identified four U.S. VAM mitigation projects using oxidation that are completed, underway, or planned: [Footnote 40: P. Franklin et al., “EPA Activities to Promote Coal Mine Methane Recovery,” (Exh. 11) at 13.]

- CONSOL Windsor Mine (closed) (MEGTEC vocsidizer)
- Jim Walter Resources Mine No. 4 (Biothermica VAMOX)
- CONSOL McElroy mine in West Virginia (Durr Ecopure technology)—to go online in the second quarter of 2011
- CONSOL Enlow Fork mine in Pennsylvania—scheduled to be operational in late 2010

The first VAM oxidation demonstration in the United States was carried out by CONSOL Energy at their abandoned Windsor coal mine. This project illustrated that the oxidizer could “reliably convert very low concentrations of methane present in mine ventilation exhaust air to carbon dioxide and water” and determined “the quantity of useful energy that can be produced by the oxidation reaction.” [Footnote 41: U.S. EPA CMOP, “Case Study: U.S. Demonstration of Ventilation Air Methane Oxidation Technology,” (July 2010) at 1, attached as Exh. 35.] The project achieved an efficiency of at least 95 percent. [Footnote 42: *Id.* See also J. Somers and H. Schultz, “Thermal Oxidation of Coal Mine Ventilation Air Methane (VAM),” presented at 12th U.S./North American Mine Ventilation Symposium (June 9–11, 2008), at 12–14, available at <http://www.smenet.org/uvc/mineventpapers/ppt/045.ppt> (last viewed July 14, 2011), attached as Exh. 36.]

Jim Walter Resources’ No. 4 Mine in Alabama has operated VAM-reduction technologies since March 2009. [Footnote 43: N. Duplessis, “Pioneering VAM Oxidation” (Exh. 14) at 4.] This project has been registered with the U.S. Climate Action Reserve (CAR), which helps fund the project. [Footnote 44: U.S. EPA, Coalbed Methane Extra, Summer 2010, at 4, attached as Exh. 37.] The Mine Safety and Health Administration (MSHA) approved this project, which has destroyed up to 98 percent methane and avoided over 42,000 tons of CO<sub>2</sub>e emissions. [Footnote 45: N. Duplessis, “Pioneering VAM Oxidation” (Exh. 14) at 4, 5, and 11.] Jim Walter Co. intends to implement similar projects at “all current and future suitable ventilation shafts at Walter Energy’s coal mines,” with the first such project to be operational in 2011. [Footnote 46: PR Newswire, “Biothermica and Walter Energy Agree to develop Ventilation Air Methane Projects,” October 5, 2010, available at <http://www.prnewswire.com/news-releases/biothermicaand-walter-energy-agree-to-develop-ventilation-air-methane-projects-104336578.html> (last viewed July 14, 2011), attached as Exh. 38 at 1.]

Another CONSOL Energy project has been developed to mitigate VAM emissions at an active West Virginia coal mine (CONSOL's McElroy mine in Marshall County). This project is "intended to demonstrate significant reductions in methane emissions, in a safe and proven manner, and without any impact on mine operations or production." [Footnote 47: Coalbed Methane Extra, Summer 2010 (Exh. 37) at 3–4.]

A third CONSOL Energy project will reduce VAM emissions by 190,000 tons of CO<sub>2</sub>e a year at the Enlow Fork Mine in Pennsylvania. This project was scheduled to be operational by late 2010 and will offer carbon offset credits through the CAR. [Footnote 48: Id. at 4; Business Wire, "CONSOL ENE: Green Holdings Lists Landmark Coal Mine Methane Abatement Project with the Climate Action Reserve," available at <http://www.4-traders.com/CONSOL-ENE-12141/news/CONSOL-ENE-Green-Holdings-Lists-Landmark-Coal-Mine-Methane-Abatement-Project-with-the-Climate-Action-13580827/> (last viewed July 14, 2011), attached as Exh. 39.]

EPA has compiled a number of other examples of the use or destruction of VAM in coal mines in the United States and around the world. [Footnote 49: See EPA, "Ventilation Air Methane (VAM) Utilization Technologies" (Exh. 30).] For example, in Australia, one coal mine is using ventilation air to generate power. [Footnote 50: See BHP Billiton website, "World's First Power Plant To Use Coal Mine Ventilation Air As Fuel," available at <http://www.bhpbilliton.com/bb/sustainableDevelopment/caseStudies/2008/worldsFirstPowerPlantToUseCoalMineVentilationAirAsFuel.jsp> (last viewed May 6, 2011) attached as Exh. 40.] In 2009, the U.S. and Chinese governments announced that technology developed in the United States to oxidize VAM would be used at a coal mine in China. It is "expected to reduce greenhouse gas emissions by up to 200,000 tons of CO<sub>2</sub> equivalent per year. The VAM project is expected to ... commence operations by the end of 2010 .... The VAM project will ... capture[] and destroy[] about 95 percent of methane within the exhaust stream before it is released into the atmosphere." [Footnote 51: Environmental Protection Agency, Coalbed Methane Extra (Dec. 2009) at 2, attached as Exh. 41.]

The United States and China have also agreed to a joint project "to generate electricity from ventilation air methane (VAM) at a Chinese coal mine." [Footnote 52: Id. at 1.] At least four more Chinese VAM projects are expected to be operational in the next two years. [Footnote 53: EPA, Coalbed Methane Extra, Summer 2010 (Exh. 37) at 4.] VAM technologies are sufficiently advanced and in use that EPA has elsewhere urged BLM to consider in NEPA documents "alternatives and/or mitigation measures to reduce the projected methane emissions, including ... technologies such as oxidation of dilute methane emitted from ventilation shafts." [Footnote 54: Letter from Larry Svoboda, NEPA Program Director, EPA Region 8, to Melissa Smeins, BLM (Apr. 22, 2010) at 3 ("EPA New Elk Letter"), attached as Exh. 42.]

Data from the Elk Creek Mine demonstrates that VAM reduction technologies in use in the U.S. and around the world are technically feasible at that North Fork mine. MSHA data from 2008–2009 demonstrates that the Elk Creek Mine is producing methane in sufficient concentrations to operate a VAM oxidizer. These data show methane concentrations of a minimum of 0.31 percent, a maximum of 0.56 percent, and an average of 0.46 percent. [Footnote 55: EPA Underground Coal Mine VAM 2010 (Exh. 27) at 11.] VAM oxidizers are proven to operate reliably at concentrations as low as 0.2 percent. [Footnote 56: Id. at 1.]

In sum, VAM is a reasonable, practical, and effective means to reduce the ecological costs of climate change emissions likely to result from a decision that will allow the North Fork coal mines to operate indefinitely in adjacent roadless areas. The Forest Service must examine measures requiring mines to mitigate VAM pollution in any subsequent NEPA document. (Preservation/Conservation, Denver, CO - #691.25-30.45000.423)

## **2-206 Public Concern: The Forest Service should analyze an alternative that requires capture and use of methane produced in North Fork coal mines.**

### **BECAUSE METHANE IS BOTH A POTENT GHG AND A VALUABLE COMMODITY**

The Forest Service Must Analyze In Detail Reasonable Alternatives That Require North Fork Coal Mine To Capture And Use Methane:

While methane, or natural gas, is a potent greenhouse gas, it is also a valuable commodity—natural gas—that can be captured, processed, and sold; or captured for use as a fuel to generate electricity or lighting at the mines. The Forest Service has explicitly recognized the ecological benefits and desirability of methane capture and use:

“Methane capture is desirable compared to venting or flaring due to the fact that methane is a potent greenhouse gas. The use of captured methane would also substitute for other fossil fuels, and thereby eliminate the environmental impacts, including greenhouse gases, associated with the production and transport of those fuels.” RDEIS at 132.

Despite recognizing the benefits of methane capture and use, the RDEIS does not actually consider requiring methane capture as a condition for despoiling roadless lands, and for worsening climate change that is also degrading Forest Service lands in Colorado and elsewhere. [Footnote 57: The Forest Service seems to imply that methane capture is made more likely under the provisions of Alternative 2 and 4 than the other alternatives. See RDEIS at 132. This implication is wrong, and contradicted by other statements in the RDEIS. Methane capture could occur under each of the alternatives, not just Alternatives 2 and 4. See RDEIS at 69 (noting that under Alternative 1 there is “[n]o regulatory prohibition on the use of roads ... for purposes of collecting and transporting coal mine methane,” and that Alternative 3 “does not limit location of buried infrastructure”). Thus, none of the alternatives prevent the removal via pipelines of captured methane. See also Power Consulting (Exh. 1) at 27 (discussing same issue) [See COR690].]

Given that North Fork coal mines have demonstrated little interest in reducing or mitigating the billions of cubic feet per year of methane that they pollute into the atmosphere to pad their profits, the mines are presently likely to reduce such emissions only if required to do so. [Footnote 58: See Power Consulting (Exh. 1) at 29 (“Unless such capture and use is mandated by the Federal agencies (something the Forest Service could consider as mitigation in the Colorado Roadless Rule EIS), the coal mines do not appear, at present, to be willing to capture, flare, or otherwise mitigate methane emission from their mines. The mine companies’ reluctance to address methane emissions is exemplified by West Elk mine. There the Mountain Coal Company, which runs the mine, is directed by the BLM as part of the company’s lease to collect all CMM that is economically feasible. The West Elk mine, however, has repeatedly stated that it is not economical to collect that methane other than the small volumes mentioned above. The mine thus continues to vent millions of cubic feet a day of a powerful greenhouse gas into the atmosphere.”) (footnote omitted).]

The Forest Service therefore should consider, as a reasonable alternative, a proposal that would require those mines bulldozing roads through roadless areas to capture or use most or all of the methane pollution emitted due to the roadless protection exemptions.

The United Nations notes that methane capture at mines for on-site lighting dates back to the 1800s, and “[s]ince the 1960s, increasing use has been made of drained gas, initially for mine boilers and industrial processes and then later for power generation, pipeline gas, and town gas.” [Footnote 59: U.N. Econ. Comm’n for Europe, Best Practice Guidance for Effective Methane Drainage and Use in Coal Mines (Exh. 21) at 3.]

A recent United Nations report on methane capture and flaring provides case studies of methane capture from around the world, including methane capture systems at longwall operations, the mining technique used at the Elk Creek Mine and the West Elk Mine. [Footnote 60: Id. at 48–55.]

EPA is actively engaged in efforts to reduce methane emissions from coal mines—including participation in the international Global Methane Initiative, which is designed, in part, to expand the use of methane capture projects at coal mines. [Footnote 61: See EPA, Global Methane Initiative, <http://www.epa.gov/globalmethane/initiative.htm> (last visited July 14, 2011).] EPA’s Coalbed Methane Outreach Program reports that as of 2008, fourteen active underground mines employed methane capture systems that captured a total of 37 billion cubic feet of methane. [Footnote 62: Pamela Franklin et al., EPA Activities to Promote Coal Mine Methane Recovery (Exh. 11) at 7.] When EPA commented on an EIS to expand the West Elk Mine (which will be the greatest beneficiary of alternatives permitting road construction through roadless areas), EPA criticized the Forest Service’s failure to include methane capture as an alternative in the EIS, explaining that “[m]ethane capture and reuse is a reasonable alternative to the proposal of venting the methane to the atmosphere, and thus, we recommend that it be analyzed.” [Footnote 63: Letter from Kerrigan G. Clough, Deputy Regional Administrator, EPA Region

8, to Charles Richmond, Forest Supervisor, U.S. Forest Serv., at 3 (June 1, 2007), attached as Exh. 43. EPA has similarly noted that methane capture is a reasonable and available alternative that should be discussed in detail in its comments to BLM and the Forest Service on other coal mines in the region. See, e.g., EPA New Elk Letter (Exh. 42); Letter from Larry Svoboda, NEPA Program Director, EPA Region 8, to Glenn Wallace, BLM (Mar. 31, 2009) (Red Cliff Mine), attached as Exh. 44; letter from Larry Svoboda (Aug. 6, 2007) (Exh. 23).] In reviewing another proposal to expand a coal mine—the New Elk Mine in southern Colorado, EPA noted that “the potential for greenhouse gas emissions reductions from this project would be significant.” EPA therefore recommended “that BLM disclose in the future NEPA documentation what administrative actions BLM intends to take to require the lessee to legally capture this methane.” [Footnote 64: EPA New Elk Letter (Exh. 42) at 2.]

Because methane capture is feasible, effective, practical, and available, the Forest Service must consider alternatives that require those coal mines accessing coal by bulldozing roads through roadless areas to capture methane that will be vented as a result of that roadless area damage.

As noted above, BLM staff have concluded that methane capture must not be summarily dismissed as a reasonable alternatives. The Air Quality Specialist noted that methane capture systems “have been successfully demonstrated in many places and we need to fully and honestly explore the possibilities before we claim we cannot require or even allow them.” [Footnote 65: Email from Aaron Worstell to Barbara Sharrow (Exh. 10).] In sum, methane capture is a reasonable, practical, effective, and feasible alternative that accomplishes the purpose of the project. (Preservation/Conservation, Denver, CO - #691.31-34.45000.423)

## **2-207 Public Concern: The Forest Service should require capturing or flaring of methane from coal mines in the North Fork area.**

### **BECAUSE METHANE IS A POTENT GHG**

Require capturing or flaring of methane produced during coal mining. Some coal mining, with concomitant methane production, would occur under all alternatives, but much more would likely occur under Alternatives 2, 3, and 4. See RDEIS at 135. The RDEIS also notes that “Methane....is a potent greenhouse gas and capturing or flaring gas produced from the existing, as well as future, coal leases could be an important contribution to greenhouse gas reduction.” RDEIS at 129.

Coal mines in the North Fork area produce a large amount of methane, more than most other coal mines. See Elk Creek East EA at 58. Thus reducing the venting of methane into the atmosphere is very important. However, none of the alternatives propose requiring the capture or flaring of methane. We believe all alternatives should do so; the Conservation Alternative must have this provision.

If coal mining is allowed under roadless areas, facilities for capturing or flaring methane should be limited to areas already disturbed for activities related to coal mining, such as road rights-of-way and well pads. The proposed rule’s requirement for this at 294.43(c)(1)(ix) should be retained. (Preservation/Conservation, Denver, CO - #591.60.45000.423)

## **2-208 Public Concern: The Forest Service should analyze an alternative that would require coal mines that benefit from road construction to flare methane.**

### **BECAUSE FLARING DRAMATICALLY REDUCES THE GHG EFFECTS OVER VENTING**

The Forest Service Must Analyze In Detail Reasonable Alternatives That Would Require Coal Mines Benefitting From Road Construction In Roadless Areas to Flare Methane:

Coal mine methane can be combusted, or flared, before it enters the atmosphere. Flaring results in between 85–90 percent less GHG impacts than methane venting. [Footnote 66: Daniel J. Brunner and Karl Schultz, Effective Gob Well Flaring 724 (1999), attached as Exh. 45.] As with methane capture, methane flaring is a reasonable, practical, effective, and feasible alternative to reduce the greenhouse gas pollution North Fork coal mines whose lives will be extended if roadless areas are open to road construction.

There is a long and safe history of flaring at working coal mines. [Footnote 67: See EPA, International News Coalbed Methane Outreach Program, [http://www.epa.gov/cmop/newsroom/international\\_2006.html](http://www.epa.gov/cmop/newsroom/international_2006.html) (last visited July 14, 2011), attached as

Exh. 46.] Active mine flaring has been conducted in at least the following working coal mines: the United Colliery mine in Australia, [Footnote 68: Id. (EPA report stating: “XSTRATA Coal’s United Colliery has shown how to safely flair [[sic]] goaf (gob) gas at an active longwall mine and will capitalize on the resulting greenhouse gas (GHG) abatement credits” and describing how the mine was able to address safety issues.)] and in at least six UK Coal collieries. [Footnote 69: See United Kingdom’s Coal Authority, Coal Mine Methane Activity Within The UK, Coal Mine Methane Operators Activities, available at <http://www.coal.gov.uk/publications/miningtechnology/coalminemethaneukactivity.cfm> (last viewed July 14, 2011), attached as Exh. 47.] In the United States, a coal mine in Wyoming has put in place a system that is functionally equivalent to flaring (on-site incineration). MSHA [Mining Health and Safety Administration]’s approval was apparently not required for this mitigation measure. [Footnote 70: See J. Liebert, *Extracting Value from Coal Mine Methane*, Coal Age (June 2009), attached as Exh. 48.]

It is unclear what obstacles to on-site incineration were overcome in Wyoming that cannot be overcome in Colorado.

At a conference sponsored by EPA in St. Louis in September 2007, evidence was presented that methane flaring at working coal mines was “state of the art,” and that flaring to dispose of vented methane at coal mines was “[s]imple, low cost and reliable to operate” with “[l]ow maintenance requirements.” [Footnote 71: See Harworth Power Ltd., CMM Flaring PowerPoint (Sep. 2007) at 6, 26 available at [http://www.epa.gov/cmop/docs/cmm\\_conference\\_sep07/uk\\_coal\\_flaring.pdf](http://www.epa.gov/cmop/docs/cmm_conference_sep07/uk_coal_flaring.pdf) (last viewed July 14, 2011), attached as Exh. 49.] In April 2008, one industry expert noted that “[o]ff the shelf systems are available from companies that provide Flaring systems that are designed for and are in use around the world over coal mines.” [Footnote 72: John C. Hempel, “Preliminary Assessment of the Feasibility of Capturing and Using Coalbed Methane Gas,” (2008) at 4, attached as Exh. 50.]

EPA has noted that flaring is standard safety practice in many industries, and that “outside of the United States, methane flaring at underground coal mines is widely accepted and approved as a safe practice.” [Footnote 73: See letter of L. Svoboda (Exh. 23) at 5-6 (Aug. 2007 EPA comment letter on West Elk Mine).] EPA has repeatedly urged BLM to consider the alternative of flaring in NEPA documents evaluating coal mine expansions in Colorado. [Footnote 74: See id.; EPA New Elk Letter (Exh. 42) at 3 (recommending that BLM “issue additional analysis for public review that assess[es] alternatives and/or mitigation measures to reduce the projected methane emissions, including ...flaring”).]

Mr. Erik Sherer, Mining Engineer at MSHA’s Division of Safety, stated in 2007 that because flaring was safe, MSHA would approve it at a working coal mine under certain conditions.

There is a long and safe history of flaring waste gases and volatile hydrocarbons in the petroleum and chemical industries. MSHA would approve flaring of methane drainage [[at the North Fork’s West Elk mine]] if appropriate protections are incorporated into the flaring system. [Footnote 75: Email of Hubert E. Sherer, MSHA to Liane Mattson, US Forest Service (Oct. 26, 2007), attached as Exh. 51.]

EPA has also concluded flaring methane at active mines is safe and practical. EPA based its conclusion in part on the Agency’s own 1999 conceptual design of a flare system whose specific purpose is to combust coal mine methane. [Footnote 76: See letter of L. Svoboda (Exh. 10) at 6 (Aug. 2007 EPA comment letter on West Elk Mine); see also U.S. Environmental Protection Agency, Conceptual Design for Coal Mine Gob Well Flare (Aug. 1999), attached as Exh. 52.] EPA’s design “incorporates applicable petroleum industry codes and guidelines to achieve stringent industry safety requirements.” [Footnote 77: See letter of L. Svoboda (Exh. 23) at 6.] MSHA’s Mr. Sherer told the Forest Service in 2007 that his Agency had reviewed and endorsed EPA’s flare design:

“MSHA has reviewed the EPA flare system and concurs that this is an acceptable method for flaring methane produced from coal mine degas holes. However, any proposed flare system would have to be designed for mine-specific conditions (flow rates, gas concentrations, etc.) and must be approved in the ventilation plan.” [Footnote 78: Email of Hubert E. Sherer, MSHA to Liane Mattson, US Forest Service (Nov. 1, 2007), attached as Exh. 53.]

Based on such evidence, EPA concluded that flaring methane was a “viable alternative” for addressing methane released from coal mines. [Footnote 79: See web access page for EPA, Conceptual Design for Coal Mine Gob Well Flare (Exh. 52), and reprinted from <http://www.epa.gov/cmop/docs/red009.pdf> (last viewed July 14, 2011).]



MSHA has more recently reaffirmed its position on flaring, making clear that no regulatory hurdles exist to the Agency approving the practice.

Moreover, in a May 2010 letter to your BLM office, MSHA made clear that there were no regulatory obstacles to the Agency approving methane flaring. MSHA explained:

“The [[MSHA]] has looked into the issue of flaring methane gas that is captured at underground coal mines. As you know mines throughout the country have been practicing methane drainage through strategically placed drainage wells, drilled from the surface, for many years.... A review of our regulations indicate that there is no specific prohibition [[on]] flaring gas, and as such, the Agency would consider any mine operators plan to flare gas at their location.

“...[[T]]here is considerable latitude given in the regulations which speak to mine ventilation and control of methane....Flaring of methane that is removed from the mine through wells could be included in the ventilation plan and the plan would be subject to review prior to approval.

“Since flaring has not been done on active mine gobs in the past in this MSHA district, a plan to flare would have to be reviewed by MSHA’s Technical Support group to ensure it adequately addresses all the necessary precautions to ensure safety of all persons in the mine. There is no specific obstacle to accomplishing this, but a thorough review of the first flaring plan would be necessary to establish what the requirements for such a system would be.” [Footnote 80: Letter from Allyn Davis, MSHA, to Desty Dyer, BLM (May 18, 2010) attached as Exh. 54.]

In sum, methane flaring is a reasonable, practical, effective, and feasible alternative that accomplishes the purpose of the project, while reducing greenhouse gas emissions. Consequently, the Forest Service must analyze methane flaring in detail as an alternative to the proposed action of placing no restrictions on methane venting while allowing the degradation of roadless areas to benefit a few coal mines. (Preservation/Conservation, Denver, CO - #691.35-39.45000.423)

## **2-209 Public Concern: The Forest Service should revise the assumptions regarding expansion of coal mining and the resulting GHG effects.**

### **TO INCLUDE THE SUPPLY-AND-DEMAND CONTEXT AND THE EFFECT OF COST ON ENERGY CONSUMPTION**

Conclusions: Facilitating the Expansion of Coal Mining into Roadless Areas Will Increase Coal Supply, Make Coal a More Attractive Fuel, and Increase the Release of Greenhouse Gases by Increasing the Combustion of Coal:

There is nothing startling or controversial about these results. Energy price and cost matter. Lower prices and costs encourage consumption. Higher prices and costs discourage consumption. For these reasons, restrictions on supply discourage consumption due to higher prices and costs and facilitation of the expansion in supply encourage consumption due to lower prices and costs. The implications for greenhouse gas emission associated with the burning of coal are also straightforward: Facilitating the expansion of coal production increases the emission of GHGs because, through lower costs, it encourages the use of coal.

The point of this discussion of the role of higher cost in reducing consumption is not to suggest that public policy should seek to arbitrarily raise coal or other energy prices. Economists strongly believe that prices should reflect costs. The costs that need to be reflected in prices, however, include both private costs and social costs as well as both market costs and non-market costs. Public policy that facilitates or discourages coal mining, for whatever reason, will impact the level of coal consumption and the volume of greenhouse gas emissions. The RDEIS could have, and by law should have, acknowledged and analyzed these significant environmental impacts associated with the alternatives considered. The RDEIS failed to do so.

Through a series of unsupported, and unsupportable, general assertions about substitute sources of coal being available, the RDEIS inappropriately abandoned the supply and demand context that the Forest Service clearly recognized elsewhere. That is a serious conceptual and empirical error that led the RDEIS to ignore important differences among the alternatives considered in how they would affect the volume of coal produced and burned and, therefore, affect greenhouse gas emissions and climate change. (Preservation/Conservation, Denver, CO - #690.39-40.45000.840)

## **2-210 Public Concern: The Forest Service should include a reasonably complete discussion of mitigation measures for air quality and GHG effects.**

### **TO COMPLY WITH NEPA**

The Environmental Assessment Fails To Include A Reasonably Complete Discussion Of Mitigation Measures:

NEPA requires agencies to provide a detailed statement of “any adverse environmental effects which cannot be avoided should the proposal be implemented.” 42 U.S.C. [section] 4332(2)(C)(ii). For these unavoidable impacts, NEPA requires a discussion of appropriate mitigation measures. 40 C.F.R. [sections] 1502.14(f), 1502.16(h), 1505.2(c), 1508.25(b)(3); see also *Dine Citizens*, 747 F. Supp. 2d at 1258 and n.39 (the EIS regulations on mitigation are “informative” regarding an agency’s duty to analyze mitigation in an EA, and an EA “should include sufficient discussion and analysis to allow the public or a reviewing court to evaluate the adequacy of proposed mitigation measures”). The Ninth Circuit has explained that this mitigation discussion is required “precisely for the purpose of evaluating whether anticipated environmental impacts can be avoided.” *S. Fork Band Council of W. Shoshone of Nev. v. U.S. Dep’t of Interior*, 588 F.3d 718, 727 (9th Cir. 2009). If “all practicable means to avoid or minimize environmental harm from the alternative selected” have not been adopted, the Agency’s record of decision must explain “why they were not.” 40 C.F.R. [section]1505.2(c).

The CEQ [Council on Environmental Quality] has stated: “All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperation agencies...” *Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations*, 46 Fed. Reg. 18026, 18031 (March 23, 1981). According to the CEQ, “[a]ny such measures that are adopted must be explained and committed in the ROD.” *Id.* at 18036.

The Tenth Circuit has held that an agency’s analysis of mitigation measures “must be ‘reasonably complete’ in order to ‘properly evaluate the severity of the adverse effects’ of a proposed project prior to making a final decision.” *Colo. Env’tl Coalition v. Dombeck*, 185 F.3d 1162, 1173 (10th Cir. 1999) (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989)). Mitigation “must be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated.” *City of Carmel-by-the-Sea v. U.S. Dept. of Transp.*, 123 F.3d 1142, 1154 (9th Cir. 1997) (quoting *Robertson*, 490 U.S. at 353).

According to the U.S. Supreme Court, “[O]mission of a reasonably complete discussion of possible mitigation measures would undermine the ‘action-forcing’ function of NEPA. Without such a discussion, neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 353 (1989). A “perfunctory description,” of mitigation, without “supporting analytical data” analyzing their efficacy, is inadequate to satisfy NEPA’s requirements that an agency take a “hard look” at possible mitigating measures. *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1380 (9th Cir. 1998). An agency’s “broad generalizations and vague references to mitigation measures ... do not constitute the detail as to mitigation measures that would be undertaken, and their effectiveness, that the Forest Service is required to provide.” *Id.* at 1380-81.

In addition to constituting reasonable alternatives, carbon offsets, elimination of VAM [Ventilation Air Methane], methane capture, and methane flaring are all practicable mitigation measures that the Forest Service must analyze in any subsequently prepared NEPA document. (Preservation/Conservation, Denver, CO - #691.40-41.45000.131)

## **2-211 Public Concern: The Forest Service should disclose the effects from predicted increased mining in the North Fork area on climate change and air quality.**

The Alternatives Will Allow Or Restrict Coal Mining On Roadless Lands In The North Fork Valley To Varying Degrees:

The RDEIS evaluates four alternatives which allow or restrict road construction to varying degrees. Alternative 1, the 2001 Roadless Rule alternative, would bar road construction for coal mining purposes

within roadless areas except for areas already under a coal lease. See RDEIS at 69. Alternatives 2 and 4 would permit the construction of roads associated with coal mines on roadless lands within the 20,000-acre “North Fork coal mining area” under certain conditions. Id. This 20,000-acre area includes Forest Service roadless lands that the three North Fork mines seek to mine in the future, both from existing and proposed mine facilities. Alternative 3, the “no action” alternative, would permit road construction on roadless lands pursuant to existing forest plans. Id. Under these differing management proposals, the RDEIS predicts significant differences in road construction by coal mines will occur on now-roadless lands by year 15 (7 miles of roads in new roadless lands under Alternative 1; 50 miles under Alternatives 2 and 4; and 64 miles under Alternative 3). RDEIS at 125.

The RDEIS estimates that these varying levels of road management will have dramatic impacts on the amount of coal mined from roadless lands. The RDEIS predicts the availability of coal under the alternatives as follows:

Estimated accessible recoverable coal resources in roadless areas (tons):

- Alternative 1—2001 Roadless Rule: 108 million
- Alts. 2 and 4—Colorado Roadless Rule: 360 million
- Alt. 3—Existing Forest Plans: 675 million

Estimated total coal resources accessible by alternatives (tons):

- Alternative 1—2001 Roadless Rule: 157 million
- Alts. 2 and 4—Colorado Roadless Rule: 514 million
- Alt. 3—Existing Forest Plans: 724 million

RDEIS at 135. In short, an additional 250 million to 560 million tons of coal could be mined under Alternatives 2, 3, or 4 as compared to Alternative 1.

The RDEIS concludes that the regulation of coal mine roads will also have economic impacts related to coal available to the North Fork mines.

Average annual jobs associated with coal production:

- Alternative 1—2001 Roadless Rule: 1,033
- Alts. 2 and 4—Colo. Roadless Rule: 1,912
- Alt. 3—Existing Forest Plans: 1,912

Average annual value of coal production associated with coal production:

- Alternative 1—2001 Roadless Rule: \$305.9 million
- Alts. 2 and 4—Colorado Roadless Rule: \$566.2 million
- Alt. 3—Existing Forest Plans: \$566.2 million

RDEIS at 74. The RDEIS thus predicts that coal-related employment will be nearly twice as high under Alternatives 2, 3 and 4 as under Alternative 1.

This is consistent with one of the Forest Service-identified needs for the proposed rule: “a need to accommodate state-specific situations and concerns in Colorado’s roadless areas [[including]] ... permitting exploration and development of coal resources in the North Fork Coal Mining Area.” RDEIS at 34.

In short, Alternatives 2, 3, and 4 are designed to permit, and result in, increased coal mining in the North Fork Valley in comparison to Alternative 1, the 2001 Roadless Rule. But while the RDEIS predicts an increased level of coal mining under Alternatives 2 through 4, it fails to disclose the impacts of that increased mining in terms of climate change pollution or other air pollution. (Preservation/Conservation, Denver, CO - #691.1-2.44510.840)

## Air Quality

### 2-212 Public Concern: The Forest Service should eliminate the requirement to use “best available technology” to control air and noise emissions.

#### BECAUSE THEY ARE NOT AUTHORIZED TO IMPOSE OR ENFORCE AIR EMISSIONS REGULATIONS OR REQUIREMENTS

“‘Best available technology’ to minimize air emissions”:

The proposed rule requires the use of “best available technology” to control noise and air emissions. See [section] 294.46(b)(8). The USFS does not have authority over air quality in Colorado and is, therefore, not authorized to impose or enforce air emission regulations or requirements. Accordingly, we [Western Energy Alliance et al.] recommend that the USFS defer to State air quality regulations in the Final Rule. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.27.45000.160)

## **2-213 Public Concern: The Forest Service should include an emissions inventory for predicted emissions by alternative.**

### **THAT ALSO DISCLOSES ESTIMATED ACREAGE OR MILEAGES FOR POTENTIAL ACTIVITIES**

Emissions Inventory: We [EPA] are concerned that no emissions inventory is provided for predicted emissions that may result under the various alternatives. Tree-cutting/removal, prescribed fire, road construction/reconstruction, and coal mining activities affect air quality. The RDEIS notes that tree-cutting, sale or removal activities and fuel management activities in the analysis area would vary (increasingly more activities possible by Alternative 1, 4, 2, and 3, respectively) and would affect from 2,300 to 16,900 acres. It is unclear what percentage of these acreage estimates would include prescribed fire treatments. Since total mileage estimates for all activities do not appear to be included in the RDEIS, we [EPA] recommend that estimated acreage or mileage for each potential activity and the associated emissions, by alternative, be provided in the FEIS. (U.S. Environmental Protection Agency, Washington, DC - #685.5.45000.002)

### **TO ADDRESS POTENTIAL EFFECTS FROM HEAVY DIESEL EQUIPMENT USED FOR TREE CUTTING**

Harvest-Related, Transportation-Related, and Dust-Related Emissions: Air quality in IRAs/CRAAs also would be negatively impacted by emissions from heavy diesel equipment utilized for tree-cutting, idling trucks used for transportation of wood products, and dust generated from associated activities. EPA is concerned that the RDEIS does not contain an inventory of predicted emissions that would be associated with tree-cutting and associated activities that could potentially occur under each alternative. We [EPA] recommend that the REIS include such an emissions inventory.

These emissions could be addressed through project-level design criteria and monitoring. Example measures that could be recommended through the state-specific rule include the following:

- Prohibit unnecessary idling of transportation trucks;
- Use low-sulfur or alternative fuels;
- Require heavy diesel equipment to use cleanest available engines or retrofits with particulate control technology;
- Maintain engines;
- Require dust abatement measures and detailed plans for dust control;
- Require prompt revegetation of decommissioned roads and monitor for five years after revegetation to ensure success; and
- Monitor decommissioned roads for effectiveness of closure. (U.S. Environmental Protection Agency, Washington, DC - #685.9.45000.830)

### **AND INCLUDE LIKELY VEHICLE MILES TRAVELED**

We [EPA] recommend that the [RDEIS] include a discussion of likely vehicle miles traveled associated with projected increases in residential and visitor capacity, as well as the related mobile source emissions inventory. We recommend estimating mobile source emissions with EPA’s MOVES2010a mobile sources emission model and re-entrained road dust emissions with use of EPA’s Compilation of Air Pollutant Emission Factors (AP-42). If total emissions are substantial, then an air analysis presenting direct, indirect, and cumulative impacts on sensitive receptors is reasonable. (U.S. Environmental Protection Agency, Washington, DC - #685.11.45000.860)

## **2-214 Public Concern: The Forest Service should provide additional baseline air quality data.**

### **TO ENSURE THAT FUTURE PROJECTS DO NOT ADVERSELY AFFECT NATIONAL AMBIANT AIR QUALITY STANDARDS**

The RDEIS acknowledges there are no portions of the proposed roadless areas designated as non-attainment for particulate matter and that all airsheds overlapping roadless areas in Colorado meet air quality standards. However, given EPA's concerns regarding air quality, we [EPA] recommend the Final EIS (FEIS) include the following additional baseline data of air quality conditions in the remainder of the analysis area:

- Identification of sensitive receptors (such as population centers and Class I and Sensitive Class II areas in the vicinity), as well as lakes and streams sensitive to acid deposition effects;
- Airshed classifications and baseline conditions for all NAAQS [National Ambient Air Quality Standards] at nearby population centers; and
- Disclosure of any regional concerns (e.g., PM<sub>10</sub> (particulate matter 10 microns or less in diameter), PM<sub>2.5</sub> (particulate matter 2.5 microns or less in diameter) and ozone issues in the area).

Such data are readily available from the Colorado Department of Public Health and Environment (CDPHE) and/or the EPA AirExplorer web site (<http://www.epa.gov/airexplorer/>). Decision-makers will need to understand baseline conditions in an effort to ensure that future projects, when combined with air quality impacts from external sources, do not adversely impact the NAAQS. (U.S. Environmental Protection Agency, Washington, DC - #685.4.45000.002)

### **TO INCLUDE DATA FOR ALL OF THE ANALYSIS AREA**

Numerous population centers and mandatory Class I Federal areas are located near proposed CRAs where potential air emissions may be of concern. While the RDEIS provides data regarding existing visibility trends for the mandatory Class I Federal areas of the region, the remainder of the analysis area includes only a qualitative discussion of ambient air quality. Given EPA's concerns regarding air quality, we [EPA] recommend that the USFS provide additional baseline data of air quality conditions in the remainder of the analysis area. (U.S. Environmental Protection Agency, Washington, DC - #685.3.45000.250)

## **2-215 Public Concern: The Forest Service should revise the air quality analysis.**

### **BECAUSE THE RDEIS UNDERESTIMATES POTENTIAL AIR QUALITY EFFECTS**

The RDEIS underestimates potential air quality impacts associated with oil and gas development in roadless areas. The RDEIS projects oil and gas development in 34 roadless areas with high development potential. The analysis estimates 144 miles of new road construction and reconstruction and 686 new wells will be developed in the coming 15 years. RDEIS at 136. The analysis projects 1,275 total acres of disturbance. Id. The analysis ignores the fact that the lion's share of anticipated development will take place on the GMUG [Grand Mesa, Uncompahgre and Gunnison] and White River National Forests in roadless areas that are proximate to one another and within a shared airshed. These areas are already seeing degraded air quality from oil and gas development. Projected increases in oil and gas development combined with regulatory changes virtually guarantee future air quality violations in these areas.

In a March 27, 2008 Federal Register Notice, EPA [U.S. Environmental Protection Agency] announced that it had revised the National Ambient Air Quality Standard ("NAAQS") for ozone down to 0.075 parts per million [ppm] and created a new rounding convention so that 0.076 parts per million is above the new NAAQS. [Footnote 18: 73 Fed Reg 16436, available here: <http://www.epa.gov/fedrgstr/EPA-AIR/2008/March/Day-27/a5645.pdf> (accessed 7/29/10).] EPA is now proposing to tighten that limit to a range of 0.06 and 0.07 ppm to align with the level scientists say is needed to safeguard against increased respiratory diseases, particularly in children and the elderly. [Footnote 19: 75 Fed Reg 2938, available here: <http://www.epa.gov/air/ozonepollution/fr/20100119.pdf> (accessed 7/29/10).] The EPA expects to finalize the new NAAQS in July 2011. [Footnote 20: See U.S. EPA, Declaration of Regina McCarthy (Dec. 8, 2010), available at <http://www.epa.gov/glo/pdfs/20101208declaration.pdf> (last viewed May 5, 2011).]

Under the proposed standards, a number of regions in the Rocky Mountain West that have never exceeded or violated the ozone NAAQS are expected to do so. Based on recent monitoring, Colorado Department of Public Health and the Environment (CDPHE) found that Mesa and Garfield Counties could violate the EPA's proposed ozone NAAQS. The current 3-year average of the fourth highest ozone values is 0.067 ppm in Mesa County and 0.064 ppm in Garfield County. [Footnote 21: See CDPHE ozone table, available at [http://www.colorado.gov/airquality/html\\_resources/ozone\\_summary\\_table.htm](http://www.colorado.gov/airquality/html_resources/ozone_summary_table.htm) (last viewed May 5, 2011).] If EPA's final ozone NAAQS is set as low as 0.060 ppm, these counties would be considered in violation. Coincidentally, these are two of the counties with roadless areas most likely to be impacted by oil and gas development.

The EPA and states have made clear that ozone is a concern when it comes to oil and gas drilling and production activities. EPA is in the process of reviewing and revising the following New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) under sections 111 and 112 of the Clean Air Act (CAA): the NSPS for Equipment; Leaks of VOC (volatile organic compound) from Onshore Natural Gas Processing; (40 CFR part 60, subpart KKK); the NSPS for Onshore Gas Processing; SO<sub>2</sub> Emissions (40 CFR part 60, subpart LLL); the NESHAP for Oil and Natural Gas Production Facilities (40 CFR part 63 subpart HH); and the NESHAP for Natural Gas Transmission and Storage Facilities (40 CFR part 63, subpart HHH).

Finally, a recent study in the "Journal of Air and Waste Management" highlights the clear potential for oil and gas development to negatively affect regional ozone concentrations in the western United States, including several treasured National Parks and Wilderness areas in Colorado. [Footnote 22: Marco A. Rodriguez, "Regional Impacts of Oil and Gas Development on Ozone Formation in the Western United States," *Journal of Air and Waste Management* 59 (September 2009): 1111-2. Available here: [http://www.wrapair.org/forums/amc/meetings/091111\\_Nox/Rodriguez\\_et\\_al\\_OandG\\_Impacts\\_JAWMA\\_9\\_09.pdf](http://www.wrapair.org/forums/amc/meetings/091111_Nox/Rodriguez_et_al_OandG_Impacts_JAWMA_9_09.pdf) (accessed 7/29/10).] The study concludes that accelerated energy development in this part of the country will worsen existing problems and further degrade regional air quality.

All of this new information must be analyzed by BLM and the FS in an air quality analysis prior to authorizing any new oil and gas development.

Despite the extent of oil and gas development anticipated within Colorado Roadless Areas in the coming 15 years, and despite the fact that the vast majority of it will occupy the same airshed, the RDEIS concludes: "Based on the projected land management activities under the alternatives, atmospheric emissions within roadless areas are not anticipated to directly, indirectly, or cumulatively increase to a level that would be likely to exceed state or Federal air quality standards. This is because the amount and geographic extent of impacts from dust particulate, volatile organic compounds, and other emissions from projected activities in roadless areas would be relatively low, localized, and of short duration. They would not likely accumulate in the lower atmosphere in significant concentrations or linger for long periods of time. In addition, those infrequent or short-duration emissions would not likely create visibility impairment or public health hazards in high-sensitivity areas such as schools, hospitals, airports, or residential areas." RDEIS at 160.

This simply doesn't add up. The FEIS needs to take a hard look at potential air quality impacts associated with alternatives and take affirmative actions to reduce impacts. (Preservation/Conservation, Livingston, MT - #591.48-50.45000.421)

## **2-216 Public Concern: The Forest Service should analyze and assess effects on air quality standards.**

### **TO COMPLY WITH NEPA, NFMA, THE WILDERNESS ACT, AND THE CLEAN AIR ACT**

The RDEIS's Analysis Of Air Quality Impacts Violates NEPA:

The RDEIS fails to analyze and assess impacts to any air quality standards. Instead, the RDEIS undertakes no analysis at all based on two assumptions. First, the RDEIS alleges that "[d]ifferences in effects on air quality do not substantially differ between the alternatives." RDEIS at 77. Second, the RDEIS alleges that "[a]tmospheric emissions within the analysis area are not expected to increase to a level that would be likely to exceed state or Federal air quality standards." *Id.* Both assumptions appear incorrect. In addition, the assumption that emissions in the analysis area "are not expected to increase"

ignores the Forest Service's duty to analyze potential impacts. The Agency may not simply assume that no impacts will occur and so ignore them.

The RDEIS's assertion that "[d]ifferences in effects on air quality do not substantially differ between the alternatives" [Footnote 81: RDEIS at 77.] ignores the fact that alternatives will permit more (or less) coal mining in the North Fork Valley. Each of the three North Fork Valley coal mines and their respective operations produce large amounts of several harmful air pollutants, including particulate matter, volatile organic compounds (VOCs), nitrogen dioxide, and pollutants that will worsen visibility. According to Colorado Department of Public Health and Environment emission inventory data, the stationary sources alone at the mines release nearly 350 tons/year of particulate matter. [Footnote 82: This data can be accessed at [http://www.colorado.gov/airquality/inv\\_maps\\_2008.aspx](http://www.colorado.gov/airquality/inv_maps_2008.aspx).] Furthermore, recent environmental analyses indicate that a number of other sources at the mines, including locomotives, heavy equipment, and generators, also release pollutants such as nitrogen oxides and VOCs.

Alternatives 2, 3 and 4 will allow polluting coal mine operations to continue indefinitely; Alternative 1 will not. Thus, under Alternative 1, significantly lower levels of pollutants will be produced by coal mine facilities in the North Fork Valley over time. Furthermore, the RDEIS discloses that under Alternatives 2, 3, and 4, 50–64 miles of new road construction would occur to facilitate expanded coal mining. See RDEIS at 86. It is difficult to believe that constructing 50–64 miles of new roads, let alone operating methane vents for years, would not pose potentially significant air quality impacts.

Although the RDEIS asserts that "Air analysis will occur when a development proposal is received by the Forest Service as part of the NEPA analysis" (RDEIS at 160), the Forest Service cannot punt on its obligations to analyze and assess impacts under NEPA until some speculative "development proposal" is received. The fact is the Agency knows that under Alternatives 2, 3, and 4, coal-mining operations will continue for a longer period of time than under Alternative 1, that more roads will be constructed than under Alternative 1, and that other activities will occur that would not occur under Alternative 1, imposing an affirmative duty on the Agency to analyze, assess, and disclose the associated air quality impacts. Further, it is inconsistent (and misleading) for the Forest Service to detail the economic benefits of extending the life of the North Fork coal mines to the local economy, but to claim that it cannot even generally describe the air pollution from those same mines. Deferring all analysis of impacts also violates NEPA since Federal courts have long held that agencies must disclose "all 'reasonably foreseeable' impacts ... at the earliest practicable point." [Footnote 83: *New Mexico ex rel. Richardson v. BLM*, 565 F.3d 683, 718 (10th Cir. 2009).]

The Forest Service's duty to analyze and assess air quality impacts is especially critical in light of the Agency's substantive obligations to safeguard air quality. This affirmative duty is well-founded in the National Forest Management Act (NFMA), as well as a number of the Forest Service's other overarching environmental mandates. Notably, as part of its renewable resource program duties, NFMA requires the Forest Service to "recognize the fundamental need to protect and where appropriate, improve the quality of...air resources." 16 U.S.C. [section]1602(5)(C). The Agency is further obligated to ensure that this goal, among the other goals of the renewable resource program, is achieved through land management plans. See 16 U.S.C. [section]1604(g)(3).

The Forest Service's duty to safeguard air quality is especially clear with regards to Wilderness Areas. The Wilderness Act of 1964 requires that congressionally designated Wilderness Areas be managed "in such manner as will leave them unimpaired for future use as wilderness, and so as to provide for the protection of these areas [[and]] the preservation of their wilderness character[.]" 16 U.S.C. [section] 1131(a). This duty clearly extends to air pollution, which can oftentimes impair the wilderness character of Wilderness Areas through haze or by causing other forms of environmental degradation. Indeed, the Forest Service cites the Wilderness Act as providing authority to protect air quality in all wilderness areas managed by the Agency. [Footnote 84: See Forest Service, Forest Service Air Management Responsibilities, <http://www.fs.fed.us/air/respon.htm> (last viewed July 13, 2011).]

For Wilderness Areas identified as Class I under the Clean Air Act, the duty to protect air quality is even more explicit. Class I areas include all Wilderness Areas designated prior to 1977. In Colorado, Class I areas include the West Elk, Maroon Bells, Flat Tops, Weminuche, Rawah, Mt. Zirkel, and other Wilderness Areas managed by the Forest Service. [Footnote 85: Class I areas in Colorado are identified at 40 C.F.R. [section] 81.406.] and within the National Forest System, encompass dozens of wilderness

lands in 20 states. See 40 C.F.R. [sections] 81.401, et seq. (list of mandatory Class I areas by state). With regards to protecting air quality in these areas, the Clean Air Act imposes upon the Forest Service an “affirmative responsibility” to protect all air quality values, including visibility, within these Class I areas. 42 U.S.C. [section] 7475(d)(2)(B). This “affirmative responsibility” includes, but is not limited to, ensuring that proposed major emitting facilities do not adversely impact air quality values in Class I areas. In other words, while the Forest Service must generally protect air quality, including in wilderness areas, it must make a proactive effort to do so in all Class I areas under its management authority. (Preservation/Conservation, Denver, CO - #691.42-45.45000.130)

## **2-217 Public Concern: The Forest Service should analyze the effects of the North Fork coal mines on ambient ozone concentrations.**

### **BECAUSE OZONE CONCENTRATIONS ARE INCREASING IN THE ROCKY MOUNTAIN WEST**

The RDEIS Fails to Analyze the Impact of Prolonging (or Shortening) the Life of North Fork Valley Coal Mines to Ambient Ozone Concentrations:

The RDEIS contains no analysis or the impacts of prolonging the life of the North Fork coal mine on ambient concentrations of ozone air pollution. Ozone is a pollutant of concern for which the Clean Air Act has established National Ambient Air Quality Standards (NAAQS). Ozone is formed when two key air pollutants—VOCs and nitrogen oxides (NOx)—react with sunlight. Nevertheless, the RDEIS entirely fails to analyze the impacts of prolonging the life of the three North Fork coal mines to ambient concentrations of ozone—including impacts from construction and production operations.

The RDEIS’s failure to analyze and assess all impacts to ambient ozone concentrations is troublesome in light of increasing ozone trends in the Rocky Mountain West, including western Colorado, and the link between rising ozone and industrial development and associated increases in VOC and NOx emissions. For example, a large region in western Wyoming has been declared a “nonattainment” area because the region violated the ozone NAAQS in 2008. [Footnote 86: See Forest Service, Forest Service Air Management Responsibilities, <http://www.fs.fed.us/air/respon.htm> (last viewed July 13, 2011). See Wyoming Department of Environmental Quality news release, available at [http://deq.state.wy.us/aqd/Ozone/Press\\_percent20Release\\_nonattainmentmarch12\\_3\\_percent2520CE.pdf](http://deq.state.wy.us/aqd/Ozone/Press_percent20Release_nonattainmentmarch12_3_percent2520CE.pdf) (last viewed July 14, 2011), attached as Exh. 55.] While the NAAQS limit ozone concentrations to no more than 0.075 parts per million (ppm) over an eight-hour period, ozone concentrations reached 0.122 ppm in parts of western Wyoming in 2008, higher than most urban areas.

As Wyoming Governor Freudenthal noted in a letter to Acting EPA Region 8 Administrator Carol Rushin, these high ozone concentrations are linked to increasing natural gas drilling and production in the region. [Footnote 87: See letter from Wyoming Governor, Dave Freudenthal, to Acting EPA Region 8 Administrator, Carol Rushin (March 12, 2009), available at [http://deq.state.wy.us/aqd/Ozone/Gov\\_percent20Ozone\\_percent20to\\_percent20EPA\\_percent20\(Rushin\)\\_Final\\_3-12-09.pdf](http://deq.state.wy.us/aqd/Ozone/Gov_percent20Ozone_percent20to_percent20EPA_percent20(Rushin)_Final_3-12-09.pdf) (last viewed July 14, 2011), attached as Exh. 56.]

While the current NAAQS limit ozone concentrations to no more than 0.075 ppm, EPA has proposed to establish an even lower NAAQS of between 0.06 and 0.07 ppm. [Footnote 88: See EPA, “National Ambient Air Quality Standards for Ozone, Proposed Rule,” 75 Fed. Reg. 2930-3052] The EPA expects to finalize the new NAAQS this month. [Footnote 89: See U.S. EPA, Declaration of Regina McCarthy (Dec. 8, 2010), available at <http://www.epa.gov/glo/pdfs/20101208declaration.pdf> (last viewed July 14, 2011), attached as Exh. 57.] Under the proposed standards, a number of regions in the Rocky Mountain West that have never exceeded or violated the ozone NAAQS are expected to do so. The map below [ATT1] shows the counties expected to violate the new ozone NAAQS, including counties that encompass lands within the San Juan, Arapaho-Roosevelt, and Routt National Forests in Colorado. [Footnote 90: See EPA, Ozone Map, available at <http://www.epa.gov/groundlevelozone/pdfs/20100104maps.pdf> (last viewed July 14, 2011), attached as Exh. 58.] Also, notably, based on recent monitoring, CDPHE [Colorado Department of Public Health and Environment] has found that Mesa and Garfield Counties could violate the EPA’s proposed ozone NAAQS.

The current 3-year average of the fourth highest ozone values is 0.067 ppm in Mesa County and 0.064 ppm in Garfield County. [Footnote 91: See CDPHE ozone table, available at [http://www.colorado.gov/airquality/html\\_resources/ozone\\_summary\\_table.htm](http://www.colorado.gov/airquality/html_resources/ozone_summary_table.htm) (last viewed May 5,



2011), attached as Exh. 59.] If EPA's final ozone NAAQS is set as low as 0.060 ppm, these counties would be considered in violation. The RDEIS cannot overlook such potentially significant violations, particularly given that Forest Service actions encouraging coal mining could worsen the violations.

Furthermore, the EPA has also proposed secondary ozone NAAQS to protect public welfare in accordance with the Clean Air Act. Secondary NAAQS ensure protection of vegetation and other natural values. According to EPA's recent proposal, the secondary NAAQS will limit ground-level ozone on a seasonal basis to no more than 7–15 parts per million-hours, which is a measure of overall exposure. Under the EPA's proposal, Gunnison County, Colorado—the county in which the North Fork coal mines are located—would violate a secondary ozone NAAQS set at 7 parts per million-hours. The map below [ATT2] shows the counties expected to violate the new secondary ozone NAAQS. [Footnote 92: EPA, Ozone Map (EXH.58).]

Recent modeling prepared for the Western Regional Air Partnership (WRAP) confirms that large areas of the Rocky Mountain West, in particular much of Colorado, are projected to exceed and/or violate the ozone NAAQS by 2018. In a 2008 presentation given at a WRAP Technical Analysis Meeting in Denver, it was reported that the modeling “predicts exceedance of the 8-hour average ozone standard in much of the southwestern U.S., mostly in spring.”

[Footnote 93: Tonnesen, G. et al., “Review of Ozone Performance in WRAP Modeling and Relevance to Future Regional Ozone Planning,” presentation given at WRAP Technical Analysis Meeting (July 30, 2008) at unnumbered slide 30, available at [http://wrapair.org/forums/toc/meetings/080729m/RMC\\_Denver\\_OzoneMPE\\_Final2.pdf](http://wrapair.org/forums/toc/meetings/080729m/RMC_Denver_OzoneMPE_Final2.pdf) (last viewed July 14, 2011), attached as Exh.60.] The image below [ATT3], presented at the WRAP Technical Analysis Meeting, shows areas projected to exceed and/or violate the current ozone NAAQS by 2018 in orange and red. Under the EPA's proposed ozone NAAQS, areas projected to exceed and/or violate the NAAQS include yellow and green. Importantly, much of western Colorado is expected to exceed and/or violate not only the current ozone NAAQS of 0.075 ppm, but also the EPA's proposed NAAQS of between 0.060 and 0.70 ppm.

In addition, findings of recent scientific studies show that ozone in the Western United States is uniquely influenced by atypical factors. For instance, the National Oceanic and Atmospheric Administration (NOAA) recently completed a study finding that ozone air pollution can be problematic in winter in the Rocky Mountain West. After studying the phenomenon in Western Colorado, NOAA stated in a press release:

“The NOAA team found ozone was rapidly produced on frigid February days in 2008 when three factors converged: ozone-forming chemicals from the natural gas field, a strong temperature inversion that trapped the chemicals close to the ground, and extensive snow cover, which provided enough reflected sunlight to jump-start the needed chemical reactions.” [Footnote 95: See NOAA Press Release (Jan. 18, 2009), available at [http://www.noaa.gov/stories2009/20090118\\_ozone.html](http://www.noaa.gov/stories2009/20090118_ozone.html) (last viewed July 14, 2011), attached as Exh. 61.]

NOAA reported, “the problem could be more widespread,” explaining: “Rapid production of wintertime ozone is probably occurring in other regions of the western United States, in Canada, and around the world.” [Footnote 96: Id.] A 2008 Colorado Air Pollution Control Division analysis suggests that many areas of western Colorado could be susceptible to high wintertime ozone levels given the propensity for winter-time inversions and other conditions that favor ozone formation. [Footnote 97: See P. Reddy, “Late Winter Early Spring Ozone in Wyoming, Implications for Colorado,” presentation to Colorado Air Quality Control Commission (March 2008), attached as Exh. 62.]

The issue of wintertime ozone may be linked to coal mining, among other activities. The Denver Post reported in 2009:

“Since the initial [NOAA] findings were published in January in the journal *Nature GeoScience*, there have been more incidents. Elevated ozone levels have been detected in eastern Wyoming in the Thunder Basin, where there is no oil and gas drilling, [NOAA researcher] Schnell said. But there are coal mines and the ozone may be linked to methane and the diesel fumes from large earth-moving machines, Schnell said.” [Footnote 98: See Jaffe, M., “The cold truth about ozone,” *Denver Post* (Mar. 4, 2009), available at [http://www.denverpost.com/ci\\_11829606](http://www.denverpost.com/ci_11829606) (last viewed July 14, 2011), attached as Exh. 63.]

There is also increasing evidence that global warming is affecting ambient ozone concentrations. As the United Nations Environmental Programme (UNEP) notes, global warming is an increasingly significant

factor “promot[ing] the formation of surface ozone.” [Footnote 99: UNEP, *How Will Global Warming Affect My World: A Simplified Guide to the IPCC’s “Climate Change 2001: Impacts, Adaptation and Vulnerability,”* 14, GE.03 03327-December 2003-2,000, attached as Exh. 64.]

One of the principle effects of global warming is an increase in the “frequency and intensity of heat waves.” [Footnote 100: *Id.* at 14.] As a result of the tendency of global warming to produce longer and hotter summer peak temperatures, the IPCC projects increases in July mean ozone concentrations over the industrialized continents of the northern hemisphere will climb above 0.07 ppm by the year 2100. [Footnote 101: IPCC, *Climate Change 2001: Working Group II: Impacts, Adaptation and Vulnerability*, Technical Summary at Part 3.5.] A 2007 study by scientists at Harvard, NASA, and the Argonne National Laboratory specifically reported that global warming is likely to increase maximum eight-hour ozone concentrations by 2–5 parts per billion (0.002–0.005 ppm [sic]) over large swaths of the United States, including Colorado, by mid-century. [Footnote 102: Shiliang Wu et al., *Effects of 2000–2050 Global Climate Change on Ozone Air Quality in the United States*, *Journal of Geophysical Research*, 113 (2008), available at <http://acmg.seas.harvard.edu/publications/wu2008/2008a.pdf> (last viewed July 14, 2011), attached as Exh. 65.] A 2009 synthesis study further found that, although the impacts of climate change on ozone concentrations is anticipated to be uneven from region to region, climate change is expected to cause increases in summertime ozone concentrations over substantial regions of the country. [Footnote 103: C.P. Weaver et al., *A Preliminary Synthesis of Modeled Climate Change Impacts on U.S. Regional Ozone Concentrations*, *Bulletin of the American Meteorological Society* 90:1843–1863 (2009) at 1858, attached as Exh. 66; see also EPA, *Assessment of the impacts of global change on regional U.S. air quality: A synthesis of climate change impacts on ground-level ozone*, An Interim Report of the U.S. EPA Global Change Research Program (2009), attached as Exh. 67.]

Additional research estimated that the area affected by elevated ozone within the continental United States was projected to increase (38 percent in areas with levels exceeding the 0.075 ppb ozone standard at least once a year), and that the length of the ozone season was projected to increase. [Footnote 104: J. Chen et al., *The effects of global changes upon regional ozone pollution in the United States*, *Atmospheric Chemistry and Physics* 9:1125–1141 at 1137–1138 (2009), attached as Exh. 68.]

This evidence demonstrates that ozone is a significant issue, and that the RDEIS should have analyzed and disclosed the impacts of the prolonging the life of three large coal mines on ozone levels in areas impacted by the mine’s emissions. Bolstering this conclusion, EPA has noted the need for Federal land management agencies to address impacts to ambient ozone concentrations. In comments to BLM regarding expansion of oil and gas drilling and production operations in the Pinedale Anticline Project Area of Wyoming, EPA commended BLM for “using the photochemical grid model, CAMx” in analyzing ozone impacts and noted: “This level of analysis is particularly important given the elevated ozone levels that have been recorded at ambient air monitoring stations neighboring the [[project area]].” [Footnote 105: Letter from Robert E. Roberts, EPA Region 8 Administrator, to Robert A. Bennett, Wyo. BLM State Dir., re: Revised Draft Supplemental Environmental Impact Statement for the Pinedale Anticline Oil and Gas Exploration and Development Project, Sublette County, Wyoming CEQ #20070542 at 3 (Feb. 14, 2008), attached as Exh. 69.]

Similarly, in comments to the BLM regarding the West Tavaputs Plateau natural gas development project in Utah, EPA stated that “additional cumulative and project-specific air impact modeling should be completed” to address ozone impacts. [Footnote 106: Letter from Robert E. Roberts, EPA Region 8 Administrator, to Selma Sierra, Utah BLM State Director, re: West Tavaputs Plateau Natural Gas Full Field Development Plan, Draft Environmental Impact Statement Carbon County, Utah CEQ #20080028 (May 23, 2008), available at [http://yosemite.epa.gov/oeca/webeis.nsf/\(PDFView\)/20080028/\\$file/20080028.PDF?OpenElement](http://yosemite.epa.gov/oeca/webeis.nsf/(PDFView)/20080028/$file/20080028.PDF?OpenElement) (last viewed July 14, 2011), attached as Exh. 70.] BLM undertook a rudimentary ozone analysis for the coal lease for the proposed, nearby Red Cliff Mine in Mesa County, Colorado, estimating NOx and VOC emissions caused by mine construction as well as mine operation. [Footnote 107: BLM, *Draft Environmental Impact Statement—Proposed Red Cliff Mine Project and Federal Coal Lease by Application* at 4-66–4-67 (January 6, 2009), available at [http://www.blm.gov/co/st/en/BLM\\_Programs/land\\_use\\_planning/rmp/red\\_cliff\\_mine/documents.html](http://www.blm.gov/co/st/en/BLM_Programs/land_use_planning/rmp/red_cliff_mine/documents.html) (last viewed July 14, 2011).] The Forest Service cannot disavow any potentially significant ozone impacts associated with coal mining. [Footnote 108: Importantly, continued coal mine pollution of ozone precursors will be occurring against a backdrop of likely worsening ozone pollution in the coming years in western Colorado near the North Fork mines, given the huge increase in oil and gas drilling in

the area. Since 1998, oil and gas production in the region has boomed. In Gunnison, and nearby Delta, Garfield, and Rio Blanco counties, 18,266 oil and gas permits were issued between 1999 and 2010. Colo. Oil and Gas Conservation Comm'n, Staff Report, at 19 (Jan. 13, 2011), attached as Exh. 71. In comparison, in the ten years before 1999 only 1,549 oil and gas permits were issued in these four counties. Id.] (Preservation/Conservation, Denver, CO - #691.46-53.45000.422)

## **2-218 Public Concern: The Forest Service should analyze the effects from operating the North Fork coal mines on 1-hour nitrogen dioxide NAAQSs.**

### **TO COMPLY WITH NEPA**

1-hour Nitrogen Dioxide NAAQS [National Ambient Air Quality Standards]:

The RDEIS failed to analyze and assess the potentially significant impacts to the current NAAQS for nitrogen dioxide. On February 9, 2010, EPA finalized revisions to the nitrogen dioxide NAAQS, supplementing the current annual standard of 53 parts per billion with a 1-hour standard of 100 parts per billion. [Footnote 134: See 75 Fed. Reg. 6474-6537 (Feb. 9, 2010).] These NAAQS were originally proposed on July 15, 2009. See 74 Fed. Reg. 34404-34466 (July 15, 2009). These NAAQS became effective on April 12, 2010.

The RDEIS fails to even acknowledge the existence of this standard, let alone analyze the potential contribution of the North Fork coal mines to potentially violating the standard. The Forest Service's omission violates NEPA. (Preservation/Conservation, Denver, CO - #691.69.45000.422)

## **2-219 Public Concern: The Forest Service should analyze the effects from operating the North Fork coal mines on Class 1 areas under the Clean Air Act.**

### **TO COMPLY WITH NEPA**

Class I Increments:

The Forest Service failed to analyze and assess the potentially significant impacts to PSD [Prevention of Significant Deterioration] increments for Class I areas. Increments are similar air quality standards to the NAAQS [National Ambient Air Quality Standards], although they apply based on whether an area is designated as Class I or Class II. Under the Clean Air Act, increments "shall not be exceeded." 42 U.S.C. [section] 7473(a). EPA has established Class I increments for PM<sub>10</sub>, nitrogen dioxide, and, most recently, PM<sub>2.5</sub>. [Footnote 135: The PM<sub>10</sub> and nitrogen dioxide increments are set forth at 40 C.F.R. [sections] 51.166(c) and 52.21(c). The PM<sub>2.5</sub> increments were adopted on October 20, 2010. See 75 Fed. Reg. 64864-64907.]

In this case, the Forest Service did not address impacts to PSD increments for Class I areas. This, despite the fact that in other NEPA documents prepared by BLM for other coal leasing activities, such as the Red Cliff EIS, such impacts have been addressed. [Footnote 136: See, e.g., Red Cliff Mine Project DEIS at 3-35, available at [http://www.blm.gov/co/st/en/BLM\\_Programs/land\\_use\\_planning/rmp/red\\_cliff\\_mine/documents.html](http://www.blm.gov/co/st/en/BLM_Programs/land_use_planning/rmp/red_cliff_mine/documents.html) (last viewed July 14, 2011).] The oversight is significant given that there are several Class I areas near the Elk Creek East LBA site, including the West Elk Wilderness, Maroon Bells/Snowmass Wilderness, Flat Tops Wilderness, and Weminuche Wilderness. Given that PSD increments "shall not be exceeded," the Forest Service's failure to analyze and assess impacts to these air quality standards appears contrary to NEPA. (Preservation/Conservation, Denver, CO - #691.70.45000.422)

### **TO ENSURE THAT EFFECTS TO VISIBILITY ARE DISCLOSED AND TO COMPLY WITH THE CLEAN AIR ACT**

The Forest Service has an affirmative duty to protect visibility in Class I areas under the Clean Air Act. [Footnote 137: See 42 U.S.C. [section] 7476(d)(2)(B).] Despite this, the Forest Service did not analyze or assess how Alternatives 2, 3, and 4 would affect visibility in Class I areas, particularly areas near North Fork Valley, including the West Elk Wilderness Area, Maroon Bells/Snowmass Wilderness Area, and the Weminuche Wilderness Area. Although the RDEIS mentions visibility, noting that for all Class I areas, visibility is currently degraded by more than 100 percent (see RDEIS at 159), there is actually no analysis of impacts. This is disconcerting, as the development of the North Fork coal mines will release

pollutants that impair visibility, or create haze, including particulate matter, VOCs, and NOx. As BLM noted in the Red Cliff EIS:

“Examples of pollutants that directly contribute to regional haze include soot from diesel combustion, smoke from fires, fly ash from coal combustion, and windblown dust. Gaseous emissions that reduce visibility through the formation of secondary aerosols via chemical reactions in the atmosphere include emissions of SO<sub>2</sub>, NO<sub>2</sub>, and VOCs, resulting primarily from fuel combustion.” [Footnote 138: See Red Cliff Mine Project DEIS at 3-36 to 3-39, available at [http://www.blm.gov/co/st/en/BLM\\_Programs/land\\_use\\_planning/rmp/red\\_cliff\\_mine/documents.html](http://www.blm.gov/co/st/en/BLM_Programs/land_use_planning/rmp/red_cliff_mine/documents.html) (last viewed July 14, 2011).]

Despite the fact that other agencies have analyzed and assessed visibility impacts in other coal leasing NEPA documents, the Forest Service in this case made no effort to address such impacts. (Preservation/Conservation, Denver, CO - #691.71.45000.422)

## **2-220 Public Concern: The Forest Service should protect Class 1 areas from the effects of oil and gas leasing.**

### **TO COMPLY WITH THE CLEAN AIR ACT**

Any final Colorado rule must constrain oil and gas development to protect Class I airsheds. Roadless areas anticipated to experience oil and gas development are proximate to important Class I airsheds already impacted by oil and gas development. The RDEIS admits “existing visibility impairment” in these areas. RDEIS at 158. The analysis goes on to project further degradation, saying “given the energy development in the West it is anticipated that the visibility impairment may increase.” *Id.*

This is significant, as the Clean Air Act (CAA) imposes on “the Federal Land Manager and the Federal official charged with direct responsibility for management of such lands an affirmative responsibility to protect the air related values (including visibility) of any such lands within a Class I area.” 42 U.S.C. [section] 7475(d)(2)(B); 40 C.F.R. [section] 51.166(p)(2). CAA further “declares as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution.” 42 U.S.C. [section] 7491(a)(1).

In the RDEIS, the FS completely ignores analysis of any alternative or action that would constrain development of existing rights and protect valuable Class I airsheds from further degradation. Cancellation of gap leases issued in conflict with the 2001 Rule would constitute an affirmative action to protect air-related values in Class I airsheds. (Preservation/Conservation, Colorado Springs, CO - #591.51.44600.250)

## **2-221 Public Concern: The Forest Service should analyze the effects from operating the North Fork coal mines on VOC emissions.**

### **BECAUSE METHANE VENTING IS A SIGNIFICANT SOURCE OF VOCs**

The RDEIS Fails To Adequately Analyze And Assess Volatile Organic Compound Emissions Associated with Methane Emissions:

The RDEIS fails to address a significant potential source of VOC emissions: VOCs that are emitted when methane is vented from the North Fork coal mines whose lives will be extended in Alternatives 2, 3 and 4 far beyond the life of the mines under Alternative 1. VOC emissions from methane have the potential to be significant based on at least three pieces of data.

First, the U.S. Geological Survey studies of coal gas in the Mesaverde Group have found that, although methane is the primary constituent, “[h]eavier hydrocarbon gas content ranges from 0.1 to almost 18 percent.” [Footnote 127: See Charles W. Spencer, Uinta-Piceance Basin Province, at 22, available at <http://certmapper.cr.usgs.gov/data/noga95/prov20/text/prov20.pdf> (last viewed May 5, 2011), attached as Exh. 77.] This is particularly the case for coals in the Piceance Basin, which include those that will be extracted from the North Fork coal mines. [Footnote 128: See Dudley D. Rice, Composition and Origins of Coalbed Gas 161(2000), available at <http://www.searchanddiscovery.net/documents/rice/index.htm> (last viewed July 14, 2011), attached as Exh. 78.] While heavier hydrocarbons in the Mesaverde Group include ethane, they also may include other alkanes like propane, pentane, and hexane, as well as other

hydrocarbon groups including alkenes, aldehydes, and benzene and benzene derivatives, all of which are regulated VOCs under the Clean Air Act. See 40 C.F.R. [section] 51.100(s).

Second, BLM has indicated that VOCs are released in addition to methane gas from the same coal formation. For the proposed Red Cliff Mine in Mesa County, Colorado, BLM disclosed that low concentrations of non-methane organic compounds would be released. This disclosure prompted the EPA to recommend that BLM disclose in any subsequent NEPA document for the Red Cliff Mine the NMOC [[nonmethane organic compound]] (or VOC) emissions from the mine:

“[[G]]iven the high methane emission rates associated with the [[Red Cliff]] mine, the NMOC emission rates may be considerable. The Final EIS should present an actual compositional analysis and estimate of emissions of major NMOCs for the mine. Furthermore, EPA recommends that air modeling for NMOCs be conducted for high NMOC emission rates.” [Footnote 129: See EPA Letter to Glenn Wallace re: Proposed Red Cliff Mine Project (Exh. 44).]

Third, testing of coal mine methane emissions from the West Elk Mine indicates that VOC emissions there are significant. Methane testing in 2009 indicates that non-methane hydrocarbon emissions account for about 2 percent of the amount of methane emitted. [Footnote 130: See Mountain Coal Co., West Elk Mine E-seam Gas Economic Evaluation Report (Sept. 24, 2009) at Appendix 2 to Appendix F, excerpts attached as Exh. 79.] If methane and non-methane hydrocarbons are vented in roughly the same relative amounts at each of the three North Fork mines—which emit more than 25 million cubic feet a day of methane [Footnote 131: See EPA, “Coal Mine Methane Recovery at Active U.S. Coal Mines: Current Projects and Potential Opportunities” (2010) at 2 (showing the following methane emissions from North Fork mines: 14 million cubic feet per day from Bowie No. 2; 11.6 million cubic feet per day from the Elk Creek mine; and 6 million cubic feet per day from the West Elk Mine), available at [http://www.epa.gov/cmop/resources/coal\\_mine\\_data\\_sheet.pdf](http://www.epa.gov/cmop/resources/coal_mine_data_sheet.pdf) (last viewed July 14, 2011), and attached as Exh. 80.]—then the three mines could be expected to emit more than 10 tons of VOCs daily, or 3,869 tons/year [Footnote 132: According to the EPA, 25 million cubic feet of methane equals 530 tons per day. See EPA, Interactive Units Converter, <http://www.epa.gov/cmop/resources/converter.html> (last viewed July 14, 2011). This equals 193,450 tons per year (530 tons/day \* 365 days/year). Assuming that VOCs are emitted at a rate equal to 2 percent of all methane emissions, this would equal 3,869 tons/year (193,450 \* 0.02) of VOC emissions from the three North Fork coal mines.], which is more than 15 times greater than the 250 ton/year major source thresholds under the Clean Air Act’s prevention of significant deterioration program. [Footnote 133: See 42 U.S.C. [section] 7491(g)(7).]

Thus, data shows that venting methane from the North Fork coal mines for many additional years, which the proposed action is designed to permit, may result in significant VOC emissions, emissions that the Forest Service failed to analyze in any way. The Forest Service’s failure to take a hard look at VOC emissions related to methane venting violates NEPA. Given that VOCs are a precursor to ozone, it is doubly important that the Forest Service should analyze VOC emissions to ensure an adequate analysis and assessment under NEPA, and to ensure compliance with the ozone NAAQS. (Preservation/Conservation, Denver, CO - #691.66-68.45000.423)

## **2-222 Public Concern: The Forest Service should analyze the effects from operating the North Fork coal mines on PM<sub>2.5</sub> concentrations.**

### **BECAUSE PM<sub>2.5</sub> IS A HARMFUL AIR POLLUTANT**

The RDEIS Fails to Analyze the Impacts of Prolonging (or Shortening) the Life of North Fork Valley Coal Mines to PM<sub>2.5</sub> Concentrations:

The RDEIS also fails to analyze impacts to concentrations of PM<sub>2.5</sub>, a harmful air pollutant. PM<sub>2.5</sub> includes all particles less than 2.5 microns in diameter, or 1/28th the width of a human hair. According to EPA, the health effects of PM<sub>2.5</sub> include:

- Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing;
- Decreased lung function;
- Aggravated asthma;
- Development of chronic bronchitis;
- Irregular heartbeat;
- Nonfatal heart attacks; and

- Premature death. [Footnote 111: See U.S. EPA, Health and Environmental Effects of PM-2.5, available at <http://www.epa.gov/particles/health.html> (last viewed July 14, 2011).]

Although the NAAQS [National Ambient Air Quality Standards] limited PM<sub>2.5</sub> concentrations to no more than 35 micrograms/cubic meter over a 24-hour period and 15 micrograms/cubic meter annually, the D.C. Circuit overturned these standards in 2009 on the basis that EPA failed to demonstrate that the standards sufficiently protected public health. [Footnote 112: See American Farm Bureau Federation, et al. v. EPA, No. 06-1410 (D.C. Cir. Feb. 24, 2009). Although the D.C. Circuit remanded the PM<sub>2.5</sub> NAAQS, the standards remain in place until updated.] EPA's own Clean Air Scientific Advisory Committee has expressed "serious scientific concerns regarding the public health and welfare implications" of the PM<sub>2.5</sub> NAAQS. [Footnote 113: See Clean Air Scientific Advisory Committee Letter to Stephen Johnson, EPA Administrator, EPA-CASAC-LTR-06-003 (September 29, 2006), available at [http://yosemite.epa.gov/sab/sabproduct.nsf/1C69E987731CB775852571FC00499A10/\\$File/casa\\_c-ltr-06-003.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/1C69E987731CB775852571FC00499A10/$File/casa_c-ltr-06-003.pdf) (last visited July 14, 2011), attached as Exh. 73.]

BLM has recognized the need to analyze and disclose PM<sub>2.5</sub> impacts that may result from coal mine operations, as it did in evaluating the proposed Red Cliff coal mine in Mesa County, Colorado. [Footnote 114: See BLM, Draft Environmental Impact Statement—Proposed Red Cliff Mine Project and Federal Coal Lease by Application (January 6, 2009) at Appendix H, attached as Exh. 74.] That analysis, contained in a draft EIS, estimated likely PM<sub>2.5</sub> emissions and levels predicted to result from the mine during its production phase, as well as those caused by mine construction. [Footnote 115: See, e.g., id. at H-13 - H-15.] Both near- and far-field impacts were analyzed. [Footnote 116: Id. at H-1.]

The RDEIS fails to contain any analysis at all of the three North Fork coal mines' impacts to PM<sub>2.5</sub> concentrations, despite the fact that prolonging the lives of these mines is a central purpose of Alternatives 2, 3 and 4. This oversight violates NEPA. Nor can the RDEIS rely on state permitting, since Colorado does not regulate PM<sub>2.5</sub> in permits. [Footnote 117: Nor does CDPHE [Colorado Department of Public Health and Environment] analyze the impacts of any stationary source to PM<sub>2.5</sub> concentrations prior to issuing any construction permit. See CDPHE Colorado Modeling Guidance (Exh. 72). This, however, is not due to the insignificance of PM<sub>2.5</sub> as a harmful air pollutant, but rather because of CDPHE's unwillingness to control this harmful air pollutant.] We [Earth Justice et al.] are unaware of any authority that supports the notion that an agency can rely on a state agency's failure to regulate a pollutant in a permit as a proxy for NEPA compliance.

The Forest Service's oversight is particularly troubling because EPA's 2002 National Emission Inventory data indicates that at that time, just one of the mines—the Elk Creek Mine—released 28 tons of PM<sub>2.5</sub>, while West Elk Mine released 36 tons. [Footnote 118: See EPA, National Emission Inventory Data for Oxbow Mining, Gunnison County, CO (2002), available at [http://iaspub.epa.gov/airsdata/adnet.ranking?geotype=co&geocode=08051&geoinfo=co~08051~Gunnison+Co\\_percent2C+Colorado&pol=PM25&year=2002&fld=percent&fld=pl\\_name&fld=addr&fld=county&fld=state&fld=sic&rpp=25](http://iaspub.epa.gov/airsdata/adnet.ranking?geotype=co&geocode=08051&geoinfo=co~08051~Gunnison+Co_percent2C+Colorado&pol=PM25&year=2002&fld=percent&fld=pl_name&fld=addr&fld=county&fld=state&fld=sic&rpp=25) (last viewed July 14, 2011), attached as Exh. 75.] Although EPA's 2002 data may be outdated, it demonstrates that continued operation of just one of the three North Fork coal mines could pose potentially significant impacts to PM<sub>2.5</sub> concentrations, potentially significant impacts that have not yet been analyzed and assessed in accordance with NEPA.

Finally, as noted above, the fact that the Forest Service does not expect PM<sub>2.5</sub> NAAQS exceedances from prolonging the lives of the North Fork mines is irrelevant to the "hard look" NEPA requires. This is particularly true here, where EPA is under a court order to revisit the PM<sub>2.5</sub> NAAQS because EPA failed to show that the current standards sufficiently protect public health. Under NEPA, the Forest Service cannot simply avoid taking meaningful steps to analyze the impacts of prolonging (or shortening) the lives of the North Fork mines to ambient PM<sub>2.5</sub> concentrations.

The RDEIS Fails to Adequately Analyze the Mine's PM<sub>10</sub> Impacts:

The Forest Service should have analyzed and assessed impacts to PM<sub>10</sub>, or particulate matter less than 10 microns in diameter, which is currently limited by the NAAQS to no more than 150 micrograms/cubic meter over a 24-hour period. [Footnote 119: See 40 C.F.R. [section]50.6.] PM<sub>10</sub>, like PM<sub>2.5</sub>, can have harmful health impacts. [Footnote 120: See EPA, Particulate Matter (PM-10), available at <http://www.epa.gov/airtrends/aqtrnd95/pm10.html> (last viewed July 14, 2011).]

Extending the lives of the North Fork coal mines will lead to additional construction at, prolonged operation of, and continued vehicle traffic to and from the Elk Creek Mine, both of which will cause

PM<sub>10</sub> emissions. [Footnote 121: As the RDEIS recognizes, Alternatives 2, 3 and 4 will allow additional construction at the mines, including the construction of roads and methane drainage well facilities.]

As with PM<sub>2.5</sub>, BLM has recognized the need to disclose and analyze PM<sub>10</sub> impacts in NEPA documents for coal mine proposals. In proposing the Red Cliff Mine and coal lease in Colorado, BLM prepared a draft EIS that addressed and analyzed the mine's potential contributions to PM<sub>10</sub> emissions. [Footnote 122: See Red Cliff Mine DEIS at Appendix H (Exh. 74).] BLM in Wyoming has also analyzed and assessed direct, indirect, and cumulative PM<sub>10</sub> impacts prior to issuing coal leases. [Footnote 123: See, e.g., BLM, Wright Area Coal Lease by Applications Final EIS (July 2010) at 3-50-3-78 (analyzing direct and indirect impacts) and 4-46 ("The impacts for the baseline year (2004) and for 2015 and 2020 lower and upper coal production scenarios were directly modeled and the criteria pollutants modeled were particulates (PM<sub>10</sub> and PM<sub>2.5</sub>), NO<sub>2</sub> [nitrogen dioxide], and SO<sub>2</sub> [sulfur dioxide]"), available at <http://www.blm.gov/wy/st/en/info/NEPA/documents/hpd/WrightCoal.html> (last viewed July 14, 2011).]

It is important that the Forest Service sufficiently addresses PM<sub>10</sub> emissions for at least two reasons. First, areas close to the North Fork have recorded exceedances of the NAAQS limits. Although there are no PM<sub>10</sub> monitors in the coal mining areas of the North Fork Valley, PM<sub>10</sub> in both Grand Junction, Colorado (approximately 60 miles from Elk Creek), and Delta, Colorado (less than 40 miles from Elk Creek), have registered exceedances of the PM<sub>10</sub> NAAQS in the last several years.

According to the EPA's AirExplorer website, the PM<sub>10</sub> monitor in Delta exceeded the NAAQS in 2009. [Footnote 124: See Delta County PM<sub>10</sub> monitoring data for 2009, available at [http://www.epa.gov/cgi-bin/broker?msaorcountyName=&msaorcountyValue=&poll=81102&county=08029&site=-1&msa=-1&state=1&sy=2009&flag=Y&query=view&\\_debug=2&\\_service=data&\\_program=dataprog.query\\_daily\\_3P\\_dm.sas](http://www.epa.gov/cgi-bin/broker?msaorcountyName=&msaorcountyValue=&poll=81102&county=08029&site=-1&msa=-1&state=1&sy=2009&flag=Y&query=view&_debug=2&_service=data&_program=dataprog.query_daily_3P_dm.sas) (last viewed May 5, 2011). According to this data, Delta County exceeded the PM<sub>10</sub> standards on March 29, 2009. Through the EPA's AirExplorer website, one can download Google Earth map files that provide data gathered from PM<sub>10</sub> monitors throughout the United States. See [http://www.epa.gov/mxplorer/monitor\\_kml.htm](http://www.epa.gov/mxplorer/monitor_kml.htm) (last viewed July 14, 2011).] Additionally, according to EPA's AirData website, Grand Junction exceeded the PM<sub>10</sub> NAAQS six times between 2000 and 2008. [Footnote 125: See EPA, AirData website at <http://iaspub.epa.gov/airsdata/adaqs.monvals?geotype=co&geocode=08077&geoinfo=co~08077~Mesa+Copercent2C+Colorado&pol=PM10&year=2008+2007+2006+2005+2004+2003+2002+2001+2000&fld=monid&fld=siteid&fld=address&fld=city&fld=county&fld=stabbr&fld=regnrpp> 50 (last viewed May 5, 2011). See also EPA, AirExplorer website at [http://www.epa.gov/cgi-bin/broker?msaorcountyName=&msaorcountyValue=&poll=81102&county=08077&site=-1&msa=-1&state=-1&sy=2010&flag=Y&query=view&\\_debug=2&\\_service=data&\\_program=dataprog.query\\_daily\\_3P\\_dm.sas](http://www.epa.gov/cgi-bin/broker?msaorcountyName=&msaorcountyValue=&poll=81102&county=08077&site=-1&msa=-1&state=-1&sy=2010&flag=Y&query=view&_debug=2&_service=data&_program=dataprog.query_daily_3P_dm.sas) (last viewed May 5, 2011). This data shows that Mesa County exceeded the PM<sub>10</sub> NAAQS at three monitoring locations on May 23, 2010.]

Second, the State of Colorado recently brought enforcement actions against Oxbow and one of its subsidiaries for, among other things, violating PM<sub>10</sub> limits in those permits at the Elk Creek Mine in the North Fork Valley.

The State tallied fourteen violations of PM<sub>10</sub> permit limits in Elk Creek's permits in 2008 and 2009. [Footnote 126: See State of Colorado, Compliance Advisory (Aug. 5, 2010) at 2 ("Oxbow exceeded the permitted limits of PM<sub>10</sub> on 14 days at Elk Creek"), attached as Exh. 76.] The Forest Service therefore cannot simply assume that state issued air permits will sufficiently limit PM<sub>10</sub> emissions. Thus, the Agency cannot rely on permit compliance at the North Fork coal mines, or on its assertion that no violations of state or Federal standards are likely.

Despite the potential significance of PM<sub>10</sub> emissions from North Fork coal mines, the RDEIS contains no analysis of PM<sub>10</sub> concentrations caused by the proposal in Alternatives 2, 3 and 4 to extend the mines' lives for decades beyond that proposed in Alternative 1. There is no analysis or assessment whatsoever of PM<sub>10</sub> impacts. This omission violates NEPA. (Preservation/Conservation, Denver, CO - #691.60-65.45000.422)

## **2-223 Public Concern: The Forest Service should avoid relying on state regulations to ensure that emissions from coal mining in the North Fork area will not cause exceedances of the ozone NAAQS.**

### **BECAUSE THE STATE REGULATIONS DO NOT ADDRESS MOBILE SOURCES, DO NOT LIMIT VOC EMISSIONS, AND DO NOT ADDRESS OZONE ISSUES**

State regulations will not ensure that the three North Fork coal mines will not cause or contribute to exceedances and/or violations of the ozone NAAQS [National Ambient Air Quality Standards]. First, state regulations will not address any mobile source emissions, particularly exhaust emissions that could cause or contribute to ozone exceedances and/or violations. At those three mines, air emissions—from trucks, rail transport, and other heavy equipment such as loaders—could be considerable. Second, the air permits issued by CDPHE [Colorado Department of Public Health and Environment] for the mines do not even limit VOC emissions and do not appear to even limit NO<sub>x</sub> emissions. [Footnote 109: See, e.g., Elk Creek East Apr. 2011 EA (Exh. 28) at 22.] Third, CDPHE does not analyze the impacts of permitting stationary sources to ambient ozone levels. CDPHE has explicitly stated that, “ozone modeling is not routinely requested for construction permits.” [Footnote 110: See, e.g., CDPHE, Colorado Modeling Guidance for Air Quality Permits at 21 (December 27, 2005), available at <http://www.colorado.gov/airquality/permits/guide.pdf> (last viewed July 14, 2011), attached as Exh. 72.]

The Forest Service is required to take a “hard look” at the potential impacts on ozone creation by an action that will prolong the life of the three mines when compared to Alternative 1, given: (1) growing concern over ozone in the Rocky Mountain West; (2) the fact that another Federal land management agency —BLM—has analyzed ozone impacts elsewhere in the region; and (3) that state and Federal regulations, including permitting requirements, fall short of ensuring full protection of the ozone NAAQS. The Forest Service cannot ensure that the less protective roadless area management alternatives—which will extend the life of the three North Fork coal mines for decades beyond the lives of those mines under Alternative 1—will comply with the ozone NAAQS, both the current and the proposed, without first preparing a quantitative analysis of impacts.

The RDEIS’s failure to even consider an analysis of varying alternatives on ozone violates NEPA.

Further, the Forest Service cannot merely rely on its hope—substantiated nowhere—that no state or Federal air quality violations will occur in the future as a result of the Agency’s proposed management of roadless areas. Federal courts have repeatedly held that an action agency, like the Forest Service here, cannot rely on the mere fact that another agency may permit certain environmental impacts as an excuse for neglecting to disclose those impacts. See *Calvert Cliffs' Coordinating Comm., Inc. v. U.S. Atomic Energy Comm'n*, 449 F.2d 1109 (D.C. Cir. 1971). In *Calvert Cliffs*, the D.C. Circuit held that doing so “neglects the mandated balancing analysis. Concerned members of the public are thereby precluded from raising a wide range of environmental issues in order to affect particular Commission decisions. And the special purpose of NEPA is subverted.” *Id.* at 1123.

Even if the Forest Service could rely on state air permits, those permits fail to address the impacts to ozone levels resulting from mine operation because: (1) they fail to address mobile sources (such as heavy equipment, trucks and trains that move coal); (2) they fail to address VOCs and NO<sub>x</sub>; and (3) they fail to address contributions to ozone levels. It is perfectly reasonable to conclude that state-issued air permits fail to sufficiently analyze air quality impacts and that the Forest Service is obligated to take such a hard look. After all, the state’s permitting program is narrowly tailored so as to only address a subset of stationary sources and air pollutants. It does not serve to ensure that all air-polluting activities associated with a major Federal action actually protect air quality. That is a duty that falls squarely on the Forest Service’s shoulders.

Nor does BLM cite or tier to any prior analysis by any agency that addresses a decision to continue the operation for the three North Fork coal mines indefinitely because none exists.

The RDEIS fails to explain why no exceedances are expected, or how the Forest Service reached this conclusion since the Agency apparently neither prepared nor obtained any information concerning air quality. Further, courts have rejected the argument that action agencies need not disclose environmental impacts simply because the impacts may not lead to violations of other laws. See, e.g., *United States v. City of Detroit*, 329 F.3d 515, 530 n.2 (6th Cir. 2003) (Moore, J., concurring) (“The decision whether to prepare a NEPA analysis does not depend on whether the proposed action will [meet other



environmental standards]; if it did, Federal agencies would have to consider the environmental consequences of their actions only if the action was prohibited by federal law.”). (Preservation/Conservation, Denver, CO - #691.57-59.45000.180)

## Noise

### **2-224 Public Concern: The Forest Service should coordinate with the Federal Aviation Agency and the U.S. Air Force regarding low-altitude training flights.**

#### **TO MINIMIZE THE EFFECT ON THE WILDLANDS EXPERIENCE**

While the Roadless Rule does not directly interact with military aviation, we would like to register our concerns with the proposed low-altitude Air Force training, as well as with Army helicopter training.

The concerns with the Air Force are very general to the Roadless Rule. We recognize that it would be difficult to exclude all roadless areas from low-altitude training, but we ask that the Forest Service engage with the Federal Aviation Agency and the Department of Defense to minimize the impact on the wildlands experience. We expect that low-altitude training will not occur over National Parks and monuments, and certainly that it also will not occur over wilderness areas. Beyond that, we ask that roadless areas, especially upper-tier designated areas, not bear the brunt of this intrusion.

Our concerns with army aviation are more specific. The army has designated three landing zones near Rampart East. One is in the southern end of Saylor Park, across FR325A (Forest Road 325A) from the roadless area itself (see Attachment 5 [ATT5]). A second is at the end of FR300CA, at the edge of roadless area (see Attachment 7 [ATT7]). The third is along Stark Creek north of FR327, outside the roadless area as currently defined but inside where we [Colorado Mountain Club] believe the boundary should be (see Attachment 9 [ATT9]).

It may be impractical to completely avoid overflights of the roadless area in reaching these points. We ask again, however, that you engage with the Federal Aviation Agency and the Department of Defense to minimize the impact on the wild lands experience. There is no need for repeated flights up and down East Plum Creek or Stark Creek, as we have witnessed. The landing zones should also be marked, and citizens using the forest treated with courtesy. On one of our mapping trips, we were aggressively buzzed off by an army helicopter from the end of FR300CA, where we were trying to eat lunch. There were no signs or any indication that we should avoid that area on that day. (Preservation/Conservation, Colorado Springs, CO - #589.25.45000.570)

### **2-225 Public Concern: The Forest Service should address roads created by the U.S. Air Force near their landing zones.**

#### **TO PROTECT WETLANDS**

Military aviation may create the potential for another conflict with roadlessness. On a recent biking trip, we observed a large number of vehicle tracks traversing the southern part of Saylor Park, running between the Air Force Academy training area and the Landing Zone. This is outside the Rampart East Roadless Area, but if either the Army or Air Force is creating routes and damaging wetlands in the process, this should be stopped. If ground support is needed for the Landing Zones, then they should be moved closer to roads—the one in Saylor Park could be moved closer to the end of FR325B, and the one on Stark Creek closer to FR327. (Preservation/Conservation, Colorado Springs, CO - #589.26.46000.680)

## Alternative Energy

### 2-226 Public Concern: The Forest Service should support development of alternative energy resources.

#### **RATHER THAN SUPPORTING OIL COMPANIES**

It is long overdue that alternative energy sources be developed. Continually succumbing to the requests of the oil companies removes virtually all incentive to do so. For the sake of the environment, and consumers, there must be some finality to this issue. (Individual, Utica, NY - #62.8.45100.002)

We need to be investing in clean energy sources (Colorado's forests being part of that) rather than subsidizing the oil industry. The drilling sites involved will not make a dent in our energy needs but will add to the generalized CO<sub>2</sub> generation and pollution that we need to be fighting. (Individual, Beaverton, OR - #116.8.45100.251)

What does it take to get you people to understand that now is the time to start looking forward to alternative fuel sources. Forget gas and coal and oil. They are of the past, and they are very destructive.

People want a change in policy and economics in this country, and they want it now, not later. To hell with the oil and gas giants. They do not run this country, the government does. And the government is beholden and answerable to us, we the people.

Rules and laws were set into place to protect what wild lands and forests we have left. Keep those rules and laws active and do not weaken them for any purpose whatsoever. (Individual, Jamaica, NY - #130.8.45100.700)

It's past time to stand up against the fossil fuel industry and start steering our nation toward a more sustainable energy paradigm. We must stop poisoning our water, land, and air with fossil fuels which cause damage every step of the way, from extraction, through refining, and finally in burning. (Individual, Columbus, OH - #290.3.45100.200)

#### **TO PROTECT OUR NATURAL AREAS**

Please protect one of our most beautiful natural areas. While the nation's energy needs are growing, we should be focusing on renewable energy that doesn't destroy our irreplaceable natural heritage. (Individual, Media, PA - #117.8.45100.200)

Let us keep our wild places wild and develop alternative energy. It only makes sense. (Individual, Aurora, CO - #118.8.45100.200)

#### **TO PROTECT ROADLESS AREAS FOR FUTURE GENERATIONS**

There are alternative fuel industries ready to go that do not rape the environment. Please save our land for the future generations. (Individual, Boulder, CO - #60.3.45100.740)

### 2-227 Public Concern: The Forest Service should allow for renewable energy production in roadless areas.

#### **TO COMPLY WITH EXECUTIVE ORDER 13212 AND THE ENERGY POLICY ACT OF 2005**

The Energy Policy Act of 2005 recognized the role of the Forest Service in helping to reduce U.S. reliance on foreign sources of energy. Development of wind, solar, and other alternative energy sources was deemed an appropriate use of National Forest System lands. Exceptions have been made in the Colorado Roadless Rule for oil, coal, and gas, but not for renewable energy. The Colorado Roadless Rule provides that roads may not be constructed on any Colorado Roadless Areas unless the proposed road falls within an "exception." That proposed roadless areas were eliminated from consideration in the assessment of the potential for renewable energy development on National Forest System lands,

performed by NREL (National Renewable Energy Laboratory) in 2008 at the request of the Forest Service, and the RDEIS detailed study eliminated renewable energy from analysis, is in direct conflict with Executive Order 13212, which seeks to expedite energy production measures. The proposed Colorado Roadless Rule would in effect lock out renewable energy development as a future use in Colorado Roadless Areas. This is a fatal flaw.

CCWF [Clear Creek Watershed Foundation] strongly recommends that proposed Colorado Roadless Areas be analyzed for renewable energy potential and those areas identified be:

Given exceptions such as were granted to coal, oil, and gas. On Page #4, in the RDEIS Summary, add an additional point of state-specific situations and concerns: "Accommodating Renewable Energy development in identified renewable energy resource zones." (Place-Based Group, Idaho Springs, CO - #532.4.45100.420)

## **2-228 Public Concern: The Forest Service should provide the same road construction exceptions for renewable energy resources and oil and gas development.**

### **TO ENSURE UNWARRANTED PROHIBITIONS ARE AVOIDED**

Siting of Renewable Facilities:

The RDEIS states: "The agency recognizes current trends for exploration of renewable energy sources, and anticipates proposals for siting of those facilities on NFS lands. Siting of renewable facilities on NFS lands necessitates connection to the national power grid with existing or additional electric power lines." See RDEIS at page 261. We [Western Energy Alliance et al.] strongly object to the obvious bias against the development and transportation of traditional/conventional energy sources exhibited throughout the RDEIS and this specific section. While renewable resources are enjoying an increasing role in providing energy sources required to meet consumer needs, demand is increasing at a greater rate than development of renewable resources can even remotely handle. The Energy Information Administration (EIA) projects that over the next 30 years, renewable energy will account for less than 17 percent of demand. Consequently, fossil fuels will continue to be relied upon for decades to come as it will take many years to expand renewable energy sources to the extent needed. Clearly, it is important for the USFS to eliminate this bias and provide the same exemptions for road construction and linear activities related to oil and natural gas development and pipelines in order to ensure unwarranted prohibitions are avoided. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.28.45100.421)

## **2-229 Public Concern: The Forest Service should provide a more robust analysis of alternative energy.**

### **BECAUSE THESE ENERGY SOURCES ARE BECOMING MORE IMPORTANT**

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 Forests. 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 dependence 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 and 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, and 4. I believe that these subjects need further discussion and evaluation. (Individual, Rifle, CO - #492.6.45100.620)

## **2-230 Public Concern: The Forest Service should identify roadless areas that have renewable energy potential and remove them from proposed roadless areas.**

### **BECAUSE RENEWABLE ENERGY IS AN IMPORTANT PART OF CLEAR CREEK COUNTY'S FUTURE PLANNING**

Clear Creek County is one small mountain community that has taken the initiative to create a map of their county with overlays of the proposed roadless areas as they relate to identified renewable energy zones. This map includes the location of the existing transmission corridors housed within the county, consisting of two 230kV (kilovolt) lines and a 115kV line as they correlate to the renewable energy zones. The overlays reveal that approximately 15 percent of the proposed roadless areas in Clear Creek County could potentially be developed for renewable energy (see Appendix–Exhibit #1 [ATT2].)

Renewable energy development plays a significant role in Clear Creek County's future planning. The county has distinct location advantages for this type of development including:

- Diversity of the mountain wind capture location, as compared to the existing wind sites in the eastern area of the state, has an advantage pertaining to transmission system reliability.
- Proximity to one of the nation's largest pumped hydro storage facilities. Line losses associated with transmitting renewable energy to the pumped hydro storage site would be considerably less for power generated within Clear Creek County than for other more distant wind capture locations.
- Close association with the Denver transmission loop.

Any project proposal in Clear Creek County will require Forest Service permitting in that Clear Creek County is approximately 68 percent Forest Service land. Presently, without Forest Service renewable energy guidelines in place, the Forest Service permitting process is perceived to have too high of a risk for failure. With no renewable energy directives coming from the Forest Service, the probability for the Forest Service to host renewable energy projects on the lands they manage is unlikely. To add roadless designations nearby and within identified renewable energy zones will prevent projects entirely.

It is doubtful if other counties throughout the state have had an opportunity to conduct a similar mapping exercise to see how the proposed roadless areas might impact their future planning. It would be beneficial for those communities with proposed roadless areas within their jurisdiction to be afforded the time to evaluate how this rule may jeopardize their future.

CCWF [Clear Creek Watershed Foundation] strongly recommends that proposed Colorado Roadless Areas be analyzed for renewable energy potential and those areas identified be:

Removed from the proposed roadless areas. (Place-Based Group, Idaho Springs, CO - #532.5-6.45100.620)

## **2-231 Public Concern: The Forest Service should exclude the areas with high potential for wind and solar energy development identified by the National Renewable Energy Laboratory from roadless areas.**

### **TO PRESERVE THESE OPPORTUNITIES**

Preserving Renewable Energy Opportunities:

As concerns renewable energy, the delineated proposed CRAs' boundaries and the Rule itself are backwards looking, resulting in no consideration of the potential for renewable energy development. This is particularly confusing in relation to wind and solar energy development potential within Clear Creek County that has been identified by the U.S. Department of Energy's National Renewable Energy Laboratory ("NREL").

As you are aware, the January 2005 joint report by the Forest Service and NREL, Assessing the Potential for Renewable Energy on National Forest System Lands ("Renewable Energy Assessment"), identified and evaluated the potential for solar and wind energy resource development on National Forest System lands, identifying National Forest System lands with high potential for solar and wind development. The Renewable Energy Assessment identified the Arapaho-Roosevelt National Forest as having the fifth greatest potential for renewable wind energy development among all National Forest units. Areas within the Arapahoe-Roosevelt National Forest were also identified as having a high potential for solar energy development. The high national ranking for the Arapahoe-Roosevelt National

Forest, including areas within Clear Creek County, by the Renewable Energy Assessment resulted despite it excluding from its analysis all areas that were included within the 2001 Roadless Rule.

To gain a more complete picture of renewable energy development within Clear Creek County, the Board of County Commissioners teamed with NREL to evaluate the wind and solar energy development potential on all lands within Clear Creek County that are available for such development under county land use regulations. This follow-up analysis found significant areas within Clear Creek County that have high potential for both wind and solar energy development, and that are located within the areas now proposed as the CRAs. These areas are depicted on the map included with this letter as Exhibit A.

In evaluating bids for development of wind energy to meet the Colorado statutory Renewable Energy Standard ([section] 40-2-124, C.R.S. [Colorado Revised Statute]), Public Service Company of Colorado has considered favorably the wind energy production from Clear Creek County:

- Expansion of their existing projects will cause communities to look to tying into the existing transmission lines running through Clear Creek County.
- Diversity of the mountain wind capture location, as compared to the existing wind sites in the eastern area of the state, has an advantage pertaining to transmission system reliability.
- Being directly connected to one of the nation's largest pumped storage locations at Cabin Creek Reservoir is an advantage. Line losses would be considerably less for power generated within Clear Creek County than for other more distant wind-capture locations.
- The close association with the Denver transmission loop is an advantage for Clear Creek County wind capture locations.

2011 Public Service Company of Colorado 200MW (megawatt) Wind RFP (request for proposals): Competitive Analysis of the Clear Creek County Bid vs. Short-listed Bids, prepared by Clear Creek Watershed Foundation, April 6, 2011:

Within Clear Creek County major electric transmission lines run up Cabin Creek, up Leavenworth Creek across to Summit County, and up the West Fork of Clear Creek into Grand County. The importance of these existing electric energy transmission corridors to Colorado and the entire west cannot be understated. Yet, in numerous areas the proposed CRAs provide only the narrowest of corridors for these lines. The CRAs' boundaries and the Rule's prohibitions on linear construction zones ("LZAs" [sic]) will prohibit any meaningful opportunities for future opportunities to utilize these existing corridors, and to connect them to the previously mentioned renewable energy generation sites.

For the above reasons, we strongly recommend that the CRA boundaries be realigned to exclude the areas of high potential for wind and solar energy development identified by NREL, and to exclude greater areas for existing major transmission corridors, as depicted on the map included with this letter as Exhibit B. (Business - #674.1012.45100.620)

## Water Resources

### 2-232 Public Concern: The Forest Service should protect water resources.

#### **TO PRESERVE DRINKING WATER, RECREATION OPPORTUNITIES, AND FISH AND WILDLIFE HABITAT**

Protect our cool, clean water sources. Over 16,000 streams originate in Colorado's roadless backcountry and provide much of our drinking water, recreational opportunities, and fish and wildlife habitat. (Individual, Durango, CO - #40.6.46100.002)

#### **FROM THE EFFECTS OF ROADS**

For life to survive, we need clean water. Roads and the traffic they bring often compromise watersheds. With roads come the extractive industries. We are currently dealing with many problems resulting from oil, gas and mining contamination and pollution. (Individual, Grand Junction, CO - #553.3.46110.420)

**2-233 Public Concern: The Forest Service should protect watersheds.****TO PRESERVE DOMESTIC AND AGRICULTURAL WATER SUPPLIES AND FISH HABITAT**

Chief among my concerns are absolute protection of all watershed areas that feed both our domestic/agricultural needs as well as support sportsmen from here and around the country who fish and hunt in Colorado. I have hiked and fished feeder streams throughout Colorado for years. Please protect them. (Individual, Durango, CO - #75.3.46100.002)

**FROM OIL AND GAS COMPANIES AND RESULTING POLLUTION**

Why are public lands that protect our watersheds the property of oil and gas companies (that do not pay any income taxes)? Your mission is to protect those lands we hold in common for all the people and yet you do the bidding of companies that have only one purpose—pollute the planet for profit and poison as many of us as possible with chemicals and destroy our freshwater systems. (Individual, Jackson Heights, NY - #201.8.46100.800)

**TO PROTECT NATIVE CUTTHROAT TROUT**

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. (Individual, Evergreen, CO - #482.1.46100.352)

**FROM DAMAGE FROM UNNECESSARY VEHICLE TRAFFIC**

Please support Alternative #4 for the Grand Mesa, Gunnison and Uncompahgre National Forests to protect watersheds via roadless area designations.

Damage to watersheds and streams from unnecessary vehicle traffic poses threats to the continued existence of native trout and other wildlife that rely on clean, unsilted, unpolluted water.

I have seen firsthand the streambed damage resulting from inconsiderate ATV use where streams were crossed inappropriately, banks were compromised, and mud and silt were deposited downstream resulting in gravel beds being filled in. (Individual - #780.1.46100.350)

**2-234 Public Concern: The Forest Service should protect the headwaters of streams.****TO PRESERVE FISHING OPPORTUNITIES**

The 300 members of the 5 Rivers Chapter of Trout Unlimited support Alternative Four of the alternatives for the Colorado Roadless Rule.

Our members feel that we must protect these important lands, which are often the headwaters of the streams that we fish. Healthy beginnings are necessary for healthy streams, streams that do not have disturbances in their upper reaches have a better chance of providing clean water in their lower reaches.

The areas that are protected by Wilderness provide the start to clean healthy streams. Many roadless areas adjoin Wilderness on streams' lower reaches. This means that these streams retain their clean healthy water lower down. Roads, logging, mining and other intrusions in upper stream reaches mean more pollution for wildlife and human uses downstream. We encourage you to protect as many of these areas as possible. (Recreation/Conservation Organization - #637.1.46110.201)

**2-235 Public Concern: The Forest Service should expand the discussion of water resources.****TO INCLUDE A CHARACTERIZATION OF AQUATIC RESOURCES, DISCLOSURE OF EFFECTS, SUMMARY OF WETLANDS, AND DESCRIPTION OF WETLAND EFFECTS**

We [EPA] are concerned that there would be 406 fewer miles of streams protected under CRAs versus IRAs. We appreciated the RDEIS discussion related to aquatic resources; however, we recommend that USFS expand the discussion by including the following in the FEIS:

- A thorough characterization of existing aquatic resources and baseline conditions, including quality, quantity and location of surface waters, wetlands, streams and ephemeral drainages.
- Disclosure of impacts on these baseline conditions, including effects of development associated with potential ski resort expansion, that would result from activities associated with each alternative. Such impacts may include changes in surface and groundwater hydrology.
- A map and summary of all wetlands types and acreage in the analysis area and estimated wetlands acreage that would be impacted by each alternative.
- A description of any wetlands impacts, temporary and permanent; direct and indirect, past and foreseeable. Such impacts may include functional conversion of wetlands (e.g., forested to shrub-scrub); changes to supporting wetland hydrology (e.g., snowmelt patterns, sheet flow, and groundwater hydrology); and wetland disturbance from grading and dredge and fill activities. (U.S. Environmental Protection Agency, Washington, DC - #685.17.46100.330)

## **2-236 Public Concern: The Forest Service should describe how impaired or threatened water bodies would be affected.**

We [EPA] appreciate the RDEIS discussion related to Clean Water Act (CWA) Section 303(d) impaired or threatened waterbody segments in the analysis area. We recommend that the FEIS describe how the alternatives and resulting development might affect these water bodies, particularly the water quality parameters causing the CWA Section 303(d) listing. Proposed activities in the drainages of CWA impaired or threatened streams must consistent with the state's Total Maximum Daily Load (TMDL) developed the listed water body. We recommend that mitigation or restoration activities be included to reduce existing sources of pollution to offset or compensate for pollutants generated under the various alternatives. We recommend that Table 3-25 be expanded to provide specifics on the TMDLs and applicable impaired stream segments. (U.S. Environmental Protection Agency, Washington, DC - #685.19.46110.201)

## **2-237 Public Concern: The Forest Service should protect the Hermosa drainage.**

### **TO PROTECT FISHING OPPORTUNITIES**

Our [5 Rivers Chapter of Trout Unlimited] members fish in places like the Hermosa drainage which has Tier 3 protection for water quality and includes many acres of roadless lands. Legislation proposed by a broad cross section of our local community is being introduced so that our Congress can protect large parts of the drainage as Wilderness and roadless, creating a drainage that is managed as drainage to protect the values that the community has identified. (Recreation/Conservation Organization - #637.4.46110.600)

## **2-238 Public Concern: The Forest Service should protect cold water resources in Colorado.**

Colorado needs a stronger roadless rule than perhaps other states require. Each state's rule should reflect the unique natural resources, and their settings.

Colorado is the single richest coldwater resources state in the West. This fact is indisputable. But our water resources are reaching their breaking point because of population growth, extractive resources development and infrastructure development. This intrusion into the genesis regions of coldwater resources origins must be curbed...while also providing responsible alternatives for continuing essential development. (Individual, Fort Collins, CO - #381.1.46100.002)

## **2-239 Public Concern: The Forest Service should restrict road construction in the Thompson Divide area.**

### **TO PROTECT WATER QUALITY AND GRAZING PERMITS**

As a Carbondale rancher, I know how important the water resources are that come out of the watersheds of the Thompson Divide Area, particularly in upper Thompson Creek. Our irrigation is completely dependent on snowpack and ground runoff. Building roads in these remote areas would add dust to the

snowpack, causing earlier melting and less quality water for our homes and our fields. More roads and the access of motorized recreation and industrial development are not in the long-term interest for this backcountry, especially in areas with grazing permits. There is currently plenty of access that is being used. (Domestic Livestock Industry, Carbondale, CO - #186.2.47000.240)

## **2-240 Public Concern: The Forest Service should remove Mad Creek Watershed Basin from the Rule.**

### **TO PROTECT THE WATER SUPPLY**

It [Mad Creek Watershed Basin] is of value for that purpose, as habitat for a variety of wildlife species, as a historical site and as a recreation site. Water supply contamination (increased microbiological and chemical contaminants) could occur as the introduction of point and no-point source pollutants with erosion and sedimentation from severe wildfire events. Roads exist and are needed to manage the watershed. This area should be excluded from the Colorado Roadless Rule. (Mayor of Empire, Empire, CO - #585.5.46110.260)

### **TO PROTECT THE WATER SUPPLY OF THE TOWN OF EMPIRE**

The Mad Creek Watershed Basin is a site at risk as the water supply for the Town of Empire. The proposed Colorado Roadless Areas would impede healthy forest management involving access for forest thinning and may lead to larger areas of dead trees and potentially larger and more damaging wildfires. (Mayor of Empire, Empire, CO - #585.4.46110.263)

## **2-241 Public Concern: The Forest Service should avoid restricting access to the Mad Creek Basin.**

### **BECAUSE THE TOWN OF EMPIRE HAS HISTORIC RIGHTS TO ACCESS THIS AREA**

Our town [Empire, CO] has obtained water from the Mad Creek Basin [see ATT 1] on land included in the Colorado Roadless Rule alternative since the 1860s, predating the formation of the U.S. Forest Service. We have access rights to our properties under Federal and Colorado law. The proposed Colorado Rule works to impede and diminishes our property rights and safeguards. (Town of Empire, Empire, CO - #585.2.46120.630)

## **2-242 Public Concern: The Forest Service should ensure that the expansion of the Milton Seaman Reservoir will be allowed.**

### **TO PROTECT THE WATER SUPPLY OF GREELEY**

Greeley obtains its drinking water from four major river basins in Colorado: the Big Thompson, the Colorado, the Laramie, and the Cache la Poudre. The [Forest] Service owns considerable land within these basins. Over the years, Greeley has invested, directly or indirectly, significant money and resources into facilities located on such Forest Service lands to collect and deliver raw water to its drinking water treatment plants. The proposed rule has the potential to directly affect Greeley operations related to providing drinking water to its citizens. USFS specifically recognizes in its preamble to the proposed rule that Colorado's roadless areas are important sources of clean and safe public drinking water. Id. at 21273.

Greeley, like most Colorado cities, is struggling to secure adequate water supplies to meet future demands. As part of this effort, Greeley is in the process of permitting an expansion to the City's Milton Seaman Reservoir [see ATT1], which is located northwest of Fort Collins, Colorado on the North Fork of the Cache la Poudre River. The existing reservoir lies partially on land within the Roosevelt National Forest.

While Greeley plans no road construction to accommodate expansion of the reservoir, the expansion footprint extends partially into the proposed Greyrock (a.k.a. Grey Rock) Roadless Area. (See map at Attachment 1.) The city received assurances from USFS [United States Forest Service] personnel at a May 26, 2011 public meeting in Fort Collins that such inundation will not trigger any prohibitions of the proposed rule. Service personnel further indicated that any tree cutting incidental to such inundation



would be permitted as “incidental to the implementation of the management activity” under Section 294.42 of the proposed rule. Greeley agrees with this interpretation of the proposed rule, and asks that USFS confirm this in its response to comments on the proposal. (City of Greeley, Greeley, CO - #683.2.46120.160)

**2-243 Public Concern: The Forest Service should protect water quality in roadless areas.**

**TO COMPLY WITH THE AGENCY’S ORGANIC ACT**

Without full protection of roadless areas, water quality in our state will be degraded, which is contrary to the Forest Service’s Organic Act. (Individual, Crested Butte, CO - #215.3.46110.130)

*Water Rights and Water Projects*

**2-244 Public Concern: The Forest Service should allow for construction and maintenance of existing and future water conveyance structures.**

**TO COMPLY WITH WATER COURT DECREES**

The 2011 Rule should allow for the construction and or maintenance of existing and future water conveyance structures by both pre-existing and new water court decrees. (Individual, Austin, CO - #175.5.65100.160)

**2-245 Public Concern: The Forest Service should clarify how they will address water rights issues.**

**TO ENSURE THAT INTERNATIONAL AGENCIES ARE NOT USURPING THE RIGHTS OF COLORADO**

On page 21275, Section 294.41 of the Rule (page 64, 161, 163, 164 in EIS), water conveyances are mentioned and the agencies will only recognize water rights decreed from a judge in water court but in what capacity can they do this and how will the Forest Service Supervisor, in his international capacity, have jurisdiction over such water rights? The state of Colorado has jurisdiction over water and these international agencies are now acquisitioning water rights? The Clean Water Act is mentioned and so is the USDA Global Climate Change Program that proves that the USDA is acting as an international member and is implementing international programs, conventions and agendas as mentioned on page 163 of the EIS. On pages 167 and 171 of the EIS, it describes the international agencies’ plans of decreasing water used for agricultural, domestic and industrial uses, which is usurping Colorado Constitutional water rights. (Individual - #181.3.46100.100)

**2-246 Public Concern: The Forest Service should ensure that development of existing and future water rights will not be restricted.**

**TO ENSURE THAT WATER SUPPLIES ARE NOT COMPROMISED**

Any proposed Roadless Rule must necessarily provide for the ability of agencies, companies, and individuals to develop existing conditional water rights as well as to develop new water rights and build the necessary infrastructure to divert and use those water rights. In this age of water supply uncertainty, with increased competition for scarce resources and the looming threat of climate change and its associated impacts on water supplies, any action [upper tier designations] that further hinders the ability to develop and use additional water for consumptive uses as well as environmental and recreational uses is counterproductive and irresponsible. Our water supply challenges are great, but as is demonstrated by many projects and efforts across the west, mutually beneficial solutions can be found. However, solutions can only be found when solutions are not prohibited outright. (Utility Group, Ordway, CO - #833.3.46120.180)

## 2-247 Public Concern: The Forest Service should clarify how the Rule will define pre-existing water rights.

### TO ENSURE THAT IT ENCOMPASSES CONDITIONAL WATER RIGHTS THAT WILL LIKELY BE MADE PERMANENT

Clear Creek County has been actively pursuing the purchase of water rights and the development of reservoirs to develop water resources, one of the identified purpose and needs for the Rule. Some of the reservoir sites for which the County has obtained or is seeking court decrees for “conditional water rights” are on proposed roadless areas. Developing a water project is a complex and time-consuming endeavor and Colorado has long recognized “conditional water rights” as a means to adjudicate a protectable water right while the project is being built. A conditional water right awards a priority for a given amount of water to be diverted and stored in defined amounts for specific purposes. Upon completion of the project, the conditional water right is made absolute and the priority relates back to the date of the conditional water right. The decree making a conditional water right absolute is typically done under a different Water Court case number, but it references the original conditional water right case number as well. In order to make a conditional water right absolute, the water must be diverted and applied to beneficial use. Therefore, a conditional water right is one “pursuant to which a water conveyance structure is operated,” to use the terminology of proposed 36 CFR §294.44(b)(1), before the water right is made absolute. We read the proposed rule’s definition of “Pre-existing Water Court Decree” to include Colorado decreed conditional water right—this rule is written exclusively for Colorado, after all—and, hence, to also include decrees making conditional rights absolute, when the decree granting the conditional right preceded the Roadless Rule although it is not made absolute until after the Rule.

We believe you should confirm that in the definition. (Clear Creek County, Georgetown, CO - #537.4.46100.180)

## 2-248 Public Concern: The Forest Service should recognize the rights of utilities to exercise existing water rights and to obtain future water rights.

### TO ENSURE THAT FUTURE WATER SUPPLIES ARE PRESERVED

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

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

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

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

Given these uncertainties, water development activities should not be limited in roadless areas to those authorized by pre-existing decrees, but rather should include all water development activities authorized by any water court decree that currently exists or is entered in the future. As such, Colorado Springs

Utilities requests that the proposed rule be revised to allow road building related to the construction, and maintenance of a water conveyance structure authorized by a decree entered before or after the effective date of the rule.

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

In order to address its concerns, Colorado Springs Utilities requests that the proposed rule be revised to delete the current “Pre-existing Water Court Decree” definition and replace it with the following in [section] 294.41:

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

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

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

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

(1) The construction, reconstruction, of a decreed water conveyance structure which is operated pursuant to a pre-existing water court decree (see also [section] 294.43(c)(1)(iv)). (Utility Group, Colorado Springs, CO - #701.7-9.46120.180)

## **2-249 Public Concern: The Forest Service should reduce restrictions on potential water projects.**

### **TO REDUCE UNCERTAINTY AND ENSURE LONG-TERM WATER SUPPLY**

Denver Water is a municipal utility that provides water to a significant portion of the state’s population and has water collection facilities in or adjoining several roadless areas. Denver Water serves a population of approximately 1.3 million, and is dependent on its water supply through two major river basins: South Platte River and Colorado River. Denver Water’s customers rely on safe and reliable drinking water, which largely originates on U.S. Forest Service lands. The proposed rule will affect approximately 14 percent of Denver Water’s watershed collection area located on U.S. Forest Service lands. The proposed rule will also restrict Denver Water’s access to existing and future facilities on U.S. Forest Service lands in the Upper Williams Fork Collection System, as shown in the enclosed Figures 1 through 5 [see ATT 1–ATT 5].

Denver Water recognizes the importance and benefits of roadless areas to protect water quality and other natural resource values while also providing the latitude for watershed protection and water supply development. We are, however, very concerned with the overly restrictive and rigid nature of the proposed rule, its implementation and potential conflicts with existing rights and law.

Water supply providers along the Front Range of Colorado currently rely on municipal water supply systems on U.S. Forest Service lands. Municipal water supply planning is generally a multi-decade process where a large number of factors are considered. There are likely water rights and geographic

areas where future projects have only been conceived or may not be considered viable until sometime into the future. Examples of uncertainties and issues facing municipal water providers are:

- population growth trends
- changing water supply system reliability due to aging infrastructure
- threats due to natural disaster
- physical security threats due to terrorist acts
- timing and volume of future water supply due to climate change, and
- watershed damage by wildfire. (Utility Group, Denver, CO - #672.1.46120.100)

## **2-250 Public Concern: The Forest Service should include in the analysis Natural Energy Resource Company's high-altitude water and energy storage project.**

### **TO COMPLY WITH NEPA**

Colorado is the Western Region's most prolific, centrally located, headwater state. Unfortunately, Natural Energy Resource Company's innovative concept to pump-store snowmelt and interstate entitlements of multiple states at high altitude for protection and enhancement of multiple river basins has never been recognized and evaluated by local, state, and Federal natural resource planners. Several recent letters of concern to state and Federal resource agencies are part of the official record for these serious Colorado Roadless Rule oversights.

National Environmental Policy Act (NEPA) rules require consideration of all reasonable alternatives. These rules have been improperly ignored since April 2007, when Natural Energy's Central Colorado Project White Paper and U.S. Patent Application were publicly disclosed. U.S. Patent No. 7,866,919 B2, dated January 11, 2011, Titled: System and Method for Controlling Water Flow Between Multiple Reservoirs of a Renewable Water and Energy System is now available for the shared benefit of all Western local, state, and Federal stakeholders.

In view of the above facts and direct threats from Colorado's proposed roadless rules to the wise use and conservation of Western water and energy resources, Natural Energy hereby requests: 1) An immediate U. S. Forest Service and Department of Agriculture stay of Colorado's State-Specific Roadless Rules until Colorado's high altitude pumped-storage sites and operations can be inventoried and permanently protected; 2) An evaluation of the rationale used for including the well-known Union Park and Matchless Mountain (Rocky Point) high-altitude pumped-storage sites in Governor Ritter's April 6, 2010 Roadless Area Petition to the Secretary of Agriculture (see enclosed Engineering Drawing of proposed Union Roadless Area over the planned south abutment of Union Park Dam) [see ATT2];

3) Strong state and Federal support for emergency NEPA scoping evaluations and development of Colorado's high-altitude water and energy storage solutions for Western water and energy needs.

If Colorado's innovative high-altitude water and energy storage opportunities are not recognized and protected from Colorado's proposed roadless rules, the inevitable results will be a major natural resources taking from current and future Western generations. (Business, Palmer Lake, CO - #132.1-2.46120.620)

## **Grazing**

### **2-251 Public Concern: The Forest Service should prohibit grazing on public lands.**

#### **BECAUSE GRAZING DAMAGES PUBLIC LANDS AND RANCHERS CAN AFFORD TO PAY FEES TO USE PRIVATE LANDS**

They [ranchers] get to use national land at extremely low rates, and then leave the land destroyed—absolutely and totally destroyed. These same profiteer ranchers kill all the wildlife and birds that try to live on the land. These people are the most environmentally destructive people on this site and they need to be cut back. They should not have use of national land for their profiteering. They need to rent private land and pay private prices. These rancher profiteers are ruining America. We can't continue to let these ruinous profiteers hurt and harm animals and American sites. They need to be kept in line. They are rich

people who want to keep getting richer. They are richer than the average person in the USA and still want and demand more and more from general taxpayers. This is unfair. It is out of control. The USDA needs to have its budget cut by 50 percent now. Put more cost on the rancher profiteers, who are rich. And who get subsidies from general taxpayers—all of that should be cut to zero. (Individual NJ - #236.1.47000.002)

## **2-252 Public Concern: The Forest Service should eliminate new grazing authorizations.**

### **BECAUSE NATIONAL LANDS SHOULD BE PROTECTED FOR THE BENEFIT OF WILDLIFE**

Cut out all new grazing authorizations. These are public lands owned by national taxpayers, not local state-owned land. These are Federal lands owned by national taxpaying citizens. They exist for the benefit of national landholding citizens, not local Coloradans. Local Coloradans can make their own rules for their own state lands. Let's make no mistake about who owns these lands. They are for the benefit of the nation. Cattle ranchers pay very low rates for use of public lands and bring about destruction of the lands. This needs to be stopped now. We need to stop all the grazing by cattle. We want wildlife and birds to have use of those lands. (Individual, Florham Park, NJ - #25.2.47100.125)

### **WHEN IT AFFECTS NATIVE FISH AND GAME**

The latest Roadless Rule from the Forest Service is not adequate.

We need a rule that prevents cattle grazing on Federal land when it affects native fish and game. (Individual, Lakewood, CO - #331.5.41000.810)

## **2-253 Public Concern: The Forest Service should retain the exceptions for grazing.**

### **BECAUSE GRAZING DOES NOT NEGATIVELY AFFECT CONSERVATION AND CHARACTERISTICS OF CRAS**

The CCA [Colorado Cattlemen's Association] supports Alternative 2 on the scientific basis established in the Revised Draft Environmental Impact Statement (RDEIS) whereby...“minimal amount of irreversible or irretrievable commitments of resources expected under this Alternative due to the general prohibition on road construction...except under exceptional circumstances.” Furthermore, livestock grazing and permit renewal were found to be outside of the scope of decision to be made by this Rule. In other words, livestock grazing would have no negative impact on the conservation and characteristics of Colorado Roadless Areas. (Domestic Livestock Industry, Arvada, CO - #245.1.40000.810)

## **2-254 Public Concern: The Forest Service should allow grazing permit holders to enter roadless areas with their vehicles.**

### **TO CONSTRUCT AND MAINTAIN FENCING AND HOLDING AREAS**

CACD (Colorado Association of Conservation Districts) 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. (Conservation District, Woodland Park, CO - #489.3.47100.621)

## **2-255 Public Concern: The Forest Service should clarify that motorized vehicles can be used in support of grazing permits.**

### **AS LONG AS NEW ROADS ARE NOT CONSTRUCTED**

Based on the findings of the RDEIS, CCA [Colorado Cattlemen's Association] agrees that livestock grazing will have no detrimental impact to designated roadless areas. Therefore, the chosen Alternative and execution of the finalized Colorado Roadless Rule must ensure that those enforcing the Rule do not unjustly penalize current or future livestock grazing based on their interpretation of the Rule.

Specifically, livestock grazing permittees must be allowed to enter roadless areas with motorized vehicles to construct and maintain various “improvements” on their allotments. These include, but are not limited to, water developments, boundary and cross-fencing, and holding corrals. In many cases, it would be impossible to accomplish these tasks without motorized equipment and allowance for access to these lands.

Therefore, CCA recommends that specific language be developed, clarifying the RDEIS and final Colorado Roadless Rule’s intent not to limit the use of motorized vehicles; so long as new roads are not constructed, when livestock grazing is properly permitted within a roadless area. CCA suggests that this language be standard in all documents utilized to permit livestock grazing, including National Environmental Policy Act documents, Allotment Management Plans, etc. Specifically, CCA suggests the following language derived from the RDEIS that indicates that the roadless [rule] should not impact timely, non-delayed permit approval and renewal:

“The Colorado Roadless Rule does not eliminate or preclude any lands from being available for livestock grazing. Colorado Roadless Areas allow for existing and future motorized access, not requiring road construction or reconstruction associated with grazing permits. The authority to issue livestock grazing permits on national forest system lands with Colorado Roadless Areas is not affected by the Colorado Roadless Rule.” (Domestic Livestock Industry, Arvada, CO - #245.3.33430.810)

## Chapter 3. Recreation

### General

#### 3-1 Public Concern: The Forest Service should ensure that the Rule addresses recreation.

##### BECAUSE IT IS PART OF THE AGENCY'S MISSION

A final Colorado Rule must be significantly improved in the following areas:

- 1) Oil and Gas Leases.
- 2) Logging.
- 3) Linear Construction Zones.
- 4) Upper Tier Roadless Area Protection.

Noticeably absent from the above list is Visitor Recreation and Enjoyment. Isn't that one of the multipurpose purposes of the USDA (U.S. Department of Agriculture) Forest Service? How come it always gets lost? (Individual, Gulf Breeze, FL - #76.1.50000.134)

##### BECAUSE THERE ARE MORE RECREATIONAL USERS THAN INDUSTRIAL USERS

The USFS (U.S. Forest Service) is heavily weighted and influenced by logging, mining, fossil fuel, grazing, and ski industry with no real emphasis on the millions of recreational users who outnumber the industrial and commercial users by hundreds to one...I ask you to remember the visionaries from Roosevelt, Pinchot, Mills, Bob Marshall, John Muir, LBJ, JFK, Nixon, and others who have enabled the USFS and the nation to keep the gems and our heritage. Once something is developed or paved, it is lost. (Individual, Greeley, CO - #516.3.50000.800)

#### 3-2 Public Concern: The Forest Service should manage roadless areas for roadless recreation.

##### BECAUSE THESE AREAS PROVIDE SOME OF THE BEST RECREATION IN THE STATE

The proposal for removing the Roadless Rule for Colorado's roadless areas would threaten wild places that are some of the state's best recreation areas, like the Pagoda Peak area, the summer range for part of the largest elk herd in North America. (Individual, Elizabeth, CO - #410.3.50000.350)

##### TO PROVIDE A CONNECTION TO NATURE

I'm a native Coloradan. I'm now 19 years old, and have been fishing, hunting and generally enjoying the wilderness areas of Colorado for most of that time. These are lifelong sports that give me the greatest fulfillment in my life. If we forget the necessary experiences these places of primal experience provide, then we forget our connection to this world. These sports deserve a place in the human spirit for a long time and the only way to do this is by preserving Colorado's unique wilderness areas. (Individual - #550.1.54100.770)

##### TO PROVIDE A CONNECTION TO HISTORY

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

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

In lieu of expounding on the protections that I would like to see, I can summarize by saying that the areas that I enjoy, because they are untouched, should be left absolutely alone with no man-made

intrusions of any kind. This lack of human intrusion and activity is precisely what makes these areas special and without the protections, the allowed intrusions, while seemingly minor to some, will destroy the wild nature of the places to such a level that they will lose their special, wild appeal.

Please consider my comments while deciding on the fate of the places that I value the most on our Federal lands. (Individual, Englewood, CO - #732.1.54000.770)

#### **BECAUSE THE DISABLED DO NOT NEED THEM ROADED**

At the recent Colorado Roadless Rule meeting in Montrose, Mr. Roy Selby was quoted by Gary Harmon as saying, “they’re trying to eliminate me from getting out in the woods” and that “the Roadless Rule appears to violate the Americans with Disabilities Act by making it more difficult to visit and hunt the land he has prowled for 56 years.”

I understand the sadness of being unable to visit places where one once hiked. I am a quadriplegic and have used a wheelchair to get around for almost 28 years now. When I was a young able-bodied man, I loved to hunt, fish and hike in the wooded mountains of Colorado. Yet, no matter how many roads we might build into the mountains, there will be places I am unable to visit in my wheelchair, unless we propose to pave the entire forest.

There are an immense number of roads that take me into woods of unspeakable beauty, places where I can hunt, fish and commune with nature. I’m thankful for these places; yet, it nourishes my soul to know that there are places where machines are not allowed to tread. I think that wildlife, including animals such as elk, deer and bear that are hunted, needs these places in order to thrive or even survive.

It angers me to think that opponents of roadless areas may stoop so low as to use people with disabilities to further their political cause. I think anyone who is truly concerned about the disabled population’s access into our forests could best support people with disabilities by working toward the building of more handicapped-accessible facilities and trails along well-maintained roadways that already exist. That way we wheelchair users can get out of our vehicles, away from the road and truly into the woods. (Individual, Grand Junction, CO - #422.1.52000.002)

#### **TO ENSURE ENJOYMENT OF NATURE WITHOUT CROWDS AND POLLUTION**

As a frequent visitor to Colorado over the years, I can honestly say that it is the ability to get away from roads and to enjoy nature without the crowds and pollution associated with roads that keeps me coming back. (Individual, Grove City, OH - #282.3.50000.680)

#### **TO PRESERVE THE BACKCOUNTRY EXPERIENCE**

Colorado is great state and attractive to tourists, hunters, fishermen and recreationists. There is plenty of access for vehicles and ORVs (off-road vehicles) currently, but expanding that access threatens the very foundations of the backcountry experience: wild fish and game and the habitat that supports them. Once that habitat is compromised, it will never be recovered, and the resource that it supports will be forever lost. (Individual, Boulder, CO - #809.5.52200.002)

#### **TO PRESERVE RECREATIONAL VALUES THAT TOURISM DEPENDS ON**

Please support the protection of roadless areas within the Colorado National Forests. These are important for preserving recreational values that tourism is dependent on. Tourism is the Number 1 source of income for Colorado, and anything we can do to enhance and protect our scenic qualities and outstanding recreational opportunities will benefit this state.

I urge you to support a strict rule that is stronger than the National Roadless Rule. Do not allow roads, utility corridors, pipelines, oil and gas development, logging or other short-sighted construction to happen in the areas already identified as “roadless areas.” These activities can be directed onto the other millions of acres that are not “roadless areas.” This is the best protection we have for protecting our tourist economy. (Individual, Ophir, CO - #250.1.50000.870)

We [Gunnison County] support provisions in the various alternatives that keep currently undeveloped roadless areas free from industrial uses. Gunnison County’s primary economy is based on recreational tourism. Allowing new roads in those areas of the county which are currently roadless will harm the



continued viability of that economy. (Gunnison County Board of Commissioners, Gunnison, CO - #526.2.50000.870)

**BECAUSE WITH INCREASING COSTS OF OIL, MOTORIZED RECREATION WILL DECLINE**

Colorado has suffered more than its share of abusive exploitation. The job of protecting what remains for future generations may be easier than it appears sometimes. With peak oil now confirmed, motor vehicle use ought to decline down to essential needs, and ATV (all-terrain vehicle) joyriding is hardly essential. Our descendants will use their own muscles more, and do far less damage. Many of us have lost basic physical fitness; I confess I'm one of them. Well, mea culpa, and I don't feel entitled to get on a polluting machine that will haul my butt around. There is plenty of easily accessible nature for all. (Individual, Portland, OR - #269.3.52200.700)

**BECAUSE THEY ALLOW MORE SEMI-PRIMITIVE USES THAN WILDERNESS**

Just as Wilderness Areas are integral to our [Pitkin County Board of County Commissioners] local and state recreation tourism-based economies, so too are roadless areas. These areas allow for dispersed recreation opportunities for hiking, camping, wildlife viewing, hunting, fishing and cross-country skiing. At the same time, these areas accommodate mountain bikes and other mechanized means of travel, and some primitive and semi-primitive motorized travel, as an alternative to Wilderness Areas where such travel is prohibited. (Pitkin County Board of Commissioners, Aspen, CO - #587.2.50000.870)

**3-3 Public Concern: The Forest Service should manage roadless areas for recreation and multiple use.**

**BECAUSE MORE ACCESS IS NEEDED**

I request we have no more roadless areas in Colorado or for that matter anywhere. This "roadless" designation has been abused to close out millions of acres to public access and use. We need more access and more trails for multiple-use, as the law requires, not less.

Please start managing our/my public lands to meet my interests, not the left's. (Individual, Colorado Springs, CO - #21.1.52000.134)

**TO BENEFIT EVERYONE AND NOT JUST A FEW**

Those of us trying to maintain the freedoms of everyone to enjoy public land which all of us pay taxes on to enjoy and preserve, and all Americans have a right to access. Between my friends and me, our families began frequently traveling to the high country in the White River National Forest around 1980. There is little change that has taken place when you get up and see the vast beauty of the Flattops, Red Tables, Upper Frying Pan areas, Thompson Creek and Fourmile areas other than there are roads missing or closed from the early days. When you get up in these areas, the same incredible experience exists today as it did 30 years ago for our families and from talking to "old timers" the 30 years before that. The wildlife still roams, the wildflowers bloom across the meadows, the trees are green and the forests are full of life and for those people that choose to enjoy this...you can still see the happiness that it provides all of us. All of this has survived the various recreational activities that we all are fortunate enough to have to choose from, and protecting the land and the opportunity for the experience it can provide is of prime importance to all of us. We are not protecting this for the few, but for the benefit of everyone. (Individual, Edwards, CO - #403.7.52000.125)

**3-4 Public Concern: The Forest Service should clarify the meaning of "roadless."**

**TO CLARIFY THAT EXISTING ROADS CAN STILL BE ACCESSED**

People are confused by the term "roadless." Many assume that means closed to all use. Unfortunately this has created a negative impression for roadless areas. If people knew that they can still access the trails and old roads that are currently in use, there would be less worry about losing access. (Domestic Livestock Industry, Carbondale, CO - #186.3.52000.621)

### 3-5 Public Concern: The Forest Service should recognize the limitations of its recreation effects analysis.

#### TO AVOID INAPPROPRIATELY ELIMINATING SEMI-PRIMITIVE RECREATION OPPORTUNITIES

A final rule must be completely recreation “neutral.”

The final rule should include recognition of existing recreational access to Colorado Roadless Areas and ongoing travel management. The “Colorado Roadless Rule” must be truly “neutral” regarding recreational use, and the absence of recreation-specific analysis must not be used by the Agency or preservationist interests as “evidence” against designation of wheeled-vehicle routes or snowmobile use in future recreation and travel planning.

Clarification is necessary because the RDEIS (Revised Draft Environmental Impact Statement) includes a flawed issue analysis. Specifically, the following issues were eliminated from study because they are “outside the scope of the decision to be made...”

- General conditions of public lands
- Conditions of roads and facilities on National Forests
- Wilderness protection or recommendations for Wilderness designation
- Motorized vehicle use and routes or other travel management topics
- Access associated with livestock grazing permits and allotment management

Yet, one key issue that is included in the analysis was:

Potential reduction in semi-primitive recreation and related values. The exceptions in which road construction or reconstruction, use of LCZs (linear construction zones), tree-cutting, sale or removal, and some other activities may occur in roadless areas under the proposed Colorado Roadless Rule may result in a reduction in semi-primitive recreation opportunities away from the sights and sounds of human activities and built environments, including the potential for:

- A reduction in opportunities for solitude
- A reduction in scenic quality
- Reductions in scientific and heritage benefits that might be derived from preserving the undeveloped nature of roadless areas for future generations.

The problem here should be obvious. The key components affecting semi-primitive recreation values are things such as existence and condition of roads and facilities, motorized vehicle use and routes and activities associated with livestock grazing permits and allotment management. One cannot discuss opportunities for solitude without also discussing Wilderness protection or recommendations for Wilderness designation. The selection of issues here unlawfully narrows the range of alternatives and the decision. This issue skews a bias into the analysis by excluding issues directly affecting semi-primitive recreation opportunities. (Motorized Recreation, Pocatello, ID - #592.5-6.50000.530)

## Motorized Access

### 3-6 Public Concern: The Forest Service should prohibit vehicles in wild areas.

#### BECAUSE THEY FRIGHTEN WILDLIFE AND POLLUTE THE AIR

There is no place for vehicles in our wild lands. It fouls the air and the land and frightens and disturbs the wildlife. We have already pushed the areas for our wildlife to the breaking point.

Please! (Individual, New York, NY - #608.4.40000.530)

### **3-7 Public Concern: The Forest Service should manage public lands for multiple use.**

#### **TO ENSURE ROADS AND TRAILS REMAIN OPEN FOR RECREATIONAL USE**

I would prefer that, excluding existing legal wilderness, all Colorado National Forest Land and BLM (Bureau of Land Management) land be managed as multiple use, which would include keeping existing roads and trails open, as well as building well-designed new trails and primitive roads for the growing recreations of mountain bicycling and OHV (off-highway vehicle) use.

I feel that with good management, our vast array of public lands can be used for all manner of recreation and preserved concurrently, and we have no need for new legal wilderness, or land managed as wilderness. (Individual, Carbondale, CO - #418.1.50000.134)

### **3-8 Public Concern: The Forest Service should avoid restricting motorized recreational access.**

#### **FOR SENIORS AND THE DISABLED**

You may wish to note that I am 67 years old and have severe arthritis. Obviously I am unable to enjoy Wilderness and Roadless areas. Please do not further curtail my use and enjoyment of the National Forests! (Individual - #9.2.52000.132)

I urge that the Forest Service, if it proceeds with adopting a rule for these public lands, stay with the present plan and not let gung-ho hikers, environmentalists and those that are 18 to 45 make it impossible for us over 60 to get into the wilds we grew up in and still wish to hunt and enjoy.

Why lock seniors out to satisfy a few? (Individual, Grand Junction, CO - #194.1.52200.050)

It seems clear that this proposal would result in large portion of our population being excluded from enjoying the public lands. If roads are closed permanently, how is a handicapped person supposed to reach areas that an able-bodied person would be able to reach on foot? How are the elderly supposed to reach such areas? Permanently shutting off large sections of our public lands would permanently prevent many Americans from appreciating the forest. This is an unacceptable result. (Individual, Dolores, CO - #634.5.52000.125)

All actions concerning the Colorado Roadless Rule need to be stopped in order to protect the rights of those of us who are physically unable to reach these great outdoor recreation sites in this great state. We need to protect the rights of our future generations who will enjoy OHV travel. (Individual, Colorado Springs, CO - #792.1.52000.530)

I am opposed to parts of the Rule in that it virtually eliminates the possibility for disabled or partially disabled people to enjoy areas once they are made roadless. Why is it necessary to do this? I had a good friend who because of polio was unable to walk and because he was a horseman he was able to ride roads and trails all over Colorado. He became quite an historian and/or student of the high country and was one who protected the land wherever he was. Isn't that what our forest land is for, to enjoy it? He would not have been able to enjoy the land without roads to get into the backcountry. Everyone who visits the high country is not a granola-eating strong body and yet they should (actually they do) have the right to enjoy the land as much as others. By taking away their access you are denying them that opportunity and use of public lands. The roads in our forests allow people to more easily enjoy the land. Aren't people a greater natural resource than animals and/or land? Why should people be kept out of the forests and [they be] "enjoyed" only by certain so-called more able-bodied people that can hike and/or walk into roadless areas? (Individual - #668.1.52000.132)

#### **TO AVOID DISCRIMINATION AGAINST THE DISABLED**

Recreation Opportunities are a clear, legal responsibility of the Forest Service. Those opportunities need to be extended to the disabled as well as the able-bodied persons. Closing roads forces a discriminatory

effect for people with disabilities. It is the responsibility of the Forest Service to eliminate that discrimination effect. (Individual - #828.3.52000.132)

#### **TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT**

On pages 287 and 292 of the EIS, (Environmental Impact Statement), the USDA claims the rights of citizens with disabilities will not be affected by the Rule. However, the Rule places access restrictions upon lands by creating semi-primitive and primitive protected areas as all human uses are prohibited, such as hunting, fishing, bird watching, lumber harvesting, horseback riding, road access, and this would include wheelchair access that would be prohibited by the prohibition of all motorized vehicles. Again, this is clear usurpations of rights to citizens with disabilities and violates the Americans with Disabilities Act. (Individual - #181.8.50000.132)

#### **TO ENCOURGE OUTDOOR RECREATION BY SENIORS**

We need to get the public into public lands; not everyone is young and capable of hauling 40lbs. of camping equipment on their back to access the forest. We are seeing such a disconnect between people and nature in the USA, especially young people and nature. Too much internet, too much TV. No hands-on reality nature use. Shutting down roads and trails just eliminates entire user groups from the forest. (Individual - #426.2.52000.700)

#### **BECAUSE MANAGING FOR MULTIPLE USE WILL ENSURE ACCESS FOR SENIORS**

Many lifetime residents are now senior citizens and some no longer have the ability to hike the areas they enjoyed in their youth. Restricting the access to our public lands will deprive many seniors the ability to enjoy the USFS lands that have become a big part of their lives while living in Grand County and Colorado. Grand County Board of Commissioners has always believed that multi-use is the best way to use public lands. Roadless designation does not support multi-use. (Grand County Board of Commissioners, Hot Sulphur Springs, CO - #177.5.52200.132)

#### **BECAUSE THERE ARE MORE MOTORIZED USERS THAN THERE ARE NON-MOTORIZED USERS**

I am opposed to any more roadless areas in the state of Colorado. This is based on the number of people that really use the forest and what purposes they use them for. There are many more motorized users than there are hiking or backpacking users. Why is it that the amount of land available is strongly slanted toward the lesser of the user groups? I have never understood this. It doesn't take a million dollar study and years to figure out the real numbers. Just go monitor the traffic going up I-70, Poudre Canyon, any road leading to the mountains on the weekends and see the number of ATVs, dirt bikes, and 4WDs (4-wheel-drive vehicles) headed up. All you will do by closing off more land to the larger user group is to invite people to go beyond the closure signs. It's really that simple. (Individual, Fort Collins, CO - #4.1.52200.620)

### **3-9 Public Concern: The Forest Service should recognize that restricting access to roadless areas does not violate the civil rights of the disabled.**

#### **BECAUSE THERE ARE SUFFICIENT ACCESS POINTS**

The Roadless Rule is not a violation of civil rights for disabled people because Colorado has thousands of good access points into forests for all people as it is. Intact pieces of land are beneficial for our watershed and for prevention of erosion, which helps to protect fish as well as the land. (Individual, Cedaredge, CO - #842.2.52000.002)

### **3-10 Public Concern: The Forest Service should protect recreational resources as proposed in Alternative 4.**

#### **TO SUPPORT RETENTION OF HUNTING AND FISHING REVENUES TO THE STATE**

Hunting and fishing continues to be a very large revenue source to the state of Colorado—over \$2 billion in revenues and 20,000 jobs to the economy. These will only remain if we continue with good management and restoration practices. The addition of protected areas under Alternative 4 would support these goals. (Recreation/Conservation Organization - #224.2.54100.870)

### **TO PROTECT THE UPPER TIER AREAS FROM MOTORIZED RECREATION**

I would strongly urge the Forest Service to adopt Alternative 4 that proposes upper tier protection for 2.6 million acres. Why? Because in my lifetime of 62 years I have seen a significant reduction in the amount of land that is limited to no motorized vehicles. It is this undisturbed land that is so unique, so special, and so worth preserving. Once it is gone, that's it. As our populations worldwide grow exponentially, these quiet, undisturbed places become even more valuable. Our country still has the option to protect what little remains; many other countries don't have this luxury. Also, it is for personal reasons; I enjoy being out in the woods without the roar of a snow machine or a four-wheeler bearing down on me as I ski or ride my horse through the forests. Many of the places I used to take a quiet ride on my horse are now inundated with the 4-wheelers. I resent the fact that I can't get away from noisy, mechanized vehicles that impact the land much more than I do. I don't think I am selfish; I think there should be places preserved for people like me that need quiet, beautiful forests to enjoy. Where will it stop? Will no place be holy? It looks to me that only through management decisions and policies will wild spaces get the protection needed. (Individual - #154.1.52200.200)

I am the President of Gunnison Gorge Anglers [GGA], the local chapter of Trout Unlimited [TU] and Federation of Fly Fishers. Our 250 members have participated in numerous water conservation projects over its 27-year history—all to protect the cold water fisheries on the west slope.

I, and the GGA members, would recommend adoption of Alternative 4 which would protect precious parcels of land for wildlife and native species of fish. TU estimates that 71 percent of Colorado's native CR [Colorado River] Cutthroat habitat lies in the proposed 2.6 million acres of Alternative 4. These areas do not need to be disturbed if at all possible, or at least not without the appropriate restoration requirements imposed on any approved temporary road/project.

I have personally fished and hiked in many of the proposed Alt. 4 upper tier areas, such as Cliff Creek off of Coal Creek; Red Canyon/Horsefly off of the San Miguel; Beaver Creek off of the upper Gunnison; Deep Creek off of the North Fork of the Gunnison. These are wonderful, remote and undisturbed places that wildlife and native fish thrive in. Just two weeks in Horsefly Canyon I saw 5 mature bull elk plus a black bear cub and its mom; nice additions are catching some cutthroat on dry flies! No tire tracks nor trash nor footprints—just the way these places should be kept. (Recreation/Conservation Organization - #224.1.54000.300)

### **TO PROTECT HUNTING AND FISHING OPPORTUNITIES FROM THE EFFECTS OF OIL AND GAS DEVELOPMENT**

Adopt the conservation alternative (Alt. 4). I grew up hunting and fishing in Colorado, and my father and I used hunting season as an excuse to learn about new parts of the state, going from the Routt National Forest / Mt. Zirkel Wilderness, hunting elk and deer and fishing in the Yampa and tributary streams; Flat Tops / White River National Forest outside of Sleepy Cat, hunting elk and deer and fishing in the White River; through the San Isabel National Forest / Collegiate Peaks Wilderness, hunting deer, elk and bighorn and fishing in the headwaters of the Arkansas; to the Rio Grande / West Elk Wilderness for deer, elk, bear and fishing the tributaries of the Rio Grande and Taylor. This was only possible because these lands were available and undisturbed. I'm now teaching my sons to hunt and fish and learn their role as stewards of the land. This education becomes much more difficult as the number of areas available to us diminishes. This way of life is in jeopardy and the consequences are much greater than the general public realizes. Once these areas are gone, we will never get them back. We're watching the oil and gas companies pump diesel fuel into the ground, sink gas wells all over the western part of the state, and it feels like we're losing this battle of unrecoverable natural assets to the drive for short-term profits that devastate the communities nearby. (Individual - #767.1.54100.421)

## **3-11 Public Concern: The Forest Service should retain the 2001 Roadless Rule.**

### **BECAUSE THE AGENCY DOES NOT HAVE THE RESOURCES TO ADDRESS ILLEGAL OFF-ROAD VEHICLE USE**

I am in favor of keeping the original 2001 Roadless Rule in place. This set of provisions provides the best overall protection while maintaining adequate provisions for industrial uses. Another reason for my decision is that no government agency has been able to adequately address the problems with unethical

ATV use in Colorado. Every phone call or letter to USFS or the Colorado Division of Wildlife has had the reply that they do not have the manpower to fix this problem that both agencies admit to. Clearly, there has been more advocacy by ATV groups than by those protecting the forest lands. The 2001 Roadless Rule clearly addresses the problem. (Individual, Lafayette, CO - #5.1.52200.165)

#### **TO PROTECT THE FORESTS FROM OFF-ROAD VEHICLES**

Why must you destroy the Roadless Rule? It was there to protect our forests from off-road vehicles and other traffic. If people need a road, then they need to go elsewhere. Otherwise enjoy the walk in a pristine environment. Please reconsider and leave the Roadless Rule in place. (Individual, Manhattan, KS - #80.1.52200.200)

### **3-12 Public Concern: The Forest Service should continue to manage motorized recreation through the Travel Management Planning process.**

I 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. (Individual, Colorado Springs, CO - #190.2.52200.510)

### **3-13 Public Concern: The Forest Service should ensure that property owners are provided motorized access to their properties.**

In general, I am opposed to the general idea of any roadless rule. I believe a land owner should have “unfettered access to property and uses by right.” However, this right has been largely curtailed for years by the Parks and Wildlife Department who will not allow a property owner to drive a vehicle onto Lincoln Mountain. We used to visit our property periodically for recreation, camping, sightseeing, etc. However, it’s impossible for most of us to visit our property by foot. So we don’t bother to visit. (Individual, Rowlett, TX - #133.2.52200.630)

## **Road Access and Closure**

### **3-14 Public Concern: The Forest Service should prohibit roads in roadless areas.**

#### **TO AVOID DAMAGING THESE AREAS**

Once a road is built into a wilderness, all sorts of incursions begin, some legal and some not. Some injurious to the forest and wildlife, and all of them erasing the meaning of the word, wilderness. Please do not allow roads on untouched forest land. (Individual, Corte Madera, CA - #102.8.52000.200)

I have enjoyed the back country in our state for years, but it is getting harder and harder to find areas that are not disturbed by the sounds of ORVs and motorcycles even when I have hiked or backpacked for miles. I have witnessed the destruction of trails and streams from these vehicles. Particular enjoyment for this crowd seems to be mud and rivers. They have destroyed stream beds and banks and have gouged foot-deep troughs in soft areas of trails.

People who walk, hike, or horse ride come out to get away from the racket of the city. If I wanted to hear city noise, all I have to do is walk out my front door. They are hampering my desire for a peaceful and natural experience.

With Congress worrying about the budget, I would think that creating and maintaining less roads would be a good option. (Individual, Cortez, CO - #217.3.54000.002)

### **3-15 Public Concern: The Forest Service should prohibit new roads and motorized vehicles in the National Forests.**

I am against motorized vehicles in our forest and building any more roads regardless of the reasons. (Individual, Carbondale, CO - #187.2.52200.001)

### **3-16 Public Concern: The Forest Service should avoid closing existing roads.**

#### **TO ENSURE COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT**

According to 2005 U.S. Census Bureau population data, the current population is aging with about 25 percent being age 55 and older. About 19 percent of the U.S. population is considered disabled and about 12 percent is considered to be severely disabled. The elderly and the disabled have a more difficult time accessing the public lands by other than motorized means. Removing any existing road from public access, especially access by the elderly and the disabled, would seem to violate the Americans with Disabilities Act by not providing equal access to the public lands for all potential users. (Individual, Nathrop, CO - #127.2.52000.132)

#### **TO PROVIDE ACCESS TO SENIORS AND THE DISABLED**

I am 67 and have a bum leg, making extended walks painful. As a rockhound, access to remote places is only available via road by truck or ATV. Please leave existing roads accessible. More roads on Federal lands would be helpful, not less. (Individual, Westcliffe, CO - #53.1.52200.132)

#### **TO PROVIDE ACCESS TO SENIORS AND TAXPAYERS**

Why would you want to set aside more land that people can't use? With the population getting older, how many people are going to be able to walk miles in to enjoy the public lands? There are wilderness areas enough set aside; if someone wants to go somewhere without vehicles, they can go there. What is the difference to the average person between a wilderness area they can't hike into and a roadless area they can't hike into? Society has had enough of the greenies locking things up or putting roadblocks in the way of the majority of Americans who pay for this land. How long will you support them, and not the majority who want to see and use our public lands as they were intended. Please don't lock up any more land. (Individual, Fort Collins, CO - #27.1.52200.125)

#### **TO PROVIDE MOTORIZED ACCESS FOR SENIORS AND HUNTERS**

Please leave all the roads and ATV trails open in our National Forests. The aging hunting and outdoor generation is going to need access in the future. I've watched you guys close down so many established (but not designated) ATV trails in the past 5 years that I rarely use my ATV anymore. The average age of a hunter is 52 and is going up; how many 60-year-olds are going to pack into the mountains 2-5 miles without a horse? Yes, most people don't own horses and this will probably remain true.

What about the handicapped and elderly folks in wheelchairs? Maybe they'd like to get off the highway once in a while and go for a drive in the back country.

It is very frustrating to watch our access being ripped away. In my opinion, the only people/things that have good access to public lands anymore are gas companies and cattle. (Individual, Grand Junction, CO - #166.1.52200.132)

#### **TO PROVIDE MOTORIZED ACCESS**

In response to closing roads that are currently accessible by motorized vehicle: We do not understand the process to close the forests to those that can only walk through the land. There are so many people that enjoy the outdoors from their vehicle not because of illness or injury but just like to enjoy the comfort of freedom to get out of the house and go for a ride. In such a high-tech world that we live in, we are so blessed to drive 30-40 minutes to greatness and majestic views in the comfort of our vehicle. Please keep roads that are open "open," and open land is for all people. (Individual - #24.1.52200.710)

I am opposed to the proposed Roadless Rule for Colorado (or any other National Forest for that matter). I am an avid outdoorsman that participates in hunting, hiking, fishing, mountain biking, ATVs and 4x4ing. The roads that currently exist provide terrific access to all of the recreational opportunities that the National Forests in Colorado provide. To close them down would greatly affect the recreation of thousands of citizens who, particularly now during the economic downturn, seek refuge in these forests, by way of camping and recreating. Closing roads would make it such that less of the forests is accessible to more of the population that currently enjoy the use and benefit of the forests. Leave roadlessness to the areas designated as wilderness. (Individual, Littleton, CO - #36.1.52200.710)

**IN THE PAONIA RANGER DISTRICT OF THE GUNNISON NATIONAL FOREST**

In the past five months I have noticed more and more arrogance and determination of local Federal agencies in the denial of access to public lands.

The latest violation of Americans' rights is going on in the Paonia Ranger District of the Gunnison National Forest. Staff of the Ranger District has decided to lock-off access to most of the roads and ATV trails that branch off the Stephenson's Gulch Road. These roads have been available to jeeps, ATVs, horses and foot traffic since the start of time. After talking with local seniors, it was found that these roads and trails have been used for recreation, fishing, hunting and hiking for decades. All of this access will be lost if a couple of public employees have their way. (Individual, Grand Junction, CO - #164.2.52000.160)

**3-17 Public Concern: The Forest Service should avoid closing or inadequately maintaining existing roads.****BECAUSE SENIORS AND THE DISABLED NEED THEM FOR ACCESS**

By eliminating more roads or refusing the roads that exist to be maintained, you are essentially making it impossible for the elderly and handicapped people to experience the mountains in which we live.

The only people who want roads to be eliminated are those who are young enough to hike or ride a bicycle.

If you are old and not in very good shape, you can forget about going out into the mountains; just shut-up and pay your taxes because after all, there are so many young green people now that your existence does not matter much to us.

Stop with this you know what is best for all of us, because one day you too will be too old to hike and ride bicycles... (Individual - #32.1.52000.132)

**3-18 Public Concern: The Forest Service should avoid closing more roads to motorized travel in the Grand Mesa, Uncompahgre and Gunnison National Forests.****TO PROTECT MOTORIZED RECREATION FOR SENIORS AND ASSOCIATED ECONOMIC BENEFITS**

The proposal that as much as half of the Grand Mesa, Uncompahgre and Gunnison National Forests could be made roadless is so far out of the realm of reasonableness that I can't believe it is even being considered. This cannot be allowed to happen. This would restrict many of our "senior" population from enjoying the National Forest by motorized vehicle on already existing roads and/or trails. It would have a serious negative economic effect. Colorado needs the resources that the National Forests can provide and many people such as myself greatly enjoy visiting the forests by ATV. We are long past the time when motorized users could travel anywhere. We are now restricted to established roads and trails and I am all in agreement with that. We are doing no harm to the environment and we have a great time enjoying the forests. This proposal is extreme and over the edge; it must not be allowed to take effect. If that would be its effect on the Grand Mesa, Uncompahgre and Gunnison National Forests, I am sure it would have a similar negative effect on the other forests in Colorado. Stop the Rule! (Individual, Delta, CO - #176.1.52200.002)

**3-19 Public Concern: The Forest Service should ensure roads and areas closed to motorized recreation remain closed.****BECAUSE OFF-ROAD VEHICLES AND MOTORCYCLES CAUSE NOISE, AIR POLLUTION, AND EROSION**

For 30 years I've lived next to the San Isabel Forest in Chaffee County. The noise, fumes and erosion caused by ATVs and motorcycles is disgraceful and damaging to the natural environment. The roads in Baldwin Lakes Basin and Mount White should remain closed to motorized traffic. Again, there is enough area already in existence for these recreational vehicles to travel on.



The 2001 Roadless Rule mentions that there were 60,000 miles of unauthorized roads in the Forest System; the lack of concern by users of these vehicles has played a great part in the freelance desecration of our public lands. (Individual, Buena Vista, CO - #55.5.52200.200)

#### **BECAUSE OFF-ROAD VEHICLE TRAILS BECOME EXTENSIVE**

Before the invention of the ATV, our public lands were truly something to admire. Elk and mule deer had many places to seek refuge within these public lands. There were many places you could go in the Grand Mesa [National Forest] and bow hunt, or simply hike, and find elk rutting in the same places year after year. In fact I could walk 2–3 miles into several roadless areas and find big game and rarely see another person.

The ATVs created hundreds of miles of new trail systems that have stained our forests for eternity. I spent many years writing down licenses and registration numbers, and talking to the one law enforcement guy for the entire Grand Mesa Forest. I talked to Connie Clementson, and nothing was ever accomplished. I risked confrontation and personal injury to try and “be a good witness” and report violators. In most cases, the guys who were off designated routes would laugh at me and tell me they would pay the \$75.00 fine to hunt elk, and pack out elk, and could care less what I thought. The last straw for me was when I took pictures of live blue spruce cut down by a hunting party, and got these guys to admit to me they drove their ATVs off route to pack out two bulls they killed. They told me where they were from, and where they were camped. I called the DOW [Colorado Division of Wildlife] and Forest Service and lodged my complaint. They called me back over a week later and told me the guys had left the state for home and there was nothing they could do. I could waste my breath telling story after story just like this; however, I already know that nobody cares, and nobody is going to do anything about this problem. (Individual - #222.1.52200.165)

### **3-20 Public Concern: The Forest Service should prohibit new construction of trails intended for motorized use.**

#### **BECAUSE THEY VIOLATE THE SPIRIT OF THE ROADLESS RULE**

There should be no new construction of trails intended for motorized traffic. Allowing motorized “trails” up to 49 inches to be constructed within CRAs (Colorado Roadless Areas) violates the spirit of a roadless rule. Most of these areas are crisscrossed with trails of varying sizes that are now available for motorized travel. Additionally, the Forest Service does not have the budget for implementation, monitoring, and enforcement related to such new trail construction. (Civic Group, Grand Junction, CO - #615.9.52200.160)

### **3-21 Public Concern: The Forest Service should avoid expanding areas that are open to motorized recreation.**

#### **TO PROTECT THE NATURAL AND AESTHETIC ENVIRONMENT**

I am firmly against expanding availability of Forest Service land to snowmobiles or ATVs since they clearly have a deleterious effect on the natural environment as well as possessing strong negative aesthetic value to the outdoorsperson trying to enjoy the natural environment without loud and intrusive mechanical annoyances. (Individual, Lakewood, CO - #6.2.52200.570)

As someone who lived in and around the Smoky Mountain National Park, I watched large numbers of 4-wheelers tear up the walking trails and to this day I could not understand why. What joy did they get out of destroying a real part of nature while they sat in their 4-wheelers polluting the environment with the fumes from their engines? There is no way you can join with nature from the seat of a 4-wheeler—No way! (Individual, Hatboro, PA - #270.3.52200.201)

#### **TO ALLOW FOR SAFE AND QUIET NON-MOTORIZED RECREATION**

Personally, as a senior citizen with bad knees and back, I have been put in danger by irresponsible ATV and dirt bike riders on more than a few occasions. Their idea of “sharing the road” is for anyone not on a

machine to jump off the road and get out of their way. On one such occasion, falling into a culvert, I turned my ankle and the hike out was painful.

Consider the families, the senior citizens and all those in between who want and need an opportunity to safely and quietly enjoy our natural treasures. Please leave us some safe, quite-use, road-free lands. (Individual, Grand Junction, CO - #553.5.52200.790)

### **3-22 Public Concern: The Forest Service should avoid creating more roads for motorized recreation.**

#### **BECAUSE THERE ARE ALREADY SUFFICIENT ROADS IN THE NATIONAL FORESTS**

Wanted to voice my opinion on the Roadless Rule proposals. After almost 60 years in the outdoors as a hunter, camper, photographer and outdoor instructor (at a younger age), I believe our forests are covered with more than enough roads, ATV trails, and 4-wheel-drive trails. The largest problems today are way too many ATVs and motorcycles in our forests. I avoid many areas because of them. Has ruined hunting in several areas I used to go. Roadless areas are the solution. We deserve less intrusion in our forests, not more. As a member of Trout Unlimited, Ducks Unlimited, and Elk Foundation, I believe in protecting our vanishing resources. I support their initiatives. Please consider our wishes, not business development. (Individual - #509.1.52200.200)

#### **TO PROTECT FLORA AND FAUNA AND THE SAFETY OF NON-MOTORIZED RECREATIONISTS, AND TO REDUCE EROSION**

I am writing on behalf of all the watersheds, flora and fauna, which you know will be impacted from the noise, development and harassment of off-road vehicles, jeeps, 4WD, trail bikes, four-and-three-wheelers and snowmobilers. I hunt, fish, hike, cross-country ski and snow shoe, and I can only tell you from my experiences I have seen many instances of recklessness, dangerous, unethical activity and lack of understanding of the areas they use...Rarely do they slow down for non-motorized use and the major thrill is to go for speed and the excitement of going up steep places...I feel like I am not exaggerating and I have a 4WD 4-Runner...I don't need to tell you the damage that is done to the trails and watershed by erosion and runoff by these and logging and oil exploration vehicles. (Individual, Greeley, CO - #516.1.52200.200)

### **3-23 Public Concern: The Forest Service should use accurate maps.**

#### **THAT SHOW ALL EXISTING ROADS AND TRAILS**

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. (Individual - #460.9.52000.860)

## **Over-the-Snow Vehicular Use**

### **3-24 Public Concern: The Forest Service should allow snowmobile use in roadless areas.**

#### **BECAUSE THEY CAUSE LITTLE DISTURBANCE TO THE ENVIRONMENT**

As for the environment, there are no studies to prove snowmobiles affect the environment. There may be evidence that sleds have been in an area, but no evidence that the environment has been harmed. The special interest groups don't want to accept the fact that snowmobiling occurs on the snow and, with few exceptions, does not affect vegetation or habitat. The few exceptions I reference are those instances when snowmobilers ride during marginal snow conditions and tear up the vegetation. This is an education and self-policing issue that we must continue to work on and not a reason to close down National Parks or portions of the forests or BLM lands. (Individual, Edwards, CO - #403.10.52200.353)

The argument that snowmobiling affects humans is driven primarily by the cross-country skiers who feel the snowmobilers are impacting their wilderness experience. They are unwilling to accept that with the new exhaust systems, sound levels are very low and one can't hear them very far away. I enjoy cross-country skiing as much as snowmobiling and have never had a problem with noise or discourteous riders. (Individual, Edwards, CO - #403.9.52200.570)

Even though I am not a snowmobiler, I believe in keeping open access to all users of the White River National Forest and frankly all public lands in general. Public land protected by the Wilderness Act has grown from originally 9 million acres in the beginning in 1964, to over 109 million acres now, and the pressure to increase this is more than ever before limiting access to all but people with horses or those who hike.

The roadless proposal (Alternative 4), as it is written, is too stringent. It will eliminate almost all of local snowmobiling and motorized clubs' favorite recreational areas. Snowmobilers in particular would only be left with Baylor Park, as Twin Peaks, the Burn area, Clear Fork, Jones Trail, Spruce Mountain, and Thompson Creek would all be designated as wilderness and inaccessible.

Furthermore, the proposal (Alternative 4) doesn't stop at those areas, but continues north of I-70 to the Flat Tops and nationwide. The next big thing is the implications of what happens.

If it passes, it will shut these areas off to everything mechanical, from mountain bikes, chainsaws, vehicles, ATVs, snowmobiles, motorcycles, etc.

This has implications for everything from dead tree removal (think beetle-kill lodgepole pine trees), to people with back issues or handicaps, to those of us who are healthy but enjoy snowmobiling or heading out on mountain bikes, etc. Once something is designated wilderness—that is it: there is no reversing it or going back. (Individual, Edwards, CO - #403.1.52200.650)

### **3-25 Public Concern: The Forest Service should acknowledge that snowmobile use is no more damaging than horseback riding.**

You need to consider the fact that horses only travel on average 2 mph (miles per hour) when trail riding and that horses and foot traffic cause more damage to vegetation than snowmobiling, and snowmobiling is less disruptive to wildlife since it occurs during snow seasons when most animals have migrated to lower elevations with less snow in search of vegetation/food. (Individual, Edwards, CO - #403.4.52200.353)

## **Mechanized Recreation**

### **3-26 Public Concern: The Forest Service should allow mountain bicycling on all trails.**

#### **BECAUSE IT IS NO MORE DAMAGING THAN HIKING**

I also would like you to be sure to open up all trails to mountain bicycling; it has been shown in scientific studies that mountain biking is no more detrimental to wilderness trails than hiking, and much less so than horseback riding. Mountain bikers maintain trails and take care of the environment. Mountain biking allows access in a harmless way that makes young people realize that there is a lot of land that needs to be protected. (Individual, Keene, NH - #160.8.52100.002)

#### **BECAUSE SOME PEOPLE CANNOT WALK BUT CAN BIKE**

The existing "roadless" Wilderness areas of the Four Corners are closed to bikes/mechanized vehicles. I can't hike in those areas because of my knee condition. I don't have or ride horses. I am shut out of recreational access to or reasonable recreational use of the existing Wilderness areas. Allowed uses of the Wilderness Areas discriminate against me.

I car camp a lot. My wife and I recently purchased a truck-mounted camper to enhance this outdoor experience that is possible for us. We cherish the opportunity. Being able to access and car camp in

remote areas of the National Forest is my wilderness experience. Road closures will simply be another layer of restrictions discriminating against my use of the public land in the National Forest.

Please give careful consideration to and reasonable analysis of my use capabilities and those of others like me when considering road closures in the National Forest. (Individual - #737.1.52000.780)

### **3-27 Public Concern: The Forest Service should enlist the help of mountain bikers to protect roadless areas.**

#### **BECAUSE THEY BUILD AND PROTECT SUSTAINABLE TRAILS FOR MULTI-PURPOSE USES**

One of the best ways to protect these areas is to open trails up to mountain bikers who build and protect sustainable trails for multi-use purposes. (Individual, Keene, NH - #372.3.54000.200)

## **Hunting and Fishing**

### **3-28 Public Concern: The Forest Service should adopt a strong roadless rule.**

#### **TO SUPPORT FISH AND WILDLIFE CONSERVATION AND HUNTING AND FISHING TRADITIONS**

We [69 Colorado hunting and fishing businesses and groups] are writing to request your commitment to and support of fish and wildlife conservation and our hunting and fishing traditions by developing a strong Colorado Roadless Rule that safeguards top quality habitat, the most valued hunting and fishing areas and the maximum acreage of public land fish and wildlife habitat.

Commonly known as backcountry, Colorado's 4.2 million acres of National Forest roadless areas provide unique opportunities for sportsmen to pursue fish and game. Colorado has more elk and mule deer than any other state in the nation, a condition that has been enabled by the conservation of backcountry areas that provide "core habitat." Core habitat areas, where fewer disturbances to wildlife have been shown to maintain higher reproduction and survival rates in elk, allow wildlife managers to maintain strong wildlife populations. The benefits to hunting and fishing extend beyond roadless area boundaries: Backcountry lands help game species expand their ranges, thereby providing more opportunity for hunters on public lands throughout the state.

Backcountry areas are strongholds for the last remaining native trout in Colorado, offering unrivaled opportunities for anglers to fish for species such as Colorado River cutthroat, Rio Grande cutthroat and greenback cutthroat. The headwater streams and rivers that flow through roadless areas provide cover and refuge for these fish. Too much human disturbance and too many roads can increase sediment loads in waterways and lower the quality of spawning habitat, decreasing the likelihood that these native trout can be sustained. Conserving headwater streams and rivers in roadless areas increases downstream habitat quality and fishing opportunity, as well.

On behalf of Colorado sportsmen, we thank you for your hard work and urge you to make every effort to conserve Colorado's backcountry traditions through a responsive and thorough Colorado Roadless Rule that maximizes the acreage and quality of public-land fish and wildlife habitat being sustained in our National Forests. A strong management document will ensure that hunting and fishing remain a fixture of living and recreating in Colorado. (Recreation/Conservation Organization, Denver, CO - #538.1-2.54100.330)

In an increasingly crowded world, roadless areas will help to provide long-term public hunting opportunities and the means for sportsmen to escape crowds and experience solitude. These areas are important not only to sportsmen who hunt and fish deep in the backcountry. Easy access to backcountry areas via adjacent roads and trailheads enables high-quality hunting and fishing even to sportsmen who stay close to their vehicles. (Recreation/Conservation Organization, Missoula, MT - #673.3.54100.770)

#### **BECAUSE OF ECONOMIC BENEFITS OF HUNTING AND FISHING**

The fish and wildlife values of roadless areas translate into economic benefits across the state. Hunting and fishing is big business here in Colorado, creating over 20,000 jobs and nearly \$2 billion in annual revenue. This revenue and job creation is particularly important to rural communities where some

businesses gain over 50 percent of their annual income during hunting season alone. In order to retain these robust contributions to the economy, Colorado must adequately protect the lifeblood of these industries: the roadless backcountry. The Colorado Division of Wildlife has supported this position and repeatedly called for full protection of Colorado's roadless areas throughout the rulemaking process due to their significance to fish and wildlife and to rural economies. <http://wildlife.state.co.us/LandWater/Roadless/>. (Recreational CO - #628.3.54100.870)

According to reports published by Southwick Associates, fishing and hunting annually contribute more than \$190 billion to our nation's economy and more than \$1.8 billion to Colorado's economy. Conscientious roadless area management can maintain strong economic engines in rural communities and continue to supply stable jobs associated with hunting, fishing and other outdoor recreation. Businesses that provide services and products to sportsmen—everything from guide and outfitter services to sporting goods stores, motels, grocery stores and gas stations—are the lifeblood of many small towns. These businesses depend on responsible roadless area management through a strong Colorado Roadless Rule. (Recreation/Conservation Organization, Missoula, MT - #673.4.54100.870)

### **3-29 Public Concern: The Forest Service should preserve hunting and angling opportunities.**

#### **BECAUSE THEY PROVIDE SIGNIFICANT ECONOMIC OPPORTUNITIES TO LOCAL COMMUNITIES**

Protect our hunting and angling heritage and the economic opportunities they create. Relay the importance of the outdoor economy and the reliance of local communities on hunting, fishing and wildlife-viewing dollars that wouldn't be possible without pristine public lands. Hunting, fishing and wildlife viewing contribute nearly \$2 billion and over 20,000 jobs annually to Colorado's economy. Additionally, nearly 60 percent of all native cold water fisheries habitat in Colorado is in roadless areas and the 15 most hunted game management units (GMUs) are all over 50 percent roadless, including over 100,000 acres of roadless backcountry in 12 of the 15 most hunted GMUs. (Individual, Durango, CO - #84.6.54000.870)

#### **TO COMPLY WITH EXECUTIVE ORDER 13443**

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. (Individual, Dolores, CO - #477.15.54100.170)

### **3-30 Public Concern: The Forest Service should preserve game and fish habitat in roadless areas.**

#### **TO PRESERVE HUNTING AND FISHING OPPORTUNITIES**

I'm an avid sportsman and want increased Wilderness protection on Colorado. Any effort to diminish the Roadless Rule will negatively impact hunting and fishing in our great state. We have plenty of roads into various National Forests and certainly do not need any more. (Individual - #514.1.54100.680)

The 4.2 million acres of backcountry roadless areas in the Centennial State provide important habitat for numerous big-game species and wild trout. The last time I looked, hunting, fishing, and related outdoor

activities generated more money for Colorado than the ski industry. These lands require protection. (Individual, Kirtland, NM - #243.1.54100.870)

**BECAUSE GAME AND FISH, AND LOCAL ECONOMIES, BENEFIT FROM HUNTING AND FISHING**

Please keep in mind the following in your deliberations on the Colorado Roadless Rules:

1. Our hunting and fishing advocates make a substantial contribution to our state economy.
2. Both of these activities benefit directly from adequate habitat protection.
3. Without suitable habitat, we will have no game; without game, we will have no hunting and fishing; without hunting and fishing, a precious heritage of our past will be lost forever.
4. To quote the greatest naturalist and environmentalist in recent memory, "The wildlife and its habitat cannot speak. So we must and we will." -Theodore Roosevelt

These points should be foremost in your minds and I sincerely hope will help influence you to elevate upper tier protections for more high-quality roadless lands. (Individual, Salida, CO - #394.1.54100.002)

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. (Individual - #481.1.54100.352)

## Ski Areas

### 3-31 Public Concern: The Forest Service should avoid opening more lands for ski areas.

**BECAUSE THE CURRENT AREAS ARE ADEQUATE AND TO REDUCE TRAFFIC ISSUES**

It seems to me that Colorado's supply of ski-able acreage is presently adequate, considering that all ski-able terrain in the Colorado high country must be accessed via automobile use that already overburdens existing roadways. I therefore recommend that no more areas of roadless terrain be opened for the purpose of skiing. (Individual, Denver, CO - #2.3.56000.680)

### Public Concern: The Forest Service should not remove potential ski areas from roadless area designation.

Potential ski areas must not be removed from the roadless inventory. (Place-Based Group, Ridgway, CO - #533.10.63000.521)

Potential ski areas must not be removed from the roadless inventory. Under Alternatives 2 and 4, 8260 acres of land that are either in the special use permit boundaries for existing ski areas or in forest plan prescriptions that allow ski area expansion or development would be removed from the roadless inventory. RDEIS at 235. We [Rocky Mountain Wild, et al.] strongly oppose this proposal. A roadless area is no less valuable just because some entity thinks all or part of it could be developed into a ski area. (Preservation/Conservation, Monument, CO - #591.63.63000.521)

**BECAUSE SKI TERRAIN MAY BE EXPANDED WITHOUT ROADS**

We [Pitkin County Board of Commissioners] do not support the removal of potential ski areas (or expansion areas for existing operations) from the roadless inventory. Removal may encourage development and/or increase impacts to wildlife and other roadless area resources in locations where an expansion of terrain may be possible without roads. (Pitkin County Board of Commissioners, Aspen, CO - #587.13.56000.206)

**BECAUSE THEY ARE POTENTIAL LYNX HABITAT AND THERE IS NO NEED TO REMOVE THEM FROM ROADLESS DESIGNATION**

Three roadless areas where ski area development could occur and which would be removed from the roadless inventory are of "particular concern" for wildlife habitat. RDEIS at 209. The Williams Fork

IRA/CRA, into which the Loveland Ski Area could expand, "is a critical connecting land bridge for large carnivores and other wide-ranging species across I-70". Id. Game Creek IRA/CRA, a possible expansion area for the Vail Ski Area, "is a lynx linkage area..., deer migration corridor, and elk winter range". Id. The Porcupine Creek IRA/CRA, into which Arapaho Basin Ski Area could expand, "provides a critical movement area for wildlife... and is identified as a lynx linkage area". Id.

While there are no current plans for development of these areas (id.), any such development would have a very strong adverse impact on wildlife and landscape-level connectivity. Removing them from the roadless inventory invites proposals for development. If the areas remained in the roadless inventory, at least no roads could be constructed in these areas, and thus some roadless area characteristics could be protected if ski area development was allowed.

In denying a proposal to develop the Snodgrass area as an expansion of Crested Butte Ski Area, Grand Mesa-Uncompahgre-Gunnison National Forest Supervisor Charles Richmond stated: "The upper portions of Snodgrass Mountain are lynx habitat. Permanent loss of suitable lynx habitat would occur as a result of development. Effects would, we believe, be measurable, leading to an adverse effect to Canada lynx and possibly result in "take" to the species."

Letter of Charles S. Richmond to Crested Butte LLC, dated November 5, 2009 at 4. [Footnote 25: Mr. Richmond's decision was upheld in appeal decisions by both the Regional Forester and the Chief of the Forest Service.] Yet under the proposed rule, 900 acres of Gothic Mountain Inventoried Roadless Area would be removed from the roadless inventory. RDEIS at 235. Retaining the Snodgrass area within a roadless area would help protect the lynx habitat there.

Construction for ski area expansion does not always require construction and use of roads. See RDEIS at 233, 234. Lift towers are typically brought in with helicopters. Workers can walk in or use pack animals. Thus there is no need to remove potential ski areas from the roadless inventory. (Preservation/Conservation, Livingston, MT - #591.64-65.63000.330)

#### **BECAUSE THESE AREAS SERVE IMPORTANT ECOLOGICAL FUNCTIONS**

Roadless areas proposed for ski area expansion should be retained in the roadless inventory.

Under Alternatives 2 and 4, 8,260 acres of land that is either in the special use permit boundaries for existing ski areas or in forest plan prescriptions that allow ski area expansion or development would be removed from the roadless inventory. DEIS at 235. This relatively small amount of acres was addressed by the state Task Force. These acres are currently roadless. Some serve especially important ecological functions, such as the Williams Fork IRA/CRA near Loveland Ski Area.

First, these lands should continue to be managed as roadless under a state rule unless and until ski area expansions are approved subject to future NEPA processes. Second, the ski areas seeking expansion into such areas should be required to compensate for the loss of roadless values by providing for off-site remediation through ensuring protection of other lands in a manner that results in a net environmental benefit. (Preservation/Conservation, Boulder, CO - #625.27.56000.620)

### **3-32 Public Concern: The Forest Service should adopt the proposed exclusion of developed ski areas from roadless designation.**

#### **BECAUSE ROADLESS MANAGEMENT IS INCONSISTENT WITH DEVELOPED RECREATION**

The Forest Service should adopt the proposed rule because it will provide certainty and eliminate confusion about roadless areas and ski areas:

The proposed rule will provide additional certainty for an issue that is unique to ski areas. When the Forest Service issues a ski area special use permit, or makes a Forest Plan land management allocation for skiing, it makes a long-term decision that developed recreation is appropriate for those lands, including timber removal for ski runs, ski lifts, and ski ways; use of the area by over-the-snow and off-road vehicles; roads as needed to provide access to lift terminals; and the concentrated recreational use typical of a ski area.

But having an Inventoried Roadless Area within those same lands creates confusion. Many members of the public think that developed skiing is not permissible within an Inventoried Roadless Area, although timber removal for developed skiing and lift construction is appropriate in a roadless area both under the

2001 Roadless Rule and the proposed rule. See Draft EIS at Appendix F at F-1. Nonetheless, subjecting a ski-area special use permit or Forest Plan land allocation for skiing to a roadless area overlay invites unnecessary controversy and even project-level litigation.

The proposed rule will eliminate the present confusion and uncertainty by removing from roadless status lands that are inside ski-area special use permits or allocated to skiing in Forest Plans. Draft EIS at 66. The total acreage that will not have Colorado Roadless Area (“CRA”) status is relatively small—8,300 acres—when compared to the 4.186 million acres of CRAs statewide. Proposals to expand skiing or use of those 8,300 acres is comprehensively regulated and managed by the Forest Service under the applicable Forest Plan, other Federal laws, and subject to prior review, analysis, and public comment under the National Environmental Policy Act. (Business, Denver, CO - #614.4.56000.620)

### **3-33 Public Concern: The Forest Service should not restrict expansion of ski areas.**

#### **BECAUSE OF INCREASING DEMAND FOR SKIING**

I have reviewed all 350 pages and Appendices of the “Rulemaking for Colorado Roadless Areas Revised Draft Environmental Impact Statement, Dated February 2011.”

An example of an unreasonable situation concerns ski areas. The report states on page 217 that Colorado population in 2006 was 4.8 million and is expected to be 7.3 million by 2030. “...demand for additional snowmobile, hiking, mountain bike and cross-country ski trails will continue to increase....” Colorado has several major ski areas adjacent to roadless areas. But, no new ski areas or additional ski area expansion beyond present permit boundaries will be permitted in roadless areas. Colorado had “12.56 million skier visits in 2006-2007.” Skiers spend “2.6 billion dollars annually in the State, which is one third of annual tourist dollars spent.” Is it wise to restrict the monetary and recreational expansion of this activity? (Individual, Montrose, CO - #580.4.56000.870)

### **3-34 Public Concern: The Forest Service should include an assessment of development effects on areas near ski hills excluded from CRA boundaries.**

#### **BECAUSE EFFECTS ON STREAMS, WETLANDS, RIPARIAN AREAS, AND WATER QUALITY ARE FORESEEABLE**

We [EPA] recommend a thorough discussion of impacts to wetlands and riparian habitat that may result from ski area development that would result from removal of IRA/CRA (Inventoried Roadless Area/Colorado Roadless Area) designation for those relevant acres. (U.S. Environmental Protection Agency, Washington, DC - #685.21.56000.330)

EPA recommends the FEIS include information regarding the impacts from potential area development/expansion on area acres excluded from CRA boundaries. It appears that such development could substantially increase ski season and non-ski season use of the ski areas and surrounding forests. We [EPA] recommend a discussion of the potential new residential and lodging units and foreseeable road and parking lot construction. We recommend inclusion of indirect impacts such as hydrologic changes and water quality impacts from erosion and contaminants caused by runoff from increased impervious surface area.

Planned and potential developments may result in the following indirect impacts to aquatic resources:

- Wetlands and riparian area impacts from up-gradient or adjacent development, grading, roads, ski terrain expansion, potential ski area facility improvements, increased year-round visitation, increased demand for hiking/biking trails and picnic facilities, and changes to hydrology;
- Water quality impacts from wastewater disposal, sediment and lawn chemicals; and
- Water quantity impacts from domestic and commercial water use, changes in stormwater runoff from new impervious surfaces, and down-cutting of streams.

We recommend discussion of how these impacts would be mitigated to protect forest resources and how implementation of such measures would be ensured at the project level. (U.S. Environmental Protection Agency, Washington, DC - #685.26.56000.240)



## Corrections Related to Ski Areas

### 3-35 Public Concern: The Forest Service should correct the definition of developed ski areas.

Discussion of developed recreation, chapter 3 of Draft EIS:

The Draft EIS contains a factual mistake in the discussion of Developed Ski Areas. On page 231, the Draft EIS states that “Developed ski areas are all of the areas authorized under the Ski Area Permit Act of 1986 that have constructed facilities on NFS lands.” Most—but not all—ski areas on NFS (National Forest System) lands are subject to authorizations issued under the Ski Area Permit Act of 1986. For example, Winter Park Resort, a member of CSCUSA [Colorado Ski Country USA, Inc.], operates on NFS lands under two special use permits issued, respectively, under the 1915 Term Special Use Permit Act and the 1897 Organic Act.

CSCUSA recommends that the Forest Service revise the sentence quoted from page 231 to read:

“Developed ski areas are all of the areas authorized under the Ski Area Permit Act of 1986, or other statute, which have constructed facilities on NFS lands.” (Business, Denver, CO - #614.12.21200.130)

### 3-36 Public Concern: The Forest Service should correct the description of the 2001 Roadless Rule as it relates to ski areas.

#### TO REFLECT THAT THE 2001 ROADLESS RULE ALLOWS SOME TREE CUTTING IN SKI AREAS

The preamble to the Colorado Roadless Rule in the Federal Register contains an error in the discussion of how the 2001 Roadless Rule applies to ski areas. Table 2 to the preamble identifies how the 2001 Roadless Rule and Colorado Roadless Rule apply to different issues, including “Developed Ski Areas.” 76 Fed. Reg. 21,272, 21,281. It states that under the 2001 Roadless Rule:

“Roads and tree-cutting would be prohibited in 1,700 acres of ski areas allocated under forest plans but outside of existing permits.” 76 Fed. Reg. at 21,281. That statement is correct about road building but it is wrong about tree-cutting. The 2001 Roadless Rule allows tree-cutting for the development of ski runs, ski ways, ski lifts, and ski trails in Inventoried Roadless Areas. One of the exceptions to the prohibition on timber removal in the 2001 Roadless Rule is when the Forest Supervisor determines that “the cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart.” 36 C.F.R. [section] 294.13(a) (2001). The Forest Service explained when it adopted the 2001 Roadless Rule that timber cutting for ski runs and ski lifts is allowed in an Inventoried Roadless Area under this exception because it is a management activity that is not prohibited by the 2001 Roadless Rule. 66 Fed. Reg. at 3,258. A Federal court has upheld the Forest Service’s conclusion that timber removal for ski area development is allowed in an inventoried roadless area. See *Hogback Basin Pres. Ass’n v. U.S. Forest Serv.*, 577 F. Supp.2d 1139, 1154-55 (W.D. Wash. 2008).

The sentence quoted above from the preamble is an isolated error. The Draft EIS accurately describes the effect of the 2001 Roadless Rule on page 233, and the Draft EIS accurately and concisely describes the effect of the 2001 Roadless Rule and the Colorado Roadless Rule on ski areas in Appendix F at F-1. To remedy the identified error, the Forest Service should revise the sentence about the 2001 Roadless Rule from Table 2 of the preamble quoted above to read: “Roads would be prohibited in 1,700 acres of ski areas allocated under forest plans but outside of existing permits.” See 76 Fed. Reg. at 21,281. (Special Use Permittee - #632.3-4.56000.680)

Table 2, Preamble to the Proposed Rule, Developed Ski Areas:

The preamble to the proposed rule contains an error in the discussion of how the 2001 Roadless Rule applies to ski areas. The preamble notes that for “Developed Ski Areas,” Table 2, 76 Fed. Reg. at 21,281, under Alternative 1, the 2001 Roadless Rule, “Roads and tree-cutting would be prohibited in 1,700 acres of ski areas allocated under forest plans but outside of existing permits.” The statement is not correct that the 2001 Roadless Rule prohibits tree-cutting for ski area development. Timber removal for the development of ski runs, ski ways, ski trails, and ski lifts is allowed under the 2001 Roadless Rule because it is timber removal that is incidental to a management purpose that is not otherwise

prohibited, an express exception to the timber-cutting prohibition. The Draft EIS correctly states that timber removal is permitted for ski runs and ski lifts under the 2001 Roadless Rule. For example, in Appendix F to the Draft EIS, the Forest Service stated about the 2001 Roadless Rule that “Tree-cutting...would be allowed on IRA acres that may be added to a ski area permit boundary after the Rule’s effective date when tree-cutting is incidental to a management activity not otherwise prohibited. This does include the cutting of trees for ski runs or where needed to construct a new lift.” Draft EIS, Appendix F at F-1.

CSCUSA [Colorado Ski Country USA, Inc.] recommends that the Forest Service revise the discussion in Table 2, 76 Fed. Reg. at 21,281, under “Developed Ski Areas” and “Alternative 1, 2001 Roadless Rule,” to eliminate the indicated language because it is legally incorrect:

“Roads [delete] and tree-cutting [delete] would be prohibited in 1,700 acres of ski areas allocated under forest plans but outside of existing permits.” (Business, Denver, CO - #614.13.21200.160)

### **3-37 Public Concern: The Forest Service should correct the boundary of the West Needles CRA.**

#### **TO EXCLUDE THE AREAS THAT WERE ADDED TO THE SPECIAL USE PERMIT FOR THE DURANGO MOUNTAIN RESORT**

The Forest Service Should Correct a Mapping Error in the Boundary of the West Needles Colorado Roadless Area East of Durango Mountain Resort:

CSCUSA [Colorado Ski Country USA, Inc.] has identified an apparent mapping error in the boundary of the West Needles Colorado Roadless Area east of Durango Mountain Resort in the San Juan National Forest. That Colorado Roadless Area is depicted in green in a Google Earth file on the Forest Service Colorado Roadless Rule website. See [www.fs.usda.gov/goto/coroadlessrule](http://www.fs.usda.gov/goto/coroadlessrule). The error is that the West Needles Colorado Roadless Area appears to include National Forest System lands east of Highway 550 that were added to the special use permit area for Durango Mountain Resort in the September 2008 Record of Decision for the Purgatory Durango Mountain Resort Improvement Plan. The same error appears in the Draft EIS at Appendix F-7. The map [ATT 1] set forth is the Forest Service Google Earth map of the West Needles Colorado Roadless Area, depicted in green, with a notation indicating in red outline the approximate area that is inside the existing special use permit for Durango Mountain Resort. Of course, lands inside existing ski area special use permits and Forest Plan ski allocations should not be Colorado Roadless Areas under the Colorado Roadless Rule, Alternative 2 and Alternative 4. See Draft EIS at 234, 236. (Business, Denver, CO - #614.10.21200.521)

## **Other Developed Recreation Areas**

### **3-38 Public Concern: The Forest Service should ensure continued access to Vagabond Ranch.**

Vagabond Ranch seeks confirmation of statements from staff at the Sulphur Ranger District that the Forest Service will not oppose future development of a lodge on the Vagabond Ranch property and that Vagabond Ranch will be assured continued access to the property. (Business, Aspen, CO - #670.7.50000.520)

## **Recreation Economic Analyses**

### **3-39 Public Concern: The Forest Service should recognize the differences in effects on the recreation economy among the alternatives.**

The qualitative and quantitative value of outdoor recreation must be factored into the proposed rule. While rule’s preamble notes that roadless areas “help provide for a high quality of life for local residents” and the “backdrop for world-class skiing, hunting and fishing, and backcountry experiences for non-residents” (Id. at 21273.), the proposed rule and DEIS continue to undervalue the contribution of outdoor recreation to the state economy. Indeed, the preamble states that “distributional effects or

economic impacts are not evaluated for other economic sectors (e.g. timber harvest, recreation) due to evidence in Table 2 suggesting that the extent or magnitude of changes in output or services are not sufficient to cause significant changes in jobs and income for those economic sectors.” (Id. at 21279.) We [Outdoor Alliance et al.] do not think that this is the case.

The DEIS summarizes Colorado’s economy in Table 3-53. (USDA Forest Service Rulemaking for Colorado Roadless Areas Revised Draft Environmental Impact Statement 288 (2011). The DEIS attributes the source of the table to Minnesota IMPLAN Group, Inc. 2008 & Colorado Department of Local Affairs, State Demography Office, 2006.) The table provides 15 industry categories along with the value of production, employment and labor income associated with each category. The industry category “Arts, Entertainment and Recreation” is defined as follows:

“Arts, Entertainment, and Recreation include a wide range of establishments that operate facilities or provide services to meet varied cultural, entertainment, and recreational interests of their patrons. This sector comprises (1) establishments that are involved in producing, promoting, or participating in live performances, events, or exhibits intended for public viewing; (2) establishments that preserve and exhibit objects and sites of historical, cultural, or educational interest; and (3) establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, and leisure-time interests.” (Id. at 290.)

While there is certainly some overlap between the “Arts, Entertainment and Recreation” industry category and the active outdoor recreation economy in Colorado, they are plainly not the same thing. First, the value of production for this industry category is approximately \$4.3B, less than half of the \$10 billion economic contribution of active outdoor recreation in the state. (Southwick Associates, Inc. for the Outdoor Industry Foundation, State-Level Economic Contributions of Active Outdoor Recreation—Technical Report on Methods And Findings 19, 24 (2007).) Second, aspects of the active outdoor recreation economy may very well be present in numerous other industry categories cited in the DEIS, such as trade, professional services, transportation and accommodation and food services. In other words, it does not appear that the way the DEIS characterizes economic activity in the state takes into account the state’s massive active outdoor recreation economy as a separate entity. This disconnect essentially prevents USDA from reconciling the relative impact of the four alternatives identified in the DEIS on this critical part of the state’s economy. (Recreation/Conservation Organization, Washington, DC - #681.10-12.50000.870)

## Chapter 4. Lands and Special Designations

### Ownership and Access

#### **4-1 Public Concern: The Forest Service should avoid reducing access to public lands.**

##### **TO ENSURE PRIOR PARTIES RETAIN ACCESS**

The existing transportation system and existing roads exist because there was a need to access and use USFS public lands. Closing roads or expanding roadless area takes away necessary access to prior parties needing to access USFS managed public land. This proposed action actually will restrict the number of people who can access USFS managed lands by expansion of the roadless area in Routt National Forest and other National Forests within Colorado. (Individual, Clark, CO - #17.2.64000.125)

##### **TO ENSURE ACCESS TO PRIVATE PROPERTY IS NOT LIMITED**

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. (Individual, Tucson, AZ - #462.1.60100.630)

This proposed regulation is 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 access-ways is vital for fire protection, renewable energy sources, water resources, and the enjoyment of our forests. (Individual, Tucson, AZ - #462.2.60100.002)

#### **4-2 Public Concern: The Forest Service should prohibit construction of homes adjacent to National Forests.**

Make sure local regulations keep construction away from national lands. What is this agency doing in that regard? You have homeowners building homes right by national lands. Stop that and protect a buffer. (Individual, Florham Park, NJ - #25.4.60100.200)

#### **4-3 Public Concern: The Forest Service should designate access corridors.**

##### **TO PROVIDE ACCESS TO PRIVATE PROPERTIES**

CCWF's [Clear Creek Watershed Foundation's] review of the proposed Colorado Roadless Rule in fact shows that the upper tier areas are not roadless, that they contain numerous patented properties predating the U.S. Forest Service, that these property owners were not contacted by the U.S. Forest Service or the State of Colorado in the rulemaking process as required by Colorado laws, that the rule as depicted in Alternative 2 would constitute a significant taking, that these properties are properly zoned under Colorado law, that these owners have and continue to pay property taxes in accordance with their lawful uses, and that these owners have access rights to their properties under Federal and Colorado law. The proposed Colorado Roadless Rule works to impede all of the above rights and safeguards.

We strongly urge that specific access corridors be designated into these properties within the Colorado Roadless Rule. (Place-Based Group, Idaho Springs, CO - #532.10.60100.630)

#### **4-4 Public Concern: The Forest Service should ensure that the owners of the Little Howard, Little Howard #1, and Little Howard #2 parcels are permitted access.**

Our real property falls into the Colorado Roadless Area (CRA) designation in the Arapaho-Roosevelt National Forest. Our property lies at the end of the road to Bill Moore Lake and is next to the James Peak Wilderness Area. This road (off-road travel only) is the only road into that area and is the only way into our property. We want to make sure that we will still have access to our property: Parcels Little

Howard, Little Howard #1, and Little Howard #2. (Private Land Inholding Owner, Gilbert, AZ - #841.1.60100.630)

#### **4-5 Public Concern: The Forest Service should ensure that access to in-holdings in the Arapaho National Forest is preserved.**

##### **PARTICULARLY ACCESS TO EMPIRE VENTURES' MINING CLAIMS AND A NEARBY CABIN**

Empire Ventures has for over 40 years owned patented mining claims which are in-holdings in the Arapaho National Forest. They are located in a basin which can clearly be seen in the Gray's (Grey's) Peak topo map. There is a road that services the properties. It runs adjacent to Ruby Creek. The gated access is directly across from the entrance to the URAD water treatment facility for the Henderson Mine. See attached Plat map of claims [ATT 1].

While it is my understanding that our area is excluded from roadless status, please note there is a historic, family-owned and utilized cabin, with outbuilding, outhouse, and family cemetery with carved gravestones, all of which have access only by the existing road. The cabin property is regularly used and visited by its owners and family.

I wish to make the record that there is a long-standing, prior existing road providing the only access to long-held, extensive private property in the basin bounded by Robeson Peak on the east, Mount Parnassus on the south, and Woods Mountain on the west. Thank you for imposing no limitations on our property rights and access to our properties. (Individual, Denver, CO - #29.1.64000.630)

#### **4-6 Public Concern: The Forest Service should confirm the forest road easement granted to Richard and Linda Kelly.**

Vagabond Ranch seeks confirmation of a forest road easement that the U.S. Forest Service granted to Richard and Linda Kelly, predecessors in interest to Vagabond Ranch, in 1990. That easement is recorded in Grand County, Colorado at Reception No. 294417. (Business, Aspen, CO - #670.6.64000.630)

#### **4-7 Public Concern: The Forest Service should allow use of Seedhouse Road in Routt National Forest by 4-wheelers.**

##### **BECAUSE LICENSED 4-WHEEL-DRIVE VEHICLES ARE ALREADY ALLOWED**

As an adjoining landowner with Routt National Forest, we have been restricted and prohibited from using Seedhouse Road (used by street legal licensed vehicles, horses, etc.) with our private 4-wheelers, which would cause less soil erosion than street legal licensed 4-wheel drive or 2-wheel drive vehicles, which weigh considerably more than our 4-wheelers. Until recently, our 4-wheelers were allowed to use Seedhouse Road and USFS trails without restriction. Now, we are allowed to use a very short section of Seedhouse Road by annual application and permit in conjunction with our ranching operation and desire to prevent livestock trespass upon Routt National Forest.

We are US citizens, in the ranching business, and should not be restricted by Roadless Area proposed ruling and USFS management restrictions on Seedhouse Road! (Individual, Clark, CO - #17.3.64000.810)

## **Special Uses**

#### **4-8 Public Concern: The Forest Service should modify the special-use permit language.**

##### **TO ENSURE THAT THE APPROPRIATE LEVEL OF NEPA ANALYSIS IS REQUIRED**

Current rulemaking requires National Environmental Policy Act (NEPA) processes in order to renew Special Use Permits (SUP). The proposed Colorado Roadless Area Rule creates regulatory uncertainty regarding the appropriate approval process.

Typically, Tri-State constructs or modifies new and existing facilities. A new SUP is often required in such cases, even if there is no associated change in operation or disturbance.

Language in the proposed rule may require an Environmental Impact Statement for a new or renewed SUP (2011 proposed Roadless Area Rule Section 294.45). Tri-State believes that this is an excessive requirement for an action that does not directly result in ground disturbing activities and requests that this language be changed or clarified. A new or amended SUP will be required in cases where previously unspecified access is being specified or where access routes are being reconstructed. Similarly, an Environmental Impact Statement may not be the appropriate level of NEPA analysis for such limited ground disturbing activities.

2011 proposed Roadless Area Rule Section 294.45 states the following:

(a) “Environmental documentation will be prepared pursuant to Section 102 of the National Environmental Policy Act, 40 CFR 1500, 36 CFR Part 220 for any proposed action within a CRA. Proposals that substantially alter the undeveloped character of a CRA require an Environmental Impact Statement.”

The word “substantially” is too vague and open to interpretation. This statement could cause every action, significant or not, to require an Environmental Impact Statement.

-Projects could be delayed several years because of an Environmental Impact Statement, even if it is for a new SUP for a change in ownership without a change in proposed disturbance to the environment.

-Tri-State made this comment during the previous proposed roadless rule comment period, and this clarification still has not been made. Clarification on what a “substantial alteration” to the “undeveloped character of a Colorado Roadless Area” is requested. (Utility Group, Westminster, CO - #677.8-9.61000.131)

#### **TO ENSURE THAT TRANSMISSION LINES CAN BE ADEQUATELY MAINTAINED**

If new SUPs for changes in ownership are not in place by the time the Colorado Roadless Area Rule is effective, Tri-State’s access to transmission lines will be in question. Tri-State’s transmission lines will either be left unmaintained or accessed in trespass. (Utility Group, Westminster, CO - #677.11.61000.630)

### **4-9 Public Concern: The Forest Service should allow for changes in permits that don’t specify access rights.**

Currently, there is regulatory uncertainty regarding environmental protection of roadless areas. Tri-State believes that the proposed roadless rule will help establish boundaries and clarify environmental management goals for roadless areas. A majority of Tri-State’s access is not currently specified and is authorized as casual use with administrative SUP rights for ingress and egress. Casual use to reach structures in rugged terrain may require road construction or reconstruction. Tri-State is in the process of identifying areas where current access is not specified and is authorized as casual use. This may lead to new requests for access to existing and proposed facilities located within or adjacent to proposed CRAs. (Utility Group, Westminster, CO - #677.12.61000.630)

## **Water Conveyances**

### **4-10 Public Concern: The Forest Service should prohibit road construction for water projects.**

#### **BECAUSE THESE PROJECTS DO NOT BELONG IN ROADLESS AREAS**

Do not allow roads for water projects. The proposed rule would allow permanent roads to be constructed for water conveyance structures in non-upper tier areas. 294.43(c)(1)(iv). The definition of “water conveyance structures” includes “dams and reservoirs”. 294.41.

Water conveyance structures, especially dams and reservoirs, do not belong in roadless areas because such facilities would eliminate roadless area characteristics in the part of the roadless area where the conveyance structures would be located, as well as some area adjacent to such facilities. The location of

such facilities in roadless areas, along with associated roads, would fragment wildlife habitat, disturb soils, and potentially impair streams.

The Forest Service should simply not allow such facilities to be constructed in roadless areas, or at a minimum, should prohibit roads for such facilities. It is likely that any facilities needed to exercise water rights could be located outside of roadless areas. For example, if some entity had a right for water in a stream within a roadless area, a dam or diversion structure could be built downstream and outside of the roadless area. If any roads are needed for constructing water conveyance structures, they should be temporary ones.

Interestingly, the RDEIS assumes that all roads constructed in roadless areas would be temporary (p. 84), even though the proposed rule allows permanent roads for water conveyance structures. (Preservation/Conservation, Denver, CO - #591.20.46120.680)

#### **4-11 Public Concern: The Forest Service should ensure access to water facilities is maintained.**

##### **TO PROVIDE FOR NEEDED OPERATION AND MAINTENANCE ACTIVITIES**

Alternatives 2 and 4 could have effects on the operation and maintenance of existing water facilities - specifically dams and reservoirs.

Access to those water facilities must be maintained to provide for the proper operation, maintenance, and rehabilitation. It is essential that water providers be able to get equipment and material into these sites to do the work required. If an ATV trail or road needs to be widened to get the required equipment into the site that must be allowed, or in effect, the Forest Service will be taking those water rights away from the owners because the Forest Service will not allow access and the state engineer requires that work be done. This will result in a takings by the Forest Service and will result in litigation. (Utility Group, Grand Junction, CO - #753.1.61000.160)

##### **TO PROVIDE FOR THE HEALTH AND SAFETY OF THE PUBLIC AND THE FOREST**

Adequate access to water facilities is critical to the health and safety of the forest as well as the public. (Utility Group, Grand Junction, CO - #753.2.61000.790)

#### **4-12 Public Concern: The Forest Service should prohibit road construction for undeveloped water facilities.**

The Forest Service should close various (seemingly shifty) roadless rule loopholes and exemptions, including: roadbuilding for undeveloped water facilities. (Individual, Boulder, CO - #717.6.61000.160)

## **Electrical and Telecommunications Corridors**

#### **4-13 Public Concern: The Forest Service should not allow electrical and telecommunications lines in roadless areas.**

I would hope that electrical and telecommunication lines not be allowed in roadless areas, especially in the upper tier areas. (Individual, West Bloomfield, MI - #73.4.65200.621)

#### **4-14 Public Concern: The Forest Service should not allow telecommunications towers and lines in roadless areas.**

##### **BECAUSE THEY SIGNIFICANTLY DEVALUE THESE AREAS**

“Unique circumstances” (Summary p. 5) seems to be the euphemism ‘du jour’ for situational politics, and as such should not be considered in rulemaking regarding the unique characteristics of roadless areas.

As example communication towers and lines significantly devalue wilderness areas as I have observed in some of Colorado’s National Forests and in some of our National Parks. (Individual, Ocala, FL - #158.8.65200.700)

#### **4-15 Public Concern: The Forest Service should reconsider allowing the use of energy corridor #144-275 for electrical transmission lines.**

##### **TO AVOID POTENTIAL SAFETY AND ACCESS ISSUES AND TO COMPLY WITH THE ENERGY POLICY ACT OF 2005**

Health and safety issues:

Climax [Molybdenum Company] has also expressed concern that designation of the vicinity surrounding the Henderson Mine and related facilities will hinder Climax personnel or their agents in the future from being able to adequately, responsibly, and quickly respond to emergency situations, such as wildland fires or other unforeseen events. In addition, we understand that any use of energy corridor #144-275, as established in the Final Programmatic Environmental Impact Statement, Designation of Energy Corridors on Federal Land in the 11 Western States (DOE/EIS-0386) (DOE and DOI 2008), will necessarily require the use of Climax's private fee lands, and further, that the anticipated future use of the corridor will be for electric power transmission lines. Electric transmission lines on Climax's private lands in this particular area will likely impede any future access to the area by helicopters, such as for medical evacuation, fire suppression, or search and rescue. However, if the energy corridor were established on Federal lands immediately to the north or south of the private land boundary, access via helicopter to the private lands could be maintained.

Although we believe that the establishment of the energy corridor through Climax's private fee lands is inconsistent with the spirit and intent of the Energy Policy Act of 2005, which directed USFS and other agencies to establish energy corridors on Federal lands, we also believe that designation of the vicinity surrounding the Henderson Mine and related facilities as Inventoried Roadless Areas (IRAs) creates additional impediments and magnifies this important health and safety issue. (Mining Industry/Association, Empire, CO - #593.5.61000.410)

#### **4-16 Public Concern: The Forest Service should ensure that transmission line maintenance can occur in a timely way.**

##### **TO AVOID LINE FAILURES AND COMPLY WITH FEDERAL LAW**

Increased permitting times could delay construction and/or maintenance of needed transmission lines. If regular maintenance is not performed on existing transmission lines due to increased permitting requirements, it could lead to increased transmission line failures and unreliable electricity supply to users. Compliance with current Federal reliability standards is a requirement not a choice. Noncompliance is not an option for Tri-State and could lead to heavy fines and violations. (Utility Group, Westminster, CO - #677.10.61000.130)

Reliable electric transmission is a vital aspect of modern American life and culture. It is vital to communities. Many services like traffic control, medical facilities, and home medical devices rely on a stable electricity source. If Tri-State is unable to conduct adequate routine or emergency maintenance because of the proposed Colorado Roadless Area Rule, thousands of users will be negatively affected. This will lead to a decrease in the quality of life for many residents of Colorado. (Utility Group, Westminster, CO - #677.21.65200.790)

#### **4-17 Public Concern: The Forest Service should designate areas underneath power lines as multiple use.**

##### **TO ALLOW FOR NEEDED MAINTENANCE**

Western [Area Power Administration] must maintain its transmission lines such that we mitigate the effects of fire risks on NFS (National Forest System) lands. Inadvertent transmission line outages can occur when a tree falls into an energized conductor or grows close enough to an energized conductor to draw an electrical arc. Such an event jeopardizes overall power system reliability, has regional consequences, and can easily result in the start of a wild fire. Therefore, Western has undertaken many projects to accomplish this goal, including reducing the amount of vegetation occurring not only on the narrow transmission line right-of-way (Blue River-Gore Pass is 200' wide), but also within the



surrounding utility corridor to a variable width as determined by fire science principles. A key component of these types of efforts involves timber extraction or mastication with motorized equipment. Western has already conducted extensive tree cutting along its transmission line because of the large volume of fuel loading and dead and dying trees due to the pine beetle infestation that has devastated NFS lands in Grand and Summit Counties. Based on the substantially altered characteristic of the lands beneath the right-of-way, Western believes the US Forest Service should designate the lands beneath the transmission line as multiple use and remove the roadless designation. (Western Area Power Administration, CO - #636.4.61000.620)

## Land Management Designations

### Roadless Areas

#### **4-18 Public Concern: The Forest Service should preserve roadless areas in Colorado.**

##### **TO MAINTAIN WILD VALUES AND PLACES**

I would like the Forest Service to provide for more roadless areas in Colorado. More wild areas are always a great idea. (Individual, Glenwood Springs, CO - #183.1.63000.200)

We, Ridgeway-Ouray Community Council, emphasize here the importance of protecting roadless areas. They provide resources of critical and inestimably high value for the United States and our local areas. Without National Forest roadless areas, wide-ranging species such as lynx and many others would not have sufficient quality and quantity of habitat to ensure their continued existence on the landscape. We recognize the impacts of roads on wildlife and plants, demonstrating that roadless areas are needed to ensure sufficient quality and quantity of habitats for wildlife, fish, and plants, especially, along with Wilderness Areas, to provide refuge for mid to large-sized carnivores. Roadless areas provide good protection for watersheds, which is very important since more than 95 percent of the roadless areas in Colorado overlap one or more source water assessment areas. Roadless areas offer outstanding opportunities for primitive forms of recreation, such as hiking, backpacking, peak climbing, horseback riding, cross-country skiing, and snowshoeing. Roadless areas are often less crowded than designated Wilderness Areas. The Purpose and Need for the Colorado rule recognizes roadless values. Roadless areas are important because they are, among other things, sources of drinking water, important fish and wildlife habitat, semi-primitive or primitive recreation areas, and naturally appearing landscapes. There is a need to provide for the preservation of roadless area characteristics. The Purpose and Need recognizes the threats to roadless areas: tree-cutting, sale or removal and road construction/reconstruction have the greatest likelihood of altering and fragmenting landscapes, resulting in immediate, long-term loss of roadless area values and characteristics and there is a need to generally prohibit these activities in roadless areas. (Place-Based Group, Ridgeway, CO - #533.1.63000.002)

I am a strong supporter of protecting fish and wildlife, and preserving natural landscapes. Hence I am in favor of preserving the highest number of acres possible as roadless, including the most areas with the highest level of protection. (Individual, Grand Junction, CO - #574.1.63000.200)

Preserving roadless access benefits both sportsmen and the heritage of our state. When my father, brother, and I initially hunted in the Troublesome Basin it was not a roadless designated area. Each year more and more roads and road spurs were developed by people wanting to penetrate the wilderness further. Both elk hunting and trout fishing continued to deteriorate over time as the vehicle pressure continued to mount. Luckily, through hard work by concerned sportsmen, and insight by the Forest Service, the area was designated as non-road access only. Today, the Troublesome Basin provides some of the best elk hunting and small stream fishing in the state. (Individual, Castle Rock, CO - #543.1.63000.560)

The best reason I can think of for protecting unspoiled rivers and streams in the Colorado backcountry, which might be at risk if any form of road, except hiking trails, is this: once access is granted to motor vehicles these areas will no longer be backcountry. That means that the folks who currently make the effort to hike or mountain bike into areas where there are no roads will never again be able to visit their favorite places to fish and hunt and find them unspoiled by the noise and pollution that vehicles bring to the wilderness. (Individual, Boulder, CO - #395.1.64100.560)

#### **TO PROTECT HABITAT FOR SPECIAL-STATUS SPECIES AND SPECIES DEPENDENT ON LARGE, UNDISTURBED AREAS OF LAND**

We [Rocky Mountain Wild, et al.] emphasize the importance of protecting roadless areas. They provide resources of critical and inestimably high value for the United States and local areas. Roadless values were first listed as “roadless area characteristics” in the 2001 Roadless Area Conservation Rule (2001 Rule) at 36 CFR 294.11; they appear in the latest draft rule at 36 CFR 294.41. Especially important is the following characteristic: “Habitat for threatened, endangered, proposed, candidate, and sensitive species, and for those species dependent on large, undisturbed areas of land.”

Without National Forest roadless areas, wide-ranging species such as lynx would not have sufficient quality and quantity of habitat to ensure their continued existence on the landscape. The RDEIS at 197-204 discusses the impacts of roads on wildlife and plants, demonstrating that roadless areas are needed to ensure sufficient quality and quantity of habitats for wildlife, fish, and plants, especially, along with wilderness areas, to provide refugia for mid- to large-sized carnivores.

Roadless areas provide good protection for watersheds, which is very important since more than 95 percent of the roadless areas in Colorado overlap one or more source water assessment areas. DEIS at 153. Note the very small number of impaired stream miles in roadless areas versus non-roadless areas. DEIS at 152. See also DellaSala et al, 2011, at 10-13 for an analysis of the importance of water originating in National Forest roadless areas in Colorado [Della Sala, D.A.; J.R. Karr; D. Olson; R. Nauman; and J. Leonard, 2011. Roadless Areas and Clean Water. Geos Institute, Asland, Oregon (www.geosinstitute.org)]

Roadless areas offer outstanding opportunities for primitive forms of recreation, such as hiking, backpacking, peak climbing, horseback riding, cross-country skiing, and snowshoeing. Roadless areas are often less crowded than designated wilderness areas.

Part of the Purpose and Need for the proposed Colorado Rule recognizes roadless values: “Roadless areas are important because they are, among other things, sources of drinking water, important fish and wildlife habitat, semi-primitive or primitive recreation areas, and naturally appearing landscapes. There is a need to provide for the preservation of roadless area characteristics.” RDEIS at 34. See also Preamble at 21273.

The Purpose and Need further recognizes the threats to roadless areas: “...tree-cutting, sale or removal and road construction/reconstruction have the greatest likelihood of altering and fragmenting landscapes, resulting in immediate, long-term loss of roadless area values and characteristics and there is a need to generally prohibit these activities in roadless areas. Since the 2001 Roadless Rule was promulgated, some have argued that linear construction zones (LCZs) also need to be restricted.” RDEIS, id. (Preservation/Conservation, Duluth, MN - #591.1-2.40000.002)

### **4-19 Public Concern: The Forest Service should accurately disclose the non-conforming uses allowed in roadless areas.**

#### **TO ALLOW FOR A CLEAR UNDERSTANDING OF THE CHARACTER OF THESE AREAS**

“Roadless areas” are often portrayed by the Agency and many Wilderness advocacy groups to be “pristine” and “last remaining undeveloped lands,” often ignoring or downplaying the valid and legal non-conforming uses existing in these areas. The general public therefore lacks a clear understanding of the actual character of these lands as well as the activities that are allowed there.

This is why accurate disclosure of the “non-conforming” uses allowed in roadless areas is imperative in the Final EIS and Final Rule. (Motorized Recreation, Pocatello, ID - #592.16.63000.160)

**4-20 Public Concern: The Forest Service should acknowledge that Inventoried Roadless Area was not always a stand-alone management designation.**

“Roadless area characteristics” is a construct of the Agency’s response to the decades long battle over how to manage Inventoried Roadless Areas. We, Blue Ribbon Coalition, believe it may be worthwhile to remember that “Inventoried Roadless Areas” were not always a “stand alone” management designation. This is important because IRAs are an inventory and as such do not have logical management boundaries or objective management criteria.

When a National Forest develops a new Forest Plan the Agency must determine which, if any, lands they would recommend be designated Wilderness. The roadless area inventory is the first “cut” in that process. Each Inventoried Roadless Area is evaluated during the Forest Plan process for its suitability and manageability as congressionally designated Wilderness. The FS makes their recommendation only after opportunity for review and comment by the general public, stakeholders, and state and local governments.

Agency regulation requires determination of IRA boundaries based primarily on the presence or absence of a certain type of maintained roads. Over the years IRA boundaries have been determined by road developments together with adjustments for everything from timber sales, Forest Plan amendments, and even Wilderness designations. Many modern IRA boundaries are essentially a relic of past output-based timber management combined with a hodge-podge of past management decisions. (Motorized Recreation, Pocatello, ID - #592.9.63000.160)

**4-21 Public Concern: The Forest Service should modify the Rule to grandfather in the research and educational activities of the Rocky Mountain Biological Laboratory.****TO ENSURE THAT THESE RESEARCH ACTIVITIES CAN CONTINUE**

RMBL’s [Rocky Mountain Biological Laboratory] ability to sustain research depends critically upon access to public lands. Some of the proposed roadless areas include areas of significant value for research and education in which RMBL has historically operated and for which RMBL has a special use permit providing access by its scientists and students to public lands. Specifically, on the Gunnison District these areas include the Upper East River Valley from Schofield Pass down to Brush Creek, the Cement Creek Valley, Washington Gulch, and Slate River Valley (Poverty Gulch, Gothic, Schofield Pass, Italian Mountain, Deer Creek). On the White River Forest these areas include Schofield Park and Elcho Park southwards to Paradise Divide and Schofield Pass and Treasure Mountain.

We have identified two potential concerns relating to the Roadless Rule. Ensuring the value of these lands for research and education does not necessitate the creation of roads. However, we are concerned that NEPA requirements will become more stringent for these areas. Activities that were previously permitted through categorical exclusions may be subject to EA or EIS reviews. This would substantially increase the cost of research and education, effectively precluding a range of valuable activities. Secondly, if these areas were eventually designated as wilderness, a substantial range of research and education could be effectively excluded. While the original intention of Wilderness was to promote understanding of the environment, research in wilderness is typically managed quite narrowly in a way that effectively excludes a wide range of modern research. We base this statement on extensive experience coordinating research with the USFS on public lands within and outside Wilderness Areas. Based upon current Wilderness management protocols, the conversion of the areas around Gothic to Wilderness would essentially shut us down, undercutting a priceless scientific investment.

RMBL requests that its research and educational activities be grandfathered and allowed to continue as they have in the past in these areas, whether they are managed under the roadless rule or managed in the future as Wilderness. (Special Use Permittee, Crested Butte, CO - #126.1-2.62000.640)

## Wilderness Areas

### 4-22 Public Concern: The Forest Service should avoid creating more Wilderness or roadless areas in Colorado.

#### TO BE CONSISTENT WITH THE MULTIPLE-USE MANDATE

I don't think we need any more land locked away as "wilderness" or "roadless", which is just a stepping stone to wilderness.

The Forest Service should stick to their founding mandate of "multiple use" and leave the "preserve and protect" thing to the Park Service, which is their mandate. (Individual, - #45.1.62000.100)

#### BECAUSE SUFFICIENT ROADLESS AREAS AND WILDERNESS ALREADY EXIST

The proposed Colorado roadless rule is better than some previous proposals because it does allow more development and it does restrict less area, but it still is an encroachment on the public access to public lands. Public lands should be managed in the most efficient way to provide equal access to all of the public, not just the anointed few as many of the environmental groups would like to have it. The environmental purists essentially want the lands to be their private playgrounds. The more public lands that are taken out of access for natural resources development, the less fee income they will generate and the more general tax dollars will be required for their administration. It also deprives the nation of critically needed resources for the benefit of the few that are physically capable of going into roadless areas for recreation to no economic benefit to the public at large - this is not what public land administration should be about. We already have far too much "wilderness area" in this nation that is off limits to natural resource development and recreational activity to all but the very physically fit so we do not need more roadless areas—we need less. (Individual, Montrose, CO - #167.1.63000.125)

#### BECAUSE EXISTING NATIONAL PARKS AND WILDERNESS AREAS ARE SUFFICIENT

I believe this roadless plan goes too far. It makes 2/3 of the forest in Colorado roadless. We have the National Park System and wilderness areas as roadless areas. The rest of the forest system should be managed for multiple [?] use. (Individual, - #56.1.63000.134)

### 4-23 Public Concern: The Forest Service should avoid creating more Wilderness Areas.

#### TO ALLOW FOR MAINTENANCE AND CONSTRUCTION OF TRANSMISSION INFRASTRUCTURE

More wilderness areas could be designated as an indirect effect of the proposed Colorado Roadless Area Rule. One requirement of designating wilderness areas is the presence of minimal or no roads within an area. Roads will be strictly limited or not allowed within the Colorado Roadless Areas, which provides a stepping-stone for designating wilderness areas. An increase in wilderness areas will make it more difficult for Tri-State to maintain or construct transmission infrastructure servicing expanding communities and load growth, thus leading to constraints on development and threats to reliability. (Utility Group, Westminster, CO - #677.7.62200.680)

#### BECAUSE SUFFICIENT WILDERNESS AREAS ALREADY EXIST

To address how natural and recreational resources are already being accommodated one needs to look no further than the utilization of Wilderness designations and other protection designations. Colorado has 3,431,176 Wilderness acres made up of 41 Wilderness Areas and covers a large percentage of Colorado Public Land. As you know, Wilderness prevents industrial activity, permanent structures, roads, and motorized and mechanized travel and use. From any place in the State of Colorado you can drive less than 45 minutes and be in a Wilderness Area. Just how many Wilderness Areas do we need? (Individual, CO - #241.3.62000.200)

#### **4-24 Public Concern: The Forest Service should recognize that activities on lands adjacent to Wilderness Areas can have direct effects on the wilderness character of those areas.**

##### **TO BE CONSISTENT WITH THE FOREST SERVICE MANUAL**

[RDEIS] 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.”

[RDEIS] Chapter 3. Affected Environment and Environmental Consequences-239 and 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: “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.”

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. (Individual, Rifle, CO - #492.1-3.22000.160)

## **4-25 Public Concern: The Forest Service should acknowledge that management of roadless areas as Wilderness is illegal.**

### **BECAUSE IT CONTRAVENES THE INTENT OF THE WILDERNESS ACT**

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. [sections] 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. 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 [Colorado Roadless Rule], 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); 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. [sections] 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. (Public Interest Group/Political Party, Lakewood, CO - #490.1-2.62200.130)

## **4-26 Public Concern: The Forest Service should recognize that the only legal designation for the proposed roadless areas is “non-wilderness.”**

### **TO BE CONSISTENT WITH THE WILDERNESS ACT AND THE INTENT OF CONGRESS**

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. [sections] 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. [sections] 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](http://nationalatlas.gov/articles/boundaries/a_nwps.html). RARE (Roadless Area Review and Evaluation) 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 [sections] 294.43(c)(1)(viii). Although roads must be allowed in the proposed CRAs to protect vested property interests, 16 U.S.C. [sections] 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 noticeable.” 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. (Public Interest Group/Political Party, Lakewood, CO - #490.3-5.62200.027)

#### **4-27 Public Concern: The Forest Service should acknowledge that both the Colorado Roadless Rule and the National Roadless Rule violate the Wilderness Act.**

##### **BECAUSE THEY CREATE DE FACTO WILDERNESS AREAS**

Despite several public comments requesting a clearer definition of “roadless” versus “wilderness,” no such clarifications have been made in the proposed rule. In Judge Brimmer’s decision that the USFS violated the Wilderness Act in promulgating the 2001 Clinton Roadless Rule, he also found that the USFS violated the Wilderness Act by designating millions of acres of lands as de facto wilderness. *Wyoming v. U.S. Department of Agriculture*, 277 F.Supp.2d 1197, 1239 (2003). The USFS continues to evade the question as to the difference between these two purportedly different land classifications. It is readily apparent that there is no real difference and that the Agency intends to manage the final Colorado CRAs as de facto wilderness. Before the USFS finalizes the roadless rule and EIS, it needs to be clearly stated that “roadless areas” are not “Wilderness areas,” nor have they ever been necessarily 100 percent free of ‘roads.’ Therefore, they should legally be subject to land use modifications in accordance with the multiple-use mandate.

For the same reasons that Judge Brimmer found the 2001 Clinton Roadless Rule to violate the Wilderness Act, the proposed Colorado Roadless Rule also violates the Wilderness Act. In his decision on the 2001 Clinton Roadless Rule, Judge Brimmer found that USFS violated the Wilderness Act in promulgating the rule. Specifically, he found that USFS designated 58.5 million acres of lands as de facto wilderness in violation of the Wilderness Act. *Id.* at \*27. *State of Wyoming v. U.S. Dep't of Agric.*, 570 F.Supp.2d 1309, (D. Wyo. 2008) (“Wyoming II”).

The Wyoming II court found that the inventories used to establish the roadless areas were in fact studies done to evaluate areas that could be added to the National Wilderness Preservation System. *Id.* at 1349.

The court further found that the USFS was creating de facto wilderness areas for three reasons: (1) the Forest Service acknowledged that a roadless forest is synonymous with the Wilderness Act’s definition of “wilderness;” (2) the allowed uses in roadless areas and Wilderness areas are essentially the same; and (3) roadless areas are based on the Forest Service’s RARE II inventories that were intended to be the basis for recommending Wilderness areas to Congress. *Id.* at 1349-50. Thus, USFS violated the Wilderness Act when it administratively attempted to create de facto wilderness areas.

The proposed Colorado Roadless Rule, as well as the original Colorado Rule, violate the Wilderness Act. The small differences in the proposed Colorado Roadless Rule and the 2001 Clinton Rule do not protect Colorado’s Rule from challenge under the Wilderness Act. First, the proposed Colorado Roadless Rule violates the Wilderness Act because the 2001 Clinton Roadless Rule and the proposed Colorado Roadless Rule are nearly identical in regard to their prohibition of road construction and restriction on new oil and gas development and timber harvests. Second, like the 2001 Clinton Roadless Rule, the CRAs are based on the 2001 IRAs which were based on the RARE I and RARE II inventories used to make recommendations for Wilderness areas. Third, the IRA and CRA boundaries are nearly identical and the exclusion of additional acreage does not cure the flaws in the Revised Rule.

We [Western Energy Alliance, et al.] suggest that in order to escape the flaws of the 2001 Clinton Roadless Rule and the Wyoming II decision, the USFS must allow additional access to oil and gas development, pipelines, and timber harvests in CRAs. USFS should add additional exceptions that allow uses of existing roads, pipeline exceptions to new leases, and additional temporary roads. Otherwise, the proposed Colorado Roadless Rule violates the Wilderness Act. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.15-16.20100.130)

#### **4-28 Public Concern: The Forest Service should acknowledge the difficulty of separating roadless areas from the Wilderness designation.**

A final rule must better protect against “De Facto Wilderness” management of roadless areas.

We, Blue Ribbon Coalition, would like to take this opportunity to discuss a fundamental problem with managing Inventoried Roadless Areas as a “stand alone” management designation.

Prior to the 2001 Roadless Rule, Inventoried Roadless Areas were just that: An inventory. It was the “first cut,” so to speak, in the agency’s mandated Wilderness inventory and review process. The statutory authority to create a “roadless area” management classification did not exist until 2001. The Blue Ribbon Coalition remains active in all of the pending roadless litigation, and notes that the legitimacy of the 2001 Roadless Rule remains an open question given the pendency of appeals before the Ninth Circuit Court of Appeals and petitions for review before the U.S. District of Wyoming court. This Rule will formally establish the “roadless area” management classification for the state of Colorado.

The point we wish to make is that it may be difficult for the Agency or the State of Colorado to separate “roadless areas” from Wilderness. It is imperative to understand that when the U.S. Forest Service established the Inventoried Roadless Areas, they included many unclassified and un-maintained roads and much in the way of recreational uses that are not consistent with Wilderness designation. This is because the agency’s criteria for establishing an Inventoried Roadless Area is primarily concerned with the existence of developed and maintained roads. The existence of other, “non-conforming” uses that are not compatible with Wilderness designation was to be analyzed after the “first cut” inventory. Thus we have roadless areas (first cut) and Recommended Wilderness Areas (final recommendation). (Motorized Recreation, Pocatello, ID - #592.15.63000.160)



**4-29 Public Concern: The Forest Service should manage all Inventoried Roadless Areas as Wilderness.****TO PROTECT THEM FROM SURFACE DISTURBANCE AND OTHER DEVELOPMENT**

Please give maximum protection to all of Colorado's Inventoried Roadless Areas. I think they should all be managed as Wilderness, with the possible exception of mountain biking. All should be eligible for Wilderness designation under the Wilderness Act and the Forest Service should recommend areas to Congress for Wilderness designation if the people desire it. Regardless of Wilderness designations, these lands should be managed for maximum protection from surface disturbance and other developments forever regardless of the national direction of the Roadless Rule. The Forest Service should support the proposed Federal Roadless Area Conservation Act, but if not enacted, the Forest Service should manage all roadless areas as if this rule were in place under the plans mandated by the National Forest Management Act. (Individual, Crested Butte, CO - #387.1.62000.130)

**4-30 Public Concern: The Forest Service should modify the proposed rule to differentiate between roadless area and Wilderness Area designations.****BECAUSE ROADLESS AREAS ARE NOT WILDERNESS DESIGNATIONS**

GEC [Gunnison Energy Corporation] 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 the 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 percent free of "roads." Therefore, they are subject to land use modifications with respect to multiple-use. (Business, Denver, CO - #458.10.62000.160)

**4-31 Public Concern: The Forest Service should acknowledge that the Rule is unlikely to reduce pressure to designate areas as Wilderness.****AND MAY INCREASE SUCH PRESSURE**

RDEIS at 240 claims that: "In the past, roadless areas were managed as a bank for future resource development or special designation. If these areas were managed for their own inherent values, there could be less pressure to designate these lands as wilderness or as other special designations to shield the land from development. The Colorado Roadless Rule may reduce controversy and result in more stability by recognizing those roadless areas with important wilderness character and those portions of roadless areas where multiple types of recreational use could occur."

The proposed Colorado Roadless Rule would hardly reduce controversy because it is itself very controversial, due to the large amount of discretion it allows local managers to approve activities that damage roadless character. The proposed rule would greatly increase the pressure to designate roadless areas as wilderness or other legislatively declared areas because of how much destructive activity could occur under the proposed rule. (Preservation/Conservation, Santa Fe, NM - #591.72.63000.160)

# Roadless Area Character, Inventories, and Boundaries

## Roadless Character

### **4-32 Public Concern: The Forest Service should fully protect Inventoried Roadless Areas.**

#### **TO ENSURE THEIR ROADLESS CHARACTER IS PRESERVED OVER TIME**

The urgent need for protecting Colorado's remaining roadless areas is evidenced by the Agency's determination that 458,800 acres considered roadless in 2001 no longer exhibit sufficient roadless characteristics to qualify for protection under the proposed rule.

458,800 acres included in the roadless inventory for the 2001 Rule have since been determined to be "substantially altered, primarily because of road construction and timber harvest activities[.]" RDEIS at 51. Absent bulletproof provisions in a Colorado rule that is fully and vigorously implemented by the FS, the remaining roadless base of 4.19 million acres could meet the same fate over time as the 458,800 acres determined to no longer exhibit roadless characteristics.

Alternative 2 appropriately includes 409,500 acres of unroaded NFS lands that were not identified in the 2001 Rule. RDEIS at 51. These roadless lands could be lost absent inclusion. They should be fully protected under a Colorado Rule. WRA [Western Resource Advocate] appreciates the Agency's effort to identify and designating these areas, which is an important component of the proposed rule. (Preservation/Conservation, Boulder, CO - #625.5.63000.621)

### **4-33 Public Concern: The Forest Service should limit the discretionary authority granted to the line officers.**

#### **TO AVOID THE POTENTIAL FOR ACTIVITIES THAT WOULD DAMAGE ROADLESS CHARACTERISTICS**

The Forest Service has proposed a rule that would not ensure the conservation of roadless area characteristics. The Preamble states that the proposed rule "includes prohibitions on tree-cutting, sale, or removal; road construction/reconstruction; and linear construction zones, all with limited exceptions tailored to address specific issues". Preamble at 21273. We [Rocky Mountain Wild, et al.] do not believe the exceptions are very limited; rather, they seem quite broad and provide a great deal of discretion to Forest Service line officers to approve projects and activities in roadless areas. While some discretion may be desirable, we believe the proposed rule would allow far too much authority for managers to approve and implement activities that would damage or destroy roadless area characteristics. (Preservation/Conservation, Ashland, OR - #591.3.20000.160)

### **4-34 Public Concern: The Forest Service should provide for future modifications to roadless areas and should place limitations on the discretion allowed responsible officials.**

#### **TO ALLOW FOR REASONABLE USE OF ROADLESS AREAS FOR RESOURCE DEVELOPMENT**

[ATT 1] With the Proposed Plan, the State is seeking to establish "the maximum level of activity allowed within Colorado Roadless Areas." See Proposed Plan at [section] 294.37(c). The result of this provision is to "freeze in time" all CRAs and to treat them as de facto "wilderness areas." No discretion is given to future reconsideration of whether CRAs established in the year 2009 should remain or be altered say in the year 2050. "The prohibitions and restrictions established in this subpart are not subject to reconsideration, revision, or recession in subsequent project decisions or land management plan amendments or revisions undertaken pursuant to 36 CFR Part 219." See the Plan at [section] 294.37(d). Such a draconian prohibition on future forest management planning is not only imprudent but potentially harmful to the Colorado, regional, and national economies. Without knowing the extent of the mineral resources existing within the CRAs, nor the nation's future demand for such resources, the Proposed Plan seeks today to determine (and limit) the level of all future mineral resource development activities. CMA [Colorado Mining Association] maintains such an approach is both unnecessary and imprudent.

Of even greater concern is the provision in the Proposed Plan that allows a Responsible Official to further restrict activities allowed within CRAs. “Nothing in this subpart shall prohibit a responsible official from further restricting activities allowed within Colorado Roadless Areas.” *Id.* Such a restriction would serve to nullify the flexibility envisioned by the Roadless Area Task Force. It would also nullify the Plan’s provision allowing for the construction of roads in the North Fork Valley. The Original Plan at least required a Responsible Official imposing additional restrictions to undertake those restrictions through a land management plan amendment or revision pursuant to 36 CFR Part 219. No such requirement is included in the Plan. CMA requests the reinstatement of this safeguard against the imposition of arbitrary restrictions without the benefit of the normal Forest Service land management planning process including public review and comment.

Any Colorado-specific roadless area management approach must recognize the significant role responsible natural resource development plays in rural and state-wide economies. Such recognition must allow the continued use of such areas and also future uses, subject to reasonable rules and regulations. (Mining Industry/Association, Denver, CO - #832.17-18.44000.160)

#### **4-35 Public Concern: The Forest Service should acknowledge that motorized recreation is a valid use of roadless areas and does not degrade the character of those areas.**

Motorized access is a legitimate use of roadless areas.

Our members would like BRC, Blue Ribbon Coalition, to emphasize that motorized vehicle-based recreation is appropriate in many Roadless Areas and does not substantially degrade roadless area values and characteristics.

Indeed, preservationist interests and Wilderness advocacy groups actually “defended” motorized access to roadless areas in their strong opposition to the intervention of BRC in *California ex rel Lockyer et al. v. U.S.D.A.*, Case No. 05-3508 (N.D.Cal.).

That case, consolidated with a similar action brought by Wilderness advocacy groups led by The Wilderness Society (“TWS”), sought to challenge the 2005 State Petitions Rule. The California Association of 4 Wheel Drive Clubs, United Four Wheel Drive Associations, American Council of Snowmobile Associations and BlueRibbon Coalition moved to intervene. The plaintiffs opposed, arguing “the interests that the Off-Road Vehicle Groups assert in motorized recreation in roadless areas are not at stake in this action.” Plaintiffs’ Opposition to Motion to Intervene (Doc. No. 79) at 7 Case Nos. 05-3508 and 05-4038 (N.D.Cal.)(March 7, 2006).

In reaching this conclusion, the TWS plaintiffs summarized language from the Rule and its associated planning documents, stating “[i]n sum, even if the Roadless Rule is reinstated by this Court as plaintiffs request, it will not prohibit a single person’s off-road vehicle use or close a single off-road vehicle trail as alleged by the Off-Road Vehicle Groups’ declarants.” *Id.* at 5. The TWS reply clarifies and extends on these conclusions, again saying the “Roadless Rule does not close any existing vehicular routes (ORV [off-road vehicle] or otherwise) in any National Forest roadless areas.” Plaintiffs’ Surreply in Opposition to Intervention (Doc. No. 100) at [paragraph] 1, Case Nos. 05-3508 and 05-4038 (N.D.Cal.)(March 24, 2006).

Motorized recreation is a legal, valid, and recognized use of Roadless lands and should be fairly, objectively and adequately disclosed and discussed in the Final EIS. (Motorized Recreation, Pocatello, ID - #592.17-18.63000.530)

#### **4-36 Public Concern: The Forest Service should exclude additional areas with high oil and gas potential from roadless designation.**

##### **TO CONTRIBUTE TO THE LIMITED LANDS AVAILABLE FOR MINERAL DEVELOPMENT WITHOUT SIGNIFICANTLY REDUCING ROADLESS CHARACTER**

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 and 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. (Business, Denver, CO - #458.5.63000.421)

## Inventories

### **4-37 Public Concern: The Forest Service should reconsider using RARE II as the basis for Colorado Roadless Area definition.**

#### **TO AVOID ACTING IN CONTRAVENTION TO THE INTENT OF THE WILDERNESS ACT**

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. (Public Interest Group/Political Party, Lakewood, CO - #490.6.63000.141)

### **4-38 Public Concern: The Forest Service should base the Rule on an accurate inventory of roadless areas.**

#### **TO ENSURE THAT AREAS WITH EXISTING ROADS ARE NOT INCLUDED**

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. (Individual, Montrose, CO - #726.1.63000.620)

#### **TO ENSURE THE GREATEST POSSIBLE LEVEL OF PRECISION**

For any rule intended to manage and protect roadless areas, it is important to have, with as much precision as possible, an accurate and updated inventory of unroaded lands. We recognize that an inventory of all of Colorado’s National Forest roadless areas can never be perfect, but we believe much improvement in the current inventory is needed. (Preservation/Conservation, Carbondale, CO - #686.1.63000.160)

The Forest Service must maintain an accurate, up to date roadless area inventory. The undersigned [Rocky Mountain Wild, et al.] appreciate the improvements in inventory that have occurred between the first draft of the Colorado Roadless Rule and the current draft. We are especially pleased to see that the Agency has recognized many additional acres that apparently were missed in previous inventories do indeed have roadless characteristics and thus belong in the inventory. See Preamble at 21275.

However, we think there are still errors. (Preservation/Conservation, Santa Fe, NM - #591.66.63000.160)

**4-39 Public Concern: The Forest Service should improve the inventory.****PARTICULARLY FOR THE PIKE-SAN ISABEL NATIONAL FOREST**

Wild Connections is pleased that the Pike-San Isabel took this inventory into account when revising the official inventory; however, Wild Connections believes that some areas were reviewed more carefully than others, that significantly more acreage of roadless areas exists than is reflected in the official inventory, and that additional work needs to be done to accurately reflect the boundaries of all roadless areas. We are resubmitting our roadless inventory with the hopes that the Pike-San Isabel will continue to improve the quality of the Roadless inventory and will take our inventory into account as they do the updates. (Preservation/Conservation, Colorado Springs, CO - #581.181.63000.621)

**4-40 Public Concern: The Forest Service should consider areas that overlap the boundaries of National Forests in the roadless area inventory.**

One general concern is with roadless areas that overlap two National Forests. In some cases, the combined areas do not appear to have been considered in delineating CRA boundaries. By failing to consider together and combine nearby roadless areas on different National Forests, the Forest Service missed good opportunities to protect habitat connectivity across managerial/jurisdictional boundaries. (Preservation/Conservation, Carbondale, CO - #686.2.63000.331)

**INCLUDING AREAS ON THE WHITE RIVER NATIONAL FOREST**

The WRNF [White River National Forest] roadless inventory failed to identify, among other areas, a number of smaller roadless areas on the White River that adjoin larger areas on other forests, particularly along the Continental Divide between Hoosier Pass and Loveland Pass on the Dillon Ranger District. Recognizing and appropriately managing these areas is vital to protect wildlife corridors along and across the Divide, as several of these areas have considerable biological significance. (Preservation/Conservation, Carbondale, CO - #686.84.63000.351)

## **Boundaries and Mapping**

**4-41 Public Concern: The Forest Service should work with stakeholders to further modify roadless area boundaries.****BASED ON IMPROVED MAPPING AND OTHER DATA**

As a cooperating agency, the State of Colorado, in cooperation with the United States Forest Service, should undertake ongoing outreach with all stakeholders to further modify roadless area boundaries, as well as upper tier acres, based on improved mapping and other pertinent data. (Individual, Northglenn, CO - #703.2.63000.010)

**4-42 Public Concern: The Forest Service should coordinate with water utilities on roadless-area boundary adjustments.****TO ADDRESS CONFLICTS WITH CURRENT AND PROPOSED WATER PROJECTS**

Colorado Springs Utilities, in conjunction with our partners in several water projects, Aurora Water and the Pueblo Board of Water Works, asked consultants to prepare a memo that shows potential conflicts with current and proposed water projects. The draft memo [ATT1] from Grand River Consulting and its maps are attached. [see ATT2, ATT3, ATT4, ATT5, ATT6, and ATT7] For those areas affecting Colorado Springs Utilities water supplies, infrastructure, and or access, we are requesting the proposed roadless areas be modified or repealed as proposed per the corresponding maps for the Upper Blue River [ATT2], Ruedi Pump-Back [ATT3], and Upper Eagle River [ATT7] prior to the issuance of the final rule. If the Agency feels this dialog is best completed during the comment period, we request an extension of the comment period for another 30 days to effect those conversations. Note that the proposed Hoosier Ridge Repeal Map [not attached] has been supplemented by Colorado Springs Utilities per the draft Grand River memo and maps [not attached]. (Utility Group, Colorado Springs, CO - #701.10.63000.242)

#### **4-43 Public Concern: The Forest Service should revise the language allowing changes to roadless area boundaries.**

##### **TO SPECIFY THE CIRCUMSTANCES WHERE SUCH ADJUSTMENTS WOULD BE PERMITTED**

Changes to roadless area boundaries: Both Alternatives 2 and 4 provide for a process to make changes to CRA boundaries, subject to public review and comment. While we [Forest Service Employees for Environmental Ethics] support the Forest Service's attempts to create flexibility and collaboration within the management plan for CRA, the language of the proposed rule is too open-ended and will allow substantive changes in the CRA boundaries simply "based on a changed circumstance" (Proposed Rule: 36 CFR [section] 294.47). If the boundaries are to be subject to change, "changed circumstances" should be removed and altered to list only specific circumstances for which changes to the roadless area boundaries may be adjusted. This list may include those examples already identified in the proposed rule, such as land exchanges, and any other examples that the Forest Service would find relevant and necessary to warrant CRA boundary modifications. (Government Employee/Union, Eugene, OR - #831.4.63000.160)

#### **4-44 Public Concern: The Forest Service should modify the Rule to prohibit non-administrative border adjustments.**

USDA invested a significant amount of time and effort updating and adjusting the CRA boundaries for the proposed rule. While we [Outdoor Alliance et al.] greatly appreciate the public notice and comment provisions in [section] 294.47(a), given the investment in adjusting the CRA boundaries for the proposed rule, we believe that future non-administrative modifications to CRA boundaries should be conducted pursuant to rulemaking. We do not believe the 2001 Roadless Rule enabled the Chief of the Forest Service to make non-administrative border adjustments and do not understand the justification for extending this discretion in the proposed rule. (Recreation/Conservation Organization, Washington, DC - #681.9.63000.160)

#### **4-45 Public Concern: Regional Foresters should not change roadless area boundaries to satisfy foreign mandates.**

##### **BECAUSE ONLY THE U.S. CONGRESS HAS THIS AUTHORITY**

Page 21278, Section 294.47, (page 62 of the EIS) states the regional forester would modify Colorado Roadless Area (CRA) boundaries by inclusion of exclusion of modification of lands and has removed the requirement of U.S. Congress being expected to amend by approval or disapproval of the modifications. This is implementing foreign mandates issued by World Parks Congress and World Conservation Congress and not the United States Congress. (Individual, - #181.11.63000.027)

#### **4-46 Public Concern: The Forest Service should avoid altering roadless area boundaries because of unauthorized user-created routes.**

##### **BECAUSE ILLEGAL ACTIVITY SHOULD NOT BE REWARDED**

Non-system roads should not alter inventoried roadless land boundaries.

We [Quiet Use Coalition] have serious concerns regarding the methodology used to modify the boundaries of 2001 and previous inventoried roadless lands in determining the boundaries of proposed Colorado Roadless Rule land, particularly where land was excluded because it was "substantially altered by roads".

The Pike-San Isabel National Forest has been operating under travel plans and a designated road system which dates back to 1984. For the most part, this road system from this previously existing and designated travel management decision from 1984 was reflected in their Motor Vehicle Use Maps, which began to appear for the Pike-San Isabel in 2009. These maps clearly show large areas of land, which did not contain system forest roads, administrative roads, or other roads which were not part of the designated route system in 1984, and are still not considered part of the route system.

The Forest Service started to publish maps of inventoried roadless lands beginning in the late 1970s. These maps continued to show large areas of land as roadless through 2001 and beyond.

It would make sense that if the Inventoried Roadless Area Maps, the Motor Vehicle Use Maps, and Forest Service INFRA route data all showed an area as lacking roads that area should be roadless.

The proposed Colorado roadless rule contains numerous examples of 2001 inventoried roadless land that was excluded seemingly due to the newly discovered presence of unauthorized user-created non-system motorized routes. The West Buffalo Peaks area is one such example.

Unauthorized user-created routes must not result in the exclusion of land from roadless consideration, and these routes should not be considered to substantially alter land precluding it from being considered as roadless.

Roadless land should not suffer or be diminished because the Forest Service cannot properly control and manage certain uses, especially motorized use. Law breaking motorists that continued to drive off designated routes, which was illegal since at least 1984 for much of the Pike-San Isabel National Forest, should not have the results of their illegal actions (unauthorized roads on the ground) considered or even rewarded by modifying roadless boundaries. Doing so opens the door for radical individuals/groups to illegally go out and substantially alter roadless land on their own, and thus potentially get it removed as roadless land.

Unauthorized user-created routes do not constitute valid and existing land use authorizations for Forest Service land, and thus should not be considered in drawing roadless land boundaries. The proposed Colorado Roadless Rule states that "Overall, forest travel management decisions may have more impacts on motorized travel than a roadless rule." We are asking that previous travel management decisions, which did not indicate roads in certain areas, be honored in formulation of the Colorado rule. (Preservation/Conservation, Salida, CO - #590.1-2.63000.680)

#### **4-47 Public Concern: The Forest Service should resist "cherry-stemming" to remove roads from roadless areas.**

##### **TO AVOID CASTING DOUBT ON THE ROADLESS CHARACTERISTICS OF CRAS**

Cherry-stemming:

It is quite evident that some CRA boundaries have been drawn to exclude existing roads in order for them to qualify as roadless areas. This practice, known as "cherry-stemming," puts the actual roadless characteristics of many CRAs in doubt. We [Western Energy Alliance, et al.] oppose the practice of cherry-stemming for special land use designations and urge that CRAs drawn in this matter be removed from the proposed rule. (Oil, Natural Gas, Coal, or Pipeline Industry, Durango, CO - #616.33.63000.680)

#### **4-48 Public Concern: The Forest Service should use standard criteria for making roadless-area boundary decisions, particularly in the case of the Rampart East Roadless Area.**

##### **TO REDUCE CONFUSION AND CONFLICT AND EASE ENFORCEMENT**

For ease of forest management and clarity with the public, the boundaries of roadless areas should be based on one of three guidelines:

1. Authorized, official roads, set back about 100 yards.
2. The border between National Forest land and private property, with no set back.
3. Closing a narrow gap (perhaps ¼ mile or less) between roads or road ends.

Any other basis for marking boundaries results in more-or-less arbitrary decisions, which then become the focus of argument in each direction. Boundaries that hang in the air, separate from any clear basis, are more difficult for forest professionals to manage, and more likely to be ignored by the general public. Clear logical boundaries are easier to enforce and easier to explain to the general public.

While the most of the boundaries of the Rampart East Roadless Area follow the guidelines described above, in several places in the southern portion of the roadless area they do not. Our [Colorado

Mountain Club's] general comment is that the boundary of the Rampart East Roadless Area should be adjusted to conform to these guidelines. Furthermore, the boundary locations should be adjusted if decisions are made to close any of the roads that now are the basis of boundary locations. (Preservation/Conservation, Colorado Springs, CO - #589.1.63000.002)

#### **4-49 Public Concern: The Forest Service should proceed with the roadless area boundaries in Alternative 2 over those in Alternative 1.**

##### **BECAUSE THE IRAS IN ALTERNATIVE 1 HAVE CHANGED IN CHARACTER AND HAVE UNCLEAR BOUNDARIES**

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 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 taxpayer dollars to resolve. (Business, Denver, CO - #458.4.63000.002)

#### **4-50 Public Concern: The Forest Service should clarify why the HD Roadless Area boundaries have been expanded.**

A serious issue regarding the HD Mountain area is the expansion of the area from previous delineated boundaries. In the 2006 FEIS [for the Northern San Juan Basin Coal Bed Methane Project] [not attached], Figure 2-1, labeled "Depth to Top of Fruitland Formation and Companies' Proposed Action" and Figure 3-47, labeled "Recreation", depict a similar boundary and are shown on their map legends as the "HD Mountain Rare II Area and the HD Mountains Roadless Area," respectively. When one compares the boundaries of the Rare II Area shown in the 2006 FEIS with the map associated with this proposed rulemaking, the HD Roadless Area has been expanded somewhat to the west and significantly to the east. We [Western Energy Alliance, et al.] have not been able to determine the basis on which this recent change was made compared to the 2006 FEIS exhibits referenced above. At the time the exhibits were prepared for the 2006 FEIS, diligence was applied by the Forest Service staff to delineate accurately the boundary based upon the criteria of "roadless". The fact that this boundary has been expanded is cause for concern and we urge the Forest Service to clearly explain the basis for this expansion from the 2006 FEIS. This same comment was expressed by the La Plata County Energy Council in a comment letter during the 2008 proposed rule and no explanation has as yet been provided. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.11.63000.620)

#### **4-51 Public Concern: The Forest Service should revise their maps to exclude all Denver Water property from within roadless area boundaries.**

Denver Water would like to provide the following explanation of differences seen in mapping of Denver Water properties. The Colorado Roadless Areas mapping appears to be based on, or at least to include, the 2010 COMaP database of open space and land ownership compiled annually by NREL staff at CSU [Colorado State University]. This dataset includes Denver Water property boundaries last submitted to NREL [National Renewable Energy Laboratory] in August of 2009 for inclusion in the annual COMaP update. For each annual update, NREL staff have to reconcile boundaries from diverse datasets submitted by Federal, State, and local agencies and organizations.

Property boundary mapping at Denver Water has always been managed by the Engineering Division's Property Management department using legal descriptions and surveyed boundaries, and mapping in a local grid coordinate system (HARN, US Survey feet) with AutoCAD software. However, Planning Division GIS staff worked in conjunction with Property Management to build a separate property database for regional mapping purposes, using USGS 1:24,000-scale quads as a basemap, PLSS lines



from the USGS and USFS, and mapping in UTM projection (NAD 83, meters) with ArcInfo and ArcGIS software. It was understood that the boundaries would eventually need to be adjusted to PLSS section lines from the BLM (Bureau of Land Management), as this is now considered the best source for PLSS lines for regional mapping. Additional attributes, such as manager and management type, were added to this dataset to provide information needed for COMaP.

Since the Denver Water property boundary database was submitted to COMaP in 2009, Property Administration had taken over the management and updating of both the survey-level and regional datasets. The intent was to use and maintain one dataset for all purposes. Some property boundaries have been adjusted since then, and differences can be seen when comparing the 2009 mapping with the newer mapping in 2010 and 2011. Recently, the need for two datasets was recognized and a generalized, regional dataset based on the newer mapping is now being constructed. When complete, this dataset will be submitted to NREL for the next update of COMaP.

In order to be a responsible steward of the resources, assets, and natural environments entrusted to us, we request that all Denver Water properties, including Federal property interests, be removed from within Roadless Area boundaries. Some of the areas of concern identified to-date are shown on the enclosed figures [See ATT1-ATT8]. Before boundaries are finalized, Denver Water requests an opportunity to review the boundaries to ensure that any differences in mapping between newer and older data sets are taken into account and that Denver Water's property and property interests are all removed from roadless areas. (Utility Group, Denver, CO - #672.11-12.63000.240)

#### **4-52 Public Concern: The Forest Service should coordinate with Colorado Springs Utilities regarding mapping errors.**

##### **RELATED TO THE PIKES PEAK WEST AND PIKES PEAK EAST ROADLESS AREAS**

Colorado Springs Utilities has observed some additional mapping discrepancies and critical watershed/forest management concerns involving the Pikes Peak West and Pikes Peak East proposed roadless areas. We are requesting that additional time and dialog with the US Forest Service occur prior to issuance of a final rule to make final boundary adjustments, and finalize the delineation of critical watershed areas for repeal. (Utility Group, Colorado Springs, CO - #701.11.63000.242)

#### **4-53 Public Concern: The Forest Service should correct errors on the maps.**

##### **TO EXCLUDE EXISTING ROADS FROM ROADLESS AREAS IN THE PIKE-SAN ISABEL NATIONAL FOREST**

There are several existing roads that have been identified as entering the proposed Colorado Roadless Area, Alternative 2 or 4. Since the proposed Colorado Roadless Rule should adjust roadless area boundaries to correct mapping errors and because these existing roads do pass into one of the defined Pike-San Isabel Roadless Areas, these roads should be excluded from their defined roadless area by correcting the mapping area that incorporates these roads through a "cherry stem" or some other means.

The following table [ATT1] is a list of existing roads that enter the proposed Colorado Roadless Area. It is believed that these roads should be removed from the designated roadless areas before adoption of the Colorado Roadless Rule and EIS.

The following maps [ATT2 through ATT9] show the specific roads shown in the table above. (Individual, Nathrop, CO - #127.1.63000.160)

##### **BEFORE THE RULE IS FINALIZED AND A 90-DAY COMMENT PERIOD IS REQUIRED FOR BOUNDARY ADJUSTMENTS**

[ATT 1] A significant problem exists with respect to the existing maps used in developing the Proposed Plan. Specifically, CMA [Colorado Mining Association] understands that two sets of maps have been used when developing the Proposed Plan: a set based on the 2001 National Roadless Rule, which has been permanently enjoined in Colorado [Footnote 4: See the August 12, 2008 Order of Judge Brimmer for the District Court of Wyoming enjoining for a second time the Roadless Rule nationwide and his June 16, 2009 order affirming the injunction.] and a set resulting from Forest Management Plan review.

CMA is aware of at least two problems resulting from the use of two sets of map boundaries. The West Elk mine is located in the North Fork [coal mining] area and lies within a CRA. However, while active

mining operations are underway at the West Elk Mine, and it therefore falls under [section] 294.33(d) of the Proposed Plan, there is no designated surface access to the mine. The result of this error is to otherwise require the operator of the West Elk Mine to have to apply for surface access to its own mine that is currently open and operating.

A second error that has been determined by CMA with the maps in use for the Proposed Plan relates to a wilderness area buffer zone. The buffer zone lies between an existing wilderness area and the Henderson Mine, which is private land. The buffer zone was placed under restrictive management as a result of a roadless designation set forth on the 2001 Roadless Rule map. In addition to posing safety issues, the effect of this change is to impair access for potential future development to the Henderson Mine, which happens to be the world's largest molybdenum mine. The Colorado Wilderness Act clearly provides that no buffer zones shall be created around wilderness areas.

"Congress does not intend that the designation by this Act of wilderness areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area." Subsection 3(e), the Colorado Wilderness Act of 1993, Public Law 103-767. CMA echoes the comments dated September 30, 2009, submitted by Freeport McMoRan Copper & Gold, Inc. urging that the areas surrounding the Henderson Mine should be removed from the roadless area inventory.

The Proposed Plan states that once effective, map boundaries may be adjusted by the Forest Service Chief if done to correct mapping errors or changed circumstances in accordance with existing Forest Service policy. However, any change to a map boundary is subject to a 90-day comment period. The material boundary errors identified by CMA must be corrected immediately, before any Proposed Plan is made final.

Further, where serious errors concerning map boundaries exist today, such as the ones identified here, a future 90-day comment period to correct them is excessive, and imposes unnecessary adverse impacts and delay to otherwise lawful activities. Once the correct boundaries are ascertained and verified, a 30-day comment period should be sufficient to provide public notice of the proposed administrative correction. (Mining Industry/Association, Denver, CO - #832.15-16.63000.002)

#### **4-54 Public Concern: The Forest Service should use the most accurate mapping information available and should exclude roaded areas from roadless designation.**

Colorado Roadless Areas need to be identified by the most accurate mapping information available. The concept that areas with existing roads belong in an inventory of "roadless areas" is nonsense. Think about it. (Individual, - #412.3.63000.001)

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. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.2.63000.160)

#### **4-55 Public Concern: The Forest Service should identify where in roadless areas they have consented to mineral leasing.**

[DEIS] Page 118, Chapter 3: "The Bureau of Land Management (BLM) has the exclusive authority to dispose of leasable mineral resources on NFS lands. However, BLM must have the consent of the Forest Service before it can lease oil, gas, or geothermal resources. In the case of phosphate, BLM must seek Forest Service recommendations for measures to protect surface resources, but may lease without Forest Service consent. A Federal lease conveys to the holder the right to explore and develop the leased commodity subject to lease terms, stipulations, and applicable regulations." A Federal lease conveys to the holder that right (valid) to not only explore and develop, but in many cases remove. Please identify where the roadless areas outlined have already been given FS consent and already sold with standard stipulations. (U.S. Department of Interior, Office of Environmental Policy Compliance, Washington, DC - #829.8.63000.400)

## Specific Roadless-Area Inventory Requests

### **4-56 Public Concern: The Forest Service should support recommendations of Wild Connection**

#### **FOR PIKES PEAK, LEADVILLE, SALIDA, SAN CARLOS, SOUTH PARK, AND SOUTH PLATTE DISTRICTS**

Review and support the recommendations developed by the science-based organization, Wild Connections, that submitted a 2008 document: "Roadless Areas of South Central Colorado". Specifically, use this document as input for the roadless rule deliberations. The document includes descriptions and recommendations for the following districts: Pikes Peak, Leadville, Salida, San Carlos, South Park, and South Platte. (Individual, Denver, CO - #530.5.63000.620)

### **4-57 Public Concern: The Forest Service should reconsider the roadless areas on the White River National Forest.**

#### **BECAUSE THE STANDARDS WERE APPLIED TOO STRICTLY**

General Problems with the Roadless Inventory. The White River National Forest [WRNF] applied standards too strictly, resulting in the exclusion of some areas altogether and exclusion of many acres of roadless lands from areas that were inventoried. For many areas, roadless boundaries were determined by delineating only those areas that were believed to be defensible as wilderness. We have made this point before, that the WRNF's roadless inventory improperly applied wilderness availability and suitability criteria during the roadless inventory process. A roadless inventory should be based purely on the facts of roadlessness, not subjective opinions about whether such an area, or a certain boundary configuration, can qualify for wilderness designation. (Preservation/Conservation, Carbondale, CO - #686.3.63000.650)

#### **BECAUSE UNROADED AREAS WERE EXCLUDED**

On the White River National Forest, areas with motorized trails and snowmobile uses were excluded from the roadless inventory, even if they contained no roads. Such areas might be difficult to manage as wilderness, but they should still be in the roadless inventory. In some cases, buffers around roads were unjustifiably large, excluding roadless acreage from the inventory.

The Forest Service must include all lands that are roadless in the inventory. We believe approximately 415,000 acres have been excluded. (Preservation/Conservation, Carbondale, CO - #686.4.63000.530)

### **4-58 Public Concern: The Forest Service should protect the roadless areas in the San Juan National Forest.**

#### **TO PROTECT GAME SPECIES HABITAT**

Many of the roadless areas in the San Juan National Forest provide habitat for elk and deer herds. Many of our [5 Rivers Chapter of Trout Unlimited] members are hunters as well as fishers.

The creation of roads would disrupt many acres of prime habitat for these species. (Recreation/Conservation Organization, - #637.2.41110.680)

### **4-59 Public Concern: The Forest Service should include the Bald Mountain Roadless Area in the roadless inventory.**

#### **TO PROTECT BIODIVERSITY AND WILDLIFE HABITAT**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Bald Mountain Roadless Area

Dillon Ranger District

Location: Southeast of Breckenridge in Summit County

SRCA [Southern Rockies Conservation Alliance] Name: Bald Mountain

SRCA Acres: 4,800

The Bald Mountain Roadless Area is adjacent to the Boreas Roadless Area on the Pike-San Isabel National Forest, which in turn is connected to the SRCA Mount Guyot Roadless Area on the White River National Forest.

The Bald Mountain Roadless Area contains portions of both the Colorado Natural Heritage Program's Boreas Pass Potential Conservation Area (Very High Biodiversity Significance) and the Mosquito Range PCA [Potential Conservation Area] (Outstanding Biodiversity Significance). It is incumbent on the CRA inventory to correct this kind of oversight and add the area of the SRCA Bald Mountain Roadless Area to its current Boreas Roadless Area. There is substantial habitat for marten in the area. (Preservation/Conservation, Carbondale, CO - #686.85.63000.660)

#### **4-60 Public Concern: The Forest Service should exclude mining areas and significant mineral resources from roadless area designation in the Henderson Mine vicinity.**

##### **BECAUSE OF INCOMPATIBILITY WITH SECTION 294.41**

The boundaries of the inventoried roadless area and upper tier designations should be modified to remove all areas north of the Henderson Mine facility from the Climax McMoRan Copper and Gold, Inc. fee lands to the Vasquez Adjacent Area, as proposed by Freeport. Being in the immediate vicinity of a large industrial complex, the CRA designation in this location is inconsistent with roadless area characteristics identified in Section 294.41, specifically: #7 (landscape contains industrial mining complex which has been in operation in this area for over 30 years); #9 (this is a significant mineral resource area which is subject to unpatented mining claims). (Clear Creek County, Georgetown, CO - #537.2.63000.410)

#### **4-61 Public Concern: The Forest Service should protect Mama Creek.**

##### **BECAUSE IT IS PRIME BLACK BEAR HABITAT**

Protect: Mama Creek—Prime Black Bear habitat! (Individual, Glenwood Springs, CO - #819.2.41110.330)

#### **4-62 Public Concern: The Forest Service should include the Big Beaver Basin area in the roadless inventory.**

##### **TO PROTECT WILDLIFE HABITAT**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Big Beaver Basin Roadless Area

Blanco Ranger District

Location: East of Meeker in Rio Blanco County

SRCA Name: Big Beaver Basin

SRCA Acres: 8,700

RARE II Name: Big Beaver Basin

RARE II Acres: 8,300

Big Beaver Basin is an area of high habitat value for a broad range of species of value and concern to the White River National Forest and the State of Colorado, including boreal toad, boreal owl, flammulated owl, goshawk, northern leopard frog, and American three-toed woodpecker. Located in the far northwest portion of the Flat Tops Plateau region, it is an important transition area between the montane and grassland ecosystems. This area should be added to the CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.86.63000.330)

**4-63 Public Concern: The Forest Service should include Canyon Creek area in the roadless inventory.****TO PROTECT WILDLIFE HABITAT AND WATER RESOURCES**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Canyon Creek Roadless Area

Rifle Ranger District

Location: Northwest of Glenwood Springs in Garfield County

SRCA Name: Canyon Creek

SRCA Acres: 36,000

RARE II Name: Canyon Creek

RARE II Acres: 38,000

“Canyon Creek A (24a)” and “Canyon Creek B (24b)” were among the areas that the White River National Forest originally evaluated for wilderness availability and capability during the preparatory stage for the White River National Forest Land and Resource Management Plan revision. Because the areas deemed to have defensible boundaries for Wilderness management were so small (4200 and 2400 acres, respectively), they were dropped from the roadless area inventory entirely. This decision had nothing to do with the actual size of the roadless area involved, as the SRCA inventory found Canyon Creek to be one of the four largest roadless areas on the entire White River National Forest. Rather, the Forest Service’s decision reflected only the Agency’s perceived inability to manage it as a wilderness area.

It is imperative that the CRA inventory look past this decision and toward the character of the landscape itself. Between the Clinetop Road (FSR 603) on the western side of the area to the Transfer Trail (FSR 602) on the eastern side lie ten miles of wildlands carved by five major creeks: East Elk, Boiler, Canyon, East Canyon, and Keyser. From the Forest boundary on the south to the Blair Mountain Road (FSR 601) on the north is a full six miles. Only one road of any length (Boiler Creek, FSR 636) is cherry-stemmed into the area. After the Red Table/Gypsum Creek roadless area it is the least road-impacted area on the White River National Forest outside of a designated Wilderness Area.

Canyon Creek is an area of overall good habitat value for species of concern to the White River National Forest and the State of Colorado, including lynx, marten, northern goshawk, northern leopard frog, northern three-toed woodpecker, olive-sided flycatcher and tiger salamander. It is critically important year-round for bighorn sheep. The SRCA Canyon Creek Roadless Area also contains almost the entire CNHP [Colorado Natural Heritage Program] East Elk Creek PCA (High Biodiversity Significance). Omission of this major area from the CRA inventory calls into question the validity of the whole inventory process. (Preservation/Conservation, Carbondale, CO - #686.87-88.63000.356)

**4-64 Public Concern: The Forest Service should include Cathedral Creek in the roadless inventory.****TO PROTECT WATER RESOURCES AND WILDLIFE HABITAT**

Roadless area not included in the proposed CRA, but should be included:

Cathedral Creek

The Cathedral Creek area is in the Gunnison Ranger District, south of Blue Mesa Reservoir and the Cebolla Creek State Wildlife Area. It is adjacent to the La Garita Wilderness. The SRCA inventory of this area found 11,300 acres. The 2001 roadless area inventory included the western portion of this area as Mineral Mountain. The 2001 roadless inventory of the 6,400 acre Mineral Mountain area included a portion of the SRCA inventoried Cathedral Creek area. The Cathedral Creek area was not included in the Colorado Roadless Rule inventory.

The Cathedral Creek area is bounded on the north by Forest Road 790 and 788, the northwest portion of the area is bounded on the east by Forest Road 790, on the northwest by the National Forest Boundary and on the west by Forest Road 592. The eastern portion of the area is bounded on the south by La

Garita Wilderness, on the east by Forest Roads 794 and 794.2B. The spurs off of Forest Roads 794 and 794.2B are excluded from the area.

Numerous creeks cross this area on their way to the Gunnison River including Sheep Creek, Spring Creek, Cathedral Creek, Los Pinos Creek, East Fork Los Pinos Creek, Pauline Creek, Perfecto Creek, and Chavez Creek. All of these creeks originate in this area or in the adjacent La Garita Wilderness. Spring and Cathedral Creeks are part of the water supply for the Blue Mesa Reservoir.

Spruce-fir is the most common vegetation type in this area that also includes a large number of riparian shrublands. Aspen forests and montane and subalpine meadows are also found in this area. Potential habitat for lynx is found in this area. Recreational opportunities in this area include the Cebolla trail that crosses this area on its way in and out of the La Garita Wilderness. (Preservation/Conservation, Crested Butte, CO - #678.18.63000.002)

#### **4-65 Public Concern: The Forest Service should include the Cochetopa Dome in the roadless inventory.**

##### **BECAUSE IT IS ADJACENT TO ROADLESS BLM LAND**

Roadless area not included in the proposed CRA, but should be included:

Cochetopa Dome IRA

The Cochetopa Dome area is in the Gunnison Ranger District southeast of Gunnison, northeast of the Dome Lake State Wildlife Area. The SRCA inventory of this area found 5,900 acres. The Cochetopa Dome area is directly adjacent to SRCA inventoried roadless land managed by the BLM for a total of 9,000 roadless acres. This adjacent BLM land should be considered when deciding whether or not to include this area in the roadless inventory. The 2001 Roadless Rule inventory found 7,200 roadless acres in the Cochetopa Dome area including land east of Forest Road 804.1F that was excluded from the SRCA inventoried area described here. The Cochetopa Dome area was not included in the Colorado Roadless Rule inventory.

The Cochetopa Dome area is bounded on the north, east, and south by the National Forest boundary, on the southeast by Forest Route 804 and on the east by Forest Routes 804.1E and 804.1F. Private inholdings on the northeast along State Highway 114 are excluded from the area.

The 11,132 foot high Cochetopa Dome was created by volcanic activity but never erupted. Several tributaries of West Pass Creek and Cochetopa Creek in the Gunnison River system originate in this roadless area. Grasslands are found at the lower elevations of this area, which give way to ponderosa pine woodlands and spruce-fir forest, with smaller areas of aspen and sagebrush steppe. Bald eagles concentrate in the winter along West Pass Creek and Cochetopa Creek at the edges of this area. Potential habitat for lynx is found in this area. Opportunities for recreation, including fishing and birding, are found in the Dome Lakes State Wildlife Area that is adjacent to the roadless area across roadless BLM land. (Preservation/Conservation, Crested Butte, CO - #678.16.63000.002)

#### **4-66 Public Concern: The Forest Service should manage the Dominguez area as a roadless area.**

##### **TO PROTECT WILDLIFE AND REDUCE EXPANSION OF OFF-ROAD VEHICLE TRAILS**

We, Western Colorado Congress, urge that the Dominguez area be managed as a roadless area given the wildlife use in the area. We also urge that expansion of OHV trails be ceased and the existing trails be used at a minimum. The disturbance on wildlife tends to have a great impact throughout the year. (Preservation/Conservation, Grand Junction, CO - #619.28.52200.350)

#### **4-67 Public Concern: The Forest Service should include the East Miller Creek area in the roadless inventory.**

##### **TO PROTECT ITS ROADLESS CHARACTERISTICS AND WILDLIFE HABITAT**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: East Miller Creek Roadless Area

Blanco Ranger District

Location: South of Meeker in Rio Blanco and Garfield Counties

SRCA Name: East Miller Creek

SRCA Acres: 6,200

East Miller Creek was not part of the original WRNF roadless area capability and availability evaluation, but is of comparable size and habitat value with the West Miller (10) and Middle Miller (11) areas that were evaluated. It has excellent overall habitat value, including an elk calving area, and is one of the least-disturbed areas for wildlife, providing refuge and passage in the western portion of the Flat Tops. Its size, character, and location warrant its inclusion in the CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.89.63000.330)

#### **4-68 Public Concern: The Forest Service should add the Geneva Peak area to the Burning Bear Roadless Area.**

##### **TO PRESERVE AREAS OF HIGH BIODIVERSITY SIGNIFICANCE**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Geneva Peak Roadless Area

Dillon Ranger District

Location: East of Breckenridge in Summit County

SRCA Name: Geneva Peak

SRCA Acres: 1,600

The Geneva Peak Roadless Area is adjacent to the Burning Bear Roadless Area on the Pike-San Isabel National Forests.

The CNHP Sullivan Mountain Potential Conservation Area (High Biodiversity Significance) straddles the Continental Divide between the Geneva Peak and the Burning Bear Roadless Areas. The Montezuma PCA (High Biodiversity Significance) touches it on the west side and it is adjacent to the Collier Mountain PCA (High Biodiversity Significance) to the north and the Handcart Gulch PCA (Very High Biodiversity Significance) to the south.

It is incumbent on the CRA inventory to add the SRCA Geneva Peak Roadless Area to its current Burning Bear Roadless Area. (Preservation/Conservation, Carbondale, CO - #686.90.63000.310)

#### **4-69 Public Concern: The Forest Service should include Hayes Creek in the roadless inventory.**

##### **TO PROTECT WILDLIFE HABITAT**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Hayes Creek Roadless Area

Sopris Ranger District

Location: Southwest of Redstone in Pitkin County

SRCA Name: Hayes Creek

SRCA Acres: 7,800

RARE II Name: Drift Creek

RARE II Acres: 8,900

The Hayes Creek Roadless Area is adjacent to the SRCA-inventoried Clear Fork Roadless Area on the Gunnison National Forest and to the SRCA-inventoried Thompson Creek Roadless Area on the White River National Forest.

The Hayes Creek Roadless Area is an essential element in the 100,000+ acre Clear Fork Divide roadless area complex identified by state and national conservation groups for its exceptional habitat and landscape linkage value. Species found here include: boreal owl, boreal toad, marten, goshawk, American three-toed woodpecker, and tiger salamander.

The five adjacent National Forest Inventoried Roadless Areas that make up the larger Clear Fork Divide roadless complex are: Assignment Ridge, Hayes Creek, Thompson Creek, and East Willow on the White River National Forest, plus the Clear Fork Roadless Area on the Gunnison National Forest. Additionally, the BLM Thompson Creek roadless area is adjacent to the Forest Service Assignment Ridge Roadless Area.

Hayes Creek alone has high habitat value for species of interest and concern to the White River National Forest and the State of Colorado, and together with the other five linked areas it is one of the biologically richest areas in and adjacent to the White River National Forest. The Hayes Creek Roadless Area is large enough to stand on its own without being linked to any other areas, and with the cessation of coal mining under its northern reaches, there is no reason to exclude it from the CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.91.63000.300)

#### **4-70 Public Concern: The Forest Service should remove the HD Mountains from roadless area protection.**

##### **BECAUSE THE AREA HAS SIGNIFICANT MINERAL POTENTIAL**

We [Western Energy Alliance, et al.] have serious concerns with the proposed HD Mountains (260) Roadless Area within the San Juan National Forest. The first concern is why this specific area continues to be classified within CRAs. The HD Mountains has significant mineral potential, particularly oil and gas. The Final Environmental Impact Statement/Northern San Juan Basin Coal Bed Methane Project; U.S. Department of Interior, Bureau of Land Management, San Juan Field Office and the U.S. Department of Agriculture, Forest Service, San Juan National Forest, 2006, (2006 FEIS) [not attached] contains a history of the HD Mountains regarding RARE II evaluations. Among these milestones are the following:

- 1974-77—Large portions of the HD Mountains are leased for oil and gas development.
- 1977-79—RARE II identifies 20,010 acres of the HD Mountains as an Inventoried Roadless Area. Oil and gas leases issued during this period are issued with no surface occupancy (NSO) stipulations.
- 1979—RARE II recommends that the HD Mountains Inventoried Roadless Area not be included in the National Wilderness Preservation System.
- 1981—The NSO stipulations are rescinded for leases issued during the RARE II evaluation process.
- 1983—The Record of Decision (ROD) for the Land and Resource Management Plan (LRMP) for the San Juan National Forest (SJNF) reaffirms that the HD Mountains are available for and to be managed for multiple uses other than wilderness.
- 1992—The EIS for the HD Mountains Coalbed Methane Gas Field Development Project analyzes development of 95 coal bed methane gas wells. The ROD approves Applications for Permit to Drill for 16 wells and associated facilities and establishes a programmatic gas field development plan that would develop portions of the HD Mountains Roadless Area.
- 1993—The Colorado Wilderness Act of 1993 designates certain lands within the SJNF for inclusion into the National Wilderness Preservation System. The HD Mountains Roadless Area is not included in the Act.

As demonstrated above, the HD Mountains have already been subject to numerous evaluations relating to prohibitions on multiple uses, none of which has ever been applied. Taking into account these assessments and the mineral potential from existing oil and gas leases, including currently producing wells, associated roads and linear facilities, it is even more important to remove this area from roadless consideration. The HD Mountains Inventoried Roadless Area is known to have 1.1 trillion cubic feet of economically recoverable coalbed methane gas based upon a USFS briefing document distributed during public meetings on the Northern San Juan Basin Draft Environmental Impact Statement, (United States Forest Service, page 2, August 2004). According to the Draft Environmental Impact Statement prepared in July 2008, “at least 17 IRAs on the Grand Mesa, Uncompahgre, and Gunnison (GMUG); White River; and San Juan National Forests have high potential for development of natural gas resources in the next 15 years, with potential for minor quantities of oil associated with the natural gas on the GMUG National Forests. The roadless areas identified in this EIS analysis as having a high potential for oil or gas development are those that are in nationally significant oil and gas basins, are adjacent or close to



producing wells, and are extensively leased. Several of these roadless areas are 100 percent leased” (2008 Draft EIS, page 105). This statement is never more apparent than for the HD Mountains.

Each of the previous decisions and leasing actions affirmed the HD Mountains availability for multiple use management as well as the issuance of leases within the area, both before and after RARE II. This decision is clearly evident in the historical management intent expressed by the USFS for this area. Therefore, the HD Mountains (260) must not be deemed “roadless.” Rather, it must be deleted from the proposed rule. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.8-10.63000.421)

#### **4-71 Public Concern: The Forest Service should include the Hoosier East area in the roadless inventory.**

##### **TO ENSURE A COMPLETE INVENTORY OF ROADLESS AREAS**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Hoosier East Roadless Area

Dillon Ranger District

Location: South of Breckenridge in Summit County

SRCA Name: Hoosier East

SRCA Acres: 900

RARE II Name: Red Peak

RARE II Acres: Part of 5500-acre Red Peak area

The Hoosier East Roadless Area is adjacent to the 5100-acre SRCA-inventoried Hoosier Pass Roadless Area on the Pike-San Isabel National Forests, which in turn is adjacent to the White River National Forest’s Hoosier Ridge Roadless Area. About half of the Hoosier East Roadless Area is included in the CNHP Mosquito Range (Outstanding Biodiversity Significance) and the Boreas Pass (Very High Biodiversity Significance) Potential Conservation Areas.

The purpose for identifying this seemingly small area is to ensure a complete inventory of all the roadless areas that cross National Forest boundaries, something the WRNF did not do, especially along this portion of the Continental Divide. (Preservation/Conservation, Carbondale, CO - #686.92.63000.660)

#### **4-72 Public Concern: The Forest Service should include the Horse Park area in the roadless inventory.**

##### **TO PROTECT WILDLIFE HABITAT**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Horse Park Roadless Area

Rifle Ranger District

Location: South of Silt in Garfield County

SRCA Name: Horse Park

SRCA Acres: 7,100

RARE II Name: Horse Park

RARE II Acres: 9,700

The Horse Park Roadless area has high habitat value for a broad range of species of interest and concern to the White River National Forest and the State of Colorado, including lynx, black swift, boreal owl, boreal toad, flammulated owl, golden crown kinglet, pygmy nuthatch, and Virginia warbler. It also contains a significant portion of the CNHP Willow Creek Potential Conservation Area (Moderate Biodiversity Significance). This RARE II area was dropped from the White River National Forest’s inventory for unknown reasons. Nonetheless, the area is still of sufficient size and significance to warrant inclusion in the updated CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.93.63000.330)

#### **4-73 Public Concern: The Forest Service should include the Independence Mountain area in the roadless inventory.**

##### **TO PROTECT HABITAT LINKAGES AND BIODIVERSITY**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Independence Mountain Roadless Area

Dillon Ranger District

Location: East of Breckenridge in Summit County

SRCA Name: Independence Mountain

SRCA Acres: 5,600

The SRCA Independence Mountain Roadless Area is connected to the SRCA Swan Mountain Roadless Area. Independence Mountain is a vital wildlife link through the southeastern part of Summit County, and preserving its roadless status is vital to this function. It also contains parts of the CNHP Montezuma (High Biodiversity Significance) and the North Fork Swan River (Very High Biodiversity Significance) Potential Conservation Areas. Its significance and its size warrant its inclusion in the CRA roadless area inventory, especially in the context of the relatively well-developed landscape nearby. (Preservation/Conservation, Carbondale, CO - #686.94.63000.300)

#### **4-74 Public Concern: The Forest Service should include Kildeer Creek in the roadless inventory.**

##### **TO PROTECT THE HEADWATERS OF KILDEER AND BULL CREEKS AND FISH AND WILDLIFE HABITAT**

Roadless area not included in the proposed CRA, but should be included:

Killdeer Creek

- The Killdeer Creek area is in the Gunnison Ranger District, south of Gunnison, east of the Cebolla Creek State Wildlife Area, and north of the La Garita Wilderness Area. The SRCA inventory of this area found 11,200 acres. The Kildeer Creek area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Killdeer Creek area is bounded on the northwest by Forest Route 788 and on the west, south, southeast, and northeast by Forest Route 790. Forest Routes 790.1A, 778.2I, 778.2J, 790.1D and other spurs into this area are excluded from the area.

Killdeer Creek and Bull Creek have their headwaters in this area. South Pinos Creek flows through this area from its headwaters in the La Garita Wilderness. All of these creeks are in the Gunnison River system. Spruce-fir and mixed conifer forest are the most common vegetation types in this area. Aspen, subalpine meadows, alpine wet meadows, and riparian shrublands are also found here. This area is in a watershed of Cochetopa Creek, where Colorado River cutthroat trout are found. Potential habitat for lynx is found in this area. (Preservation/Conservation, Crested Butte, CO - #678.17.63000.002)

#### **4-75 Public Concern: The Forest Service should include Middle Miller Creek area in the roadless inventory.**

##### **TO PROTECT ITS ROADLESS CHARACTER**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Middle Miller Creek Roadless Area

Blanco Ranger District

Location: Southeast of Meeker in Rio Blanco and Garfield Counties

SRCA Name: Middle Miller Creek

SRCA Acres: 5,200

Middle Miller Creek was evaluated by the White River National Forest for wilderness capability and availability as area #11. Subsequently it was reduced in size for being too flat and open and it fell below the standard 5,000-acre threshold. The roadless character of the area under review was never in question,

only its manageability as wilderness. Of course, this standard has no bearing on the CRA inventory. The Middle Miller Roadless Area, as outlined in the SRCA inventory, needs to be added to the CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.96.63000.621)

#### **4-76 Public Concern: The Forest Service should include Milk Creek area in the roadless inventory.**

##### **AND SHOULD MERGE IT WITH THE MORAPOS A ROADLESS AREA**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Milk Creek Roadless Area

Blanco Ranger District

Location: Northeast of Meeker in Rio Blanco County

SRCA Name: Milk Creek

SRCA Acres: 5,000

RARE II Name: Pagoda Peak

RARE II Acres: 48,700

The current roadless inventories no longer include an unbroken expanse of roadless land solely on the White River National Forest that stretches from Milk Creek to Pagoda Peak, but there is no system road between the Milk Creek and Morapos A Roadless Areas. There are only the Three Points (FST 1807.2A) and the Konopik Cutoff (FST 1807.2B) trails. Given this situation, the SRCA inventoried Milk Creek Roadless Area needs to be merged into the Morapos A Roadless Area and included in the CRA inventory. The Milk Creek Area has good overall habitat values and includes Elk Winter Concentration and Severe Winter Range areas that are lacking in the currently inventoried Morapos A Roadless Area. (Preservation/Conservation, Carbondale, CO - #686.97.63000.330)

#### **4-77 Public Concern: The Forest Service should include Mount Guyot in the roadless inventory.**

##### **TO CREATE A COMPLETE INVENTORY OF ALL ROADLESS AREAS**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Mount Guyot Roadless Area

Dillon Ranger District

Location: East of Breckenridge in Summit County

SRCA Name: Mount Guyot

SRCA Acres: 1,400

The Mount Guyot Roadless Area is adjacent to the Boreas Roadless Area on the Pike-San Isabel National Forests, which also connects to the Bald Mountain Roadless Area just west of the Mount Guyot Roadless Area on the White River National Forest.

The purpose for identifying such a small area is to ensure a complete inventory of the all the roadless areas that cross National Forest boundaries, something the WRNF did not do along this portion of the Continental Divide. The Forest Service must correct this oversight and add the area of the SRCA Mount Guyot Roadless Area to its current Boreas Roadless Area. (Preservation/Conservation, Carbondale, CO - #686.98.63000.620)

#### **4-78 Public Concern: The Forest Service should include the Patterson Creek area in the roadless inventory.**

##### **BECAUSE THE AREA QUALIFIES AS ROADLESS**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Patterson Creek Roadless Area

Eagle and Rifle Ranger Districts

Location: North of Glenwood Springs in Garfield County

SRCA Name: Patterson Creek

SRCA Acres: 700

RARE II Name: Hunns Peak

RARE II Acres: 13,200

The Patterson Creek Roadless Area is adjacent to the Flat Tops Wilderness. Due to later road construction, the Patterson Creek Area is no longer part of the Hunns Peak Roadless Area. However, it was included in the White River National Forest's forest planning evaluation of areas capable and available for Wilderness designation as area 22b with 300 acres. The SRCA inventory GIS analysis found 400 more roadless acres contiguous with the area identified by the WRNF.

Since wilderness area boundaries are so often drawn with management considerations in mind, it is essential that a roadless area inventory look carefully at all possible qualifying lands to ensure that it includes all land with roadless qualities, regardless of whether there is any intent to add it to a wilderness area. Patterson Creek fits in this category and needs to be added to the CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.99.63000.621)

#### **4-79 Public Concern: The Forest Service should include the Park Cone area in the roadless inventory.**

##### **TO PROTECT WATER RESOURCES, VEGETATION COMMUNITIES, AND FISH AND WILDLIFE HABITAT**

Roadless area not included in the proposed CRA, but should be included:

Park Cone

- The Park Cone area is in the Gunnison Ranger District northeast of Gunnison, north of the Fossil Ridge Wilderness Area (but not adjacent) and south of Taylor Park Reservoir and Lakeview Campground. The SRCA inventory of this area found 6,500 acres. The 2001 Roadless Rule Inventory of the 20,000-acre Crystal Creek area includes the Park Cone area. The Park Cone area was not included in the Colorado Roadless Rule inventory.

The Park Cone area is bounded on the north and west by County Road 742, on the south by private land along Lottis Creek, and on the east by Forest Road 752. Spurs off of the northern end of Forest Road 752 are excluded from this area.

The 12,100-foot symmetrical Park Cone peak is practically an island surrounded by Taylor Reservoir, Taylor River, Lottis Creek, and its unnamed tributaries through Union Park. Although this is a relatively low summit, there is a significant distance between its low and high elevations giving it good prominence within the surrounding area. Several tributaries of these streams in the Gunnison River system have their headwaters in the Park Cone area. Lodgepole pine and spruce-fir forests are common in this area, with pockets of montane grassland, tundra, and some relatively large areas of riparian shrub land. The Park Cone area is in a watershed of the Taylor River that contains Colorado River cutthroat trout. Elk have calves in this area. Potential habitat for lynx is found in this area. Opportunities for recreation in this area include visiting it from the nearby Lakeview campground and off-trail hiking to a prominent peak. (Preservation/Conservation, Crested Butte, CO - #678.19.63000.002)

#### **4-80 Public Concern: The Forest Service should include the Red Mountain Creek area in the roadless inventory.**

##### **TO PROTECT VEGETATION COMMUNITIES, WILDLIFE HABITAT, AND WATER RESOURCES**

Roadless area not included in the proposed CRA, but should be included:

Red Mountain Creek

- The Red Mountain Creek area is in the Gunnison Ranger District, northeast of Gunnison and of Taylor Park Reservoir and is adjacent to the Collegiate Peaks Wilderness. The SRCA inventory of this area found 4,900 acres. The 2001 Roadless Rule Inventory found 3,900 roadless areas in the Red Mountain Creek area, part of the area named Elk Mountains-Collegiate. The Red Mountain Creek area was not

included in the Colorado Roadless Rule inventory. This area is adjacent to wilderness so the 5,000 acre minimum size rule does not apply.

The Red Mountain Creek area is bounded on the north and northeast by the Collegiate Peaks Wilderness Area, on the west and southwest by Forest Road 742 along the Taylor River and on the east by Forest Road 742.3D along Pieplant Creek. Forest Road 742.3H along Red Mountain Creek that leads to Trail 414 is excluded from the area.

Lodgepole pine is the most common vegetation type in this area. Sagebrush steppe, subalpine riparian shrub land, and aspen are also found in this area. Potential habitat for lynx is found in this area. This area is in a watershed of the Taylor River that contains Colorado River cutthroat trout. Recreational opportunities in this area include the Timberline Trail (Trail 414) that provides access to the Collegiate Peaks Wilderness. (Preservation/Conservation, Crested Butte, CO - #678.20.63000.002)

#### **4-81 Public Concern: The Forest Service should include the Ruby Lakes area in the roadless inventory.**

##### **TO PROTECT THIS SCENIC ROADLESS AREA**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Ruby Lakes Roadless Area

Aspen Ranger District

Location: Southeast of Aspen in Pitkin County

SRCA Name: Ruby Lakes

SRCA Acres: 2,400

The Ruby Lakes Roadless Area is adjacent to the Collegiate Peaks Wilderness Area. It is a pocket of scenic alpine roadless land bordered on three sides by the Collegiate Peaks Wilderness Area that deserves to be added to the CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.100.63000.621)

#### **4-82 Public Concern: The Forest Service should include the Sargents area in the roadless inventory.**

##### **TO PROTECT VEGETATION COMMUNITIES, WILDLIFE HABITAT, AND RECREATION OPPORTUNITIES**

Roadless area not included in the proposed CRA, but should be included:

Sargents

- The Sargents area is in the Gunnison Ranger District east of Gunnison, southwest of Monarch Pass, and northwest of the small community of Sargents on U.S. Highway 50. The SRCA inventory of this area found 12,700 acres. The Sargents area was not included in the 2001 Roadless Rule inventory or in the Colorado Roadless Rule inventory.

The Sargents area is bounded on the north by Forest Roads 887 and 887.4B and the State Land Board inholdings in Section 36, on the northwest by Forest Road 768 through Horn Gulch and private inholdings along the road, on the southwest by the forest boundary, on the south by Forest Road 913 along Hicks Gulch and Swag Gulch, on the southeast by the power line, and on the east by the inholdings along Tomichi Gulch. Forest Road 819 and various spurs off of 819 and 768 are excluded from the area.

Numerous streams that originate in this area flow into Tomichi Creek, which is a tributary of the Gunnison River including Dawson Creek, Cow Creek, Calf Creek, and Mountain Spring Creek. Lodgepole pine, aspen, mixed-conifer forest, subalpine grassland, subalpine riparian woodland, and sagebrush steppe are all found in this area. Elk have calves in this area and concentrate here in the winter. An active sage grouse lek is found in or near this area. Potential habitat for lynx is found in this area. Opportunities for recreation in this area include the Quakey Mountain Trail (Trails 537 and 538). (Preservation/Conservation, Crested Butte, CO - #678.21.63000.002)

#### **4-83 Public Concern: The Forest Service should include the Slumgullion area in the roadless inventory.**

##### **TO PROTECT WATER RESOURCES, FISH AND WILDLIFE HABITAT, AND RECREATION OPPORTUNITIES**

Roadless area not included in the proposed CRA, but should be included:

###### **Slumgullion**

- The Slumgullion area is in the Gunnison Ranger District east of Lake City and west of (but not quite adjacent to) the La Garita Wilderness Area. The SRCA inventory of this area found 6,300 acres. The Slumgullion area is directly adjacent to SRCA inventoried roadless land managed by the BLM for a total of about 8,700 roadless acres. The 2001 Roadless Rule inventory found 8,100 roadless acres in what was called the Carson Peak IRA. The Slumgullion area was not included in the Colorado Roadless Rule inventory.

The Slumgullion area is bounded on the north by Forest Road 473 on the west by the National Forest boundary with BLM land, on the south by the boundary between the GMUG and Rio Grande National Forests, on the southeast by Forest Road 547 and on the east and northeast by Colorado Highway 149 (the Silver Thread Highway). Forest Road 735 is excluded from this area by a long cherry stem.

Slumgullion Mountain at 12,210 feet is just north of this area across Forest Road 473. Rambouillet Creek and several of its forks have their headwaters in this area and are tributaries of the Gunnison River. Spruce-fir forest, aspen, and alpine meadows are found in this area along with large patches of woody wetlands and other riparian areas. This area is in a watershed of Cebolla Creek that contains Colorado River Cutthroat Trout. Potential habitat for lynx is found in this area. Recreational opportunities in this area include the Continental Divide National Scenic Trail that forms the southeastern boundary of this area. (Preservation/Conservation, Crested Butte, CO - #678.22.63000.300)

#### **4-84 Public Concern: The Forest Service should include the Star Peak area in the roadless inventory.**

##### **TO PROTECT VISUAL RESOURCES AND VEGETATION COMMUNITIES**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Star Peak Roadless Area

Aspen Ranger District

Location: South of Aspen in Pitkin County

SRCA Name: Star Peak

SRCA Acres: 5,500

RARE II Name: Elk Mountain/Collegiate

RARE II Acres: 4,300

The Star Peak Roadless Area is adjacent to the CRA Double Top Roadless Area on the Gunnison National Forest (the Cement Mountain Roadless Area in the SRCA inventory).

Star Peak, with its long, jagged arêtes and deep cirques, is the iconic peak of the Castle Creek Valley. Were it not for the Pearl Pass and Taylor Pass on its western and eastern sides, the Star Peak Roadless Area would already be part of either the Maroon Bells-Snowmass or Collegiate Peaks Wilderness Areas.

The Star Peak Roadless Area is divided into two parts by the closed Cooper Basin Road (FSR 121.1) that leads to a closed iron mine on Taylor Peak and undeveloped mining claims on the north ridge of Taylor Peak. It is a functionally continuous alpine roadless area divided by ownership. The southern piece is adjacent to the Double Top Roadless area and certainly needs to be added to the CRA inventory, either on its own or as an addition to the Double Top Roadless Area. The northern section covers only about 3,000 acres but is classic alpine and sub-alpine terrain that includes the CNHP Taylor Pass Potential Conservation Area (Very High Biodiversity Significance). It should be considered as a smaller, stand-alone roadless area or as a non-contiguous part of the larger Star Peak-Double Top Roadless Area. (Preservation/Conservation, Carbondale, CO - #686.101.63000.621)

**4-85 Public Concern: The Forest Service should include the Swan Mountain area in the roadless inventory.****TO PROTECT WILDLIFE HABITAT**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Swan Mountain Roadless Area

Dillon Ranger District

Location: East of Breckenridge in Summit County

SRCA Name: Swan Mountain

SRCA Acres: 6,100

The Swan Mountain Roadless Area is adjacent to the Independence Mountain Roadless Area. The Swan Mountain Roadless Area contains half of the Elk Severe Winter Range in the upper Blue River Valley and the best overall habitat for species of interest and concern to the White River National Forest and the State of Colorado of the SRCA-inventoried roadless areas in the Upper Blue. These species include black swift, boreal toad, golden crown kinglet, marten, northern three-toed woodpecker, olive-sided flycatcher, pallid bat, and tiger salamander. These characteristics, combined with its relatively small size and isolation from large areas of roadless land and designated wilderness, make it all the more important to add it to the CRA inventory and to keep it roadless. (Preservation/Conservation, Carbondale, CO - #686.102.63000.350)

**4-86 Public Concern: The Forest Service should include the Three Forks area in the roadless inventory.****BECAUSE IT WAS EXCLUDED FOR PROCEDURAL REASONS IN SPITE OF ITS ROADLESS CHARACTER**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Three Forks Roadless Area

Blanco and Rifle Ranger Districts

Location: North of Rifle in Garfield County

SRCA Name: Three Forks

SRCA Acres: 8,700

RARE II Name: Three Forks

RARE II Acres: 9,000

The Three Forks Roadless Area was analyzed in the White River National Forest's forest planning evaluation of areas capable and available for wilderness designation as area 18. As with so many roadless areas on the Flat Tops, the inventory boundary was restricted to the areas below canyon rims, so an 8,700-acre area without roads became a 3,000-acre area that was dropped from further consideration for recommendation as a wilderness area. The CRA inventory needs to look beyond this procedural process of elimination to the actual character of the land and add Three Forks to its roadless area inventory. (Preservation/Conservation, Carbondale, CO - #686.103.63000.621)

**4-87 Public Concern: The Forest Service should include the Whale Peak area in the roadless inventory.****TO ENSURE THAT ALL ROADLESS AREAS ARE INCLUDED**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: Whale Peak Roadless Area

Dillon Ranger District

Location: South Eagle in Eagle County

SRCA Name: Whale Peak

SRCA Acres: 1,400

The Whale Peak Roadless Area is adjacent to the Jefferson Roadless Area on the Pike-San Isabel National Forests.

The purpose for identifying smaller areas is again to ensure a complete inventory of the all the roadless areas that cross National Forest boundaries, something the WRNF did not do along this portion of the Continental Divide. Thus the SRCA Whale Peak Roadless Area should be added to the current Jefferson Roadless Area. (Preservation/Conservation, Carbondale, CO - #686.105.63000.620)

#### **4-88 Public Concern: The Forest Service should include the West Miller Creek area in the roadless inventory.**

##### **BECAUSE IT WAS EXCLUDED FOR PROCEDURAL REASONS IN SPITE OF ITS ROADLESS CHARACTER**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: West Miller Creek Roadless Area

Blanco Ranger District

Location: South of Meeker in Rio Blanco and Garfield Counties

SRCA Name: West Miller Creek

SRCA Acres: 6,700

The West Miller Creek Roadless Area was analyzed in the White River National Forest's forest planning evaluation of areas capable and available for wilderness designation as area 10. As with so many roadless areas on the Flat Tops, the inventory boundary was reduced for its flatness, openness to snowmobiles, and even for grazing uses, so a 6,700-acre area without roads became a 2,600-acre area that was dropped from further consideration for recommendation as a wilderness area. The CRA inventory needs to look beyond this procedural process of elimination to the actual character of the land and add West Miller to its roadless area inventory. (Preservation/Conservation, Carbondale, CO - #686.104.63000.621)

## **Specific Roadless-Area Boundary Requests**

### ***Adjustment and Access Requests Related to Water Conveyance and Water Rights***

#### **4-89 Public Concern: The Forest Service should ensure that Colorado Springs Utilities will be able to access to Ruedi Pumpback.**

[ATT 1] The boundary adjustments recommended take into consideration existing and conditional water rights related to Aurora Water, Colorado Springs Utilities, and Pueblo Board of Water Works water projects, including associated infrastructure and proposed future water conveyance systems.

CSU [Colorado Springs Utilities] (Blue River Collection System)

Ruedi Pumpback map [see ATT3] - Homestake II Alternative

Wildcat Mountain Roadless Areas (including B and C). Since the proposed pumpback would be buried under the road from Ruedi Reservoir to the inlet of Nast Tunnel, no adjustments to the proposed roadless areas were made. (Utility Group, Colorado Springs, CO - #701.28.63000.001)

#### **4-90 Public Concern: The Forest Service should ensure that Pueblo Board of Water Works will be able to access the Wurtz and Ewing Ditches.**

[ATT 1] The boundary adjustments recommended take into consideration existing and conditional water rights related to Aurora Water, Colorado Springs Utilities, and Pueblo Board of Water Works water projects, including associated infrastructure and proposed future water conveyance systems.

Pueblo Board of Water Works (Pueblo Collection System)

Wurtz and Ewing Ditches map [see ATT4]



No Name Roadless Area. No adjustments were made to this area since the proposed roadless boundary currently reflects a setback of at least 200 feet for the Wurtz Ditch. There are no proposed roadless areas in the vicinity of the Ewing Ditch. (Utility Group, Colorado Springs, CO - #701.29.63000.001)

#### **4-91 Public Concern: The Forest Service should ensure that Pueblo Board of Water Works will be able to access Clear Creek Reservoir.**

[ATT 1] The boundary adjustments recommended take into consideration existing and conditional water rights related to Aurora Water, Colorado Springs Utilities, and Pueblo Board of Water Works water projects, including associated infrastructure and proposed future water conveyance systems.

Pueblo Board of Water Works (Pueblo Collection System)

Clear Creek Reservoir Watershed map [see ATT5]

No boundary adjustments to surrounding proposed roadless areas were deemed necessary. (Utility Group, Colorado Springs, CO - #701.30.63000.001)

#### **4-92 Public Concern: The Forest Service should adjust the boundaries of the Chicago Ridge Roadless Area.**

##### **TO ALLOW UTILITY GROUPS TO ACCESS WATER CONVEYANCE SYSTEMS**

[ATT 1] The boundary adjustments recommended take into consideration existing and conditional water rights related to Aurora Water, Colorado Springs Utilities, and Pueblo Board of Water Works water projects, including associated infrastructure and proposed future water conveyance systems.

Aurora Water/CSU [Colorado Springs Utilities] (Homestake Project)

Upper Eagle River map [see ATT7]

Chicago Ridge Roadless Area. This area has been adjusted to account for the proposed Eagle-Ark Ditch water conveyance system and to account for any additional future road easements required for access to the Columbine Ditch (owned by Aurora only). Please note that the “upper tier” roadless area is for Alternative 4 only, and reverts to a non-upper tier roadless area if Alternative 4 is not the selected alternative. (Utility Group, Colorado Springs, CO - #701.25.63000.002)

#### **4-93 Public Concern: The Forest Service should adjust the boundaries of the Homestake Roadless Area.**

##### **TO BE CONSISTENT WITH PROPOSED HOMESTAKE WILDERNESS AREA BOUNDARIES AND PRESERVE ACCESS TO PROPOSED WATER PROJECTS**

[ATT 1] The boundary adjustments recommended take into consideration existing and conditional water rights related to Aurora Water, Colorado Springs Utilities, and Pueblo Board of Water Works water projects, including associated infrastructure and proposed future water conveyance systems.

Aurora Water/CSU [Colorado Springs Utilities] (Homestake Project)

Upper Eagle River map [see ATT7]

Homestake Roadless Area. This area has been adjusted to be consistent with our [Grand River Consulting Corp. for Colorado Springs Utilities] recently submitted boundary adjustments for the proposed Homestake Wilderness areas, and considers the proposed “MOU Optimum Forebay Location”. Please note that the proposed roadless area was greater in size than the proposed Wilderness area, and as a result the repeal area is greater. Further, similar to the recent Homestake Wilderness proposal, we included an additional “contiguous roadless” area between the Homestake Roadless Area and the No Name Roadless Area, approximately 32 acres. (Utility Group, Colorado Springs, CO - #701.24.63000.650)

#### **4-94 Public Concern: The Forest Service should adjust the boundaries of the Hoosier Ridge Roadless Area.**

##### **TO ENSURE ACCESS TO THE BLUE RIVER COLLECTION SYSTEM IS NOT RESTRICTED**

[ATT 1] The boundary adjustments recommended take into consideration existing and conditional water rights related to Aurora Water, Colorado Springs Utilities, and Pueblo Board of Water Works water projects, including associated infrastructure and proposed future water conveyance systems.

CSU [Colorado Springs Utilities] (Blue River Collection System)

Upper Blue River Watershed map [see ATT2]

Hoosier Ridge Roadless Area. This area was adjusted to ensure access is not restricted to CSU's Blue River collection system in the Hoosier Ridge area. The adjustments are consistent with the most recent boundary adjustments made for the proposed Hoosier Ridge Wilderness areas. Please note that the "upper tier" roadless area is for Alternative 4 only, and reverts to a non-upper tier roadless area if Alternative 4 is not the selected alternative. (Utility Group, Colorado Springs, CO - #701.27.63000.650)

#### **4-95 Public Concern: The Forest Service should adjust upper tier boundaries in the Mount Massive Roadless Area.**

##### **TO ENSURE THAT AURORA WATER AND PUEBLO BOARD OF WATER WORKS CAN ACCESS THE BUSK-IVANHOE AREA**

[ATT 1] The boundary adjustments recommended take into consideration existing and conditional water rights related to Aurora Water, Colorado Springs Utilities, and Pueblo Board of Water Works water projects, including associated infrastructure and proposed future water conveyance systems.

Aurora Water/Pueblo (Fry-Ark Project)

Busk-Ivanhoe map [see ATT6]

Mount Massive Roadless Area. Please note that the "upper tier" roadless area is for Alternative 4 only, and reverts to a non-upper tier roadless area if Alternative 4 is not the selected alternative. No adjustments are recommended for the Mount Massive "non-upper tier" area. (Utility Group, Colorado Springs, CO - #701.32.63000.001)

#### **4-96 Public Concern: The Forest Service should adjust the boundaries of the Tigiwon Roadless Area.**

##### **TO ACCOUNT FOR A PROPOSED WATER DIVERSION ON PETERSON CREEK**

[ATT 1] The boundary adjustments recommended take into consideration existing and conditional water rights related to Aurora Water, Colorado Springs Utilities, and Pueblo Board of Water Works water projects, including associated infrastructure and proposed future water conveyance systems.

Aurora Water/CSU [Colorado Springs Utilities] (Homestake Project)

Upper Eagle River map [see ATT7]

Tigiwon Roadless Area. The boundary for this proposed roadless area was adjusted to account for a proposed Peterson Creek diversion point in the Peterson Creek watershed. (Utility Group, Colorado Springs, CO - #701.23.63000.240)

#### **4-97 Public Concern: The Forest Service should adjust the boundaries of the Ptarmigan Hill A Roadless Area.**

##### **TO ACCOUNT FOR A PROPOSED WATER CONVEYANCE SYSTEM**

[ATT 1] The boundary adjustments recommended take into consideration existing and conditional water rights related to Aurora Water, Colorado Springs Utilities, and Pueblo Board of Water Works water projects, including associated infrastructure and proposed future water conveyance systems.

Aurora Water/CSU [Colorado Springs Utilities] (Homestake Project)

Upper Eagle River map [see ATT7]

Ptarmigan Hill A Roadless Area. This area has been adjusted to account for the proposed Eagle-Ark Ditch water conveyance system and also provides a 400 foot (horizontal) setback for the proposed 5,000 acre-foot Resolution Creek Reservoir. (Utility Group, Colorado Springs, CO - #701.26.63000.240)

#### **4-98 Public Concern: The Forest Service should adjust the boundaries of the Wildcat Mountain C Roadless Area.**

##### **TO PROVIDE A BUFFER ZONE FOR THE PAN AND HIDDEN LAKE DITCHES AND TO ENSURE ACCESS TO IVANHOE LAKE**

[ATT 1] The boundary adjustments recommended take into consideration existing and conditional water rights related to Aurora Water, Colorado Springs Utilities, and Pueblo Board of Water Works water projects, including associated infrastructure and proposed future water conveyance systems.

Aurora Water/Pueblo (Fry-Ark Project)

Busk-Ivanhoe map [see ATT6]

Wildcat Mountain C Roadless Area. Boundary adjustments of approximately 300 feet (horizontal) were made to this area to ensure adequate buffer zones for the existing Pan and Hidden Lake ditches. In addition, an appropriate boundary adjustment was made to ensure access to Ivanhoe Lake. (Utility Group, Colorado Springs, CO - #701.31.63000.640)

### ***Adjustment and Access Requests Related to Telecommunications and Transmission Lines***

#### **4-99 Public Concern: The Forest Service should move the Copper Mountain Roadless Area boundary to the outside edge of the power-line right-of-way.**

##### **TO ENSURE SAFE OPERATION AND MAINTENANCE OF THE POWER LINE**

Several of Western's [Area Power Administration] facilities, including transmission lines, substations, switchyards, and communication sites, and the access to them, occur on National Forest System lands in Colorado. Most of these facilities lie outside the Colorado Roadless Areas (CRA); however, segments of a transmission line built over 20 years ago lie within the Copper Mountain Roadless Area located in Summit and Grand Counties, Colorado (see the enclosed map, [see ATT 1]). This transmission line, known as the Blue River-Gore Tap 230-kV Transmission Line, has a 200-foot right-of-way but it is still unpermitted by the US Forest Service for reasons unknown to Western.

We've reviewed the proposed rule and determined that provisions in it would allow Western to access its powerlines, to continue to operate and maintain it to ensure its safety and reliability, and if necessary at some future date, rebuild the transmission line despite its location within this particular CRA. None of the lands included in the Copper Mountain Roadless Area are proposed for an upper-tier designation, so there would be no restrictions on road building or tree cutting. Both of these activities would be allowed under provisions that the tree cutting is incidental to a permitted use and road construction would be allowed for reserved or outstanding rights. The proposed rule provides that powerlines can be constructed through roadless areas without a road and travel up and down the linear route would not be prohibited.

Even though the proposed rule does not limit or restrict Western's activities associated with its transmission line, Western would like to take this opportunity to again request that the US Forest Service consider moving the boundary of the Copper Mountain Roadless Area to the outside edge of the 200-foot right-of-way needed for the powerline. By moving the western boundary to exclude the powerline, spur roads could be developed and used to safely operate and maintain the transmission line, including replacing conductors, structures, and other features of the transmission line as needed, and conducting necessary vegetation management best practices to eliminate hazard trees and fire-caused outages to electric power. We estimate the net loss of roadless acreage by moving the boundary of the Copper Mountain Roadless Area and reducing its size to exclude the transmission line would be 1,011.39 acres.

The powerline was constructed in the late 1980s/early 1990s after an extensive environmental process. The US Forest Service authorized the construction of the transmission line, but where the line occurred in the roadless area, no access was allowed. Therefore, in those areas, the structures were constructed and the conductor was installed using a helicopter. Since no access was developed at the time of construction, there is no current access to those structures. Western submitted an application for the transmission line following completion of construction consistent with the requirements of the environmental impact statement (EIS) completed for the project; then resubmitted its application in 1998 to include access to the transmission line. Even though the same EIS required the US Forest Service to issue either a permit or easement for the transmission line, neither the Arapaho-Roosevelt or White River National Forests have acted on Western's application.

Even though the Roadless Area Review Evaluation completed by Region 2 includes the area where the transmission line is located in its Inventoried Roadless Areas, the EIS and maps completed for the then Routt National Forest Land and Resource Management Plan excluded the powerline from roadless area designation and instead showed the transmission line right-of-way as the roadless area boundary. This plan provided for a management prescription that allowed issuance of road permits to utility users where necessary. Western has attempted to work with the both the Sulphur Ranger District and Dillon Ranger District to get the permit issued and has requested on numerous occasions that it be allowed to establish minimum access so that it can properly maintain and operate its facilities. At this time, Western has no idea when the transmission line will be authorized, and we do not know if the eventual permit will include vehicular access to the transmission line structures. (Western Area Power Administration, Lakewood, CO - #636.1-3.61000.620)

#### **4-100 Public Concern: The Forest Service should remove vital telecommunications sites from roadless areas.**

##### **BECAUSE AREAS WITH EXISTING TELECOMMUNICATIONS INFRASTRUCTURE DO NOT MEET THE DEFINITION OF ROADLESS**

Tri-State has six telecommunication sites located in proposed Colorado Roadless Areas vital to communication, control, and operation of their generation and transmission system:

1. Lands End
2. Main
3. Oak Brush
4. South Canal
5. Sunlight Peak
6. Sunshine Tap

Attachment 1 [ATT1] provides a detailed summary of Tri-State's telecommunication and transmission line infrastructure located within proposed Colorado Roadless Areas. This attachment also includes detailed comments regarding each potential conflict Tri-State has identified.

Overall, Tri-State does not believe areas with existing transmission lines or related access routes meet the definition of a roadless area. These areas should be removed from the 2011 Proposed Colorado Roadless Rule. (Utility Group, Westminster, CO - #677.23.65200.620)

#### **4-101 Public Concern: The Forest Service should remove the Sunlight Peak Communication Site from the Woods Lake Roadless Area.**

[Tri-State] Telecommunication Sites:

Sunlight Peak Communication Site, Woods Lake Roadless Area, Eagle County.

Sunlight Peak Communication Site is located northeast of Woods Lake and southwest of Eagle Lake at approximately 9,720 feet in elevation on the White River National Forest. The site is accessible overland from private land by pick-up truck, ATV, and snowcat/snowmobile. Tri-State recommends a slight modification to Colorado Roadless Area Rule to exclude Tri-State's Woods Lake Communication Site and all required access roads. (Utility Group, Westminster, CO - #677.31.65200.160)

**4-102 Public Concern: The Forest Service should remove the South Canal Communication Site from the Chipeta Roadless Area.****SO TRI-STATE CAN RETAIN ALL-SEASON, OVERLAND MOTORIZED ACCESS TO THE SITE**

[ATT1] [Tri-State] Telecommunication Sites:

South Canal Communication Site, Chipeta Roadless Area, Saguache County.

South Canal Road Communication Site is located north of Marshall Pass Road and west of Tent Creek on the southern slope of Ouray Peak approximately 11,900 feet in elevation on the San Isabel National Forest. The site is accessible overland from the Marshall Pass Road by pick-up truck, ATV, and snowcat/snowmobile. Parts of Marshall Pass Road are included in the proposed roadless area and Tri-State requests that the Forest Service amend the Colorado Roadless Area Rule to exclude both Tri-State's Marshall Pass Road Communication Site and the entirety of Marshall Pass Road. It is critical that Tri-State retain all season access via pick-up truck, ATV, and snowcat/snowmobile. (Utility Group, Westminster, CO - #677.30.65200.630)

**4-103 Public Concern: The Forest Service should allow all-season, overland, motorized access to the Sunshine Tap Communication Site in the Hermosa Roadless Area.**

[ATT1] [Tri-State] Telecommunication Sites:

Sunshine Tap Communication Site, Hermosa Roadless Area, La Plata County.

Sunshine Tap Communication Site is located east of Hermosa Creek at approximately 9,400 feet in elevation near the top of the Big Lick Creek Drainage on the San Juan National Forest. The site is accessible via primitive/four-wheel drive roads by pick-up truck, ATV, and snowcat/snowmobile. Tri-State uses over 4 miles of road located within the proposed roadless area to reach this site. It is critical that Tri-State retain all season access via pick-up truck, ATV, and snowcat/snowmobile. (Utility Group, Westminster, CO - #677.32.65200.630)

**4-104 Public Concern: The Forest Service should allow all-season, overland, motorized access to the Lands End Communication Site in the Flat Tops/Elk Park Roadless Area.**

[ATT1] [Tri-State] Telecommunication Sites:

Lands End Communication Site, Flat Tops/Elk Park Roadless Area, Mesa County.

Lands End Communication Site is located east of Colby Horse Park Reservoir and west of East Loon Lake at approximately 10,100 feet in elevation on the Grand Mesa National Forest. Hunter Road is approximately 0.2 miles east of the Tri-State's infrastructure. Approximately 3 miles of roads inside the proposed roadless areas are needed to access this site. It is critical that Tri-State retain all season access via pick-up truck, ATV, and snowcat/snowmobile. (Utility Group, Westminster, CO - #677.27.65200.630)

**4-105 Public Concern: The Forest Service should allow all-season, overland, motorized access to the Oak Brush Communication Site in the South San Juan Roadless Area.**

[ATT1] [Tri-State] Telecommunication Sites:

Oak Brush Communication Site, South San Juan Roadless Area, Archuleta County.

Oak Brush Communication Site is located north of Bear Mountain and South of the Blanco Basin Road near the summit of Blue Mountain at approximately 8,800 feet in elevation on the San Juan National Forest. The site is accessible via primitive/four-wheel drive roads from both the south and the north. Approximately 4 miles of roads inside the proposed roadless areas are needed to access this site. It is critical that Tri-State retain all season access via pick-up truck, ATV, and snowcat/snowmobile. (Utility Group, Westminster, CO - #677.29.65200.630)

#### **4-106 Public Concern: The Forest Service should remove the Crested Butte to Skito Transmission Line from the Flattop Mountain Roadless Area.**

##### **SO TRI-STATE CAN RETAIN ALL-SEASON, OVERLAND MOTORIZED ACCESS TO THE LINE**

[ATT1] [Tri-State] Transmission Lines:

Crested Butte to Skito, Flattop Mountain Roadless Area, Gunnison County.

Approximately 2.3 miles of the Crested Butte to Skito Transmission Line is located from approximately 8,600 to 9,500 feet in elevation within the proposed Flattop Mountain Roadless Area. This portion of transmission line is less than one mile to the west of Almont, Colorado, and the Gunnison River. Numerous four-wheel-drive roads are located within close vicinity to the transmission line including portions of National Forest System Roads 862, 862.3A, 862.3B, 862.3C, 863.2D, and 863.2E. It is critical that Tri-State retain all season, overland access via pickup truck, ATV, and snowcat/snowmobile. Tri-State recommends the proposed Flattop Mountain Roadless Area Rule be revised to exclude Tri-State transmission lines and all required access roads. (Utility Group, Westminster, CO - #677.24.65200.630)

#### **4-107 Public Concern: The Forest Service should remove the Telluride to Cascade Transmission Line from the West Needle, San Miguel, and Werninuche Adjacent Roadless Areas.**

##### **SO TRI-STATE CAN RETAIN ALL-SEASON, OVERLAND MOTORIZED ACCESS TO THE LINE**

[ATT1] [Tri-State] Transmission Lines:

Telluride to Cascade, West Needle Wilderness, San Miguel and Werninuche Adjacent Roadless Areas, San Juan County.

Six different portions of the Telluride to Cascade Transmission Line totaling 4.5 miles are located at varying elevations within the proposed West Needle Wilderness, San Miguel, and Weminuche Adjacent Roadless Areas. These portions of transmission line are within the Uncompaghe and San Juan National Forests. The existing transmission line is in close vicinity (less than 0.25 miles) to portions of County Road D65, the Million Dollar Highway (US 550), Old Lime Creek Road, and County Road 8. The Telluride to Cascade transmission line is located west of Silverton, Colorado, crossing both Molas Pass to the south and Ophir Pass to the northwest of Silverton. It is critical that Tri-State retain all season, overland access via pick-up truck, ATV, and snowcat/snowmobile. Tri-State requests the proposed West Needle Wilderness, San Miguel, and Weminuche Adjacent Roadless Area Rule be revised to exclude Tri-State transmission lines and all required access roads. (Utility Group, Westminster, CO - #677.25.65200.630)

#### **4-108 Public Concern: The Forest Service should allow all-season, overland motorized access to the Bayfield to Pagosa Transmission Line in the Piedra Roadless Area.**

[ATT1] [Tri-State] Transmission Lines:

Bayfield to Pagosa, Piedra Roadless Area, Archuleta County.

Approximately 1.7 miles of the Bayfield to Pagosa Transmission Line is located from approximately 7300 to 7600 feet in elevation within the proposed Piedra Roadless Area. This portion of transmission line is less than one-half mile to the west of the Piedra River, near Piedra, Colorado. The existing transmission line is less than one-half mile to the north of State Highway 160. It is critical that Tri-State retain all season, overland access via pick-up truck, ATV, and snowcat/snowmobile. (Utility Group, Westminster, CO - #677.26.65200.630)

## Other Boundary Adjustment Requests

### **4-109 Public Concern: The Forest Service should exclude CRAs in the GMUG, White River, and San Juan National Forests that have high potential for oil and gas from the Rule.**

#### **BECAUSE INCLUSION WOULD RESULT IN UNNECESSARY AND PREVENTABLE DEVELOPMENT AND MANAGEMENT COSTS**

CRAs with high potential for oil and gas:

In previous comments to the Colorado Department of Natural Resources (DNR) and the USFS, the oil and gas industry recommended that 17 CRAs with high oil and gas potential be removed from the inventory in the Final Rule. While the USFS removed six of these proposed CRAs from the inventory in the proposed rule, nine new areas were added in the Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG). These areas include: Clear Fork, Currant Creek, Flat Tops/Elk Park, Horsefly Canyon, Pilot Knob, Sunnyside, Tomahawk, and Turner Creek. According to Table 3-20 of the RDEIS, there are now 20 CRAs each with more than 640 acres under lease on the GMUG, White River, and San Juan National Forests. Fourteen of these CRAs are considered to have high potential for oil and gas. As of September 2009, only a mere 159,300 acres had been leased. Roads would be allowed on leases covering about 136,700 acres, while roads would be prohibited on leases covering about 22,700 acres. When considering all 20 of these areas in the context of the total Colorado roadless proposal of 4.19 million acres, it is unjustifiable that they have not been excluded from the proposed roadless rule. Their continued inclusion will simply result in unnecessary and completely preventable development costs to the lessees as well as unnecessary management costs to the USFS. Moreover, while removing these high potential CRAs from the final inventory would not cause a significant reduction in roadless character in Colorado, doing so would significantly contribute to the exceedingly limited availability of the USFS lands containing valuable natural gas resources for responsible resource development. Accordingly, we [Western Energy Alliance, et al.] recommend that the 20 areas listed in Table 3-20 be removed from the final inventory in the Colorado Roadless Rule. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.7.63000.421)

### **4-110 Public Concern: The Forest Service should expand the Agate Creek CRA boundary.**

#### **TO MATCH THE 2001 ROADLESS RULE INVENTORY AND PROTECT WILDLIFE HABITAT AND ECOSYSTEMS**

Agate Creek CRA (Chipeta IRA in 2001)

- 2001—16,200 [2001 IRA acreage]
- 2003—0 [Southern Rockies Conservation Alliance roadless acreage]
- 2005—12,700 [Grand Mesa, Uncompahgre and Gunnison Forest Plan revision process roadless acreage]
- 2009—11,800 [2009 proposed acreage]

Existing vegetation is dominated by lodgepole pine, mixed with aspen and spruce at the lower elevations, with aspen dropping out of the mix at the higher elevations. Riparian habitats occur along Agate Creek. This vegetative diversity provides for species requiring higher elevation conifer habitats. Most of this area is within the Poncha Pass lynx linkage area and is mapped as Canada lynx denning and winter foraging habitat. The area provides summer range for mule deer and elk. The higher alpine and lower lodgepole/aspen habitats provide summer concentration areas for elk. The highest elevations in the alpine habitat on the eastern edge are summer range for bighorn sheep. These alpine habitats also provide habitat for white-tailed ptarmigan. Suitable habitats for Uncompahgre fritillary butterfly occur along the divide between the GMUG and the Pike/San Isabel NF. The forested portions of the Agate Creek area provide habitat for the following sensitive species: American martin, American three-toed woodpecker, northern goshawk, boreal owl, olive-sided flycatcher, and golden crowned kinglet. Potential habitat for wolverine is also present in this area.

Significant acreage has been removed from the acreage identified in the 2001 National Roadless Rule Inventory, as well as the 2005 GMUG inventory process. Given the outstanding wildlife and ecosystem qualities identified above, it is imperative that the Colorado Roadless Rule increase acreage to previously identified sizes. (Preservation/Conservation, Crested Butte, CO - #678.1.63000.300)

#### **4-111 Public Concern: The Forest Service should expand the Ashcroft Roadless Area boundary.**

##### **TO BRING THEM IN LINE WITH THE SRCA'S BOUNDARIES**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Ashcroft Roadless Area  
Aspen Ranger District

Location: South of Aspen in Castle Creek in Pitkin County

CRA Name: Ashcroft

CRA Acres: 900

2001 Name: Ashcroft

2001 Acres: 900

SRCA Name: Ashcroft

SRCA Acres: 1,300

The Ashcroft Roadless Area is adjacent to the Maroon Bells-Snowmass Wilderness. The 400-acre difference between the WRNF and CRA inventories and the SRCA inventory all lies below 10,000 feet elevation—the line the Forest Service arbitrarily selected as the eastern (lower) boundary of the roadless area, even though at one point it is 500 yards away from and 600 feet above the nearest road. The inventory started from Castle Creek Road (Pitkin County CR 15) and took into account any spurs and structures off of the Castle Creek Road, and then properly included everything above those developments as roadless. The Forest Service must revisit this roadless area and redraw its boundaries based on the approach taken by the SRCA inventory. (Preservation/Conservation, Carbondale, CO - #686.5.63000.620)

#### **4-112 Public Concern: The Forest Service should expand the Assignment Ridge Roadless Area boundary.**

##### **TO INCLUDE THE BRADERICH CREEK TRAIL**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Assignment Ridge Roadless Area

Sopris Ranger District

Location: Southwest of Carbondale in Pitkin County

CRA Name: Assignment Ridge

CRA Acres: 13,300

2001 Name: Assignment Ridge

2001 Acres: 13,300

SRCA Name: Assignment Ridge

SRCA Acres: 17,700

While the WRNF and CRA inventories agree with the SRCA inventory on the northern, eastern, and southern boundaries, they are 1/3 to 2 miles apart on the western boundary. The difference is over their treatment of the Braderich Creek Trail, FST 3-1952.1. The Forest Service wanted to leave this locally popular mountain bike route out of a Forest Plan recommended Wilderness Area, while the inventory demarcates the actual extent of the roadless area. To fulfill its own purposes, the CRA inventory needs to adopt the SRCA approach, which will lead to an Assignment Ridge Roadless area that is 30 percent larger and adjoins the Thompson Creek Roadless Area. (Preservation/Conservation, Carbondale, CO - #686.6.63000.540)



**4-113 Public Concern: The Forest Service should expand the Baldy Mountain Roadless Area boundary.****TO INCLUDE AREAS INAPPROPRIATELY REMOVED**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Baldy Mountain Roadless Area

Rifle Ranger District

Location: South of Silt in Mesa County

CRA Name: Baldy Mountain

CRA Acres: 6,000

2001 Name: Baldy Mountain

2001 Acres: 6,000

SRCA Name: Baldy Mountain

SRCA Acres: 7,300

The WRNF and CRA inventory boundaries contain a cherry-stem for an uninventoried trail, enlarge another to exclude a natural escarpment that looks like a road in an aerial photograph, and truncate its northern boundary at a pipeline with no road along it. The CRA inventory should correct these errors by removing the stem into the western boundary, narrowing the stem around FSR 812.1G and 812.1H, and moving the northern boundary out to FSR 8-800.1 and FSR 8-12.1 (Preservation/Conservation, Carbondale, CO - #686.7.63000.620)

**4-114 Public Concern: The Forest Service should expand the Basalt Mountain A Roadless Area boundary.**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Basalt Mountain A Roadless Area

Sopris Ranger District

Location: North of Basalt in Eagle County

CRA Name: Basalt Mountain A

CRA Acres: 14,000

2001 Name: Basalt Mountain A

2001 Acres: 14,000

SRCA Name: Basalt Mountain

SRCA Acres: 14,500

The Basalt Mountain A Roadless Area is adjacent to the Basalt Mountain B Roadless Area. The CRA boundary needs to be brought back to FSR 3-524.1A in the area where the WRNF inventory boundary departs more than 1/4 mile north from that road to follow the escarpment at the north end of Basalt Mountain's summit plateau. (Preservation/Conservation, Carbondale, CO - #686.8.63000.620)

**4-115 Public Concern: The Forest Service should expand the Berry Creek Roadless Area boundary.**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Berry Creek Roadless Area  
Holy Cross Ranger District

Location: North of Avon in Eagle County

CRA Name: Berry Creek

CRA Acres: 8,600

2001 Name: Berry Creek

2001 Acres: 8,600

SRCA [Southern Rockies Conservation Alliance Name: Berry Creek

SRCA Acres: 8,800

The WRNF and CRA inventories exclude 200 acres around the spur road FSR 7-700W.2B. There may have been some timber thinning in this area but it is not readily apparent, and there is no reason to exclude this area from the CRA inventory, which needs to be adjusted accordingly. (Preservation/Conservation, Carbondale, CO - #686.10.63000.261)

#### **4-116 Public Concern: The Forest Service should expand the Big Ridge to South Fork A Roadless Area boundary.**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Big Ridge to South Fork A Roadless Area

Blanco Ranger District

Location: South of Buford, southeast of Meeker along the northern and western boundaries of the Flat Tops Wilderness in Rio Blanco County

CRA Name: Big Ridge to South Fork A

CRA Acres: 35,400

2001 Name: Big Ridge to South Fork A

2001 Acres: 35,300

SRCA Name: Big Ridge - South Fork

SRCA Acres: 37,700

(Note: The WRNF and CRA inventories use a different boundary line between these adjacent areas than does the SRCA inventory. The SRCA boundary is a short border at the geographic pinch point along the South Fork of the White River. The WRNF and CRA inventories extend the boundary up the opposite side of the canyon along the Cliff Lakes drainage and one of its tributaries. Acreage numbers, therefore, are not exactly equivalent.)

The southeastern boundary of Big Ridge to South Fork A is entirely adjacent to the Flat Tops Wilderness, and its southern end is adjacent to the Big Ridge to South Fork B Roadless Area.

The WRNF and CRA inventories exclude six significant portions of National Forest land for reasons unrelated to actual roadlessness, such as range improvements, past timber thinning, lack of solitude, and off-road motorized travel. The boundary is based on inventoried roads and the National Forest boundary, and should be used as a model for correcting the CRA boundary in the Big Ridge, Marvine Campground, Yellowhorse, Ute Creek, Crooks Park, Baily Lake, JK Ridge, and Hiner Spring areas. (Preservation/Conservation, Carbondale, CO - #686.11.63000.620)

#### **4-117 Public Concern: The Forest Service should expand the Basalt Mountain B Roadless Area boundary.**

##### **TO PROTECT WILDLIFE HABITAT**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Basalt Mountain B Roadless Area

Sopris Ranger District

Location: North of Basalt in Eagle County

CRA Name: Basalt Mountain B

CRA Acres: 7,400

2001 Name: Basalt Mountain B

2001 Acres: 7,400

SRCA Name: Basalt Mountain

SRCA Acres: 13,000

The Basalt Mountain B Roadless Area is adjacent to the Basalt Mountain A Roadless Area and the Lake Christine State Wildlife Area, and should properly be adjoined to the Red Table Roadless Area. The

route separating Basalt Mountain B and Red Table (Taylor Creek Road FSR 3-510.1) is permanently closed to vehicular use and cannot be considered a road.

At its northwestern end, the CRA inventory boundary departs 3/4 of a mile from the nearest road (FSR 3-524.1). The WRNF eliminated from its inventory an entire roadless area, Basalt Mountain C, which extended westward almost 2 miles from Basalt Mountain B to the National Forest boundary. The SRCA inventory includes these areas; its bounds should be adopted to correct this error and give greater protection to this ecologically rich area and its critical wildlife habitat. Also, the boundary with the Red Table needs to be updated. (Preservation/Conservation, Carbondale, CO - #686.9.63000.300)

#### **4-118 Public Concern: The Forest Service should expand the Big Ridge to South Fork B Roadless Area boundary.**

##### **TO PROTECT QUINTESSENTIAL FLAT TOPS LANDSCAPE**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Big Ridge to South Fork B Roadless Area

Blanco Ranger District, with a few acres in the Rifle District

Location: Directly south of Buford. The New Castle-Buford Road (FSR 2-245) runs along its western boundary.

CRA Name: Big Ridge to South Fork B

CRA Acres: 6,000

2001 Name: Big Ridge to South Fork B

2001 Acres: 6,000

SRCA Name: Burro Mountain

SRCA Acres: 14,600

The Big Ridge to South Fork B Roadless Area is adjacent to Big Ridge to South Fork A Roadless Area. (Note: The SRCA Burro Mountain Roadless Area boundary includes the Hiner Spring area at its southeast end, which is adjacent to the Flat Tops Wilderness Area. The WRNF and CRA boundaries include this area in Big Ridge to South Fork A, so Big Ridge to South Fork B in these inventories doesn't reach to the Flat Tops WA.)

The Burro Mountain/Greenstreet exclusion from the Big Ridge to South Fork B Roadless Area is large enough to stand as a roadless area on its own, and is totally unjustifiable. The existence of a few off-road vehicle trails within an area in no way disqualifies it from the Roadless Inventory. We note that the WRNF Pagoda Peak Roadless Area has a major ATV route, the Pagoda Lake Trail (FST 2-1804), running through the heart of it. The forested flanks of Burro Mountain and the mixed forest-grassland plateau that forms its summit are quintessential examples of the Flat Tops landscape—rich in beauty, solitude, and forest and wildlife values.

The general boundary for the Big Ridge to South Fork B/Burro Mountain Roadless Area should be the Blair Mountain Road (FSR 601) to the south and the New Castle-Buford Road (FSR 2-245) to the west, as is the case with the SRCA Burro Mountain Roadless Area. (Preservation/Conservation, Carbondale, CO - #686.12.63000.620)

#### **4-119 Public Concern: The Forest Service should expand the Black Lake East Roadless Area boundary.**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Black Lake East Roadless Area

Dillon Ranger District

Location: Gore Mountains north of Silverthorne near the Green Mountain Reservoir

CRA Name: Black Lake East

CRA Acres: 700

2001 Name: Black Lake East

2001 Acres: 700

SRCA Name: Black Lake East

SRCA Acres: 1200

The Black Lake East Roadless Area is adjacent to the Eagles Nest Wilderness Area along its southwestern boundary.

The SRCA inventory found an additional 500 acres of contiguous roadless land south of McKinley Gulch and added it to the WRNF inventoried area. Terminating the boundary of the roadless area at McKinley Gulch appears to be entirely arbitrary and the CRA needs to be extended to include the entire SRCA inventoried area. (Preservation/Conservation, Carbondale, CO - #686.13.63000.620)

#### **4-120 Public Concern: The Forest Service should expand the Blair Mountain Roadless Area boundary.**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Blair Mountain Roadless Area

Rifle Ranger District

Location: Flat Tops Mountains north of Glenwood Springs

CRA Name: Blair Mountain

CRA Acres: 500

2001 Name: Blair Mountain

2001 Acres: 500

SRCA Name: Blair Mountain

SRCA Acres: 1700

The Blair Mountain Roadless Area is adjacent to the Flat Tops Wilderness along its eastern and northern border.

The Blair Mountain Roadless area exemplifies, on a small scale, the difference between applying the “defensible boundary” principle used by the White River National Forest to inventory as roadless only those areas where the terrain itself prevents wilderness-incompatible uses such as snowmobiling and other off-road vehicle use, and inventorying roadless areas based on the existence of roads. The SRCA road-based inventory has over three times the acreage of the WRNF and CRA inventoried area. From southeast to north, the SRCA Blair Mountain Roadless Area is bounded consecutively by the Blair Overlook (FSR 8-601.2E), Blair Mountain (FSR 8-601.1), Cow Lake (FSR 601.2F), Bench (FSR 8-647.1), FSR 647.1A, and again the 647.1 Roads. (Preservation/Conservation, Carbondale, CO - #686.14.63000.620)

#### **4-121 Public Concern: The Forest Service should expand the Boulder Roadless Area boundary.**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Boulder Roadless Area

Dillon Ranger District

Location: North of Silverthorne in Summit County

CRA Name: Boulder

CRA Acres: 1,300

2001 Name: Boulder

2001 Acres: 1,300

SRCA Name: Boulder

SRCA Acres: 1,500

The Boulder Roadless Area is adjacent to the Eagles Nest Wilderness. The CRA inventory must be adjusted to follow FSR 5-1376.1 and FSR 1376.1D for the full length of its northern boundary, as the SRCA inventory does. (Preservation/Conservation, Carbondale, CO - #686.15.63000.620)

**4-122 Public Concern: The Forest Service should expand the Budes Roadless Area boundary.****BECAUSE THE AREA IS RECOVERABLE FROM PAST TIMBER HARVESTING**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Budes Roadless Area

Eagle Ranger District

Location: Flat Tops Mountains north of Glenwood Springs

CRA Name: Budes

CRA Acres: 1000

2001 Name: Budes

2001 Acres: 1000

SRCA Name: Hunns Peak

SRCA Acres: 6100

The Budes Roadless Area is bordered on its west side by the Flat Tops Wilderness Area. It is a tiny remnant of the RARE II Hunns Peak Roadless Area that was partially logged during the 1980s. But the giant, standing dead beetle-killed spruce that drew loggers to the Flat Tops in the 80s are now gone—cut down or rotted. There will be no more logging on Hunns Peak for decades to come, if ever. The regrowth isn't yet marketable, and the timber roads that cut the area apart are closed, obliterated, and fading into the grass. It is time to recover the area to something like its original shape. SRCA incorporated this practical vision into its inventory, and the Forest Service needs to take a closer look at what is actually happening on the ground.

At the very least, the sliver of roadless area called Budes needs to be extended south to the partially obliterated Buck Creek Road (FSR 4-463.1), more than doubling its current size. And if the State of Colorado is serious about protecting functioning roadless areas, it will take the condition of the land at face value and follow the area outlined by SRCA all the way down to Heart Lake, with a western boundary along the Dry Buck Loop (FSR 4-644.1) and the Wagon Wheel (FSR 4-6645.1) Roads, a southern boundary along the Bison Lake (FSR 640.1) and the Blair Mountain (FSR 4-601.1) Roads, and an eastern boundary along the Heart Lake (FSR 4-630.1) and Coffee Pot (FSR 600.1) Roads. (Preservation/Conservation, Carbondale, CO - #686.16.63000.621)

**4-123 Public Concern: The Forest Service should expand the Buffer Mountain Roadless Area boundary.**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Buffer Mountain Roadless Area

Holy Cross Ranger District

Location: North of Vail in Eagle County

CRA Name: Buffer Mountain

CRA Acres: 11,000

2001 Name: Buffer Mountain

2001 Acres: 11,000

SRCA Name: Buffer Mountain

SRCA Acres: 11,600

The northern boundary of the CRA Buffer Mountain inventory needs to be corrected near the junction of FSR 7-734.1 with FSR 7-787.1. Some logging occurred in this area in the past, but this does not justify its exclusion from the roadless area, and certainly not to the extent of the WRNF inventory's exclusion. (Preservation/Conservation, Carbondale, CO - #686.17.63000.620)

#### **4-124 Public Concern: The Forest Service should expand the Burnt Mountain Roadless Area boundary.**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Burnt Mountain Roadless Area

Aspen Ranger District

Location: Between the Snowmass and Buttermilk Ski Areas in Pitkin County

CRA Name: Burnt Mountain

CRA Acres: 1,600

2001 Name: Burnt Mountain

2001 Acres: 1,700

SRCA Name: Burnt Mountain

SRCA Acres: 1,900

The Burnt Mountain Roadless Area is adjacent to the Maroon Bells-Snowmass Wilderness Area. The CRA inventory boundary follows the Management Area 8.25 prescription boundary, rather than the actual ski area development or even the permit boundaries for Buttermilk and Snowmass. This needs to be corrected. (Preservation/Conservation, Carbondale, CO - #686.18.63000.521)

#### **4-125 Public Concern: The Forest Service should expand the Canyon Creek CRA boundary.**

##### **TO BETTER REFLECT THE ACTUAL ROADLESS LANDSCAPE**

Canyon Creek CRA

- 2001—12,600 [2001 IRA acreage]

- 2003—20,900 [Southern Rockies Conservation Alliance roadless acreage]

- 2005—10,300 [Grand Mesa, Uncompahgre and Gunnison Forest Plan revision process roadless acreage]

- 2009—10,900 [Proposed 2009 acreage]

Canyon Creek/Antero CRA (was not within an IRA in 2001)

- 2001—0

- 2003—6,200 [SRCA roadless acreage]

- 2005—0

- 2009—1700 [Proposed 2009 acreage]

The Whitepine Iron Fen Potential Conservation Area identified for iron fen and subalpine riparian habitats occur within this CRA. Alpine habitats provide summer range for mountain goat. Lower elevation habitats provide summer concentration areas for elk. Lynx habitat has been mapped in the forested areas. Suitable habitat for the Uncompahgre fritillary butterfly occurs adjacent to this CRA, within the Pike/San Isabel NF. White-tailed ptarmigan habitat occurs in the alpine areas. Away from the Tomichi Creek Road, the Antero portion of the CRA has a high degree of naturalness.

While Canyon Creek/Antero was not identified in the 2001 National Roadless Rule inventory, SRCA nevertheless identified 6,200 acres in its inventory process. HCCA [High Country Citizens Alliance] strongly urges the Forest Service to follow this guidance, and to increase the acreage in the CRA to better reflect the actual roadless landscape. (Preservation/Conservation, Crested Butte, CO - #678.2.63000.300)

**4-126 Public Concern: The Forest Service should expand the Chicago Ridge Roadless Area boundary.****TO INCLUDE SKI AREAS AND ABANDONED ROADS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Chicago Ridge Roadless Area

Holy Cross Ranger District

Location: Northeast of Tennessee Pass along US 24 between Leadville and Minturn in Eagle County

CRA Name: Chicago Ridge

CRA Acres: 5,100

2001 Name: Chicago Ridge

2001 Acres: 5,100

SRCA Name: Chicago Ridge

SRCA Acres: 8,400

The WRNF and CRA inventories improperly exclude land to extensively buffer private inholdings and, more importantly, they remove the Ski Cooper cat-skiing area from the inventory. This is inventorying to use rather than character, and needs to be rectified. The SRCA inventory shows how to properly protect private land and access while maximizing roadless area protection. The SRCA inventory itself needs to be updated to remove cherry-stems for FSR 7-731.1D, which has long been abandoned and allowed to grow over, and for the upper end of 7-731.1, which is fully decommissioned. (Preservation/Conservation, Carbondale, CO - #686.19.63000.521)

**4-127 Public Concern: The Forest Service should expand the Cochetopa CRA boundary to match that of the former Middle Fork IRA.****TO PROTECT THE WILDLIFE CONNECTIVITY AND THE NATURAL CHARACTER OF THE AREA**

Cochetopa CRA (Middle Fork IRA in 2001)

- 2001—11,200 [2001 IRA acreage]

- 2003—12,700 [Southern Rockies Conservation Alliance roadless acreage]

- 2005—2540 [Grand Mesa, Uncompahgre and Gunnison Forest Plan revision process roadless acreage]

- 2009—6600 [2009 Proposed acreage]

The Cochetopa CRA is adjacent to the La Garita Wilderness Area. The removal of acreage from this CRA is a prime example of the misapplication of wilderness capability and availability standards instead of roadless characteristics, as occurred when the GMUG conducted its 2005 re-inventory.

Areas of the former Middle Fork IRA were excluded from the inventory primarily because of a determination that management of the roadless boundaries would be difficult. The GMUG also found that these areas were to be excluded from the roadless inventory because they did not have the remoteness, solitude, and recreation opportunities required for wilderness designation. No particular mention is made of the fact that the Middle Fork IRA is an area greater than 5,000 acres in size, free of roads, and has a largely natural character. The connectivity afforded to wildlife by this area's location and its natural character make it appropriate for continued management as roadless. The Cochetopa CRA boundaries should be expanded to match those of the former Middle Fork IRA. (Preservation/Conservation, Crested Butte, CO - #678.3.63000.002)

**4-128 Public Concern: The Forest Service should modify the boundary of the Cochetopa Hills CRA.****TO INCLUDE AREAS THAT HAVE BEEN ELIMINATED**

Cochetopa Hills CRA

-2001—71,400 [2001 IRA acreage]

-2003—74,000 [Southern Rockies Conservation Alliance roadless acreage]

-2005—46,230 [Grand Mesa, Uncompahgre and Gunnison Forest Plan revision process roadless acreage]

-2009—48,500 [2009 Proposed acreage]

Cochetopa Hills is the largest remaining roadless area on the Gunnison National Forest. This area is located along the southern boundary of the Gunnison National Forest adjacent to the Rio Grande National Forest, Bureau of Land Management lands, and other roadless areas in close proximity. Cochetopa Hills is a natural continental divide crossing point of many wildlife species. This area is clad in rolling mixed-conifer, aspen, and spruce-fir forests, and is an important wildlife corridor between the Rio Grande/San Juan Basin to the south and the Gunnison Basin to the north. It remains a critical stronghold for bear, mountain lion, and lynx, and supports large herds of both deer and elk. In addition, the area has been especially noted as a well-used trans-basin lynx crossing point in the USFS Region 2 2004 Lynx assessment.

In the 2005 re-inventory of lands, the GMUG reduced the inventoried acreage of this area by over 20,000 acres to a total of only 46,230 roadless acres. Ongoing resource activities cited for the reduction in acreage included the presence of cattle allotments, ponderosa pine restoration projects, and single track motorized trails—all of which are permissible within roadless areas. In addition, detailed review of the GMUG 2005 Roadless Inventory document indicates that a substantial portion of the Cochetopa Hills were eliminated from the roadless inventory to enhance manageability, a criterion not found in the definition of roadless areas. The large, remote, and rugged character of the Cochetopa Hills is the essence of roadlessness.

The GMUG has inappropriately eliminated roadless acreage from its inventory of this area to promote other resource uses at the expense of the area's integrity and wild character. Large acreages at both the eastern, western, and north central portions of the Cochetopa Hills must remain in the roadless inventory; system roads can be cherry-stemmed out of the inventory. (Preservation/Conservation, Crested Butte, CO - #678.4-5.63000.002)

#### **4-129 Public Concern: The Forest Service should expand the Crystal River Roadless Area boundary.**

##### **BECAUSE THE EXCLUDED AREA MEETS THE CRITERIA FOR ROADLESS AREAS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Crystal River Roadless Area

Sopris Ranger District

Location: Along the east side of the Crystal River between Carbondale and Marble in Pitkin and Gunnison Counties

CRA Name: Crystal River

CRA Acres: 6,100

2001 Name: Crystal River

2001 Acres: 6,100

SRCA Name: Crystal River

SRCA Acres: 6,300

The Crystal River Roadless Area is bounded on its east side by the Maroon Bells-Snowmass Wilderness Area. It is also adjacent to the Hay Park Roadless Area.

The WRNF and CRA inventories removed an area in Bulldog Creek beyond the end of FSR 3-310.1B from the inventory for no apparent reason. The excluded area is bounded on three sides by designated Wilderness and the Crystal River Roadless Area. Only one side abuts private mining claims, and there are no roads or structures to detract from its roadless character. The CRA inventory needs to be amended to correct this omission. (Preservation/Conservation, Carbondale, CO - #686.20.63000.621)



#### **4-130 Public Concern: The Forest Service should expand the Deep Creek Roadless Area boundary.**

##### **BECAUSE THE PROPOSED BOUNDARY SEEMS ARBITRARY**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Deep Creek Roadless Area  
Eagle Ranger District

Location: North of Dotsero in Eagle and Garfield Counties

CRA Name: Deep Creek

CRA Acres: 9,900

2001 Name: Deep Creek

2001 Acres: 9,900

SRCA Name: Deep Creek

SRCA Acres: 14,700

The WRNF and CRA inventory boundaries for the Deep Creek Roadless Area are a confusing line that follows a road in one place and wanders across the landscape in others, not even following the obvious topographic features, such as a canyon rim, that the Forest Service commonly uses to create a “defensible boundary” for a prospective designated Wilderness Area. We see no reasonable explanation for this boundary. Forest Service policy—and common sense—deems that existing roads are appropriate boundaries for roadless areas. This is the standard that the SRCA inventory followed and that the CRA inventory needs to consistently apply.

In the case of Deep Creek the principal SRCA boundary is very straightforward—Coffee Pot Road (FSR 4-600.1) on the south and Jack Spring Road (FSR 4-618.1) on the north. The SRCA inventory does depart from its standard practice in one instance in Deep Creek by including about 1,000 acres north of FSR 4-618.1E, a closed road that the classifies as “Not Needed.” (Preservation/Conservation, Carbondale, CO - #686.21.63000.620)

#### **4-131 Public Concern: The Forest Service should reconsider the size of the Deer Creek CRA.**

##### **TO PROTECT RIPARIAN AND WILDLIFE HABITAT AND MUNICIPAL WATER SOURCES**

Deer Creek CRA (part of Elk Mountain-Collegiate IRA in 2001, along with Double Top, part of Gothic, Italian Mountain, Schofield Pass and Texas Creek)

- 2001—(Elk Mountain-Collegiate = 65,100 [2001 IRA acreage])
- 2003—10,600 [Southern Rockies Conservation Alliance roadless acreage]
- 2005—9,430 [Grand Mesa, Uncompahgre and Gunnison Forest Plan revision process roadless acreage]
- 2009—9,500 [2009 Proposed acreage]

Most of this CRA is within The Nature Conservancy’s Crested Butte conservation site. The West Brush Creek Potential Conservation Area identified for boreal toad and several types of riparian habitat occurs in this CRA. This area provides summer habitat for black bear, with fall concentration in the East River, Deer Creek, West and Middle Forks of Brush Creek. This entire CRA is an elk production area. It also has essential habitat components for elk winter range. Lynx habitat is mapped primarily in the forested portion of this CRA. Potential habitat for Gunnison sage grouse occurs along the East River. Breeding populations of boreal toad occur in both West and Middle Brush Creek Drainages. Colorado River cutthroat trout populations occur in Middle Brush Creek. This CRA is within a state defined source water assessment area (municipal water supply). Over 70 percent of this assessment area is managed by the FS, which recognizes the CRA as having a high value for domestic water supply. (Preservation/Conservation, Crested Butte, CO - #678.6.63000.002)

#### **4-132 Public Concern: The Forest Service should expand the Dome Peak Roadless Area boundary.**

##### **TO RECOGNIZE ITS ROADLESS CHARACTER**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Dome Peak Roadless Area  
Eagle Ranger District

Location: Southwest of Yampa, in Routt, Garfield and Eagle Counties

CRA Name: Dome Peak

CRA Acres: 12,000

2001 Name: Dome Peak

2001 Acres: 12,000

SRCA Name: Dome Peak

SRCA Acres: 12,500

The Dome Peak Roadless Area is adjacent to the Flat Tops Wilderness along its western boundary. The WRNF, CRA, and SRCA inventories are largely in agreement. However, the inventory excluded a small area along the northern boundary (presumably to facilitate a future timber sale) and most of the area between the Flat Tops Wilderness and the North Derby Road (FSR 4-610). There is an irrigation ditch departing North Derby Creek near the WRNF/CRA boundary, and while this might be construed to reduce the wilderness value of this section, it in no way impairs its roadless qualities. The CRA boundary should be extended all the way to the WRNF boundary at the north edge of the Dome Peak Roadless Area, and should also include the SRCA extension in the southwest corner of the roadless area. (Preservation/Conservation, Carbondale, CO - #686.22.63000.620)

#### **4-133 Public Concern: The Forest Service should expand the East Divide-Fourmile Roadless Area boundary.**

##### **TO FOLLOW EXISTING ROADS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: East Divide-Fourmile Roadless Area

Sopris and Rifle Ranger Districts

Location: Southwest of Glenwood Springs in Garfield and Pitkin Counties

CRA Name: East Divide-Four Mile Park

CRA Acres: 8,700

2001 Name: East Divide-Four Mile Park

2001 Acres: 8,700

SRCA Name: Fourmile East Divide

SRCA Acres: 10,000

The WRNF and CRA inventories exclude significant acreage in the Park Creek/Mancon Park area for no good reason. There has been logging in the Park Creek area, but not nearly to the extent of the excluded area. The roadless area boundary here needs to follow the roads—specifically FSR 3-320.1C and FSR 3-300.1P. The SRCA boundary needs to be adjusted here as well—the WRNF remapped 320.1C much farther south than in the road inventory used for the SRCA boundary. And on the west side of the roadless area, the route designated as 8-801.1M is in fact a fence line that should be absorbed into the roadless area boundary. (Preservation/Conservation, Carbondale, CO - #686.23.63000.261)

#### **4-134 Public Concern: The Forest Service should expand the East Vail Roadless Area boundary.**

##### **TO PROTECT WILDLIFE HABITAT AND SCENIC VALUES**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: East Vail Roadless Area

## Holy Cross Ranger District

Location: Southeast of Vail along Interstate 70 and the south side of the Vail Ski Area in Eagle County

CRA Name: East Vail

CRA Acres: 8,000

2001 Name: East Vail

2001 Acres: 8,000

SRCA Name: East Vail

SRCA Acres: 9,900

The WRNF and CRA inventory boundaries for East Vail were arbitrarily truncated at the east end of Battle Mountain. The SRCA inventory includes the entire area between the Vail Ski Area permit boundary and FSR 7-745.1, and between FSR 7-745.1 and FSR 7-770.1A down to the Shrine Pass Road FSR 7-709.1. There is no cause for the CRA inventory to exclude this large roadless acreage, with its significant wildlife and scenic value, from its inventory. (Preservation/Conservation, Carbondale, CO - #686.24.63000.200)

**4-135 Public Concern: The Forest Service should expand the East Willow Roadless Area boundary.****TO PROTECT WILDLIFE HABITAT AND MIGRATION CORRIDORS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: East Willow Roadless Area  
Rifle Ranger District

Location: South of Silt in Mesa County

CRA Name: East Willow

CRA Acres: 7,100

2001 Name: East Willow

2001 Acres: 7,100

SRCA Name: East Willow

SRCA Acres: 8,100

The East Willow Roadless Area is adjacent to the Thompson Creek Roadless Area on the White River National Forest and to the Clear Fork and Turner Creek Roadless Areas on the Gunnison National Forest.

The SRCA inventory includes 1,000 acres south of the closed road FSR 8-268.1. The CRA inventory needs to look at the long-term status of this road—if it is to be decommissioned or permanently downgraded to trail status, the inclusion of the area would greatly enhance the integrity of the 100,000 plus acres of linked roadless areas in this area of vital wildlife habitat and migration corridors. (Preservation/Conservation, Carbondale, CO - #686.25.63000.330)

**4-136 Public Concern: The Forest Service should expand the Elk Creek B Roadless Area boundary.****TO CONFORM TO SRCA'S PRINCIPLES FOR DEFINING ROADLESS AREAS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Elk Creek B Roadless Area  
Rifle Ranger District

Location: Flat Tops Mountains north of New Castle

CRA Name: Elk Creek B

CRA Acres: 7200

2001 Name: Elk Creek B

2001 Acres: 7200

SRCA Name: Elk Creek

SRCA Acres: 43,600

Here the Forest Service took 40,000 acres of contiguous roadless land and turned it into a 7,200-acre “roadless area” by taking the defensible boundary principle to a ridiculous extreme. The Elk Creek B Roadless Area doesn’t even attempt to encompass all of the Elk Creek watershed’s canyons—only their deepest and darkest parts. By strictly following the roads bounding these canyons and allowing for some 20 cherry-stem spur roads in toward them, the SRCA inventory found a 43,600 acre area free of roads—an area just over six times the size of the official roadless inventory. The CRA inventory boundary needs to follow what is on the ground here, and not use the Forest Service’s defensive approach to Wilderness designation. From East Elk Creek counterclockwise to Main Elk Creek the following roads form the outer boundary of the SRCA Elk Creek Roadless Area: 8-603.1, 8-603.1M, 8-651.1, 8-601.1, 8-648.1, 8-648.1C, 8-648.1B, 8-823.2B, 8-821.1E, 8-821.1, 8-821.1B, 8-601.4D, 8-601.1 (again), 8-N210.1, 2-245.1, 8-245.1. (Preservation/Conservation, Carbondale, CO - #686.26.63000.620)

#### **4-137 Public Concern: The Forest Service should expand the Elliot Ridge Roadless Area boundary.**

##### **TO INCLUDE ROADLESS AREAS EVEN IF NOT PRISTINE**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Elliot Ridge Roadless Area  
Holy Cross and Dillon Ranger Districts

Location: West of Green Mountain Reservoir in Summit and Eagle Counties.

CRA Name: Elliot Ridge

CRA Acres: 3100

2001 Name: Elliot Ridge

2001 Acres: 3200

SRCA Name: Elliot Ridge

SRCA Acres: 4700

The Elliot Ridge Roadless Area is bordered on the south by the Eagles Nest Wilderness Area. The WRNF and CRA inventories systematically exclude land on the east side of Elliot Ridge along the Upper Spring Creek Road (FSR 5-1834.1) and the Spring Creek Road (FSR 5-1831.1) that may not be pristine but are roadless. Likewise the area north of the Mahan Lake Trail (FST 1831.1A) has seen some logging activity but old logging roads are revegetated or revegetating. The area is roadless. The CRA inventory needs to accept the SRCA identified boundaries in these areas and use the actual roads along the northern boundary of the Elliot Ridge area as its own demarcations. (Preservation/Conservation, Carbondale, CO - #686.27.63000.621)

#### **4-138 Public Concern: The Forest Service should expand the Fawn Creek–Little Lost Park Roadless Area boundary.**

##### **BECAUSE THE BOUNDARY DECISIONS WERE ARBITRARY**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Fawn Creek-Little Lost Park Roadless Area

Blanco Ranger District

Location: North of Buford in Rio Blanco County

CRA Name: Fawn Creek-Little Lost Park

CRA Acres: 5400

2001 Name: Fawn Creek-Little Lost Park

2001 Acres: 5500

SRCA Name: Fawn Creek

SRCA Acres: 6900

Fawn Creek-Little Lost Park is separated from the much larger Morapos Roadless Area by Forest System Roads 2-290.1 and 2-250.2. There is a significant difference between the SRCA inventory and the WRNF and CRA inventories, as the WRNF excludes the western portion of the area due to the absence of “an identifiable and manageable boundary” for successful management as a wilderness area. The WRNF inventory also noted evidence of past mining and logging activity and was too close to existing roads and motorized activity. The CRA boundary should amend this arbitrary decision by the WRNF by extending the western boundary all the way to East Beaver-Yellow Jacket Road 2-250.2 at the northwest end, and to the Pole Patch Trail 2-2271 and the Fawn Creek Road 2-280.1 for the southern boundary. (Preservation/Conservation, Carbondale, CO - #686.28.63000.620)

#### **4-139 Public Concern: The Forest Service should expand the Freeman Creek Roadless Area boundary.**

##### **BECAUSE THE EXCLUDED AREA IS ROADLESS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Freeman Creek Roadless Area

Holy Cross Ranger District

Location: North of Vail in Eagle County

CRA Name: Freeman Creek

CRA Acres: 1,000

2001 Name: Freeman Creek

2001 Acres: 1,000

SRCA Name: Freeman Creek

SRCA Acres: 1,300

The Freeman Creek Roadless Area is adjacent to the Eagles Nest Wilderness Area. The SRCA inventory includes several hundred acres of wetland habitat along Freeman Creek between FSR 7-700.1 and FSR 7-701.1 that are not included in the WRNF and CRA inventories. The only plausible reason for this omission is that the Forest Service could not defend this area from snowmobile use, so it chose to pretend that it isn't roadless. For the purposes of the CRA inventory this valuable habitat needs to be added to its boundary for the Freeman Creek Roadless Area. (Preservation/Conservation, Carbondale, CO - #686.29.63000.330)

#### **4-140 Public Concern: The Forest Service should expand the Gallo Hill Roadless Area boundary.**

##### **TO FOLLOW THE PUBLIC LAND BOUNDARY**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Gallo Hill Roadless Area

Sopris Ranger District

Location: North of Marble in Gunnison County

CRA Name: Big Ridge to South Fork A

CRA Acres: 1,400

2001 Name: Gallo Hill

2001 Acres: 1,300

SRCA Name: Gallo Hill

SRCA Acres: 1,600

The Gallo Hill Roadless Area is bordered on its north side by the Maroon Bells-Snowmass Wilderness Area. The southern boundary of the WRNF-inventoried Gallo Hill Roadless Area was arbitrarily drawn back from the National Forest boundary to create an irregular and inconsistent buffer between the inventoried area and adjoining private property. This boundary is contrary to agency policy and irrelevant to the purposes of the CRA inventory. The boundaries of the CRA area need to be redrawn to

follow the public land boundary, as was the SRCA inventory boundary. (Preservation/Conservation, Carbondale, CO - #686.30.63000.620)

#### **4-141 Public Concern: The Forest Service should expand the Game Creek Roadless Area boundary.**

##### **TO REINSTATE PROPOSED SKI AREA ACRES**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Game Creek Roadless Area  
Holy Cross Ranger District

Location: South Vail in Eagle County

CRA Name: Game Creek

CRA Acres: 6,100

2001 Name: Game Creek

2001 Acres: 6,900

SRCA Name: Game Creek

SRCA Acres: 7,100

The CRA inventory presupposes an expansion of the Vail Ski Area into the Game Creek watershed because of a White River National Forest Plan management prescription allowing for it, and removed 800 acres from its roadless area boundary. This acreage needs to be reinstated. (Preservation/Conservation, Carbondale, CO - #686.31.63000.521)

#### **4-142 Public Concern: The Forest Service should expand the Gothic CRA boundary.**

##### **TO PROTECT WILDLIFE HABITAT AND RARE PLANTS**

Gothic CRA

- 2001—6,200 [2001 IRA acreage]

- 2003—8,000 [Southern Rockies Conservation Alliance roadless acreage]

- 2005—7,550 [Grand Mesa, Uncompahgre and Gunnison Forest Plan revision process roadless acreage]

- 2009—5,800 [2009 Proposed acreage]

The Gothic Research Natural Area is located in the northern portion of this CRA. The entire area is within The Nature Conservancy's Crested Butte conservation site. Two Potential Conservation Areas (PCAs) extend into this CRA; the East River PCA at Rustler's Gulch, identified for the presence of boreal toad and pygmy shrew; and the Mount Belleview PCA, identified for rare alpine plants. This area provides summer range for big game species, with elk possibly using the lower elevations of Snodgrass Mountain for winter range. Lynx habitat is present within this CRA. Boreal toad and pygmy shrew are both known to inhabit the East River drainage. White-tailed ptarmigan use the alpine habitats along the northern edge of this unit.

The 2001 and SRCA Inventory areas are adjacent to the Maroon Bells-Snowmass Wilderness Area and the Gothic Mountain area is in close proximity to the Deer Creek and Poverty Gulch CRAs. All recent inventories of this area agree that there are more roadless acres in this region than had been included in prior inventories. The importance of the ecology of this area and increasing pressures on this particular drainage from recreation activities cannot be overstated. Rocky Mountain Biological Laboratory has been conducting critical scientific research in the region for many decades; roadless protection maintains the integrity of the ecosystems being studied.

The southern portion of the Gothic CRA near Snodgrass Mountain is being incorrectly and inappropriately proposed for removal from the roadless inventory to accommodate a possible ski area expansion for Crested Butte Mountain Resort. The broad exceptions of the Colorado Roadless Rule make clear that ski areas can be managed within roadless areas, and the removal of such areas from the inventory is inappropriate. A great deal of public support exists for continuing to manage Snodgrass

Mountain as roadless. Snodgrass Mountain must remain in the Gothic CRA. (Preservation/Conservation, Crested Butte, CO - #678.7-8.63000.002)

#### **4-143 Public Concern: The Forest Service should expand the Grizzly Creek Roadless Area boundary.**

##### **TO INCLUDE THE FULL EXTENT OF ROADLESS LANDS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Grizzly Creek Roadless Area

Eagle and Rifle Ranger Districts

Location: North of Glenwood Canyon in Garfield County

CRA Name: Grizzly Creek

CRA Acres: 6,700

2001 Name: Grizzly Creek

2001 Acres: 6,600

SRCA Name: Grizzly Creek

SRCA Acres: 43,100

The WRNF-inventoried Grizzly Creek Roadless Area is a paltry reflection of the magnificent expanse of wild land that actually exists in this southeastern corner of the Flat Tops. Reasons for the 85 percent reduction in acreage are not at all justified. On the western (Rifle Ranger District) side, acreage was removed to facilitate a proposed timber sale that never went through. On the Eagle RD [Ranger District] side, the Forest Service declared that there was insufficient opportunity for solitude and that noise from Interstate 70 and the Rio Grande and Western rail line was audible throughout the area, portions of which are more than 7 miles from the interstate and most of which is more than a mile from any well-traveled road. That same district office found no such problems on the opposite side of Glenwood Canyon, where it drew the boundary for the Little Grand Mesa Roadless Area right down to the railroad tracks.

In any event, the goal of the CRA is not to create the ideal Wilderness Area but to document the full extent of roadless lands remaining within Colorado's National Forest. The SRCA inventory of the Grizzly Creek area is well suited to this purpose. The area is outlined by Interstate 70 on the south, the forest boundary on the east, the Coffee Pot Road (FSR 4-600.1) on the north, and the Grizzly Jeep Road (FSR 8-632.1) and the Transfer Trail (FSR 8-602.1) on the west. At a maximum of 11 miles east-west and north-south, the area contains 3 Colorado Natural Heritage Program (CNHP) Potential Conservation Areas (PCAs): No Name Creek (Very High Biodiversity Significance), Grizzly Creek (High Biodiversity Significance), and Hanging Lake (Very High Biodiversity Significance). About half of the No Name and a quarter of the Grizzly Creek PCAs are covered by the CRA inventory area. Hanging Lake is 2 1/2 miles outside of the proposed CRA. (Preservation/Conservation, Carbondale, CO - #686.32-33.63000.660)

#### **4-144 Public Concern: The Forest Service should expand the Gypsum Creek Roadless Area boundary.**

##### **TO MAKE THE BOUNDARY CONSISTENT WITH THE SRCA BOUNDARY**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Gypsum Creek Roadless Area

Eagle Ranger District

Location: South of Gypsum in Eagle County

CRA Name: Gypsum Creek

CRA Acres: 17,900

2001 Name: Gypsum Creek

2001 Acres: 17,900

SRCA Name: Gypsum Creek

SRCA Acres: 17,900

The Gypsum Creek Roadless Area and the Red Table Roadless Area are being managed as Recommended Wilderness by the White River National Forest. With the conversion of the road that once separated them into a trail, they are now one continuous, uninterrupted roadless area.

While the CRA inventory and the SRCA inventory cover the same number of acres, there are significant differences in the boundaries. The CRA inventory includes 900 acres west of the Suicide Mountain Jeep Road (FSR 464W.2N), which the White River National Forest lists as open to all vehicles, and instead uses the Old Man's Road (FSR 430.1B) in combination with several motorized and non-motorized trails as a boundary. The SRCA inventory of the area does not include these 900 acres but does include comparable acreage that the CRA inventory excludes by drawing its boundary to the rims of the glacial cirques on the north side of Red Table Mountain rather than following the roads along the relatively flat top of the ridge.

The SRCA members who monitor the White River National Forest have repeatedly recommended that the Suicide Mountain Jeep Trail be decommissioned and restored because it is un-maintained and very badly eroded. The point here, however, is that the CRA inventory needs to use FSR 514 and FSR 464 along the top of the ridge as its southern boundary and FSR 464W.2N as its western boundary. (Preservation/Conservation, Carbondale, CO - #686.34.63000.620)

#### **4-145 Public Concern: The Forest Service should expand the Hay Park Roadless Area boundary.**

##### **TO CORRECTLY CLASSIFY A ROAD THAT IS ACTUALLY A TRAIL**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Hay Park Roadless Area  
Sopris and Aspen Ranger Districts

Location: South of Carbondale in Pitkin County

CRA Name: Hay Park

CRA Acres: 11,100

2001 Name: Hay Park

2001 Acres: 11,100

SRCA Name: Hay Park

SRCA Acres: 11,700

In this case, even the SRCA inventory must be updated. All three of these inventories misclassify FDT 1957.2A, which enters the area near its northeast corner, as a road rather than the trail it is. The CRA and SRCA inventories need to be amended to reflect the true status of this route. The WRNF and CRA inventories also have a cherry-stem running southeast 1/2 mile past Dinkle Lake when in fact the route (FSR 3-311.1) ends at the lake. (Preservation/Conservation, Carbondale, CO - #686.35.63000.620)

#### **4-146 Public Concern: The Forest Service should remove the areas around the Henderson Mine from the IRA.**

##### **TO SUPPORT THE ECONOMIC DEVELOPMENT OF THESE LANDS**

Prior to implementation of the Roadless Rule or adoption of the DEIS, we [Climax Molybdenum Company] strongly urge USFS to, at a minimum, remove an area consisting of all areas north of the Henderson Mine facility from the Climax fee lands to the Vasquez Adjacent Area from designation as Inventoried Roadless Area as indicated on the map [see ATT1] provided at the end of this letter. We estimate the acreage in this perimeter area to represent less than 0.04 percent of the total area encompassed by the Roadless Rule. We believe that this area represents an insignificant percentage of the area proposed by the Roadless Rule when compared to the potential economic benefits that will ultimately be enjoyed by the surrounding communities and local region by unimpeded and continued access to, production from, and development of such an important global molybdenum resource. (Mining Industry/Association, Empire, CO - #593.9.63000.410)



**4-147 Public Concern: The Forest Service should expand the Hoosier Ridge Roadless Area boundary.**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Hoosier Ridge Roadless Area

Dillon Ranger District

Location: South of Breckenridge in Summit County

CRA Name: Hoosier Ridge

CRA Acres: 6,100

2001 Name: Hoosier Ridge

2001 Acres: 6,100

SRCA Name: Hoosier Ridge

SRCA Acres: 6,000

The WRNF/CRA Hoosier Ridge Roadless Area is adjacent to the SRCA-inventoried Hoosier Ridge Roadless Area on the Pike-San Isabel National Forest. (Preservation/Conservation, Carbondale, CO - #686.37.63000.620)

**4-148 Public Concern: The Forest Service should modify the Hoosier Ridge Roadless Area boundary.****TO EXCLUDE PRIVATELY OWNED MINING CLAIMS**

Regarding the boundaries for the Hoosier Ridge Roadless Area, we request that the privately owned mining claims/in-holdings just east of the terminus of Fredonia Gulch Road be excluded from the roadless area, and the “cherry stems” that buffer the Fredonia and Hunter Road should be expanded/extended east to show access to the respective privately held in-holdings. (Town of Breckenridge, Community Development Department, Breckenridge, CO - #680.5.63000.630)

Hoosier Ridge Roadless Area: The privately owned mining claims/in-holdings just east of the terminus of Fredonia Gulch Road should be excluded from the roadless area, and the “cherry stems” that buffer the Fredonia and Hunter Road should be expanded/extended east to show access to the respective privately held in-holdings. (Summit County Board of Commissioners, Breckenridge, CO - #679.20.63000.630)

**TO EXCLUDE PRIVATELY OWNED MINING CLAIMS AND AVOID UTILITY CORRIDORS**

[ATT 13] Roadless Area: Hoosier Ridge

Acreage: 6,057 acres

General Location: Southern portion of the Upper Blue Basin, east of Highway 9

Evaluation Criteria:

USFS Land and Resource Management Plan “Management Prescription”

- Backcountry Recreation-Non-motorized; Research Natural Areas

USFS Management Considerations (i.e. current management goals, land trades, boundary adjustments):

- A couple privately owned mining claims/inholdings located within the roadless area have not been excluded. There is a mining claim on the western portion of the roadless area, which has been excluded from the roadless area boundary.

-The southern boundary of the roadless area could be modified so that it is flush with the Summit County-Park County line, and avoids the designated utility corridor.

Summit County Upper Blue Basin Master Plan Considerations (i.e. land use designation, visibility, significant routes):

- Land Use Designation - Open Space/Natural Resource Recreation: placed on lands intended for passive open space uses, resource extraction (i.e., timber harvest) uses, and development and dispersed

recreational uses. The land use designation would not affect the ability to manage the Inventoried Roadless Area.

- Visibility - Visibility ranges from areas that are visible from 1-10 observation points to areas that are visible from 100+ observation points.

- Significant Routes - There are a number of non-motorized winter trails in the area. In addition, the Fredonia Gulch road is a non-motorized significant summer and winter route. Designating the area as roadless would not affect the ability to manage continued use of these significant routes.

#### Adjacent Land Uses And Ownership Patterns

- Red Mountain is located within the roadless area.

- The Town of Blue River borders the roadless area on the northwest.

- Most of the western edge of the roadless area is abutted by subdivisions on unincorporated lands (39 Degrees North, Valley of the Blue, Daisy Subdivision, Tordal Estates, Alpine Breckenridge). The private properties located in the unincorporated areas have been assigned Platted Residential, Residential 1, Transition 10, and Rural 20 Master Plan Land Use Designations.

- Fredonia Gulch Road and CR 676 extend into the roadless area from the west, and have been excluded from the roadless area boundary.

#### Environmental and Wildlife Considerations (i.e. unique ecosystems, wetlands, slope)

- Slopes 30% or greater, wetlands, lakes and streams.

- Division of Wildlife representatives indicate the proposed roadless area would not negatively affect their ability to manage wildlife.

#### Other (i.e. legal, infrastructure, unique issues):

- The Division of Water Resources identifies possibly 10 head gate features located in the roadless area. Most of these areas located along the western boundary of the roadless area.

#### Recommendations:

- The Inventoried Roadless Area should be designated as roadless.

- In the context of the “U.S. Forest Service Edge Mapping/Mapping Errors” guiding principle, the southern boundary of the roadless area could be modified so that it is flush with the Summit County-Park County line and avoids designated utility corridors.

- The privately owned mining claims/in-holdings just east of the terminus of Fredonia Gulch Road should be excluded from the roadless area, and the “cherry stems” that buffer the Fredonia and Hunter Road should be expanded/extended east to show access to the respective privately held in-holdings.

- In the context of the “Respect Existing Rights” guiding principle, recognize 1) the legal right to access and maintain head gate features (particularly the City of Colorado Springs), and 2) the ability to access privately owned in-holdings.

- In the context of the “Buffering/Wildland Urban Interface Areas” guiding principle, it should be noted a specific buffer should be established to protect subdivisions that abut the western portion of the roadless area. (Summit County Board of Commissioners, Breckenridge, CO - #679.38-40.63000.002)

## **4-149 Public Concern: The Forest Service should expand the Homestake Roadless Area boundary.**

### **TO RECOGNIZE THAT HOMESTAKE AND NO NAME ROADLESS AREAS NOW ADJOIN**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Homestake Roadless Area  
Holy Cross Ranger District

Location: South of Minturn in Eagle County

CRA Name: Homestake

CRA Acres: 4,100

2001 Name: Homestake

2001 Acres: 4,100

SRCA Name: Homestake

SRCA Acres: 4,200

The Homestake Roadless Area is adjacent to the Holy Cross Wilderness Area and to the No Name Roadless Area. The FSR 7-705.1M spur off of 7-705.1 has been permanently closed to vehicles and is now a trail. Because of this change in status, the Homestake and No Name Roadless Areas now adjoin. The CRA inventory needs to be updated to reflect this change. (Preservation/Conservation, Carbondale, CO - #686.36.63000.620)

#### **4-150 Public Concern: The Forest Service should expand the Housetop Mountain Roadless Area boundary.**

##### **BECAUSE INAPPROPRIATE CRITERIA WERE USED TO EXCLUDE AREAS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Housetop Mountain Roadless Area

Rifle Ranger District

Location: South of De Beque in Mesa County

CRA Name: Housetop Mountain

CRA Acres: 12,700

2001 Name: Housetop Mountain

2001 Acres: 12,700

SRCA Name: Housetop Mountain

SRCA Acres: 17,100

The Housetop Mountain Roadless Area adjoins the Mamm Peak Roadless Area on the White River National Forest and the Sunnyside Roadless Area on the Grand Mesa National Forest.

The WRNF inventory of the Housetop Mountain Roadless Area excludes approximately 2,000 acres, based on the possibility of incursions by off-road vehicles arriving through private lands with no public access easements. Such fears seem hardly justified, and furthermore, they are in no way applicable to a roadless area inventory.

There are also approximately 2,000 acres of roadless National Forest land between the Housetop Mountain and Mamm Peak Roadless Areas that need to be allocated to one roadless area or the other. In fact, only a non-motorized trail separates these two areas—the WRNF and CRA inventories are clearly deficient here.

The SRCA inventory includes areas excluded around the perimeter for potential, future ORV incursions and the roadless land between the Housetop and Mamm Peak Roadless Areas. The CRA inventory needs to follow suit. (Preservation/Conservation, Carbondale, CO - #686.38.63000.620)

#### **4-151 Public Concern: The Forest Service should expand the Hunter Roadless Area boundary.**

##### **TO REFLECT RECENT ROUTE CHANGES**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Hunter Roadless Area

Aspen Ranger District

Location: Directly northeast of Aspen in Pitkin County

CRA Name: Hunter

CRA Acres: 1,100

2001 Name: Hunter

2001 Acres: 1,100

SRCA Name: Hunter

SRCA Acres: 3,000

The Hunter Roadless Area is adjacent to the Hunter-Fryingpan Wilderness Area. The WRNF inventory of this area was once again based upon what the Agency considers a defensible wilderness area boundary, not a roadless area boundary. The closest road to the northern boundary of the WRNF and CRA inventoried area is 3/4 mile away on the far side of the Hunter Creek Valley. The only possible threat to the inventoried area is the mountain bikers who are allowed to ride on designated trails in roadless areas, but this activity does not adversely affect roadless area characteristics and should not affect the inventory. The northern boundary of the SRCA area is formed by Pitkin County Road 20.A3 and FSR 1-130.1A, which run through Van Horn Park on the north side of Hunter Creek. This roadless area includes Hunter Creek and the remarkable willow wetlands included in the Colorado Natural Heritage Program's (CNHP) Hunter Creek Potential Conservation Area (PCA).

Since inventories were conducted by the WRNF and SRCA, Pitkin County has made a route use changes that make most of the Hunter Creek Valley a roadless area. The Smuggler Cutoff Road (Pitkin County 21.A1) has been permanently closed to four wheel traffic, making the whole north side of Smuggler Mountain and another 3/4 mile of the valley floor roadless.

All three roadless area inventories need to be updated to reflect recent changes. (Preservation/Conservation, Carbondale, CO - #686.39.63000.621)

#### **4-152 Public Concern: The Forest Service should expand the Little Grand Mesa Roadless Area boundary.**

##### **TO INCLUDE AREAS INAPPROPRIATELY EXCLUDED**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Little Grand Mesa Roadless Area

Sopris Ranger District

Location: East of Glenwood Springs on the south side of Glenwood Canyon in Garfield County

CRA Name: Little Grand Mesa

CRA Acres: 6,500

2001 Name: Little Grand Mesa

2001 Acres: 6,500

SRCA Name: Little Grand Mesa

SRCA Acres: 7,800

For unknown reasons, the WRNF inventory excluded approximately 1,000 acres between Bear Creek and the forest boundary 1 1/4 mile to the west from the inventory. There are no developments or uses within this area to justify its exclusion from the inventory, and the CRA inventory needs to correct this USFS oversight. About half of the CNHP Bear Creek PCA (High Biodiversity Value) is in the SRCA-inventoried roadless area but less than half of that segment is covered by the current CRA boundary. The Hubbard Cave PCA (General Biodiversity Value) is in all three inventories. (Preservation/Conservation, Carbondale, CO - #686.40.63000.660)

#### **4-153 Public Concern: The Forest Service should expand the Lower Piney Roadless Area boundary.**

##### **BECAUSE THE INVENTORIES UNDERREPORT THE EXTENT OF ROADLESS LANDS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Lower Piney Roadless Area

Holy Cross Ranger District

Location: North of Avon in Eagle County.

CRA Name: Lower Piney

CRA Acres: 13,400

2001 Name: Lower Piney

2001 Acres: 13,400

SRCA Name: Lower Piney River

SRCA Acres: 23,500

The Lower Piney Roadless Area is bounded on the east by the Eagles Nest Wilderness Area. The WRNF and CRA inventories severely under-report the extent of roadless lands in the ecologically vital Lower Piney River-Piney Ridge region. Inventories should include the 3,000 contiguous acres north of Chimney Rock between FS 753W.1 and FS 401.1E as well as the 4,600 acres on the west side of the Cottonwood Peak Road (FSR 784.1) and north of the Box Canyon “Road” (FSR 7-404.1)—which disappears into the grass just north of Lost Lake. Hunters know well how rich this area is in wildlife and biologists recognize its importance, too—it is an essential link between the southern and northern portions of the Gore Range and between the White River and Routt National Forests.

The CRA needs to take a hard look at the limits of the WRNF inventory and incorporate the major excluded areas identified in the SRCA inventory. (Preservation/Conservation, Carbondale, CO - #686.41.63000.330)

#### **4-154 Public Concern: The Forest Service should expand the Mamm Peak Roadless Area boundary.**

##### **TO INCLUDE AREAS INAPPROPRIATELY EXCLUDED**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Mamm Peak Roadless Area

Rifle Ranger District

Location: South of Rifle in Garfield and Mesa Counties

CRA Name: Mamm Peak

CRA Acres: 25,400

2001 Name: Mamm Peak

2001 Acres: 25,300

SRCA Name: Mamm Peak

SRCA Acres: 26,600

The Mamm Peak Roadless Area on the WRNF adjoins the Battlements Roadless Area on the Grand Mesa National Forest. There are approximately 2,000 acres of roadless National Forest land in the Wallace Creek drainage between the Mamm Peak Roadless Area and Housetop Mountain Roadless Area that were excluded for no apparent reason—other than perhaps some off-road travel. Nor does the current WRNF road and trail inventory show an existing route to support the cherry-stemmed road extending from the northern forest boundary south and west up Bear Gulch. This route forms the westernmost boundary of the Mamm Peak Roadless Area. The CRA inventory boundary needs to be corrected to reflect this change in the base information and to connect these two major roadless areas. (Preservation/Conservation, Carbondale, CO - #686.42.63000.620)

#### **4-155 Public Concern: The Forest Service should expand the Maroon East Roadless Area boundary.**

##### **TO INCLUDE AREAS INAPPROPRIATELY EXCLUDED**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Maroon East Roadless Area

Aspen Ranger District

Location: South of Aspen in Pitkin County

CRA Name: Maroon East

CRA Acres: 1,400

2001 Name: Maroon East

2001 Acres: 1,400

SRCA Name: Maroon East

SRCA Acres: 1,700

The Maroon East Roadless Area is adjacent to the Maroon Bells-Snowmass Wilderness Area. The WRNF and CRA inventories exclude the Maroon Bowl portion of the Highlands Ski Area. There will never be a ski lift in this high-avalanche danger, out of bounds expert-only bowl. So unless ski-patrol avalanche control work isn't allowed in roadless areas, this piece of wild mountainside needs to be added to the CRA inventory. Olympic Bowl, just north of Maroon Bowl, is also excluded from the CRA inventory for no apparent reason. These areas should be added to the CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.43.63000.521)

#### **4-156 Public Concern: The Forest Service should expand the Maryland Creek Roadless Area boundary.**

##### **TO INCLUDE AREAS INAPPROPRIATELY EXCLUDED**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Maryland Creek Roadless Area

Dillon Ranger District

Location: North of Silverthorne in Summit County

CRA Name: Maryland Creek

CRA Acres: 1,500

2001 Name: Maryland Creek

2001 Acres: 1,500

SRCA Name: Maryland Creek

SRCA Acres: 1,700

The Maryland Creek Roadless Area is adjacent to the Eagles Nest Wilderness Area. There is a buffer as if for a roadway between the southern boundary of the CRA and the Wilderness boundary that needs to be corrected. (Preservation/Conservation, Carbondale, CO - #686.44.63000.620)

#### **4-157 Public Concern: The Forest Service should expand the Matchless Mountain CRA boundary.**

##### **TO PROTECT WILDLIFE HABITAT AND WATER RESOURCES**

Matchless Mountain CRA

- 2001—34,100 [2001 IRA acreage]

- 2003—42,800 [Southern Rockies Conservation Alliance roadless acreage]

- 2005—22,420 [Grand Mesa, Uncompahgre and Gunnison Forest Plan revision process roadless acreage]

- 2009—27,000 [2009 Proposed acreage]

This CRA provides summer habitat for mule deer. It also provides elk production areas, summer concentration habitat, and winter range. It is a major complex of migration routes for both elk and mule deer. The southern boundary of the CRA is a fall concentration area for black bear. Lynx habitat has been identified within this CRA. The unit is also bald eagle winter range. White tail ptarmigan habitat occurs in the alpine areas. For bighorn sheep, the CRA offers summer range and two of three production areas for the Taylor Canyon Herd. Lamb recruitment into this population is historically low. The protection of production areas may be critical for herd survival. The area has a high degree of naturalness. Over 70 percent of this assessment area is managed by the FS and is recognized as having a high value for domestic water supply.

Matchless Mountain is adjacent to the Granite Basin CRA and sits approximately one mile northwest of the Fossil Ridge Wilderness Area. Large portions of the Matchless Mountain Roadless Area were removed by the GMUG 2005 re-inventory and many of those changes are carried forward in the Colorado Roadless Rule proposal. (Preservation/Conservation, Crested Butte, CO - #678.9.63000.002)

**4-158 Public Concern: The Forest Service should expand the McArthur Mountain Roadless Area boundary.****TO INCLUDE AREAS INAPPROPRIATELY EXCLUDED**

Roadless Areas That Were Excluded Altogether From the Roadless Inventory: McArthur Mountain Roadless Area

Aspen Ranger District

Location: South of Aspen in Pitkin County

SRCA Name: McArthur Mountain

SRCA Acres: 5,300

RARE II Name: Elk Mountain/Collegiate

RARE II Acres: 6,100

The McArthur Mountain Roadless Area is separated from the Collegiate Peaks Wilderness Area by a single jeep road (Pitkin County 15E), and carries the wild character and scenic value of that Wilderness area right down into the Castle Creek Valley. It stands well on its own as a roadless area and warrants inclusion in the CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.95.63000.650)

**4-159 Public Concern: The Forest Service should expand the McFarlane Creek Roadless Area boundary.****TO INCLUDE AREAS INAPPROPRIATELY EXCLUDED**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: McFarlane Creek Roadless Area

Aspen Ranger District

Location: South of Aspen in Pitkin County

CRA Name: McFarlane Creek

CRA Acres: 1,400

2001 Name: McFarlane Creek

2001 Acres 1,400

SRCA Name: McFarlane Creek

SRCA Acres: 2,300

The McFarlane Creek Roadless Area is bordered on its eastern side by the Collegiate Peaks Wilderness Area. The WRNF and CRA inventory boundaries for the western side of this roadless area are generalized and incomplete. Specifically, they do not track the private inholdings along the top of Richmond Hill that actually bound the roadless National Forest land on the east side of the mountain. The SRCA inventory boundary consistently follows the Aspen Mountain Ski Area boundary, the private parcel boundaries and the Richmond Hill Road (CR 15.E). The CRA inventory boundary should do likewise, and can also eliminate an unnecessary cherry-stem in the SRCA area for the McFarlane Creek Trail, a non-motorized route where it enters the roadless area. (Preservation/Conservation, Carbondale, CO - #686.45.63000.620)

**4-160 Public Concern: The Forest Service should expand the Meadow Mountain A Roadless Area boundary.****TO INCLUDE AREAS INAPPROPRIATELY EXCLUDED**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Meadow Mountain A Roadless Area

Holy Cross Ranger District

Location: South of Avon in Eagle County

CRA Name: Meadow Mountain A

CRA Acres: 1,600

2001 Name: Meadow Mountain A

2001 Acres: 2,100

SRCA Name: Meadow Mountain A

SRCA Acres: 2,600

The Meadow Mountain A Roadless Area is bordered on its south side by the Holy Cross Wilderness Area. The CRA inventory excludes the McCoy Park area—a cross-country ski area with no permanent roads—for no practical reason. The eastern boundary of the CRA inventory needs to be moved to the ski area road FSR 7-738.2A. There are also an additional 380 contiguous acres west of East Lake Creek documented in the SRCA inventory that need to be added to the CRA inventory to accurately reflect the roadless character on the National Forest lands bordering the Holy Cross Wilderness Area. (Preservation/Conservation, Carbondale, CO - #686.46.63000.621)

#### **4-161 Public Concern: The Forest Service should expand the Meadow Mountain B Roadless Area boundary.**

##### **TO REFLECT THE TRUE ROADLESS NATURE OF THE AREA**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Meadow Mountain B Roadless Area

Holy Cross Ranger District

Location: South of Avon in Eagle County

CRA Name: Meadow Mountain B

CRA Acres: 3,100

2001 Name: Meadow Mountain B

2001 Acres: 3,100

SRCA Name: Meadow Mountain B

SRCA Acres: 8,900

The Meadow Mountain B Roadless Area is bordered on its south side by the Holy Cross Wilderness Area. The WRNF clearly constructed the boundary of Meadow Mountain B to be only an easily managed addition to the Holy Cross Wilderness. This doesn't begin to reflect the true roadless nature of this critical wildlife area and scenic mountainside. The SRCA inventory boundary follows the roads, the private land, and ski area boundaries and properly shows the extent of roadless land in the area. (Preservation/Conservation, Carbondale, CO - #686.47.63000.621)

#### **4-162 Public Concern: The Forest Service should expand the boundaries of the Morapos A and B Roadless Areas.**

##### **TO INCLUDE AREAS INAPPROPRIATELY EXCLUDED**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Morapos Roadless Areas A & B

Blanco Ranger District

Location: East of Meeker, north of Buford in Rio Blanco County

CRA Names: Morapos A and Morapos B

CRA Acres: 23,600 and 14,000

2001 Names: Morapos A and Morapos B

2001 Acres: 23,600 and 14,100

SRCA Name: Morapos (Milk Creek)

SRCA Acres: 39,000 combined.



There are no adjacent wilderness areas, but the Morapos Roadless Areas are adjacent to the 57,700 (CRA) acre Pagoda Peak Roadless Area on the Routt National Forest, which in turn is adjacent to the 9,200 (CRA) acre Pagoda Peak Roadless Area on the White River National Forest. Additionally the SRCA-inventoried Milk Creek Roadless Area is contiguous with the Morapos A Roadless Area on the west and adds 5,000 acres. Altogether this roadless region is about 109,500 acres—one of the largest non-wilderness roadless areas in the state of Colorado, almost all of which is mid-elevation forest and grassland.

The SRCA inventory adds to the WRNF and CRA inventories land along the Moeller Creek Road 2-290.1 where the WRNF arbitrarily adjusted a boundary, and along the East Beaver-Yellow Jacket Road 2-250.2. It adds land that was previously logged and eliminates a few boundary cherry-stems for routes not open to large vehicle travel. The CRA inventory could be easily amended by using the above routes for the southern boundary and including all travel routes not open to full-size vehicles.

The WRNF inventory on which the CRA inventory is based separated the Morapos roadless region into two roadless areas based solely on management considerations; the SRCA inventory combines them into one. (Preservation/Conservation, Carbondale, CO - #686.48.63000.620)

#### **4-163 Public Concern: The Forest Service should expand the Mormon Creek Roadless Area boundary.**

##### **TO INCLUDE AREAS INAPPROPRIATELY EXCLUDED**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Mormon Creek Roadless Area

Sopris Ranger District

Location: East of Basalt in the Upper Fryingpan River Valley in Pitkin County

CRA Name: Mormon Creek

CRA Acres: 3,000

2001 Name: Mormon Creek

2001 Acres: 3,000

SRCA Name: Mormon Creek

SRCA Acres: 4,400

The Mormon Creek Roadless Area is bordered by the Holy Cross Wilderness Area on its northern and eastern sides.

The WRNF inventory made unnecessary exclusions at the north end of this area for water diversion structures that might seem out of place within a designated wilderness, but do not affect the roadless character of the area—the concrete structures were constructed via and serviced through the same underground tunnel system that channels the water under the Continental Divide to the Arkansas River. Additionally, the SRCA inventory identified 1,000+ acres of roadless land extending southward from the Mormon Creek Roadless Area along the west side of the Holy Cross Wilderness that need to be added to the CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.49.63000.621)

#### **4-164 Public Concern: The Forest Service should expand the Mirror Lake CRA boundary.**

##### **TO PROTECT WILDLIFE HABITAT AND WATER RESOURCES**

Mirror Lake CRA

- 2001—8,300 acres [2001 IRA acreage]

- 2003—12,400 [Southern Rockies Conservation Alliance roadless acreage]

- 2005—6,010 [Grand Mesa, Uncompahgre and Gunnison Forest Plan revision process roadless acreage]

- 2009—6,000 [2009 Proposed acreage]

- Mountain goat summer range occurs in the alpine areas, as does elk summer concentrations. Summer habitat for black bear and mule deer also exists in this area. Forested habitats have been mapped as lynx

habitat. Suitable habitat for Uncompahgre fritillary butterfly occurs in and adjacent to this area on the Pike-San Isabel NF. White-tailed ptarmigan habitat exists in the alpine areas. The land generally appears natural although there is some evidence of historic mining activities. The Alpine Tunnel Historic District is directly south of this unit. The rugged terrain is mostly above timberline. Once away from Mirror Lake and associated roads, the land provides a sense of solitude. This CRA lies within a source water assessment area (municipal water supply). Over 70 percent of this assessment area is managed by the FS and is recognized as having a high value for domestic water supply.

Mirror Lake CRA is adjacent to Sanford Basin CRA. The large area northeast of the Town of Pitkin contains no Forest Service system roads or routes of any type. The only conceivable reason this area might have been removed from the inventory would be to facilitate future timber harvest activities for wildfire risk reduction. However, as is explicitly clear under the Colorado Roadless Rule proposal, fuels reduction can be easily accomplished without removing acres from the inventory. These acres should remain in the Mirror Lake CRA. (Preservation/Conservation, Crested Butte, CO - #678.10.63000.002)

#### **4-165 Public Concern: The Forest Service should expand the North Elk Roadless Area boundary.**

##### **TO PROVIDE A PROPER AND ACCURATE BOUNDARY**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: North Elk Roadless Area  
Blanco Ranger District

Location: South of Buford on the west side of the New Castle-Buford Road (FSR 2-245), in Rio Blanco and Garfield Counties.

CRA Name: North Elk

CRA Acres: 9,900

2001 Name: North Elk

2001 Acres: 10,000

SRCA Name: North Elk

SRCA Acres: 18,900

The North Elk Roadless Area is separated by a single road from several of the SRCA-Inventoried Roadless Areas (Burro Mountain, Elk Creek and Three Forks) but directly adjacent to none.

Only three short segments of the WRNF/CRA Roadless Area boundary are drawn to an actual road. One shorter segment follows a private property boundary. Most of the northern boundary follows an ATV trail along the East Fork of North Elk Creek. The vast majority of this "roadless area" boundary follows canyon rims formed by the East, Middle and West Forks of North Elk Creek. A more proper and accurate roadless area boundary for the North Elk landscape would be generally bounded by private land to the north and northwest; segments of the Widow Springs Road (FSR 2-212) and Wear Park Road (FSR 2-214) to the west; the Bar HL (FSR 2-211), Newcastle-Buford (FSR 2-245), Elk Ridge (FSR 2-248), North Elk Cutoff (FSR 2-248) Roads to the south; and the Newcastle Buford Road again to the east. A few extant and necessary system spur roads would need to be cherry-stemmed into this overall boundary. (Preservation/Conservation, Carbondale, CO - #686.50.63000.620)

#### **4-166 Public Concern: The Forest Service should expand the North Independent A Roadless Area boundary.**

##### **TO INCLUDE AREAS IN THE PROPOSED BUFFER AREA**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: North Independent A Roadless Area

Aspen Ranger District

Location: East of Aspen, along north side of State Highway 82 in Pitkin County

CRA Name: North Independent A

CRA Acres: 4,500

2001 Name: North Independent A

2001 Acres: 4,500

SRCA Name: North Independence A

SRCA Acres: 6,700

The North Independent A Roadless Area is bordered on its northern side by the Hunter-Fryingpan Wilderness Area. The WRNF inventory of this area created an excessive, unnecessary, and arbitrary buffer along the roads that bound the area - up to 1/2 mile along the Smuggler Mountain Road (Pitkin County 21.1) at its north end, and up to 1/4 mile along State Highway 82 along most of its extensive southern boundary. Additionally, it excluded all the roadless land around and east of the Lost Man Reservoir. The SRCA inventory properly documented all of this land and the CRA inventory needs to do the same. (Preservation/Conservation, Carbondale, CO - #686.51.63000.620)

#### **4-167 Public Concern: The Forest Service should expand the North Woody Roadless Area boundary.**

##### **TO CREATE AN ACCURATE AND COMPLETE ACCOUNTING OF THE SIZE OF THIS AREA**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: North Woody Roadless Area

Aspen Ranger District

Location: Northwest of Aspen in Pitkin County

CRA Name: North Woody

CRA Acres: 8,500

2001 Name: North Woody

2001 Acres: 8,500

SRCA Name: North Woody

SRCA Acres: 10,000

The WRNF and CRA inventories failed to include all plainly contiguous unroaded and unlogged areas in the Woody Creek, Little Woody Creek, and Collins Creek watersheds that comprise the North Woody Roadless Area. The CRA inventory boundary needs to be extended to match the SRCA North Woody boundary in order to give a complete and accurate accounting of the actual size and shape of this roadless area. (Preservation/Conservation, Carbondale, CO - #686.52.63000.620)

#### **4-168 Public Concern: The Forest Service should expand the Pagoda Peak Roadless Area boundary.**

##### **TO INCLUDE ROADLESS AREAS WHETHER OR NOT THEY MEET WILDERNESS CRITERIA**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Pagoda Peak Roadless Area

Blanco Ranger District

Location: East of Buford on Rio Blanco County border with Routt County and with the Routt NF boundary, northwest of Ripple Creek Pass

CRA Name: Pagoda Peak

CRA Acres: 9,200

2001 Name: Pagoda Peak

2001 Acres: 9,200

SRCA Name: Pagoda Peak

SRCA Acres: 9,300

There are no wilderness areas adjacent to the WRNF Pagoda Peak Roadless Area. However, this area is contiguous with the 57,700 (CRA) acre Routt NF Pagoda Peak Roadless Area, which in turn is

contiguous with the 37,700 (WR [White River]) acre Morapos A & B Roadless Areas, and the Morapos A Roadless Area is contiguous with the SRCA-inventoried 5,000 acre Milk Creek Roadless Area. Altogether this roadless region constitutes 109,500 acres—one of the largest non-Wilderness roadless areas in the state of Colorado, almost all of which is mid-elevation forest and grassland.

The differences between the SRCA and WRNF/CRA acreages for the Pagoda Peak Roadless Area are due to the WRNF arbitrarily excluding land along Rio Blanco County Road 8 because it lacked what the deemed proper “wilderness” characteristics—not because it contained roads or other man-made features. The CRA inventory should be amended to use the actual County Road 8 and any Forest System road spurs maintained for full-size vehicle use as its area boundary rather than arbitrary lines drawn by the WRNF to depict a sense of what might constitute a proper wilderness boundary. (Preservation/Conservation, Carbondale, CO - #686.53.63000.621)

#### **4-169 Public Concern: The Forest Service should expand the Piney Lake Roadless Area boundary.**

##### **TO INCLUDE RED SANDSTONE CREEK AND ASSOCIATED RIPARIAN AREAS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Piney Lake Roadless Area  
Holy Cross Ranger District

Location: North of Vail in Eagle County

CRA Name: Piney Lake

CRA Acres: 900

2001 Name: Piney Lake

2001 Acres: 900

SRCA Name: Piney Lake

SRCA Acres: 2,200

The Piney Lake Roadless Area is adjacent to the Eagles Nest Wilderness Area. The WRNF and CRA inventory boundaries are crudely and arbitrarily drawn to exclude over 1,000 acres of clearly roadless land, including 3 miles of Red Sandstone Creek and its tributaries, and the associated riparian areas. The CRA inventory boundary needs to be amended to correct this shortcoming, as outlined by the SRCA inventory. (Preservation/Conservation, Carbondale, CO - #686.54.63000.620)

#### **4-170 Public Concern: The Forest Service should expand the Porcupine Peak Roadless Area boundary.**

##### **TO INCLUDE SKI AREAS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Porcupine Peak Roadless Area

Dillon Ranger District

Location: East of Dillon in Summit County

CRA Name: Porcupine Peak

CRA Acres: 7,700

2001 Name: Porcupine Peak

2001 Acres: 8,700

SRCA Name: Porcupine Peak

SRCA Acres: 9,500

The Porcupine Peak Roadless Area is adjacent to the Mount Sniktau Roadless Area on the Arapaho National Forest. The WRNF inventory boundary excludes 800 acres of roadless and unpermitted land around the Arapahoe Basin Ski Area, and the CRA inventory excludes 1,800 such acres. (Preservation/Conservation, Carbondale, CO - #686.55.63000.521)

**TO INCLUDE THE 719 ACRES WITHIN THE BACKCOUNTRY–NON-MOTORIZED MANAGEMENT PRESCRIPTION**

Porcupine Peak Roadless Area: Incorporate approximately 719 acres of land that is within the U.S.F.S. Backcountry—Non-motorized management prescription into the roadless area boundary. (Summit County Board of Commissioners, Breckenridge, CO - #679.17.63000.540)

**4-171 Public Concern: The Forest Service should modify the Porcupine Peak Roadless Area boundary.****TO REMOVE SKI AREAS**

[ATT 7] ROADLESS AREA: Porcupine Peak

ACREAGE: 8,745 acres (largest Inventoried Roadless Area in [Summit] County)

GENERAL LOCATION: Eastern portion of the Snake River Basin, situated between Highway 6 and Montezuma/Peru Creek Road

Evaluation Criteria:

USFS Land and Resource Management Plan “Management Prescription”:

- Ski-based Resorts—Existing & Potential; Backcountry Recreation—Non-motorized; and Forested Landscaped Linkages, Dispersed Recreation

USFS Management Considerations (i.e., current management goals, land trades, boundary adjustments):

- There are numerous mining claims that are depicted as in-holdings within the roadless area, and these mining claims have been excluded from the roadless area boundary. Access to these backcountry mining claims may be needed in the future, and these access routes would cut through the current boundary of the roadless area.

- The roadless area surrounds Arapahoe Basin Ski Area on three sides. The roadless area boundary may need to be modified to reflect the ski area expansion or the existing ski-based resorts management prescription.

- The Peru Creek drainage experiences a mix of motorized and non-motorized uses.

Summit County Snake River Master Plan Considerations (i.e., land use designation, visibility, significant routes):

- Land Use Designations—1) Open Space/Natural Resource/Recreation—intended to protect and preserve lands in a predominantly undeveloped state; 2) Ski Area—the Ski Area designation has been assigned to several areas of private lands within ski area boundaries. The intent of the designation is to allow uses typically associated with ski areas while limiting the impacts of these uses and maintaining the area’s alpine character; 3) Backcountry—the interspersed mining claims in the roadless area have a Backcountry designation and are identified as sending areas for TDRs.

- Visibility—The western half of the property is highly visible from observation points along the major travel corridors in the Snake River Basin (in this case, primarily Hwy 6 and Montezuma Road). The western portion of the property contains areas visible from 5-15 points, 15-30 points, and 30+ points. The majority of the eastern portion of the property is not visible from observation points.

- Significant Routes—Chihuahua Gulch Trail and Argentine North Fork Trail (both non-motorized). Designating the area as roadless would not affect the ability to manage continued use of the identified significant routes.

Adjacent Land Uses and Ownership Patterns:

- Highway 6 borders the roadless area on the west, and Montezuma Road, the Snake River, and Peru Creek border the roadless area on the south.

- Chihuahua Gulch Road and Ruby Gulch Road extend into the roadless area from the south, and have been excluded from the roadless area boundary.

Environmental and Wildlife Considerations (i.e., unique ecosystems, wetlands, slope):

- Environmental Constraints—Slopes 30% or greater, wetlands, some lakes and streams.

- Division of Wildlife representatives indicate the proposed roadless area would not negatively affect their ability to manage wildlife.

Other (i.e., legal, Infrastructure, unique issues):

- The Division of Water Resources identifies a number of head gate features located and peppered throughout the eastern portion and along the southern boundary of the roadless area. Vidler Water Company owns a majority of these head gates.

- The Summit County Open Space Program has acquired several in-holdings within proximity to the roadless area. The County's program continues to work toward acquiring more of these claims.

Recommendations:

- The Inventoried Roadless Area should be designated as roadless.

- The boundary of the roadless area should be modified to remove approximately 1,071 acres of land that is within the U.S.F.S. Ski Based Resorts—Existing and Potential management prescription from the roadless area designation, and to incorporate approximately 719 acres of land that is within the U.S.F.S. Backcountry—Non-motorized management prescription into the roadless area boundary.

- In the context of the "Respect Existing Rights" guiding principle, recognize 1) the legal right to access and maintain head gate features, and 2) the ability to access privately owned in-holdings. (Summit County Board of Commissioners, Breckenridge, CO - #679.27-29.63000.002)

## **4-172 Public Concern: The Forest Service should expand the Poverty Gulch CRA boundary.**

### **TO PROTECT WILDLIFE HABITAT AND WATER RESOURCES**

Poverty Gulch CRA

- 2001—2,146 acres [2001 IRA acreage]

- 2003—7,500 [Southern Rockies Conservation Alliance roadless acreage]

- 2005—5,540 [Grand Mesa, Uncompahgre and Gunnison Forest Plan revision process roadless acreage]

- 2009—5,500 [2009 Proposed acreage]

- Poverty Gulch CRA is adjacent to the Raggeds Wilderness Area and is in very close proximity to the Gothic and Treasure Mountain CRAs. While the Colorado Roadless Rule proposal does increase the acreage of this unit, it fails to include some areas which remain free of system roads and where roads are unlikely to be proposed in the future.

Specifically, the portion of the area surrounding Cascade Mountain retains its roadless character. The proposed action for the Gunnison Travel Management Plan proposes that Forest Road 552 would be decommissioned past the junction with Forest Road 552.2A. Further, Forest Road 552.2A would become a foot and horse trail past that same junction. The absence of system roads in this area and the characteristics of the area lend themselves to roadless management. The habitat connectivity afforded by including this area in the inventory would have real benefits for wildlife use of the area.

In addition, the GMUG 2005 re-inventory eliminated a 2,000 acre area of roadless lands south of Peeler and Garfield peaks. The area above Irwin Lake remains an iconic, high quality roadless area. Forest Road 826.1D accesses several historic mining claims, but the road and claims can be appropriately cherry-stemmed out of the inventory without significant impacts to the inventory or manageability. This area is highly popular for summer and winter recreation activities, all of which can continue under roadless designation. This area is also provides an important corridor for wildlife between the Raggeds Wilderness and the Upper East River valley floor.

The Slate River Potential Conservation Area extends into this area along the Slate River and Poverty Gulch drainages. Mountain goat summer range extends into the CRA around Purple Mountain. Summer range is available for most other big game species, with a summer concentration for elk occurring as well. Lynx habitat has been mapped in the forested areas of this CRA. White-tailed ptarmigan habitat is found in the alpine areas. (Preservation/Conservation, Crested Butte, CO - #678.11-12.63000.002)

**4-173 Public Concern: The Forest Service should expand the Ptarmigan A Roadless Area boundary.****TO INCLUDE THE DEFUNCT MINING ROAD**

Ptarmigan A Roadless Area: There is a defunct, historic logging road, which extends southeast from the TYL Ranch into the Ptarmigan A Roadless Area. In the Proposed Rule, this road has been excluded from the boundary of the Ptarmigan A Roadless Areas as a “cherry stem”. However, there is no legal public access to this road across the adjacent private property, and the road is located on National Forest System Land designated as “non-motorized” in the White River National Forest Land and Resource Management Plan and respective Travel Management Plan. Therefore, to facilitate better land management in this area and deter illegal motorized use, [Summit] County [Board of County Commissioners] recommends that the “cherry stem” located around this old logging road be incorporated into the boundary of the Ptarmigan A Roadless Area. (Summit County Board of Commissioners, Breckenridge, CO - #679.9.63000.680)

**TO INCLUDE THE CONTIGUOUS ROADLESS LANDS ALONG THE WESTERN BOUNDARY**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Ptarmigan A Roadless Area

Dillon Ranger District

Location: North and east of Silverthorne in Summit County

CRA Name: Ptarmigan A

CRA Acres: 2,700

2001 Name: Ptarmigan A

2001 Acres: 2,700

SRCA Name: Ptarmigan A

SRCA Acres: 4,100

The Ptarmigan A Roadless Area is bordered by the Ptarmigan Wilderness Area along the latter’s entire western boundary. The WRNF and CRA inventory boundaries fail to include 1,400 acres of contiguous roadless lands further north along the western boundary of the Ptarmigan Wilderness. There is no valid reason for this exclusion in the inventory, and these lands, as shown in the SRCA inventory, must be added to the CRA in order to make it complete. The western and northern boundary of this part of the SRCA-inventoried area is formed by the same utility corridor and the same type of large ranch properties that form the western boundary of the current CRA inventory area. (Preservation/Conservation, Carbondale, CO - #686.56.63000.620)

**4-174 Public Concern: The Forest Service should expand the Ptarmigan B Roadless Area boundary.****TO BETTER MANAGE THE AREA SOUTH OF UTE PASS ROAD**

Ptarmigan B Roadless Area: To better manage the area south of Ute Pass Road, which is located west of the roadless area, it is recommended that this approximately 187-acre area be incorporated into the Ptarmigan B Roadless Area. This modification will result in a roadless area boundary that follows the entire Recommended Wilderness management prescription boundary in the White River National Forest Land and Resource Management Plan. (Summit County Board of Commissioners, Breckenridge, CO - #679.15.63000.650)

**TO INCLUDE AREAS INAPPROPRIATELY EXCLUDED**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Ptarmigan B Roadless Area

Dillon Ranger District

Location: North of Silverthorne in Summit County

CRA Name: Ptarmigan B

CRA Acres: 1,800

2001 Name: Ptarmigan B

2001 Acres: 1,800

SRCA Name: Ute Pass

SRCA Acres: 2,500

The Ptarmigan B Roadless Area is bordered on its southern side by the Ptarmigan Wilderness Area and by the Williams Fork Ptarmigan Adjacent Roadless Area on the Arapaho-Roosevelt National Forest to the east. In the SRCA inventory, it is also adjacent to the Acorn Creek (Ptarmigan C) Roadless Area to the south.

The western boundary of the Ptarmigan B Roadless Area is an arbitrary line between selected USGS benchmarks 1/2 mile and more from the Forest boundary. All of this excluded land is just as roadless as the land included in the CRA and WRNF inventories. Additionally, there is a 1/2-mile deep arc excluded from the northern boundary along the Ute Pass Road (CR 15) that may contain some abandoned logging roads, but no current system roads. The CRA inventory must be extended to the forest boundary on the west and the county road on the north in order to fully and accurately reflect the actual extent of this roadless area. (Preservation/Conservation, Carbondale, CO - #686.57.63000.620)

#### **AND SHOULD CORRECT MAPPING ERRORS**

[ATT 3] Roadless Area: Ptarmigan B

Acreage: 1,804 acres

General Location: Eastern portion of the Lower Blue Basin, east of Highway 9 and south of Ute Pass Road.

Evaluation Criteria:

USFS Land And Resource Management Plan "Management Prescription"

- Recommended Wilderness

USFS Management Considerations (i.e., current management goals, land trades, boundary adjustments):

- The existing roads near the west-central boundary of the roadless area provide management challenges for the USFS. Particularly excessive motorized use and people getting stuck.

- There is a mapping error along the eastern boundary of the roadless area that could be adjusted (i.e., match the boundary with the top of the ridge more accurately).

Summit County Lower Blue Master Plan Considerations (i.e., land use designation, visibility, significant routes):

- Land Use Designation—Federal Lands (placed on USFS and BLM lands intended to be used for public use and to be protected from development other than recreational uses. The land use designation suggests management activities maintain or improve the quality of recreational opportunities).

- Visibility—The southeastern portion of the property (Ute Peak and the surrounding area) is visible from 156-227 observation points, and the remainder of the property includes areas visible from 0-9 observation points, 10-82 observation points, and 83-155 observation points.

- Significant Routes—Acorn Creek Trail crosses the southeastern corner of the roadless area (summer and winter route), and Ute Peak Trail runs along the eastern portion of the roadless area. Designating the area as roadless would not affect the ability to manage continued use of the identified significant routes.

Adjacent Land Uses And Ownership Patterns:

- Situated between Ptarmigan Peak Wilderness Area to the south, Ute Pass Road to the north, and National Forest System lands to the west.

Environmental And Wildlife Considerations (i.e., unique ecosystems, wetlands, slope):

- Steep slopes 30% or greater (including Ute Peak), streams, and some wetlands adjacent to the streams.

- Division of Wildlife representatives indicate the proposed roadless area would not negatively affect their ability to manage wildlife.

Other (i.e. legal infrastructure, unique issues):



- As part of the county's [Summit] review of the White River National Forest Land and Resource Management Plan and Draft EIS in 1999/2000, it was recommended by the Board of County Commissioners, the Ptarmigan B Roadless Area receive a Wilderness designation.

Recommendations:

- The Inventoried Roadless Area should be designated as roadless.
- To better manage the area south of Ute Pass Road/west of the roadless area, it is recommended to designate this approximately 187-acre area as roadless.
- In the context of the "U.S. Forest Service Edge Mapping/Mapping Errors" guiding principle, it is suggested the roadless area boundary be modified to follow the entire Recommended Wilderness management prescription boundary.
- The [Summit County] Board of County Commissioners continues to support the inclusion of Ptarmigan B Roadless Area into the Ptarmigan Peak Wilderness Area, as recommended in the White River National Forest Land and Resource Management Plan. (Summit County Board of Commissioners, Breckenridge, CO - #679.21-22.63000.002)

#### **4-175 Public Concern: The Forest Service should expand the Ptarmigan C Roadless Area boundary.**

##### **TO ACCURATELY REFLECT THE EXTENT OF THE ROADLESS LANDS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Ptarmigan C Roadless Area  
Dillon Ranger District

Location: North of Silverthorne in Summit County

CRA Name: Ptarmigan C

CRA Acres: 900

2001 Name: Ptarmigan C

2001 Acres: 900

SRCA Name: Acorn Creek

SRCA Acres: 1,700

The Ptarmigan C Roadless Area is bordered on its eastern side by the Ptarmigan Wilderness Area, and in the SRCA inventory is also adjacent to the Ute Pass (Ptarmigan B) Roadless Area to the north.

The western boundary of the Ptarmigan C Roadless Area is an arbitrary line between selected USGS benchmarks up to ¾ mile and more from the forest boundary. All of this excluded land is just as roadless as the included land. The CRA inventory must be extended to the forest boundary on the west in order to fully and accurately reflect the actual extent of this roadless area. (Preservation/Conservation, Carbondale, CO - #686.58.63000.620)

#### **4-176 Public Concern: The Forest Service should expand the Ptarmigan Hill A Roadless Area boundary.**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Ptarmigan Hill A Roadless Area

Holy Cross Ranger District

Location: South Vail Pass in Eagle County

CRA Name: Ptarmigan Hill A

CRA Acres: 13,100

2001 Name: Ptarmigan Hill A

2001 Acres: 13,100

SRCA Name: Ptarmigan Ridge

SRCA Acres: 13,600

The Ptarmigan Hill A Roadless Area is bordered on the east by the Ptarmigan B Roadless Area. (Preservation/Conservation, Carbondale, CO - #686.59.63000.620)

#### **4-177 Public Concern: The Forest Service should expand the Ptarmigan Hill B Roadless Area boundary.**

##### **TO FULLY AND ACCURATELY REFLECT THE ACTUAL EXTENT OF THIS ROADLESS AREA**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Ptarmigan Hill B Roadless Area

Dillon Ranger District

Location: West of the Copper Mountain Ski Area in Summit County

CRA Name: Ptarmigan Hill B

CRA Acres: 7,000

2001 Name: Ptarmigan Hill B

2001 Acres: 7,700

SRCA Name: Ptarmigan Ridge

SRCA Acres: 10,500

The Ptarmigan Hill B Roadless Area is bordered on the west by the Ptarmigan A Roadless Area. Near its southern end, the eastern boundary of the CRA departs from its shared boundary with the Ptarmigan A Roadless Area at Searle Pass, runs east-northeast up a ridge to Point 12,596 on Jacque Ridge, then northward down to the bottom of Guller Creek and thence northeast to the forest boundary. This excluded area of wild alpine terrain includes 700 acres prescribed in the Revised Forest Plan for ski area development plus some 2,700 acres of alpine ridges and valleys, half of which are within the CNHP, Elk Mountain PCA (High Biodiversity Value). All of this acreage needs to be restored or added to the CRA inventory in order to fully and accurately reflect the actual extent of this roadless area. (Preservation/Conservation, Carbondale, CO - #686.60.63000.600)

##### **TO INCLUDE THE IN-HOLDING AREA IN THE GULLER GULCH AREA**

Ptarmigan Hill B Roadless Area: The 160-acre in-holding parcel excluded as part of the Inventoried Roadless Area should be included in the roadless area. Also, extend the boundary to include the Guller Gulch area to I-70 (following the Forested Landscape Linkages management prescription). (Summit County Board of Commissioners, Breckenridge, CO - #679.19.63000.162)

#### **4-178 Public Concern: The Forest Service should modify the Ptarmigan Hill B Roadless Area boundary.**

##### **TO INCLUDE THE IN-HOLDING AREA AND GULLER GULCH AND EXCLUDE THE SKI AREA**

[ATT 11] Roadless Area: Ptarmigan Hill B

Acreage: 7,709 acres

General Location: Western portion of the Ten Mile Basin.

Evaluation Criteria:

USFS Land and Resource Management Plan "Management Prescription":

- Forested Landscape Linkages; Backcountry Recreation—Non-motorized with Winter Motorized; Backcountry Recreation—Year Round Motorized; and Ski-Based Resorts—Existing & Potential

USFS Management Considerations (i.e., current management goals, land trades, boundary adjustments):

- There is a 160-acre in-holding of National Forest System land, which has been excluded from the roadless area boundary. This site was purchased by the [Summit] County and eventually traded to the Forest Service. The parcel could be included in the roadless area boundary.

- The southeastern portion of Ptarmigan B Roadless Area extends into the USFS "Ski-Based Resorts—Existing & Potential" management prescription boundary and circumvents much of Guller Gulch. It is understood that during the Forest and Resource Management Plan planning process it was considered to

include/recognize a portion of Guller Gulch as part of the ski area expansion boundary. However, due to wildlife issues or concerns (the area serves as a significant wildlife movement corridor), Guller Gulch was not assigned a ski based resort management prescription. Instead, to recognize potential expansion of the ski area, the Ski Based Resorts—Existing & Potential management prescription was extended further west to include the Jacques Peak area.

Summit County Ten Mile Master Plan Considerations (i.e., land use designation, visibility, significant routes):

- Land Use Designation—National Forest (placed on USFS lands intended to be used for public use and to be protected from development other than recreational uses).
- Visibility—The southeastern portion of the property is designated as exceptional visual importance (Jacques Ridge and Jacques Peak). The remainder of the property is not assigned a visual rating.
- Significant Routes—Shrine Pass (summer trail), Wilder Gulch (summer and winter route), Searle Pass Trail (a portion of this trail is a summer and winter route, and another portion is winter use only), Stafford Gulch (summer and winter route), Continental Divide National Scenic Trail (summer and winter route), Colorado Trail (summer and winter route), Jacques Peak (summer trail). Designating the area as roadless would not affect the ability to manage continued use of the identified significant routes.

Adjacent Land Uses and Ownership Patterns:

- Surrounded by National Forest System lands. Generally bordered by Eagle County on the west, and I-70 and Copper Mountain Ski Area on the east.

Environmental and Wildlife Considerations (i.e., unique ecosystems, wetlands, slope):

- Slopes 30% or greater, wetlands and streams.
- Division of Wildlife representatives indicate the proposed roadless area would not negatively affect their ability to manage wildlife.

Other (i.e., legal, infrastructure, unique issues):

- The Division of Water Resources identifies a head gate (Colorado Water Conservation Board) located in the western portion of the roadless area.
- There is an area known as “Sugar Hill Ridge” and existing trails west of Copper Mountain base area along I-70. This area is permitted by the USFS to be used for horseback riding, snowshoeing tours, and nordic skiing activities.

Recommendations:

- The Inventoried Roadless Area should be designated as roadless.
- The 160-acre in-holding parcel excluded as part of the Inventoried Roadless Area should be included in the roadless area.
- Adjust the roadless area boundary: reconfigure the boundary to exclude the Ski Based Resorts—Existing and Potential Management Prescription (Jacques Peak Area), and extend the boundary to include the Guller Gulch area to I-70 (following the Forested Landscape Linkages management prescription).
- In the context of the “Respect Existing Rights” guiding principle, recognize the legal right to access and maintain the Colorado Water Conservation Board head gate feature. (Summit County Board of Commissioners, Breckenridge, CO - #679.34-36.63000.002)

#### **4-179 Public Concern: The Forest Service should modify the Rampart East Roadless Area boundary.**

##### **TO CONFORM TO THE AUTHORIZED ROAD NETWORK**

Gove Creek and Stark Creek areas. (See Attachments 8 and 9 [ATT8 and ATT9])

From the end of FR300CB, the Ramparts East Roadless Area boundary follows a cherry-stemmed conformance with FR300CB and FR300C to the north side of the junction of FR300CB and FR300C. The boundary then wanders northeasterly across country to the end of FR327, then in a wide arc north of FR327, before reaching Rampart Range Road (FR300) near its junction with FR327. North of this point, the roadless area boundary conforms to FR300 as it enters the South Platte RD [Ranger District].

The boundary as currently drawn excludes up to 1,600 acres, including all of the upper watershed of Gove Creek, and the upper mile and a half of Stark Creek. While the Forest Service has argued that this is due to recent forest treatment, there is little evidence of this except in the area of FR300D and FR300E. The forest is lush and healthy, and there are no logging roads diverging from the main roads. There also is not a road paralleling FR327 as shown on Topo maps and Google; the route shown is in fact the location of the AT&T cable but there is no route on the ground. There is, however, increasing unauthorized use of motor vehicles off FR327, user-flagged motorized trails between Gove and Stark Creek, and damage to many wetland areas. Exclusion of these areas from the roadless boundaries makes management more difficult, and damages these watersheds.

We [Colorado Mountain Club] ask that you adjust the boundary of the roadless area as shown in Attachments 8 and 9 [ATT8 and ATT9]. The boundary would conform to the authorized road network around FR300C, FR300E and FR327. Beginning on the north side of FR300C at its junction with FR300CB (or, if FR300C and FR300CB are closed as a result of the South Rampart Travel Management Plan, at the current junction of FR300C and FR300CA), go northwesterly 1.5 miles along FR300C to a point directly south of the end of the eastern branch of FR300E; then proceed northerly across country 0.25 miles to the end of that branch of FR300E at 39.16578N/ 105.01530W; then proceed westerly 0.3 miles along that branch of FR300E to its junction with the northerly branch of FR300E then proceed northerly 0.4 miles along that branch of FR300E to its end at 39.17230N/105.01542W (FR300E does not connect with FR300D as shown on the MVUM [Motor Vehicle Use Map], though such a connection is proposed—and strongly opposed by this group—as part of the South Rampart Travel Management Plan); then northerly across country 0.1 miles to FR327.

From here, the border should follow a cherry-stem alignment with respect to FR327 to its end, wherever the end of the road ends up being at the conclusion of the South Rampart Travel Management Plan, and then follow the northerly edge of FR327 westerly to its junction with FR300. If the Road 21 camping spur off FR300C is accepted as proposed in the South Rampart Travel Management Plan, then the link cross-country to the end of the eastern branch of FR300E would depart from the end of this road. Please note that in addition to the lack of a connection between FR300E and FR300D, there is also no route on the ground between FR300C and FR300E as shown in the Google Earth data file. If at some point FR327 is closed entirely, then the boundaries of the roadless area should be closed in, such that from the end of the northern branch of FR300E as noted above, the boundary would proceed westerly across country 0.15 miles to the end of FR300D at 39.17200N/105.01894W (or follow the proposed new road connecting those points); then follow the north side of FR300D westerly to its junction with FR300. (Preservation/Conservation, Colorado Springs, CO - #589.18-20.63000.002)

#### **TO REMOVE THE CHERRY STEM AND CONFORM TO THE AUTHORIZED ROAD NETWORK IN THE SOUTH PLATTE RANGER DISTRICT**

South Platte Ranger District:

For ease of forest management and clarity with the public, the boundaries of roadless areas should be based on one of three guidelines:

1. Authorized, official roads, set back about 100 yards.
2. The border between National Forest land and private property, with no set back.
3. Closing a narrow gap (perhaps ¼ mile or less) between roads or road ends.

The Rampart East Roadless Area boundaries, as defined in the South Platte Ranger District, conform to the guidelines except in one spot. They are anchored to Rampart Range Road (FR300), Dakan Mountain Road (FR563), and the edge of public lands. One of the two deviations is appropriate: cherry-stemmed access to 2 privately-held parcels near the headwaters of Bear Creek. The other is not. The boundary is cherry-stemmed along an old access to a quarry off Dakan Mountain Road near Siefers Gulch. The quarry is not privately-owned, the route to it is not listed on the South Platte MVUM [Motor Vehicle Use Map], and the route itself is blocked (not completely effectively) by a berm. The roadless area boundary should be adjusted to eliminate this cherry-stem and conform to the authorized road network. (Preservation/Conservation, Colorado Springs, CO - #589.2.63000.620)

#### **SO IT CONFORMS TO ON-THE-GROUND FEATURES IN THE PALMER LAKE AREA**

Palmer Lake Area. (See Attachment 1)[ATT1]:

At the border of Douglas and El Paso County, the forest border cuts east for one mile before continuing south. Rather than following this border, however, the Rampart East boundary continues south (along the boundary between section 7, township 11 South, Range 67 West of the 6th Prime Meridian and section 12, township 11 South, Range 68 West of the 6th Prime Meridian) for 1.5 miles, to the southern end of a parcel owned by the Town of Palmer Lake. At that point, the Rampart East boundary jogs east about 100 feet to Balanced Rock Road (Forest Road 322), which then forms the roadless area boundary along the middle portion of North Monument Creek.

The way the boundary is currently drawn, about 460 acres in section 7 are excluded from the Roadless Area. This excluded area includes the lower portion of Ice Cave Creek, its most prominent northern tributary, and the ridgeline of Sundance Mountain. There is no feature on the ground that corresponds to the current boundary, and there does not appear to be any reason why the roadless area boundary is placed where it is.

We [Colorado Mountain Club] ask that you adjust the boundary in this area as shown in Attachment 1 [ATT1]. The boundary would conform to the edge of public lands and the non-public motorized access to Palmer Reservoir. The area to be added is described as follows: beginning at the northwesterly corner of section 7, township 11 South, Range 67 West of the 6th Prime Meridian; run easterly for one mile along the county line and forest border to the northeasterly corner of section 7; then run southerly for one-half mile along the forest border to the edge of a parcel belonging to the Rita B. Morgan Trust; then run westerly for one-quarter mile along that parcel to its northwesterly corner; then run southerly along that parcel for 1,650 feet to the route of the former FR322 (now closed to the public, but used by the Town of Palmer Lake for access to its reservoirs); then run generally westerly along the former FR322 to the edge of the parcel owned by the town of Palmer Lake; then northerly 600 feet along the east edge of that parcel; then run westerly one-half mile to the western edge of section 7. At this point, the currently-designated boundary would be followed southerly along the Palmer Lake parcel to the south inlet to Upper Palmer Reservoir. (Preservation/Conservation, Colorado Springs, CO - #589.4-5.63000.620)

#### **TO INCLUDE THE WATERSHED THAT SUPPORTS THE TOWN OF PALMER CREEK**

Upper North Monument Creek. (See Attachment 2)[ATT2]:

South (upstream) from the Palmer Reservoirs, the Rampart East Roadless Area boundary follows Balanced Rock Road (FR322) for 3.25 miles, to a point directly south of the southeastern end of Winding Stairs Road (FR323). It then cuts straight north for one mile across North Monument Creek to the end of FR323. The actual end of FR323, as marked and blocked on the ground, is at 39.06933N, 105.02083W.

The way the boundary is currently drawn, up to 2,900 acres in upper North Monument Creek are excluded from the roadless area. This watershed, 1.5 miles across and 2.75 miles long, is the source of public drinking water for the Town of Palmer Lake, and is a landscape of very high scenic quality (a photo looking south across Upper Monument Creek from the end of FR323 is the cover of our brochure and Facebook page). It also provides wonderful wetland habitat for beaver, elk, and other mammals. The official roadless area description states that “This CRA encompasses the Monument Creek watershed.” As currently configured, part of the North Monument Creek watershed is excluded. While motorized intrusion into this area appears minimal, except on a few user-created ridge routes that should be blocked, we have found spots where motorcycles have created erosion and rutting in the main streambed. The placement of this boundary, as a straight north-south line across North Monument Creek, appears to be arbitrary.

We [Colorado Mountain Club] ask that you adjust the boundary in this area as shown in Attachment 2 [ATT2]. The boundary would conform to the authorized roads that surround the North Monument Creek watershed. The area to be added is described as follows: Beginning at a point on the north side of Balanced Rock Road (FR322), 1.0 miles directly south of the southeastern end of Winding Stairs Road (FR323); follow FR322 3.25 miles generally westerly to its junction with Rampart Range Road (FR300); then follow FR300 generally northerly 2.5 miles to its junction with FR323; then follow FR323 3.0 miles generally easterly to its junction with Ice Cave Creek Road (FR324); then continue following FR323 1.15 miles generally southeasterly to its terminus. If the outcome of the pending South Rampart Travel Management Plan is to close the portion of FR323 southeast of its junction with FR324, then we ask that you adjust the boundary of the roadless area to conform to the authorized roads in that

area as well. Along FR300, the boundary would be adjusted eastward to create cherry-stem boundaries along Camping Spurs 933, 934, 935, 936, 937, and 939; where other dispersed camping locations exist along FRs 322, 300, and 323, any user-created unauthorized motorized trails need to be blocked off. If the additional short spurs off FR322 and FR323 that are proposed in both versions of the South Rampart Travel Management Plan are approved, the roadless area boundary would also be adjusted to create cherry-stem boundaries around those spurs. (Preservation/Conservation, Colorado Springs, CO - #589.6-7.63000.620)

#### **SO IT CONFORMS TO THE ROAD NETWORK IN THE UPPER ICE CAVE CREEK AREA**

Upper Ice Cave Creek. (See Attachment 3)[ATT#]:

The Rampart East Roadless Area boundary follows the northeast side of Winding Stairs Road (FR323) to its junction with Ice Cave Creek Road (FR324). It then generally follows the east and north side of FR324 to the crossing of Ice Cave Creek and beyond to its junction with FR324B. The boundary of the roadless area is cherry-stemmed around FR324B.

The way the boundary is currently drawn does not correspond to the road network in three places. The first is a cherry-stemmed intrusion into the roadless area just less than one mile long, beginning about 0.5 miles by road northeast of the actual junction of FR323 and FR324. This intrusion matches part of the route that had been erroneously marked on prior versions of the MVUM as FR323. This route is closed and the MVUM has been corrected to correspond with the routing on the ground. The second is just north of this intrusion, an irregular area south of Ice Cave Creek. This intrusion roughly corresponds to a much older route, probably used for long-ago logging; this route has not appeared on forest service maps. The third is a much smaller deviation on the west side of FR324B, at a curve just north of its junction with FR324. This deviation does not correspond to anything on the ground.

We [Colorado Mountain Club] disagree with using inactive routes that are not roads as the basis for roadless area boundaries. While these routes at one time were used for logging and forest treatment, from the appearance of the forest it is clear that the use is not recent. Marking around these routes, which are not part of the MVUM creates ambiguity in mapping; ambiguity in turn invites unauthorized motorized use. Roadless area boundaries should only be cherry-stemmed around authorized roads, not ghost routes. Ghost routes may detract from the pristine nature of the area, but their presence is even allowed in Wilderness Areas, such as along parts of the Goose Creek Trail in Lost Creek.

We ask that you adjust the roadless area boundary as shown in Attachment 3 [ATT3]. The boundary would remove the two cherry-stemmed areas along FR324, as well as the deviation along FR324B. Furthermore, if the outcome of the pending South Rampart Travel Management Plan is to close FR324B (this is the forest service's "preferred option"), we ask that you in the future further adjust the boundary of the roadless area to conform to FR324. (Preservation/Conservation, Colorado Springs, CO - #589.8-9.63000.620)

#### **SO THE BOUNDARY HAS CLEAR REFERENCE POINTS IN THE SAYLOR PARK AND EAST PLUM CREEK AREAS**

Saylor Park and East Plum Creek. (See Attachments 4 - 7)[ATT4-ATT7]:

West of FR324B, the Ramparts East Roadless Area boundary follows the north side of Ice Cave Creek Road (FR324) to its junction with FR324A. It then follows FR324A to its ending at an old mine. From this point, all the way to a point along Rampart Range Road (FR300) north of its junction with FR327, the roadless area boundary is mostly detached from clear reference points. This comment addresses the area between FR324A and FR300CB.

From the mine on FR324A, the roadless area boundary proceeds north along a route marked on the MVUM as a continuation of FR324A, a route which does not exist as a road on the ground (both versions of the proposed South Rampart Travel Management Plan remove this marking from maps). The boundary then proceeds west to a point near the actual end of Saylor Park Road (FR325), along East Plum Creek. This is the opposite of the situation with the end of FR324A. While the MVUM shows FR325 ending near the lake in Saylor Park, on the ground the road continues another 0.4 miles; both versions of the proposed South Rampart Travel Management Plan add at least part of this extension of FR325. The boundary then proceeds northwest to Camping Spur 919 and FR300. In this section, the boundary follows user-created motorized routes that link CS919 with FR325; those routes do not appear on the MVUM and are not proposed as part of the South Rampart Travel Management Plan, but they

appear in the Google Earth data files. The boundary then proceeds north along FR300 to FR300H, a gated administrative road used for forest management. Along this stretch, the boundary accommodates Camping Spur 924, and also accommodates some user-created extensions to the official road locations. The boundary then proceeds east along FR300H to its end. The boundary then proceeds east-southeast all the way to the streambed of East Plum Creek, before moving east-northeast to the end of FR300CA. Finally, the boundary then proceeds east from the end of FR300CA to the end of FR300CB.

1—(Attachments 4 and 5 [ATT4 and ATT5]). About 142 acres include the pond and wetlands of Saylor Park itself, the headwaters of East Plum Creek, lying east of FR325 and north of FR325A. This is the richest of these areas excluded from the roadless area and the least justifiable. On the ground and as proposed in the South Rampart Travel Management Plan, FR324A ends at an old mine (39.12348N, 105.01220W). The boundary should conform to the actual location of the roads in this area, and include the wetland area. There does not appear to be much unauthorized motorized use of this area, and it is worthy of continued protection; the area is resistant to motorized intrusion to vulnerable to severe damage.

2—(Attachment 5 [ATT5]). About 340 acres in a triangle are bordered by FR325, FR300, and CS919. The gap between the MVUM end of CS919 and the on-the-ground end of FR325 is 0.37 miles, which is wide enough to allow inclusion into the roadless area according to the boundary guidelines we are recommending, and the area is about a mile deep from that line to the junction of FR300 and FR325. This area was not included in the citizens' inventory, but that exclusion may have been based on an erroneous belief that a road connected FR325 and CS919 as shown in the Google Earth file. There is a route in this area, but it is not a road, and has not been recommended for adoption as a road in the draft South Rampart Travel Management Plans. Starting at FR300, CS919 runs southeast for 0.05 miles. A road-like extension of CS919 continues southeast for 0.2 miles. At this point, the Google Earth file shows the road continuing straight all the way to the end of FR325. In reality, a deep and rocky gully lies along this line; the only indication that it was ever a marked route are some red diamonds nailed to trees. Motorized traffic has created several braided routes northeast of this ravine, which run southeast about 0.2 miles and converge at a steep drop into a tributary of East Plum Creek. Now again looking road-like, the route follows what is marked in Google Earth up and down a steep ridge for 0.1 miles to East Plum Creek itself, and the end of FR325. This route is not a valid boundary for a roadless area. The interior of this triangle is broken up by CS920 of FR300, by a short user-created ATV route between CS920 and 919, by a fairly long user-created motorized route that leads to several campsites north of the junction of 325 and 325B, and by a recently-created road used by the Air Force Academy that does not appear on the MVUM. This area should be added to the roadless area.

3—(Attachment 6 [ATT6]). Several inconsistencies in the boundary along Rampart Range Road (FR300). According to the MVUM, the only camping route along FR300 between CS919 and FR300H is CS924, a narrow cuphandle paralleling FR300. The roadless area boundary also is adjusted to accommodate a user-created route that extends east from CS924. This route is included in the Google Earth data file, as is another user-created route between CS924 and CS919. Neither of these routes should be ratified by an adjustment to the roadless area boundaries.

4—(Attachment 7 [ATT7]) About 450 acres lie between FR300 and FR300CA, north of FR300H. In this area, north of Camping Spur 924 and around to the end of FR300CA, nothing is marked on the MVUM. The reality on the ground is different, however. Three gated roads branch off FR300 to areas of heavy recent forest treatment, FR300H, 300I and 300J. Two other roads branch off FR300 to marked camping areas; one of these is recommended as Road 20 in the South Rampart Travel Management Plans while the other is left off. A gated road, FR300CC, also branches off FR300C along the alignment that prior versions of the MVUM incorrectly marked as FR300CA. An unmarked gravel loop also enters on the south side of FR300C, just east of the junction with FR300. The valley between FR300CC and the five routes off FR300 includes a user-created motorcycle route. The valley on the east side of FR300CC, between it and FR300CA, is not seeing motorized use. Most of this area has also seen extensive recent forest treatment. The complexity of its road network and recent logging argue for the exclusion of most of this area. Part of it, however, should be included in the roadless area boundaries. The area between the ends of FR300H, FR300CC, and FR300CA, north of East Plum Creek, includes a large meadow and wetland area where two tributaries of East Plum Creek join. The area is being heavily damaged by motorized users. The boundaries currently exclude this area by dipping south as they traverse the 0.4 mile gap between FR300H and FR300CA. The boundaries would include this 43-acre area if instead

they were drawn to close the 0.25 mile gaps between FR300H and FR300CC, and again from FR300CC and FR300CA.

5—(Attachment 7 [ATT7]). About 125 acres lie between FR300CA and FR300CB. This is a deep valley, 0.34 miles wide but nearly a mile long. It shows no signs of current motorized use or recent logging; its exclusion from the roadless area appears to be simply a matter of boundary shapes. That in itself, however, does not seem sufficient reason to exclude it from the roadless area.

We [Colorado Mountain Club] ask that you adjust the boundary of the roadless area as shown in Attachments 4-7 [ATT4-ATT7]. The boundary would conform to the authorized road network, except near the area of Air Force Academy training west of Saylor Park, and in the areas between FR300H and FR300CC, and between FR300CC and FR300CA. Beginning at the northern terminus of FR324A at the old mine, follow FR324A southerly 0.25 miles to its junction with FR325A; then follow FR325A 0.45 miles westerly to its junction with FR325; then northerly 0.55 miles along FR325 to its end at East Plum Creek at 39.12990N/105.02124W; then southerly and westerly along FR325 for 1.7 miles to its junction with FR300 (with possible adjustment to ratify the road that has been created near the Air Force Academy training area); then northerly along FR300 for 0.6 miles to its junction with CS920; then cherry-stemming around CS920 for 0.15 miles; then again northerly along FR300 for 0.9 miles to its junction with FR919; then cherry-stemming around CS919 for 0.05 miles; then again northerly along FR300 0.75 miles to its junction with FR300H; then easterly along FR300H 0.6 miles to its end at 39.14569N/ 105.01654W; then northeasterly 0.25 miles across country to the southerly end of FR300CC at 39.14859N/105.01273W; then southeasterly 0.25 miles across country to the southerly end of FR300CA at 39.14544N/105.00957W; then northerly along FR300CA 0.8 miles to its junction with FR300C. At this point, assuming that the possible closure of FR300C and FR300CB east of that junction, a closure recommended in one of the alternative South Rampart Travel Management Plans, does not occur, the boundary would then follow FR300C and FR300CB 1.1 miles to the end of FR300CB. (Preservation/Conservation, Colorado Springs, CO - #589.10-17.63000.620)

#### **4-180 Public Concern: The Forest Service should retain the eastern boundary of the Rampart East Roadless Area in Douglas County.**

##### **BECAUSE IT IS APPROPRIATE**

Eastern Boundary in Douglas County:

The Rampart East Roadless Area eastern boundary within Douglas County appropriately follows the edge of public land, including cherry-stemming along the private access road to the inholding north of Cook Creek. Access to this private road is doubly protected, by a gate at the forest boundary, and by a gate into the Woodmoor Mountain subdivision beyond. (Preservation/Conservation, Colorado Springs, CO - #589.3.63000.620)

#### **4-181 Public Concern: The Forest Service should expand the Red Dirt A Roadless Area boundary.**

##### **TO REFLECT THE GROUND-BASED BOUNDARY DRAWN FOR THE SRCA INVENTORY**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Red Dirt A Roadless Area  
Eagle Ranger District

Location: North of Dotsero, off the Eagle County Colorado River Road (CR 301) in Eagle County, with a few acres at the west end in Garfield County.

CRA Name: Red Dirt A

CRA Acres: 10, 200

2001 Name: Red Dirt A

2001 Acres: 10,200

SRCA Name: Red Dirt

SRCA Acres: 12,900



The Red Dirt A Roadless Area is adjacent to the Flat Tops Wilderness along its western boundary, and to the BLM Hack Lake WSA [Wilderness Study Area] along the western part of its southern boundary. Through the Hack Lake WSA it also connects to the Sweetwater Roadless Area on the WRNF.

The eastern boundary of the Red Dirt A Roadless Area appears to be entirely arbitrary in the WRNF and CRA inventories—it follows neither road nor watercourse nor other geographic feature of any kind. Up to that point, the southern boundary follows the Red Dirt Basin Road (FSR 4-611). The SRCA Red Dirt boundary continues to follow 611 east and then north to the forest boundary, then along this boundary to Eagle County Road 39, northwest along 39 to the South Derby Road (FSR 4-613), then west along 613 to merge again with the WRNF/CRA boundary. (Note: There is a forked cherry-stem along the SRCA eastern boundary for FSR 4-611.2A/2D that needs to be realigned to agree with a more recent WRNF road inventory.)

The CRA boundary for this area needs to be readjusted to reflect the ground-based boundary drawn for the SRCA inventory. There is some evidence of logging and traces of old timber roads within this eastern extension, but nothing to deny its roadless character. There is also a significant stand (likely the largest stand on the White River) of ponderosa pine in the northeastern part of this extension. The northern boundary for the WRNF and CRA inventories west of the Big Spring Road (FSR 4-618) has been drawn back from FSR 613 to follow the Lion Basin Ditch. There is no road along the ditch—the roadless area boundary should be redrawn to parallel 613 to a point where it merges naturally with the Flat Tops Wilderness Area boundary, as does the SRCA inventory boundary. (Preservation/Conservation, Carbondale, CO - #686.61-62.63000.620)

#### **4-182 Public Concern: The Forest Service should expand the Red Dirt B Roadless Area boundary.**

##### **TO FOLLOW THE SAME BORDERS AS THE SRCA-INVENTORIED AREA**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Red Dirt B (Derby) Roadless Area

Eagle Ranger District, with part of the western edge in the Blanco RD [Ranger District]

Location: West of Burns, off the Eagle County Colorado River Road (CR 301) via CR 39. Lies in both Eagle and Garfield Counties.

CRA Name: Red Dirt B

CRA Acres: 2500

2001 Name: Red Dirt B

2001 Acres: 2400

SRCA Name: Derby

SRCA Acres: 5000

The western end of the Red Dirt B Roadless Area bounds the Flat Tops Wilderness Area. As with the eastern boundary of Red Dirt A, the eastern boundary of Red Dirt B appears to be entirely arbitrary in the WRNF and CRA inventories—it follows neither road nor watercourse nor any other identifiable geographic feature.

As with Red Dirt A, the SRCA inventory boundary follows National Forest roads, the forest boundary, and in this case the boundary of a private inholding. On the north it is bounded by the Middle Derby Road (FSR 4-612) and the North Derby Road (FSR 4-610). At the eastern end it abuts the National Forest boundary, then follows the private access Road 4-655 west to the private land boundary, along the northern and western edges of that parcel down to the South Derby Road 613, which it follows to the Flat Tops Wilderness boundary. The CRA Red Dirt B boundary needs to be amended to follow the same logical and identifiable borders as the SRCA inventoried area. (Preservation/Conservation, Carbondale, CO - #686.63.63000.620)

#### **4-183 Public Concern: The Forest Service should expand the Red Mountain Roadless Area boundary.**

##### **TO REDUCE THE BUFFER AROUND LOGGING ROADS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Red Mountain Roadless Area

Aspen Ranger District

Location: Directly north of Aspen in Pitkin County

CRA Name: Red Mountain

CRA Acres: 6,500

2001 Name: Red Mountain

2001 Acres: 6,500

SRCA Name: Red Mountain

SRCA Acres: 6,800

The Red Mountain Roadless Area adjoins the Hunter-Fryingpan Wilderness at its eastern boundary. The WRNF and CRA inventories excluded land southwest of the Salvation Ditch on Red Mountain and left an irregular and unnecessarily large buffer around logging roads on Larkspur Mountain near the Wilderness boundary. (Preservation/Conservation, Carbondale, CO - #686.64.63000.620)

#### **4-184 Public Concern: The Forest Service should expand the Red Table Roadless Area boundary.**

##### **TO FULLY AND ACCURATELY REFLECT THE ACTUAL EXTENT OF THIS ROADLESS AREA**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Red Table Roadless Area

Eagle and Sopris Ranger Districts

Location: Between Basalt and Eagle in Eagle County

CRA Name: Red Table

CRA Acres: 39,100

2001 Name: Red Table

2001 Acres: 39,100

SRCA Name: Red Table

SRCA Acres: 43,200

The Red Table Roadless Area, properly mapped to show current conditions and to reflect the recent WRNF Travel Management Plan's Record of Decision, is no longer a discrete roadless area, distinct from adjacent Basalt Mountain B and the Gypsum Creek Roadless Areas. The CRA inventory boundary for the Red Table Roadless Area excludes three parts of an area that the White River National Forest has recommended for wilderness designation and is managing as such—taking management actions, for example, like closure and decommissioning of roads that formerly separated these Inventoried Roadless Areas. The Gypsum Creek Roadless Area is included in this recommendation and the Red Creek Road (FSR 4-425.1) and a portion of the Red Table Road (FSR 3-514.1) have been closed to all mechanized and motorized traffic, so that these two areas are now one continuous roadless area unseparated by roads.

The excluded areas that need to be added to the CRA inventory are around FSR 4-457.1 southwest of the LEDE Reservoir, north of the Leeman Gulch Road 4-417.1, and along the wilderness section of FSR 3-514.1. Additionally, the SRCA inventory identified over 1,000 acres of contiguous roadless land southeast of the WRNF and CRA inventoried area, the majority of which is being managed as deer and elk winter range. The CRA inventory needs to be updated and extended to include all of the areas being managed as Wilderness and the additional SRCA acres in order to fully and accurately reflect the actual extent of this roadless area. (Preservation/Conservation, Carbondale, CO - #686.65.63000.620)

**4-185 Public Concern: The Forest Service should expand the Reno Mountain Roadless Area boundary.****TO INCLUDE AREAS ALONG WEST DIVIDE CREEK ROAD AND IN CAYTON GULCH**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Reno Mountain Roadless Area

Rifle Ranger District

Location: South of Rifle in Mesa County

CRA Name: Reno Mountain

CRA Acres: 12,400

2001 Name: Reno Mountain

2001 Acres: 12,400

SRCA Name: Reno Mountain

SRCA Acres: 12,800

The Reno Mountain Roadless Area adjoins the SRCA Hightower Roadless Area on the Grand Mesa National Forest. The WRNF and CRA inventories excluded several hundred acres along the West Divide Creek Road (FSR 800.1) and in Cayton Gulch on the northern side of the roadless area for no apparent reason. The SRCA inventory program supports and employs this practical, iterative approach to mapping roadless area boundaries. The CRA inventory should also connect these roadless areas. (Preservation/Conservation, Carbondale, CO - #686.66.63000.620)

**4-186 Public Concern: The Forest Service should expand the Ripple Creek Pass Roadless Area boundary.****BECAUSE INAPPROPRIATE CRITERIA WERE USED FOR SELECTING THE BOUNDARY**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Ripple Creek Pass Roadless Area

Blanco Ranger District

Location: Between the northern edge of the Flat Tops Wilderness Area and Rio Blanco County Road 8 at the Ripple Creek Pass between the White River and Routt National Forests

CRA Name: Ripple Creek Pass

CRA Acres: 600

2001 Name: Ripple Creek Pass

2001 Acres: 600

SRCA Name: Ripple Creek Pass

SRCA Acres: 1,500

The Ripple Creek Pass Roadless Area is adjacent to the northern boundary of the Flat Tops Wilderness at the boundary between the White River and Routt National Forests. Across the Routt National Forest boundary, it is adjacent to the much larger Bunker Basin Roadless Area (SRCA 16,100 acres, CRA 12,800 acres).

The WRNF excluded the greater part of the area between the Flat Tops Wilderness and the Ripple Creek Pass (CR 8) and Trappers Lake (FSR 2-205) Roads from its roadless inventory because of its proximity to these county and Forest Service roads. This is not a valid criterion for establishing a roadless area boundary and needs to be amended. The SRCA boundary that uses these two main roads and the Picket Pin-Lily Pond Trail 1812 at its very southeastern end is the model that the CRA should be following in this case. (Preservation/Conservation, Carbondale, CO - #686.67.63000.620)

#### **4-187 Public Concern: The Forest Service should expand the Ryan Gulch Roadless Area boundary.**

##### **TO REFLECT THE FULL EXTENT OF THE ROADLESS LANDS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Ryan Gulch Roadless Area  
Dillon Ranger District

Location: On the western edge of Silverthorne in Summit County

CRA Name: Ryan Gulch

CRA Acres: 600

2001 Name: Ryan Gulch

2001 Acres: 600

SRCA Name: Ryan Gulch

SRCA Acres: 1,700

The Ryan Gulch Roadless Area is bordered on its western side by the Eagles Nest Wilderness Area. The southern boundaries of the WRNF and CRA inventories are arbitrarily truncated at Salt Lick Gulch, when in fact the National Forest roadless lands bordering the Eagles Nest Wilderness Area extend all the way to the Frisco exit off I-70. The full extent of this roadless area is documented in the SRCA inventory. The CRA inventory for this area needs to be corrected to reflect this actual extent. (Preservation/Conservation, Carbondale, CO - #686.68.63000.620)

#### **4-188 Public Concern: The Forest Service should expand the Salt Creek Roadless Area boundary.**

##### **TO FULLY AND ACCURATELY REFLECT THE EXTENT OF THIS ROADLESS AREA**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Salt Creek Roadless Area  
Eagle Ranger District

Location: Southwest of Edwards in Eagle County

CRA Name: Salt Creek

CRA Acres: 5,600

2001 Name: Salt Creek

2001 Acres: 5,600

SRCA Name: Salt Creek

SRCA Acres: 10,600

The Porphyry Road 4-435.1 is, in fact, closed some distance south of the National Forest boundary and so overgrown as to be impassable. This adds some 4,000 acres of contiguous roadless land and critical wildlife habitat from Porphyry Mountain west to Brush Creek to the CRA inventoried area, including most of the CNHP East Brush Creek PCA (High Biodiversity Significance). The CRA inventory for this area needs to be extended to include this entire contiguous area in order to fully and accurately reflect the extent of this roadless area. (Preservation/Conservation, Carbondale, CO - #686.69.63000.600)

#### **4-189 Public Concern: The Forest Service should expand the Sawtooth CRA boundary.**

##### **TO PROTECT WILDLIFE HABITAT AND RECREATION OPPORTUNITIES**

Sawtooth CRA

- 2001—44,500 acres [2001 IRA acreage]

- 2003—28,300 [Southern Rockies Conservation Alliance roadless acreage]

- 2005—22,850 [Grand Mesa, Uncompahgre and Gunnison Forest Plan revision process roadless acreage]

- 2009—22,800 [2009 Proposed acreage]

- The Sawtooth CRA is situated in the southernmost extent of the Gunnison Ranger District to the east of the Cochetopa Hills. While the acreage of the Sawtooth CRA has been dramatically reduced from the 2001 Roadless Inventory, this reduction in acreage is at least partially accurate due to on the ground conditions. The southern extent of the former IRA now contains Forest Service system roads and does not retain its roadless character. However the 2005 GMUG re-inventory of roadless lands failed to retain a several thousand acre northern portion of the Sawtooth Mountain IRA that remains roadless. The few roads in the northern part of the CRA can easily be cherry-stemmed out of the inventory while the core of this region, at the headwaters of Lick and Bead Creeks can and should remain in the inventory to protect wildlife habitat.

The area provides summer range for bear, mule deer, elk and moose, and is a calving area for elk. Lynx habitat is mapped in this CRA. East Fork South Beaver Creek is designated a native cutthroat water and contains a conservation population of Colorado River cutthroat trout. Winter range for bald eagle extends into the eastern edges of this CRA. Motorized and mechanized travel opportunities have been limited by the closures. The decommissioning of roads within the area has been largely successful and previously roaded lands are reverting to a natural appearing landscape. Rugged terrain, dense vegetation, distance away from sights and sounds of development, and lack of trails within the unit provide opportunities for remoteness and solitude. Recreation activities are generally non-motorized, hunting and horseback riding. This CRA is within a state defined source water assessment area (municipal water supply). (Preservation/Conservation, Crested Butte, CO - #678.13-14.63000.002)

#### **4-190 Public Concern: The Forest Service should expand the Sloan Peak Roadless Area boundary.**

##### **TO CORRECT ERRORS IN THE INVENTORY**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Sloan Peak Roadless Area  
Aspen and Sopris Ranger Districts

Location: Northwest of Aspen in Pitkin County

CRA Name: Sloan Peak

CRA Acres: 20,000

2001 Name: Sloan Peak

2001 Acres: 20,100

SRCA Name: Sloan Peak

SRCA Acres: 31,400

The SRCA inventoried Sloan Peak Roadless Area is adjacent to the Hunter-Frying Pan Wilderness Area at its eastern end.

There are two major deficiencies in the WRNF and CRA inventories of the Sloan Peak Roadless Area. The first is that about 3,000 acres of wild land directly adjacent to the Hunter-Fryingpan Wilderness Area are neither incorporated into the Sloan Peak Roadless Area nor inventoried as a roadless area in their own right. The reason given for not including them in the Sloan Peak Roadless Area is that a string of three privately owned mining claims nearly severs the continuity of public land between the currently inventoried Sloan Peak Roadless Area and the section adjacent to the Hunter-Fryingpan Wilderness Area. But the southern two of these claims have permanent conservation easements on them and will never be developed; thus, the actual roadless character of the land will remain continuous.

The second major exclusion is equally unjustifiable. Some 4,000 acres in the Red Canyon area were excluded because of a network of (mostly non-system) motorcycle trails. While such motor recreation would not be permissible in a wilderness area, it is specifically allowed in a roadless area.

Both of these errors in the WRNF inventory need to be corrected in the CRA inventory in order to make a full and accurate accounting of the extent of roadless land in this area. The Red Canyon section must be added to the Sloan Peak area, and the Porphyry Mountain area (the area east of the mining claims) must be added to either the Sloan Peak or Wildcat Mountain Roadless Areas, or added to the inventory as a separate area. (Preservation/Conservation, Carbondale, CO - #686.70-71.63000.620)

#### **4-191 Public Concern: The Forest Service should expand the Sweetwater A and B Roadless Area boundaries.**

##### **TO INCLUDE ALL OF THE IDENTIFIABLE ROADLESS AREAS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Sweetwater A & B Roadless Areas

Eagle Ranger District

Location: Flat Tops Mountains north of Glenwood Canyon

CRA Name: Sweetwater A and Sweetwater B

CRA Acres: Sweetwater A 11,900, Sweetwater B 4300, 16,200 total

2001 Name: Sweetwater A and Sweetwater B

2001 Acres: Sweetwater A 11,900, Sweetwater B 4300, 16,200 total

SRCA Name: Sweetwater

SRCA Acres: 21,800

The Sweetwater A Roadless Area is adjacent to the Flat Tops Wilderness Area along its northern border.

Sweetwater A and B are typical of the White River National Forest's [WRNF's] Flat Tops "Roadless" Areas—their boundaries were determined as much by topography as by constructed roads and delineated land ownership. The clear intent of the WRNF roadless inventory here was to select areas considered capable and available for management as wilderness under the Forest Service's own guidelines. Roadlessness is only the first of the factors that guided the WRNF in its selection of areas and boundaries.

The next was what it calls "defensible" boundaries—boundaries that physically discourage travel by snowmobiles and other off-road vehicles. On the Flat Tops, the "defensible" boundaries are the canyon rims—the broad grasslands and open forest that cover the greater part of the Flat Tops were abandoned to the off-road vehicle users. Since off-road travel by snowmobiles is not prohibited in roadless areas, the WRNF criteria for boundary determination are totally unsuitable for the CRA inventory of the Flat Tops in particular. Sweetwater A alone leaves out 4,300 acres of Flat Tops tableland between its official boundary and the nearest roads.

It is incumbent upon the CRA to look past the narrow limits of the WRNF inventory to include all of the identifiable roadless areas on the White River National Forest—and, most of all, on the Flat Tops—in its State of Colorado Roadless Inventory. There is little disagreement between the SRCA and CRA inventories over the northern, eastern, and western boundaries of Sweetwater A—basically, two irrigation ditches near the wilderness boundary that were cherry-stemmed out as if they were roads. The southern boundary is where the CRA inventory leaves the road—specifically the Coffee Pot Road (FSR 4-600.1) as the southwestern boundary and the Jack Spring Road (FSR 4-618.1) along the southern boundary. The SRCA inventory does leave a major cherry-stem in the area for the Picket Pin Road (FSR 4-641.1). The SRCA inventory uses 618 as the principal southern boundary for Sweetwater B as well. (Preservation/Conservation, Carbondale, CO - #686.72-73.63000.680)

#### **4-192 Public Concern: The Forest Service should expand the Tenderfoot Mountain Roadless Area boundary.**

[ATT 5] Roadless Area: Tenderfoot Mountain

Acreage: 8,378 acres (2nd largest roadless area in [Summit] County)

General Location: Northern portion of the basin: east of I-70, north of Highway 6, and west of Loveland Pass.

Evaluation Criteria:

USFS Land And Resource Management Plan "Management Prescription":

- Special Interest Areas—Minimal Use and Interpretation; Backcountry Recreation - Non-motorized; and Forested Landscape Linkages

USFS Management Considerations (i.e., current management goals. land trades. boundary adjustments):

- The area around Loveland Pass receives a lot of user traffic in both the summer and winter. Providing for adequate parking to accommodate users at peak times remains a challenge on top of the Pass.
- It appears previous forest management prescriptions were a factor in determining and developing the southwestern boundary of the roadless area. There are a series of clear cuts and primitive roads that the southwestern boundary of the roadless area skirts.
- It is not clear why the boundary of the roadless area did not extend around I-70 (i.e., lack of roads and undisturbed area).

Summit County Snake River Master Plan Considerations (i.e., land use designation, visibility, significant routes)

- Land Use Designation—Open Space/Natural Resource Recreation. Intended to protect and preserve lands in a predominantly undeveloped state while providing for one or more of the following community benefits: buffers, view corridors, access to trails, trailheads, water bodies, or National Forest areas, and dispersed or developed recreational facilities or passive recreational activities.
- Visibility—The majority of the property is not visible from observation points along I-70, Swan Mountain Road, Hwy 6, and Montezuma Road. The most visible areas are the northwestern portion of the property (adjacent to I-70) and the southeastern portion of the property (adjacent to Hwy 6).
- Significant Routes—None

Adjacent Land Uses and Ownership Patterns:

- I-70 borders the roadless area to the northwest, and Highway 6 borders the roadless area to the southeast.

Environmental and Wildlife Considerations (i.e., unique ecosystems, wetlands, slope):

- Slopes 30% or greater, wetlands, and numerous streams.
- Division of Wildlife representatives indicate the proposed roadless area would not negatively affect their ability to manage wildlife.

Other (i.e., legal infrastructure, unique issues):

- The Division of Water Resources identifies three head gate features located near the western side of the Eisenhower Tunnel. Two head gates are owned by Adolph Coors Company and are not in the roadless area. Another head gate is owned by CDOT [Colorado Department of Transportation] and is possibly located within the roadless area. A fourth head gate is owned by Larry Ziruolo and is in the roadless area.

Recommendations:

- The Inventoried Roadless Area should be designated as roadless.
- It is suggested to expand the boundary of the roadless area approximately 1,281-acres north and west around I-70 to incorporate lands within the boundaries of the identified Special Interest Areas—Minimal Use or Interpretation and Pristine Wilderness management prescriptions (excluding areas already designated as part of the Ptarmigan Peak Wilderness Area). The expanded boundary should provide an adequate buffer for possible expansion of the Interstate.
- The eastern boundary of the roadless area (west of Loveland Pass) should also be extended to match the boundary of the U.S. Forest Service Backcountry Recreation—Non-Motorized management prescription, thus adding approximately 102 acres to the roadless area designation.
- In the context of the “Respect Existing Rights” guiding principle, recognize the legal right to access and maintain the Coors Company, CDOT, and Ziruolo head gate features. (Summit County Board of Commissioners, Breckenridge, CO - #679.24-25.63000.002)

#### **TO REFLECT THE ACTUAL EXTENT OF ROADLESS LAND IN THIS AREA**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Tenderfoot Mountain Roadless Area

Dillon Ranger District

Location: Directly east of Dillon in Summit County

CRA Name: Tenderfoot Mountain

CRA Acres: 8,400

2001 Name: Tenderfoot Mountain

2001 Acres: 8,400

SRCA Name: Tenderfoot Mountain

SRCA Acres: 14,400

The WRNF and CRA inventories for this area cover only the most pristine portion of the Tenderfoot Roadless Area, which leaves out 6,000 roadless acres, most of which is more than 1/4 mile from the nearest road or other development. This under-inventory by the WRNF needs to be corrected in the CRA in order to reflect fully and accurately the actual extent of roadless land in this area. The SRCA inventory includes most of the Dillon Bay Fen (High Biodiversity Significance) and the Straight Creek (Moderate Biodiversity Significance) CNHP PCAs. (Preservation/Conservation, Carbondale, CO - #686.74.63000.660)

#### **4-193 Public Concern: The Forest Service should modify the boundary of the Tenderfoot Mountain Roadless Area.**

##### **TO INCORPORATE AREAS WITHIN THE SPECIAL INTEREST AREAS**

Tenderfoot Mountain Roadless Area: Expand the boundary of the roadless area approximately 1,281-acres north and west around I-70 to incorporate lands within the boundaries of the identified Special Interest Areas—Minimal Use or Interpretation and Pristine Wilderness management prescriptions (excluding areas already designated as part of the Ptarmigan Peak Wilderness Area). The expanded boundary should provide an adequate buffer for possible expansion of the Interstate. The eastern boundary of the roadless area (west of Loveland Pass) should also be extended to match the boundary of the U.S. Forest Service Backcountry Recreation—Non-Motorized management prescription, thus adding approximately 102 acres to the roadless area designation. (Summit County Board of Commissioners, Breckenridge, CO - #679.16.63000.162)

##### **TO PROVIDE ADDITIONAL BUFFER FROM THE EXISTING I-70 RIGHT-OF-WAY**

Tenderfoot Mountain Roadless Area: To accommodate potential future expansion of the I-70 corridor in accordance with CDOT [Colorado Department of Transportation] recommendations, [Summit] County [Board of County Commissioners] recommends that the boundary of the Tenderfoot Mountain Roadless Area be modified to provide an additional 500 foot buffer from the existing I-70 right-of-way. (Summit County Board of Commissioners, Breckenridge, CO - #679.10.63000.860)

#### **4-194 Public Concern: The Forest Service should expand the Tenmile Roadless Area boundary.**

##### **TO ENCOMPASS THE PEAK ONE AREA AND RECOGNIZE FOREST SERVICE LAND TRADES**

Ten Mile Roadless Area: Consider extending the boundary of the roadless area further north, south, and west: extend north to encompass the Peak One area and recognize U.S. Forest Service land trades (following the Backcountry Recreation—Non-motorized management prescription); extend south to Mayflower Gulch Road while excluding privately held mining claims; and extend west to match the Backcountry Recreation—Non-motorized management prescription boundary. The recommended expansion/extension would incorporate approximately 1,200 acres to the north, approximately 1,309-acres to the south, and approximately 116.6 acres to the west into the Tenmile Roadless Area (approximately 2,625.6 acres total). (Summit County Board of Commissioners, Breckenridge, CO - #679.18.63000.610)

[ATT 9] Roadless Area: Tenmile

Acreage: 6,383 acres

General Location: Eastern portion of the Ten Mile Basin, Peak 2 south to Peak 10, situated between I-70 and ridge of Tenmile Range.

Evaluation Criteria:



USFS Land and Resource Management Plan “Management Prescription”:

- Backcountry Recreation—Non-motorized
- Dispersed Recreation
- Ski-Based Resorts—Existing & Potential
- Designated Utility Corridors—Existing & Potential

Summit County Ten Mile Master Plan Considerations (i.e., land use designation, visibility, significant routes):

- Land Use Designation—National Forest (placed on USFS lands intended to be used for public use and to be protected from development other than recreational uses).
- Visibility—Exceptional visual importance.
- Significant Routes—Wheeler National Recreation Trail, Continental Divide National Scenic Trail, and Colorado Trail (summer trails). Designating the area as roadless would not affect the ability to manage continued use of the identified significant routes.

Adjacent Land Uses and Ownership Patterns:

- The Tenmile Range runs along the eastern portion of the roadless area, and I-70 and Highway 91 are located to the west of the roadless area.
- The “SKY Chutes” and other avalanche hazard areas are located within the boundaries of the roadless area.

Environmental and Wildlife Considerations (i.e., unique ecosystems, wetlands, slope):

- Slopes 30% or greater, streams and some wetlands.
- Division of Wildlife representatives indicate the proposed roadless area would not negatively affect their ability to manage wildlife.

Other (i.e., legal infrastructure, unique issues):

- The Division of Water Resources identifies a head gate (Robert Eckles) possibly located in the northern portion of the roadless area. It appears to be situated on the roadless area boundary.

Recommendations:

- The Inventoried Roadless Area should be designated as roadless.
- Consider extending the boundary of the roadless further north, south, and west: extend north to encompass the Peak One area and recognize U.S. Forest Service land trades (following the Backcountry Recreation—Nonmotorized management prescription); extend south to Mayflower Gulch Road while excluding privately held mining claims; and extend west to match the Backcountry Recreation—Non-motorized management prescription boundary. The recommended expansion/extension would incorporate approximately 1,200 acres to the north, approximately 1,309-acres to the south, and approximately 116.6 acres to the west in the Tenmile Roadless Area (approximately 2,625.6 acres total).
- In the context of the “U.S. Forest Service Edge Mapping/Mapping Errors” guiding principle, reconfigure the edge mapping errors of the roadless area boundary to: follow the Backcountry Recreation—Non-motorized management prescription; have the eastern boundary follow the top/ridge of the Tenmile Range; and exclude the Utility Corridor and Dispersed Recreation management prescriptions.
- In the context of the “Respect Existing Rights” guiding principle, recognize the legal right to access and maintain the Robert Eckles head gate feature. (Summit County Board of Commissioners, Breckenridge, CO - #679.31-32.63000.002)

#### **TO THE SRCA INVENTORY BOUNDARIES**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Tenmile Roadless Area

Dillon Ranger District

Location: Southwest of Frisco, west of Breckenridge in Summit County

CRA Name: Tenmile

CRA Acres: 6,200

2001 Name: Tenmile

2001 Acres: 6,400

SRCA Name: Tenmile Range

SRCA Acres: 27,800

The WRNF and CRA inventories of the Tenmile Roadless Area cover less than 1/4 of the actual contiguous roadless land in the Tenmile Range. The wilderness-oriented “defensible boundary” rationale appears to be fully deployed in this case: the entire inventoried area is on the steeper, wind- and avalanche-scoured west side of the range where there is no possibility of ski area development or timber harvesting, and no private mining claims to create management headaches. These considerations have no application in a true roadless area inventory, such as the one conducted by SRCA. The CRA needs to abandon the restrictive approach to the Tenmile Roadless Area taken by the Forest Service and extend the inventory boundary to the actual roads and private land and permitted ski area boundaries used in the SRCA inventory. (Preservation/Conservation, Carbondale, CO - #686.75.63000.600)

#### **4-195 Public Concern: The Forest Service should expand the Thompson Creek Roadless Area boundary.**

##### **TO ACCOUNT FOR CHANGES IN LAND OWNERSHIP AND ROUTE DESIGNATIONS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Thompson Creek Roadless Area

Sopris and Rifle Ranger Districts

Location: West of Carbondale in Garfield and Pitkin Counties

CRA Name: Thompson Creek

CRA Acres: 18,500

2001 Name: Thompson Creek

2001 Acres: 18,500

SRCA Name: Thompson Creek

SRCA Acres: 31,200

The Thompson Creek Roadless Area is adjacent to the Clear Fork Roadless Area on the Gunnison National Forest. In the SRCA inventory, it is also contiguous with the Assignment Ridge and East Willow Roadless Areas, as well as the SRCA-identified Hayes Creek Roadless Area, forming a network of roadless land covering over 100,000 acres in an area of regional wildlife value.

The WRNF and CRA inventories for the Thompson Creek Area fail to account for changes in land ownership and route designations that have occurred since the WRNF inventory was initiated over ten years ago. In that time, the government has acquired large tracts of land from the defunct coal mine in Coal Basin west of Redstone, effectively connecting areas of National Forest land previously separated by private holdings. Additionally, as the mine was decommissioned, many miles of mine roads were closed and reclaimed, which also served to consolidate and connect the roadless areas. The more recently conducted SRCA inventory takes these changes into account and should guide the necessary corrections and additions to the CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.76.63000.600)

#### **4-196 Public Concern: The Forest Service should expand the Tigiwon Roadless area boundary.**

##### **TO SHOW THE ACTUAL EXTENT OF ROADLESS LAND IN THIS AREA**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Tigiwon Roadless Area  
Holy Cross Ranger District

Location: South of Minturn along US 24 in Eagle County

CRA Name: Tigiwon

CRA Acres: 2,000

2001 Name: Tigiwon

2001 Acres: 2,000

SRCA Name: Tigiwon

SRCA Acres: 3,800

The Tigiwon Roadless Area is adjacent to the Holy Cross Wilderness Area. The northern boundary of the WRNF and CRA inventories bears no relationship to roads or the forest boundary, but consists of a series of cartographic lines between obscure landmarks. Peterson Creek Road (FSR 7-706) is virtually abandoned and closed to all but foot traffic, so it should be incorporated into the roadless area as well. This brings the Tigiwon Roadless Area boundary down to the Eagle River, excepting privately held mining claims near the river. The CRA inventory boundary needs to be extended to show the actual extent of roadless land in this area, as illustrated by the SRCA Tigiwon inventory. (Preservation/Conservation, Carbondale, CO - #686.77.63000.620)

#### **4-197 Public Concern: The Forest Service should expand the Treasure Mountain Roadless Area boundary.**

##### **TO ACCOUNT FOR THE ACTUAL EXTENT OF ROADLESS LAND**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Treasure Mountain Roadless Area

Sopris Ranger District

Location: Southeast of Marble in Gunnison County

CRA Name: Treasure Mountain

CRA Acres: 1,500

2001 Name: Treasure Mountain

2001 Acres: 1,500

SRCA Name: Treasure Mountain

SRCA Acres: 3,800

The Treasure Mountain Roadless Area is adjacent to the Raggeds Wilderness Area. The WRNF and CRA inventory boundaries bear no relation to roads, private parcels, or even the topography in the Treasure Mountain area, but consist of straight lines between highpoints in the upper part of the basin. As a result, the point on the northern boundary closest to the Crystal River Road (FSR 3-314.1) is still 1/2 mile away and 2,000 feet above the road. From the easternmost point on the boundary it is 3/4 mile due east to the end of the North Pole Basin Road (FSR 3-314.3P).

The rationale for this severely truncated boundary was the potential for snowmobile and ORV trespass into the area—a questionable argument since most of the excluded area consists of 30-45 degree slopes scoured by avalanche paths. In spite of this harsh terrain, some of the lower slopes of Treasure Mountain are covered with inactive mining claims that the SRCA inventory used as its boundary wherever the National Forest land doesn't reach all the way to the Crystal River Road. The CRA inventory needs to adopt this approach to fully and accurately account for the actual extent of roadless land on Treasure Mountain. (Preservation/Conservation, Carbondale, CO - #686.78.63000.620)

#### **4-198 Public Concern: The Forest Service should expand the Wildcat Mountain Roadless Area boundary.**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Wildcat Mountain Roadless Area

Sopris Ranger District

Location: East of Basalt near the headwaters of the Fryingpan River in Pitkin County

CRA Name: Wildcat Mountain

CRA Acres: 3,500

2001 Name: Wildcat Mountain A

2001 Acres: 3,500

SRCA Name: Wildcat Mountain

SRCA Acres: 3,300

The Wildcat Mountain Roadless Area is adjacent to the Hunter-Fryingpan Roadless Area. The SRCA inventory includes fewer acres than the WRNF and CRA inventories because it included the land on Cyclone Mountain at the west end of the Wildcat Mountain Roadless Area in its inventory of the Sloan Peak Roadless Area. (Preservation/Conservation, Carbondale, CO - #686.79.63000.620)

#### **4-199 Public Concern: The Forest Service should expand the Wildcat Mountain B Roadless Area boundary.**

##### **TO PROTECT WETLAND AREAS**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Wildcat Mountain B Roadless Area

Sopris Ranger District

Location: East of Basalt near the headwaters of the Fryingpan River in Pitkin County

CRA Name: Wildcat Mountain B

CRA Acres: 2,300

2001 Name: Wildcat Mountain B

2001 Acres: 2,300

SRCA Name: Wildcat Mountain

SRCA Acres: 2,400

The Wildcat Mountain B Roadless Area is adjacent to the Hunter-Fryingpan Wilderness Area. The SRCA inventory includes a small area northwest of Nast on the Fryingpan River that was once subjected to timber thinning. Because this area excluded in the WRNF and CRA inventories straddles the river and includes wetland areas, it is appropriate to manage it as a roadless area in the future, and it should be added to the CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.80.63000.200)

#### **4-200 Public Concern: The Forest Service should expand the Wildcat Mountain C Roadless Area boundary.**

##### **TO INCLUDE AREAS THAT WERE INAPPROPRIATELY EXCLUDED**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Wildcat Mountain C Roadless Area

Sopris Ranger District

Location: East of Basalt near the headwaters of the Fryingpan River in Pitkin County

CRA Name: Wildcat Mountain C

CRA Acres: 4,700

2001 Name: Wildcat Mountain C

2001 Acres: 4,700

SRCA Name: Wildcat Mountain

SRCA Acres: 6,100

The Wildcat Mountain C Roadless Area is adjacent to the Hunter-Fryingpan Wilderness Area and to the Mount Massive Roadless Area on the Pike-San Isabel National Forest.

The WRNF and CRA inventories of this area excluded two large parcels of roadless land that should properly be included in Wildcat Mountain C. The WRNF inventory used two underground tunnels—the Charles H Boustead water diversion tunnel and the historic Hagerman railroad tunnel—to artificially truncate the roadless area at its south end. On the west side, a long strip between the Hunter-Fryingpan

Wilderness boundary and FSR 3-505.1 needs to be added to the CRA inventory. The Colorado Natural Heritage Program includes almost all of this extension in its High Biodiversity Significance Fryingpan River PCA. On the eastern side, the Wildcat Mountain C Roadless Area is adjacent to the Mount Massive Roadless Area on the Pike-San Isabel National Forests, and both are adjacent to an area of land between the Ivanhoe Lake Road (Pitkin County 4I) and a powerline corridor. This piece should also be added to the CRA inventory. (Preservation/Conservation, Carbondale, CO - #686.81.63000.660)

#### **4-201 Public Concern: The Forest Service should expand the Williams Fork Roadless Area boundary.**

##### **TO INCLUDE ALL THE ROADLESS LAND ON THE WEST SIDE OF WILLIAMS PEAK**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Williams Fork Roadless Area

Dillon Ranger District

Location: North of Silverthorne and east of Route 9 between Ute Pass and the north end of the Green Mountain Reservoir.

CRA Name: Williams Fork

CRA Acres: 6,600

2001 Name: Williams Fork

2001 Acres: 6,600

SRCA Name: Williams Fork

SRCA Acres: 8,800

The Williams Fork Roadless Area on the White River National Forest mirrors but never actually joins with the Copper Mountain Roadless Area on the Arapaho-Roosevelt National Forest side of the Williams Fork Mountains.

The WRNF and CRA inventories match 3/4 of the SRCA inventory almost exactly. The big difference is 2,000+ unroaded acres between FSR 5-2850W.1 in Cox Gulch and the White River/Arapaho-Roosevelt forest boundary 2 1/2 mile to the north. There are no apparent roads or other reasons to terminate the boundary at Cox Gulch. The CRA inventory needs to be amended to include all the roadless land on the west side of Williams Peak.

The WRNF inventory totally failed to account for a smaller roadless area (approximately 3,500 acres) that does adjoin the Copper Mountain Roadless Area on the Arapaho-Roosevelt National Forest. The eastern boundary of the Williams Fork Roadless Area is formed largely by a powerline and service road cutting across the range and down into the Blue River Valley. Between the powerline and the forest boundary lie Eagle Roost Mountain and most of the Pass Creek Watershed. This area was identified too late to field-check and include in the SRCA inventory. The CRA can amend this oversight by verifying the apparent roadless character of this area and adding it to the Copper Mountain Roadless Area. (Preservation/Conservation, Carbondale, CO - #686.82.63000.620)

#### **4-202 Public Concern: The Forest Service should expand the Woods Lake Roadless Area boundary.**

##### **TO REPRESENT ALL OF THE ROADLESS LAND IN THIS AREA**

Area Inventoried But Where Roadless Acreage Was Unjustifiably Excluded: Woods Lake Roadless Area

Sopris and Eagle Ranger Districts

Location: South of Eagle in Eagle and Pitkin Counties

CRA Name: Woods Lake

CRA Acres: 9,500

2001 Name: Woods Lake

2001 Acres: 9,500

SRCA Name: Woods Lake

SRCA Acres: 14,300

The Woods Lake Roadless Area is bordered by the Holy Cross Wilderness on its eastern side. The WRNF roadless inventory failed to include almost 5,000 acres of roadless land in the East Brush Creek watershed south and east of Fulford that is both adjacent to the Holy Cross Wilderness Area and contiguous with the land included in the inventory. The CRA inventory needs to be extended northward to include this section outlined in the SRCA inventory in order to fully and accurately represent all of the roadless land in this area. (Preservation/Conservation, Carbondale, CO - #686.83.63000.620)

#### **4-203 Public Concern: The Forest Service should expand the Whetstone Roadless Area boundary.**

##### **TO CONFORM TO THE BOUNDARIES PROPOSED BY SRCA**

Whetstone CRA

- 2001—17,500 acres [2001 IRA acreage]

- 2003—20,300 [Southern Rockies Conservation Alliance roadless acreage]

- 2005—14,170 [Grand Mesa Uncompahgre and Gunnison Forest Plan revision process roadless acreage]

- 2009—15,500 [2009 Proposed acreage]

- The Whetstone CRA is one of the premier remaining roadless areas in the Upper East River valley region. This stand alone roadless area is over 15,000 acres in size and contains the headwaters of several area creeks. The protection of this area is of paramount concern for local residents. This area is likely to be proposed for Wilderness designation under a revised GMUG Forest Plan. The SRCA inventory of this area is an accurate indication of the actual roadless acres that should be included in the Whetstone CRA.

The entire CRA is within the very large Crested Butte conservation site identified by The Nature Conservancy. This CRA contains elk production (calving area) and summer concentration area which is contiguous with summer concentration areas to the west and south in the West Elk Wilderness. A major migration corridor also crosses this area which currently allows migration to winter ranges south and west. CRA provides important summer habitat for mule deer. This CRA contains lynx habitat and is adjacent to home ranges for several lynx. Other sensitive species dependent on high elevation conifer habitats could potentially occur in this area. (Preservation/Conservation, Crested Butte, CO - #678.15.63000.300)

## **Road Construction and Closures**

#### **4-204 Public Concern: The Forest Service should avoid constructing new roads in roadless areas.**

##### **TO PROTECT NATURAL VALUES**

I urge you to limit roads, and protect the beauty from ATVs and greedy spoilers. Stand your ground. (Individual, Cortez, CO - #430.1.64000.002)

The best reason I can think of for protecting unspoiled rivers and streams in the Colorado backcountry, which might be at risk if any form of road, except hiking trails, is this: once access is granted to motor vehicles these areas will no longer be backcountry. That means that the folks who currently make the effort to hike or mountain bike into areas where there are no roads will never again be able to visit their favorite places to fish and hunt and find them unspoiled by the noise and pollution that vehicles bring to the wilderness. Please, don't build any more access roads into areas which currently do not allow access to motor vehicles in the Colorado wilderness. (Individual, Boulder, CO - #395.1.64100.560)

Please help protect our natural resources by eliminating the possibility of permanent or temporary roads and construction in the backcountry. I oppose any progress that may cause negative implications for the natural habitat for fish, birds, mammals and vegetation, and of course recreation. Please consider keeping the wild country wild! (Individual, Longmont, CO - #512.1.64000.002)

#### **BECAUSE SUFFICIENT ROADS ALREADY EXIST**

There are too many roads in our nation that need to be maintained. Before we build these new roads you want to build, consider the countless miles of city roads that we need to focus on. (Individual, Denver, CO - #42.3.64100.860)

I am an avid off-road motorcyclist but strongly encourage less road development. It would take a lifetime of riding to explore so many roads. Also, many valleys and drainages have multiple road access creating a confusing mess of road options. (Individual, - #417.1.64000.530)

The people who say the Forest Service is “trying to close” the Forest down for people to use it are misstating the facts. There are hundreds of miles of more roads now more than ever. The wildlife has very few places of refuge during hunting seasons anymore and people wonder why they cross into private property so early now in the Fall? Having so few places that a guy can hike into and not hear the sound of an ATV really is urbanizing our wild places. The water erosion, damage to native plants and soils, will not be replaced in the decades to follow. (Individual, - #222.4.64000.002)

#### **TO AVOID ADDING TO THE MAINTENANCE BACKLOG AND ASSOCIATED COSTS**

The 2001 National Roadless Rule mentions that there was an estimated 8.4 billion dollar backlog in deferred maintenance and reconstruction on the 386,000 miles of roads in the forest transportation system. So for fiscal considerations alone the roadless areas of Colorado should be left unmarked. (Individual, Buena Vista, CO - #55.4.64100.860)

#### **BECAUSE ROADS ARE INSUFFICIENTLY MAINTAINED, AFFECTING WATER QUALITY**

The US Forest Service cannot 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. (Individual, Evergreen, CO - #482.2.64100.243)

#### **EXCEPT IN VERY NARROW CIRCUMSTANCES**

I am in favor of a rule that prohibits any further temporary or permanent road construction in any forest or BLM area except in very narrow circumstances such as protection from fire. (Individual, Denver, CO - #218.3.64000.260)

Road construction should not be allowed in roadless areas, except for emergencies. The 2001 rule provides an adequate exception for emergency access to protect life and public safety. (Individual, Denver, CO - #530.12.64100.790)

#### **FOR WATER PROJECTS**

The final rule must prohibit road construction for water projects in roadless areas. (Individual, Bayfield, CO - #764.4.61000.240)

### **4-205 Public Concern: The Forest Service should avoid constructing roads in support of industry.**

#### **TO AVOID LAWSUITS**

The Forest Service has had a long history of constructing logging roads here, there, and everywhere to meet the supposed needs of local contractors, a history dating back to at least the 1960's. The Forest Service received a long history of bloody noises from the concerned public in this matter after repeated appeals and Federal court suits came down against the Agency in the matter. However, and apparently,

the Forest Service failed to learn any lessons from that history, and intends to repeat that history. The result will inevitably be the same—appeals and suits in Federal court won against the Agency with the same well-deserved black-eye for the Service! (Individual, Mount Juliet, TN - #150.8.64100.130)

**4-206 Public Concern: The Forest Service should require that roads constructed for mining and timber harvest be financed by the companies that benefit.**

**AND CONSTRUCTION SHOULD BE HELD TO ENVIRONMENTAL STANDARDS**

If the US Government is still paying for logging and mining roads in government-owned lands, this should stop immediately.

The companies that log and mine should pay for these—and the roads should be held to standards that minimize damage to the environment and perhaps contribute to fire protection. They are the only beneficiaries of the roads. Also, if they must pay, there should be less demand for publicly-owned lands for their enterprises. (Individual, Burlingame, CA - #351.3.64000.800)

**4-207 Public Concern: The Forest Service should avoid constructing roads in support of timber.**

**BECAUSE SUFFICIENT ROADS ALREADY EXIST**

Colorado and the rest of America already have enough roads without you the Forest Service allowing timber to build more into previously roadless areas. So stop this once and for all! (Individual, Portland, OR - #88.1.64100.680)

**4-208 Public Concern: The Forest Service should prohibit road construction for new water facilities.**

Those seeking to develop or maintain new water facilities in or adjacent to roadless areas should not be allowed to construct any new roads through those areas. (Individual, Denver, CO - #15.4.65100.001)

**4-209 Public Concern: The Forest Service should prohibit road construction to serve oil and gas development.**

Road construction should be prohibited on any oil and gas leases in roadless areas. (Individual, Durango, CO - #423.4.64100.421)

**BECAUSE THE ROADS ARE NOT NEEDED**

Since “roadless” means “no roads” may I also insist that road construction be prohibited on any oil and gas leases in roadless areas? What can the oil and gas folks do to reach their locations? This: the oil or gas beneath leased locations within roadless areas can be reached via directional drilling from places outside roadless areas. (Individual, - #389.5.64100.421)

**4-210 Public Concern: The Forest Service should not upgrade roads for safety reasons.**

**BECAUSE “SAFETY” IS NOT SUFFICIENTLY DEFINED**

Almost without exception, upgrading roads for “safety” reasons is bogus on low speed, minimum standard roads. This exception must be struck from all roadless area regulations. “Safety” is far too loose a term. “Safety” can and has been used to justify up-grading roads for inappropriate reasons. (Individual, Reno, NV - #425.3.64000.790)



#### **4-211 Public Concern: The Forest Service should reconsider the requiring NEPA analysis for temporary road construction.**

##### **BECAUSE IN MANY CASES NEPA ANALYSIS WILL HAVE ALREADY OCCURRED**

[ATT 1] The Proposed Plan provides that “any proposed action within a Colorado Roadless Area” will require NEPA analysis. See the Plan at [section] 294.34 (a). Further, any act that “substantially alters the undeveloped character of a Colorado Roadless Area require[s] an Environmental Impact Statement.” Id. If an Environmental Impact Statement is not required, because the project does not substantially alter the undeveloped character of the CRA, it must be so documented in the record. Presumably in these situations where an EIS is not required, a less detailed analysis (including an Environmental Assessment) for the construction of temporary or long-term temporary roads would be required. However, that is not made clear within the Proposed Plan.

Currently, when long-term temporary roads are developed to facilitate coal mining in the North Fork Valley, multiple levels of environmental analyses occur, including NEPA analysis, when the coal is leased and again when the mine is permitted. CMA [Colorado Mining Association] believes that unless forest conditions or the mine plan change significantly, no further NEPA analysis should be required to add a long-term temporary road since in most cases the necessity and inclusion of such roads will have already been subject to a NEPA analysis. To require under the Proposed Plan that a second NEPA analysis be required will only result in greater expense to mine operators; waste Federal administrative resources; and delay proposed mining activities. (Mining Industry/Association, Denver, CO - #832.19.64300.131)

#### **4-212 Public Concern: The Forest Service should expedite applications for temporary roads for existing mines.**

##### **TO ADDRESS PREVIOUS DELAYS AND ENSURE THAT OPERATIONS ARE NOT JEOPARDIZED**

[ATT 1] As a result of the claimed “uncertainty” over the 2001 Roadless Rule, the USDA Forest Service has unfortunately not responded to pending applications for roads necessary for existing mines to safely continue operation. For instance, in the Springhouse Park Inventoried Roadless Area, there is pending an application for road construction to allow for methane drainage wells. The proposed application is considered a technical revision of an existing permit. The activity proposed is within a State permit area, even though it is on Federal lands. Failure to timely issue this permit will jeopardize operations in the near term, result in the permanent by-pass of valuable coal reserves, and ultimately reduce Federal and state royalties, portions of which support the public school system. (Mining Industry/Association, Denver, CO - #832.21.64300.423)

#### **4-213 Public Concern: The Forest Service should adopt conservative road management in all roadless areas.**

##### **TO PROTECT ROADLESS CHARACTERISTICS**

Specific regulation wording recommendations for all areas, upper tier or not:

- Earth-moving for temporary access construction will be limited to an absolute minimum. Cutting stumps close to the ground without earth-moving, walking a cat over undisturbed ground, and allowing only winter use, are ways to provide temporary motor access with minimum disturbance.
- Wheeled vehicle access will be allowed only if non-motorized or helicopter access is clearly unfeasible.
- The only earth-moving permitted on system roads will be for site-specific erosion control. No system road within an IRA will be upgraded in any way permitting higher speed travel, travel via a lower clearance vehicle or travel via 2 wheel drive instead of a 4x4.
- No temporary road will be open at any time for general public use.
- All temporary roads will be permanently de-commissioned and closed to all use immediately upon completion of the project it serves.
- Roads permitted for “outstanding rights or as provided for in statute or treaty” will be open for use only by the permitted party for the permitted activity. (Individual, Reno, NV - #425.4.64000.002)

The proposed rule would allow too much road construction in roadless areas. Recognize that roads damage and destroy roadless area characteristics.

- Do not allow roads for water projects.
- Do not allow roads for mineral leases let since the 2001 rule became effective.
- Reduce road construction allowed for oil and gas leases.
- Prohibit roads for coal mining.
- Define road decommissions to mean obliteration and require it for all roads and linear construction zones.
- Prohibit roadbuilding for removal of “mineral materials” in roadless areas. (Place-Based Group, Ridgway, CO - #533.4.64000.621)

#### **4-214 Public Concern: The Forest Service should acknowledge the importance of the I-70 Mountain Corridor as it affects roadless areas.**

The CRA deals with forest road systems but does not seem to recognize the state and Federal transportation systems that pass through the forest, so we interpret this lack of recognition of the larger transportation system as problematic. Two possibilities for dealing with the I-70 Mountain Corridor improvements are:

1. On Page 4, in the Summary [of the RDEIS], add a 6th point of state-specific situations and concerns: “Accommodating improvements identified in the I -70 Mountain Corridor Record of Decision;” and/or
2. Include the ROD in the Chapter 2 listing of “Reserved and Outstanding Rights” or “Existing Land Use Authorizations” (page 43, 44) subject to ordinary NEPA requirements, but not subject to CRA or Upper Tier requirements. (Clear Creek County, Georgetown, CO - #537.3.64000.100)

#### **4-215 Public Concern: The Forest Service should allow exemptions to road construction restrictions for regional transportation projects.**

##### **TO ENSURE THAT COLORADO CAN PROVIDE A SAFE AND RELIABLE TRANSPORTATION SYSTEM**

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. (Colorado Department of Transportation, Denver, CO - #500.1.64100.620)

## **4-216 Public Concern: The Forest Service should allow temporary road construction and timber harvest.**

### **FOR FOREST HEALTH**

Potential loss of roadless area characteristics. The exceptions, in which road construction or reconstruction, use of LCZs, tree-cutting, sale or removal, and some other activities may occur in roadless areas under the proposed Colorado Roadless Rule, may result in a loss of roadless area characteristics.

It seems reasonable to ask which is more important: restoring our roadless areas to a healthy ecosystem or protecting “roadless area characteristics.” If temporary road construction, tree-cutting, and other activities can restore these areas to a more healthy ecosystem function, then it seems worthwhile at least not to preclude these activities. (Motorized Recreation, Pocatello, ID - #592.8.63000.002)

## **4-217 Public Concern: The Forest Service should reconsider prohibitions on road construction in roadless areas.**

### **BECAUSE THEY WILL RESTRICT COMMERCE, TRADE, AND ECONOMIC BENEFITS**

On page 21277, Section 294.43, (pages 26-29, 40, 49, 60-62, 65, 69, 112, 137-141, 146, 150, 151, 157 of EIS) there are plans for a prohibition on road construction which will restrict commerce, trade, economic benefits for the state and citizens which is again clear violations to rights of the state, citizens, businesses, and Native American Indian Nations. The agencies are using foreign mandates as sustainable development, Convention on Biological Diversity (CBD), Convention on Trade of Endangered Species (CITES) to control the state and the people and all property. (Individual, - #181.6.64000.125)

### **TO AVOID RESTRICTING RIGHTS OF LIBERTY TO TRAVEL FREELY**

Maps 1 through 3 depict the closing and decommissioning of many roads in Colorado used as accesses to oil and gas resources, grazing allotments, all forms of recreational activities, access for fighting wildfires, roads that connect to major highways and communities, roads used by the Native American Tribes to access all cultural and traditional needs as well as sacred sites, roads used for hunting, roads used by the public for hunting as well as access for lumber harvesting, roads used to access cabins and camping in the forests. The closing of these accesses is restricting travel, in turn will restrict commerce, trade, and hunting and again restrict rights of liberty to travel freely as described in Vattel’s Law of Nations and reflected in the State of Colorado Constitution. (Individual, - #181.18.64200.002)

### **BECAUSE OF THE PRIORITY OF FUEL REDUCTION AND OTHER FOREST MANAGEMENT**

The Final Colorado Roadless Rule needs less restrictions on logging and road construction in roadless areas. Fuel reduction should be a priority, and wise forest management should be unhindered. (Individual, Luna, NM - #563.1.64100.262)

### **BECAUSE RESTRICTING ROAD CONSTRUCTION FOR OIL AND GAS COULD RESULT IN A LOSS OF OPPORTUNITY**

Under Alternative 3, road construction and reconstruction for oil and gas development would be allowed in Roadless Areas in conjunction with existing and future oil and gas leases whose terms allow road construction and reconstruction. Future oil and gas leases could be offered, sold, and issued under the direction of forest plans and oil and gas leasing availability decisions.

Prohibiting road construction or reconstruction to access oil and gas basins in Roadless Areas that have not been leased prior to the effective date of rulemaking may result in a loss of opportunities to explore for and develop oil and gas resources in those areas. (Individual, CO - #241.11.64000.850)

### **TO AVOID UNNECESSARILY RESTRAINING FOREST MANAGEMENT**

There is no need for a “change in landscape.” The current system of forest management is a sustainable and effective method of ensuring the health of our forests. The Forest Service currently has the authority to shut down roads temporarily to solve problems relating to erosion and habitat destruction. Permanent decisions regarding the closing or opening roads unnecessarily handicaps the Forest Service’s ability to

react quickly to problems caused by changing weather conditions, and seasonal forest traffic, while interfering with the public's ability to access the majority of the forest, the majority of the time.

Denying access to roads will restrain forestry management, a very significant impact. (Individual, Dolores, CO - #634.2.64000.002)

#### **BECAUSE SUFFICIENT REGULATIONS ALREADY EXIST**

[ATT 1] Currently there are substantial regulations in place to protect the wilderness and National Forest where threats from improper road construction can be mitigated. It would take so many levels of approval with Environmental Impact Studies and just cause to construct any new roads that it is not likely there will be new roads without a benefit for the greater public good. Any regulation for a roadless area would constrain the National Forest restricting recreation, energy exploration, and timber harvest in the future. There is no need for more regulation; only a need to effectively use the regulations that are currently in place such as up-to-date Forest Management Plans that can be customized to the many differences each forest offers. (Individual, Georgetown, CO - #840.2.20000.680)

### **4-218 Public Concern: The Forest Service should avoid closing any RS2477 roads.**

#### **TO COMPLY WITH FEDERAL LAWS**

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 RS-2477 rights-of-way. 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 rights-of-way. 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. (Individual, Dolores, CO - #477.9.64000.138)

#### **Section 294.43 Prohibition on Road Construction and Reconstruction-**

Within our current economy there has been a decline in all forms of mineral extractions and all leases that currently exist would be adversely affected without the ability to build roads or improve on roads. Cultural and historical roads should be protected under RS 2477 designations which cannot be decommissioned or closed by Federal Agencies. Until confirmed by courts the DCBOCC request that these rights-of-way be respected. (Dolores County Board of Commissioners, Dove Creek, CO - #633.4.64000.138)

#### **BECAUSE ONLY CONGRESS HAS THE AUTHORITY TO CLOSE THESE ROADS**

R-S2477 Right-of-way: There are many mining claims in the higher elevations of the Colorado mountains that have historical roads accessing them. Only Congress has the right to abolish these types of roads. The Forest Service should have the responsibility to work with the local governments to determine which roads, if any, qualify for R-S2477 assertion. (Individual, Cortez, CO - #694.6.64000.138)

#### **4-219 Public Concern: The Forest Service should exclude mining and RS2477 roads in the San Isabel National Forest from roadless areas.**

##### **TO PROTECT ACCESS TO PRIVATE PROPERTY**

I would like to comment on the San Isabel area mainly but my comments are also broader in use...you have Mt Antero as a roadless area and it is not...many mining roads on Mt. Antero are “ca 1870 to 1880” such as the Tilden Mine...

I have been an owner of patented mining property for quite some time...there are a large number of historic RS 2477 roads in the San Isabel forest “and others”, that are not your property even though they now pass thru your holdings...these roads appear on our mineral surveys on file with BLM and they belong to the county in which they are located...there is presently a consideration by the Salida Ranger District to close the road off that accesses the Iron Chest and quite a few other claims including the Mollie which I own part of...the road is indicated on MS maps as a “county wagon road”...established prior to 1900...

This road was constructed with Chaffee County wagon road funds in 1882 and is historically the road from “St Elmo to Murphy Mountain”...1,500 dollars in road funds were spent when this road was constructed in the unappropriated public domain...it does not appear on the new travel management map and so the environmentalists want it closed...

Gentlemen, this is not a motorized vs nonmotorized, hiking, biking or spotted owl issue...it is a historic access to private property and not your road...there are a large number of these access roads up here...the original county wagon road from St Elmo to Hancock and beyond the divide is another one that does not belong to you and was needed last summer as an emergency escape and access route...it is a documented mail route in the years 1915 to 1918 when the Colorado and Southern did not carry the mail to Romley and Hancock...

I strongly feel that we have mostly concerned, ethical people working in the USFS including Ranger Bill Schuckert in the Salida District...the problem is you also have people employed with a personal agenda or a total lack of necessary knowledge in the area of RS 2477 and the above-stated concerns and this abuse is not limited to any one district. We have just completed a civil trial concerning access to some of our mining property in Chaffee County and these old roads were an important consideration in our suit. Please be very wary of closing off any roads. A lot of mining property owners are not local residents and some owners never see their property for several years and then return to find the access has been shut off, either by government action or the action of some private property owner. There are also issues of private property owners shutting off Forest Service access.

Speaking for myself and several other owners and claims, I really don’t care if the public travels these access roads as the public use keeps them open. As originally constructed they had to be open to the public as a stipulation of RS 2477 and I personally feel they still are as such. (Individual, - #22.1-2.64200.138)

#### **4-220 Public Concern: The Forest Service should clearly define what constitutes a “road.”**

##### **TO IMPROVE COMMUNICATION AND DECISION-MAKING**

After over 30 years of asking for the definition of a road of Forest Service offices and Bureau of Land Management, I can find no clear answer. You would think that would be the very first question when designating a particular area a “roadless area.”

Many lawsuits have been fought over these lands and their use and there still is no firm answer to that question.

I have researched many USFS and BLM documents to find any kind of wording or definition describing what a road is.

It is my sincere wish that this definition of a road, primitive road, motorized trail, and non-mechanized trail be taken into consideration for this and any future studies of roadless areas and wilderness areas.

These definitions have been expanded from terms and “definitions” currently used by both the USFS and BLM to determine what a “road” is. The current “definitions” are much too vague to define anything

of substance and leave “interpretation” by individuals who, according to most knowledgeable people, have highly questionable qualifications to make that determination on their own according to their personal prejudices.

Clear definitions of terms such as these make for better communication and understanding.

A “road”:

- is a linear route managed for use by low-clearance vehicles;
- is maintained for regular and continuous use;
- is a two track (or more) way of sufficient width to accommodate a full-size average American pickup truck, sport utility vehicle, or “Jeep”-type vehicle;
- is a way that was constructed by means of heavy equipment (bulldozer, motor grader, excavator, backhoe, tractor, etc.);
- does not require constant or repeated mechanical maintenance; may be used commercially and/or for recreation; and
- may have some or all of the following characteristics:
  - side drainage ditching;
  - side rows or berm(s) of dirt and/or rock;
  - cuts into a side hill;
  - steep grade(s);
  - off-camber site(s);
  - a “dug-way” or shelf into a cliff face or hill/mountainside; and
  - primitive surfaces including but not limited to:
    - environmental damage,
    - large rocks fallen onto its surface,
    - deep cuts from natural run-off or flooding,
    - encroaching underbrush growing into or from the way,
    - landslide(s),
    - wet or dry wash crossing(s),
    - stream or river crossing(s), or
    - other natural obstacle(s).

“Roads which have been improved and maintained by mechanical means” to insure relatively regular and continuous use shall not be interpreted to mean “needing constant and/or repeated” maintenance by mechanical means to remain open for use.

The simple construction by means of heavy equipment is sufficient to qualify as having “been improved and maintained by mechanical means to insure relatively regular and continuous use”.

A “primitive road” (commonly known as a “Jeep road”):

- is a linear route managed for use by four-wheel drive or high-clearance vehicles;
- does not necessarily meet any governmental road design standards;
- is a primitive two track (or more) way of sufficient width to accommodate a full-size average American pickup truck, sport utility vehicle, or “Jeep”-type vehicle;
- was pioneered solely by means of vehicle use, or heavy equipment, and/or manual labor;
- does not require nor receive constant or repeated mechanical maintenance; and
- may have some or all of the following:
  - steep grade(s),
  - ledges or “waterfalls”,
  - environmental damage,
  - large rocks fallen onto its surface,

- deep cuts from natural run-off or flooding,
- off-camber site(s),
- encroaching underbrush growing into or from the way surface,
- landslide(s),
- wet or dry wash crossing(s),
- stream or river crossing(s), or
- other natural obstacle(s).

“Roads which have been improved and maintained by mechanical means” to insure relatively regular and continuous use shall not be interpreted to mean “needing constant and/or repeated” maintenance by mechanical means to remain open for use.

The simple construction by means of heavy equipment is sufficient to qualify as having been improved and maintained by mechanical means to insure relatively regular and continuous use.”

A “motorized trail”:

- is a single- or double-track route managed to accommodate hiker(s), bicycle(s), horse(s), motorcycle(s), ATV(s), or “side-by-side” vehicles not over 50" overall width;
- or a two-track way of sufficient width to accommodate a motorized vehicle or machine not exceeding 50" in outside width;
- is a way that was constructed by way of heavy equipment (bulldozer, motor grader, excavator, backhoe, tractor), manual labor, and/or by simple repeated use, etc;
- does not require constant or repeated mechanical maintenance; and may have some or all of the following:
  - side drainage ditching;
  - side rows or berm(s) of dirt and/or rock;
  - cuts into a side hill;
  - steep grade(s);
  - a “dug-way” or shelf into a cliff face or hill/mountainside; and
  - primitive surfaces including but not limited to:
    - environmental damage,
    - large rocks fallen onto its surface,
    - deep cuts from natural run-off or flooding,
    - off-camber site(s),
    - encroaching underbrush growing into or from the way surface,
    - landslide(s),
    - wet or dry wash crossing(s),
    - stream or river crossing(s),
    - other natural obstacle(s).

A “non-mechanized trail”:

- Is a single track lineal route managed to accommodate hiker(s) and/or horse traffic only;
- may or may not meet any governmental trail design standards;
- was pioneered by simple repeated use or by manual labor;
- does not require nor receive constant or repeated maintenance; and
- may have some or all of the following:
  - steep grade(s),
  - ledges or “waterfalls”,
  - environmental damage,
  - large rocks fallen onto its surface,

- deep cuts from natural run-off or flooding,
- off-camber site(s),
- encroaching underbrush growing into or from the way surface,
- landslide(s),
- wet or dry wash crossing(s),
- stream or river crossing(s),
- rock outcroppings, or
- other natural obstacle(s). (Individual, Grand Junction, CO - #524.2-5.64000.160)

#### **4-221 Public Concern: The Forest Service should clearly define what constitutes a “trail.”**

##### **AND SHOULD CLARIFY WHETHER TRAILS CAN BE ROADS**

“Trail” should be defined.

The proposed rule does not currently define “trail.” As with the terms “road construction and reconstruction,” 36 C.F.R. [section] 212.1 defines the term “trail” as, “a route 50 inches or less in width or a route over 50 inches wide that is identified and managed as a trail.” The definition of “trail” seems especially important to include in the proposed rule, given that the term “trail” is referenced in the proposed rule’s definition of “road” (“Road: As defined at 36 C.F.R. [section] 212.1, the term means a motor vehicle route over 50 inches wide, unless identified and managed as a trail.”).

In addition to using the definition of “trail” from 36 C.F.R. [section] 212.1, the proposed rule should also clarify whether the prohibition of road construction and reconstruction applies to trails. The definition of “road” does not make clear if trails constitute roads. For instance, one may read the definition of “road” as, “[a] motor vehicle route over 50 inches wide, [but not necessarily 50 inches wide if] identified and managed as a trail.” On the other hand, one may read the definition of “road” as, “[a] motor vehicle route over 50 inches wide, [[not including a route that is]] identified and managed as a trail.” The distinction is important, since if trails are roads, then trails are affected by the prohibition on road construction and reconstruction. The distinction is also important for providing a clearer meaning of 36 C.F.R. [section] 294.45 (c), which appears to excuse trails from the prohibition on road construction and reconstruction (“Nothing in this subpart shall affect the current or future management of motorized and non-motorized trails in Colorado Roadless Areas. Decisions concerning the management or status of motorized and non-motorized trails within Colorado Roadless Areas under this subpart shall be made during the applicable forest travel management processes.”). (Business, Aspen, CO - #670.3.64000.160)

#### **4-222 Public Concern: The Forest Service should define “road construction and reconstruction.”**

##### **BECAUSE THE DEFINITION IS FUNDAMENTAL TO UNDERSTANDING THEIR PROHIBITION**

“Road construction and reconstruction” should be defined.

The proposed rule does not currently define “road construction and reconstruction.” The definition of “road construction and reconstruction” is fundamental for understanding the prohibition on road construction and reconstruction in Colorado Roadless Areas. Throughout 36 C.F.R. [section] 294.41, reference is made to the existing regulations concerning travel management (36 C.F.R. [section] 212). For example, the words “road,” “forest road,” and “temporary road” all use definitions from 36 C.F.R. [section] 212.1. Vagabond Ranch supports inclusion of the terms “road construction and reconstruction” in the proposed rule and defining the terms as they are defined in 36 C.F.R. [section] 212.1: “Road construction or reconstruction. Supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a road.”

Inclusion of this term makes sense, given that roadless areas will need to be administered as part of the forest transportation system. Furthermore, a clear definition of “road construction and reconstruction” is especially important because it provides a distinction between construction activities and maintenance activities. Second, the supplementary information to the proposed rule states that “[s]ome provisions of



this proposed rule use terminology and concepts from existing plans and planning regulations....[[which]] is potentially subject to adjustment.” Vagabond Ranch requires a fixed definition of “road construction and reconstruction” that is not subject to adjustment, except through noticed amendments to the regulations. (Business, Aspen, CO - #670.2.64100.160)

#### **4-223 Public Concern: The Forest Service should clarify the difference between road “reconstruction” and road “maintenance.”**

##### **AND INCORPORATE PERMISSION FOR MAINTENANCE OF TEMPORARY ROADS SERVING VALID EXISTING OIL OR GAS LEASES**

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. (Business, Denver, CO - #458.6.64100.421)

We [Western Energy Alliance, et al.] recommend the USFS 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 existing leases and right-of-ways within CRAs. Temporary roads associated with oil and gas exploration and development activities require frequent grading and other maintenance activities that may not necessarily be defined as “reconstruction.” (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #616.19.64300.421)

#### **4-224 Public Concern: The Forest Service should define and limit “temporary roads.”**

I have a concern about the “temporary roads” in the non-upper tier. I believe “temporary” needs to be defined and have fixed limitations with penalties and enforcement established for violations. (Individual, Durango, CO - #238.2.64300.160)

As a fly fisherman who enjoys fishing the back country of Colorado I am interested in seeing these areas protected. While established roads are a threat to these areas, temporary roads created for power line installation and drilling are also a concern. In fact, often these temporary roads cause just as much environmental and stream damage as they rarely take steps to protect silt and other debris from entering the streams. Small mountain streams are fragile as are the fish who live in them. This past 4th of July I hiked in to fish some backcountry beaver ponds only to discover some new off-road trails had been created to them from a power line access route about 1/2 mile away. Not only did I find trash for the first time in 10 years but I also discovered someone had recently damaged one of the beaver pond dams resulting in the pond beyond being drained. Needless to say this was an unpleasant surprise. Please take action to protect our remaining backcountry streams by offering them the highest level of protection possible. (Individual, - #401.1.64300.201)

#### **4-225 Public Concern: The Forest Service should clarify when road and trail maintenance can occur.**

##### **TO ELIMINATE CONFUSION AND CONTRADICTIONS**

Clarification of Road and Trail Maintenance - [section] 294.42 and 294.43

The proposed rule’s prohibitions against road construction and reconstruction, as well as tree-cutting, sale, or removal should more clearly describe when road and/or trail maintenance may occur. Under the current version of 36 C.F.R. [section] 294.43 (d)(5), maintenance of roads is permissible in Colorado Roadless Areas, but only when a road construction/reconstruction project has been implemented. Under 36 C.F.R. [section] 294.43 (c), road maintenance in non-upper tier acres is allowed and even preferred over road realignment. Under 36 C.F.R. [section] 294.45 (c), it appears that trail management decisions, including decisions whether to allow trail maintenance, are not affected by the proposed rule. Finally,

the supplementary information to the proposed rule indicates that, “maintenance of temporary or forest roads would be permitted,” and “[t]ree-cutting that is incidental to a management activity that is otherwise not prohibited by the [[proposed]] rule is allowed....[[including]] trail construction or maintenance.”

The various provisions and supplementary information are conflicting and confusing. Vagabond Ranch seeks clarification from the lead and cooperating agencies that the proposed rule allows routine road and trail maintenance. Road and trail maintenance in Colorado Roadless Areas is critical for Vagabond Ranch’s continued operations. (Business, Aspen, CO - #670.4.64100.160)

#### **4-226 Public Concern: The Forest Service should expand the design criteria for temporary road construction.**

##### **TO ADDRESS EROSION AND CONCERNS RELATED TO TREE-CUTTING AND FUELS TREATMENTS**

We [EPA] support the list of design criteria for temporary road construction under Alternatives 2 and 4. We recommend expanding this list to address other potential concerns with temporary roads as well as potential concerns related to tree-cutting/fuels treatments, as follows:

- Require revegetation of all disturbed areas with native seed mix within the same growing season they are disturbed, and monitor revegetation efforts five years to ensure success.
- Specify steps to protect range improvements (e.g., fences, water developments) from mechanical equipment used for tree-cutting/removal and prescribed burning.
- Monitor breakdown of hydrophobic soils for five years following prescribed burns.
- Develop a monitoring plan and schedule to assess the effectiveness of road decommissioning. (U.S. Environmental Protection Agency, Washington, DC - #685.24.64300.262)

#### **4-227 Public Concern: The Forest Service should require that decisions regarding road construction be made by the Regional Forester.**

The proposed rule vests in a “responsible official” decision-making authority as to when circumstances allowing for permanent road construction exist. Given the acreage of CRAs at stake, and the value they have to both the state of Colorado and the nation, we [Outdoor Alliance et al.] feel that this decision-making authority should reside at least at the level of Regional Forester. Regional Foresters should also make the decisions regarding road construction or reconstruction rather than a responsible official. To this end, the term “responsible official” should be changed to “Regional Forester” in [sections] 294.43(b) and (c). (Recreation/Conservation Organization, - #681.8.64100.160)

#### **4-228 Public Concern: The Forest Service should modify the road construction exception to allow for realignment of non-NFS roads.**

##### **TO INCREASE SAFETY, REDUCE COSTS, AND REDUCE EROSION EFFECTS**

Black Diamond recommends that Table 2-8, Alternative 2 exceptions, be modified as follows.

From:

“Where Road realignment is needed to prevent irreparable resource damage that arises from design, location, use, or deterioration of a NFS road that cannot be mitigated by road maintenance. Road realignment may occur only if the road is deemed essential for administrative or public access, public health and safety, or other authorized use. Does not apply to upper tier acres.”

To:

“Where Road realignment is needed to prevent irreparable resource damage that arises from design, location, use, or deterioration of a [delete] NFS [delete] road that cannot be mitigated by road maintenance. Road realignment may occur only if the road is deemed [delete] essential [delete] necessary for administrative or public access or access to private land, public health and safety, or other authorized use. Does not apply to upper tier acres.”

Basis of Need:

Black Diamond, like other private land owners adjacent to Roadless Areas, sometimes has problems with accessing private land due to extreme topography and private land boundaries. Historically private land owners have been given relatively short easements by the US Department of Agriculture to allow crossing a short distance into Forest Service Land in order to gain access to other portions of the same private land. This type of easement has been granted to the prior land owner of Tepee Park on the east side of Tepee Park in Sec 6, T93W R8S; however, that easement expired.

On the west side of Tepee Park there is only one available road to access Tepee Park's far west side, which contains approximately 900 ac. The road is built on a 70% slope that has loose and crumbling rock as shown on Exhibit #2. It is the only possible road staying on Tepee's private land. Other options would put the road on steeper slopes/cliffs, see Exhibit #2 [ATT 2]. Each spring this road washes out with the melting snow runoff and must be rebuilt. Rebuilding requires cutting deeper into the mountain and pushing the road towards the WRNF/Mamm Peak IRA boundary. It is unsafe. Rebuilding also results in a larger road cut into the mountain, rock debris flows down the mountain below the road, and is expensive to rebuild each summer.

Making the recommended changes above to the DREIS would allow a short road of about 1,000' on much safer and stable terrain for both this property and other private land owners like us. Removing the word "NFS" would include roads that are non-forest service roads like Black Diamond's. (Oil, Natural Gas, Coal, or Pipeline Industry, Denver, CO - #529.1-2.64100.630)

## Road Decommissioning

### **4-229 Public Concern: The Forest Service should be commended for requiring a decommissioning provision in all contracts or permits.**

On July 9, 2010 we [Outdoor Alliance et al.] wrote to you and provided some perspectives from our community, based on our initial evaluation of the Colorado revised petition. We are pleased to see that many of the concerns we expressed in these themes are addressed in the proposed rule.

The proposed rule incorporates fundamental elements of our suggestions for a more explicit plan for decommissioning and restoration of the roads at [section] 294.43(d)(2) by requiring a decommissioning provision in all contracts or permits. (Recreation/Conservation Organization, Washington, DC - #681.6.64200.160)

### **4-230 Public Concern: The Forest Service should avoid closing more roads.**

#### **BECAUSE ENOUGH HAVE ALREADY BEEN CLOSED**

The road closure policy in Colorado (although we hear complaints on the subject from people in all western states) has reached the ridiculous level. Road closures have been going on for 8-10 years now, and every year more are closed. There have even been some wildlife viewing areas closed...only because one has to drive ¼ to ½ mile into the area...these should be classified as "pull outs", not "roads"! We have seen roads closed that have existed for 30+ years and have very little to do with disturbing or affecting wildlife or their habitat. Also, I know there is great debate over the "damage" to roads and habitat, yet you close more roads which only concentrates the recreational vehicles. If there were more roads open to spread people out, you might see less "damage"...which I question anyway, since all roads need some kind of "maintenance" to maintain them from normal general use by anyone...and everyone can certainly tell forest roads "upkeep" is rare or non-existent. My point: Some common sense with these decisions is way over/past due. (Individual, Grand Junction, CO - #223.1.64200.330)

### **4-231 Public Concern: The Forest Service should include stronger standards for road decommissioning.**

#### **TO ENSURE THAT MEANINGFUL RESTORATION OCCURS**

Road decommissioning standards: The draft rule directs restoration following decommissioning to "stabilize, restore, and revegetate ... to a more natural state to protect resources," a standard which is

quite vague and could allow restoration to be minimal so long as it results in a “more natural” state—something that even simple reseeded of surfaces would do. A stronger standard should be included in the final rule. The previous Colorado petition offered language which we recommend: “to achieve complete stabilization and restoration to a condition generally consistent with pre-existing roadless area characteristics.” (Recreation/Conservation Organization, Denver, CO - #617.25.64200.621)

#### **4-232 Public Concern: The Forest Service should clearly define road decommissioning to mean obliteration.**

##### **AND REQUIRE IT FOR ALL ROADS AND LCZS**

Define road decommissioning to mean obliteration, and require it for all roads and linear construction zones. Any roads constructed in roadless area would, by definition, destroy roadless area characteristics. Thus any roads constructed or reconstructed under a Colorado Roadless Rule should be removed to the greatest extent possible, giving the best chance to restore roadless character. We are thus pleased to see that decommissioning of roads and restoration of the landscape is required: “when it is determined that the road is no longer needed for the established purpose, or upon termination or expiration of a contract, authorization, or permit, whichever is sooner. Require the inclusion of a road decommissioning provision in all such contracts or permits. Design decommissioning to stabilize, restore, and revegetate unneeded roads to a more natural state to protect resources and enhance roadless area characteristics.”

294.43(d)(2);

Notably, the above provision does not explicitly require decommissioning of roads used for leases. This word needs to be added to the above-quoted section.

Also, “decommissioning” is not defined in the proposed rule. The RDEIS at 56 repeats the last sentence of the rule section quoted above. “Stabilize, restore, and revegetate” does not require the removal of culverts, bridges, cuts, or fills.

RDEIS Appendix H does state that: “[Decommissioning] treatments must be designed and implemented to completely eliminate the road by restoring natural contours, hydrology, and vegetation through mechanical and/or natural means within a reasonable time period.”

RDEIS at H-5. However, the above language is not reflected in the rule.

The Forest Service Manual defines decommissioning as follows: “Decommissioning includes applying various treatments, which may include one or more of the following: a. Reestablishing former drainage patterns, stabilizing slopes, and restoring vegetation; b. Blocking the entrance to a road; installing water bars; c. Removing culverts, reestablishing drainage-ways, removing unstable fills, pulling back road shoulders, and scattering slash on the roadbed; d. completely eliminating the roadbed by restoring natural contours and slopes; or other methods designed to meet the specific conditions associated with the unneeded roads.”

FSM 7703.2 (2); Similar language appears at RDEIS H-5.

Under this definition, decommissioning could mean merely closing a road without actually removing any of it, allowing it to naturally become revegetated. However, this would likely allow at least all-terrain vehicle and motorcycle usage for a decade or more, as well as foot and horse traffic for at least that period. [Footnote 9: Even a well-revegetated roadbed is still an obvious path. Without restoring original contours or establishing dense stands of trees of at least sapling size, a road can still be used for travel.] Requiring “obliteration”, under which the road is totally removed from the land, is more appropriate. Note that the 2001 Rule required obliteration of roads used for mineral leases when the road was no longer needed or when the lease terminated or expired. 2001 Rule at 36 CFR 294.12(b)(7).

A definition for “decommissioning” is needed in section 294.41 of the Colorado Rule. It should require complete obliteration of the road when possible, considering the environmental impacts. In other words, restoring cuts and fills or removing culverts should not be done if such action would cause more damage than not restoring, and if the road can still be effectively closed and at least partially restored, e. g., by placement of effective barriers and re-establishment of native vegetation.

Cost, by itself, should not be a factor in determining whether a road constructed or reconstructed inside a roadless area should be fully obliterated. Roadless area characteristics are extremely valuable, and thus must be conserved, and where necessary, restored. The cost of obliteration or maximum restoration must

be considered in the design of any road. Proponents of logging and mineral extraction projects within roadless areas ought to wholly bear the costs of restoration. Such costs ought to be bonded for restoration at the time any proposed development is permitted.

All linear construction zones should be completely obliterated. The requested definition of obliteration (see above) should also apply to LCZs. The “reclamation plan” required as part of any authorization for an LCZ (294.44(c)) should require obliteration, subject to minimizing damage, as for roads. (Preservation/Conservation, Portland, OR - #591.25-27.64200.160)

#### **4-233 Public Concern: The Forest Service should describe the bonding requirements related to road decommissioning.**

##### **TO ENSURE THAT DECOMMISSIONING AND REVEGETATION ARE ACCOMPLISHED**

The RDEIS fails to discuss bonding requirements. Appendix H details numerous standards for road construction and decommissioning, but it fails to discuss at all the bonding requirements to ensure that decommissioning and revegetation are accomplished. The RDEIS is silent on bonding requirements altogether. (Preservation/Conservation, Portland, OR - #591.73.64000.800)

#### **4-234 Public Concern: The Forest Service should retain the proposed language related to road decommissioning.**

On July 9, 2010 we [Outdoor Alliance et al.] wrote to you and provided some perspectives from our community, based on our initial evaluation of the Colorado revised petition. We are pleased to see that many of the concerns we expressed in these themes are addressed in the proposed rule.

We endorse the revised language in this section that requires decommissioning plans be designed to “protect resources and enhance roadless area characteristics” (without a cost qualifier) rather than the previous language of the Colorado revised petition at [section] 294.33(e)(2) to restore areas to a “condition generally consistent with the pre-existing roadless area characteristics.” (Recreation/Conservation Organization, Washington, DC - #681.7.64200.621)

## **Linear Construction Zones**

#### **4-235 Public Concern: The Forest Service should reconsider the prohibitions on LCZs.**

##### **TO AVOID NEGATIVE AFFECTS ON WATER SUPPLIES AND ENERGY INFRASTRUCTURE**

Remove prohibitions on linear construction zones:

The USFS Rule goes beyond even the 2011 Roadless Rule in restricting the use of linear construction zones (LCZs). The Service suggests that LCZs be prohibited unless they meet one of three exceptions: water conveyance structures with pre-existing water court decrees; electrical power or telecommunications lines; and certain oil and gas pipelines.

The restriction of LCZs is troubling. It will negatively impact the State of Colorado’s ability to develop and store future water supplies. It could also interfere with individual water property rights adjudicated through the state’s legal system.

It also would hamper energy development, by constraining the availability of infrastructure. While we appreciate the carve-out for electrical power or telecommunications lines and certain oil and gas pipelines, that in no way includes the universe of energy infrastructure impacted.

Just one example: methane capture has been included in the past several versions of the draft rule. Those drafts talk specifically about methane capture, but notes that any infrastructure (pipelines) would have to be located in the right-of-way of the temporary roads. This restriction makes methane capture uneconomic. (Business, Golden, CO - #838.9.65000.002)

#### **4-236 Public Concern: The Forest Service should eliminate the LCZs from the proposed rule.**

To ensure that Colorado's valuable wild lands receive the level of protection they deserve, a final Colorado Rule must be significantly improved.

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. (Individual, Santa Cruz, CA - #64.4.65000.200)

##### **TO PROTECT ROADLESS AREAS**

I am writing in particular to protest the so-called linear construction zones. What a farce! There should be no new power lines or bogus access to water—nothing.

These roadless areas are critical for wildlife, recreation, and preserving clean water. Keep them roadless! (Individual, Athens, GA - #78.1.65000.002)

There should be no road construction for water projects in roadless areas. Electrical and telecommunication lines should not be allowed in roadless areas. And there should be no roads permitted in roadless areas for oil or gas leases. These leases can be honored by the use of lateral drilling from outside the roadless areas. (Individual, Durango, CO - #421.3.65000.421)

(In) 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. (Individual, Durango, CO - #374.4.65000.621)

##### **TO AVOID GRANTING TOO MUCH AUTHORITY TO THE REGIONAL FORESTER AND PLACING TOO MANY RESTRICTIONS ON CONSTRUCTION**

It is understood that the Forest Service is primarily interested in comments peltaining to changes made since the 2008 Roadless Proposal. Based on that request, the following comment does address those changes, but are submitted with the caveat that the 2008 proposal was also flawed and not in the best interest of the citizens of Montrose County or Colorado.

With regard to [section] 294.44 "Prohibition on Linear Construction Zones", we [County Commissioners for Montrose County, Colorado] believe that the proposed rule is impractical and will hinder the efficient development and transmission of resources. The proposed restrictions on LCZs are entirely new since the 2008 Rule and place further restrictions upon construction of these necessary corridors. The restrictions included in this particular section of the proposed rule grant far too much discretion to the Regional Forester and will therefore result in widespread litigation based on the Regional Forester's decisions. Based on the likelihood of increased litigation and the inefficiencies of having to route LCZs around roadless areas, we are in total opposition to this section. (Montrose County Board of Commissioners, Montrose, CO - #621.4.65000.002)

#### **4-237 Public Concern: The Forest Service should prohibit LCZs in upper tier areas.**

Keep linear construction zones (LCZs) out of upper tier areas. Upper tier areas are the best of the best lands in the state of Colorado. These areas are too valuable to allow any new development. I among many others believe the Forest Service should make these lands off limits to any kind of development - period; no exceptions [[especially]] for mining and logging companies. (Individual, - #765.5.66300.640)

We must keep linear construction zones (LCZs) out of these upper tier areas. Upper tier areas are the best of the best lands in the state of Colorado. These areas are too valuable to allow any new development and they must remain off limits. (Individual, - #767.3.66300.640)

I request that the loopholes in the Colorado Roadless Rule be closed. Transmission corridors, pipelines, and water projects do not belong in our highest-quality lands, and the upper tier linear construction zone exception should be eliminated. (Individual, La Follette, TN - #178.2.65000.200)

#### **BECAUSE THESE ACTIVITIES ARE NOT APPROPRIATE IN UPPER TIER AREAS**

Limit the use of linear construction zones, especially in upper tier areas. The proposed rule would allow implementation of linear construction zones (LCZs) in roadless areas for: water conveyance structures, electrical lines, telecommunication lines, and some oil/gas pipelines. 294.44(b). Note that there is little difference between alternatives in the miles of LCZs expected (RDEIS at 88), meaning that the proposed rule (Alternative 2) would provide essentially no protection against their use, and neither would Alternative 4, in spite of having over two million acres in the upper tier.

None of these facilities are appropriate in roadless areas. The construction and presence of such facilities and the LCZs used in such construction would destroy roadless area characteristics. The facilities are especially inappropriate in upper tier areas. These roadless areas are supposed to have a higher level of protection than other roadless areas, thus any utility structures would be very incongruous in these areas. (Preservation/Conservation, Colorado Springs, CO - #581.174.65000.621)

#### **TO PROTECT HIGH-VALUE ROADLESS AREAS**

[ATT1] "Sportsmen's Solutions" for the Proposed Colorado Roadless Rule

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

Solution: Linear construction zones should be prohibited in areas designated as upper tier. To correct this problem, [section] 294.44 should be changed to the following:

[section] 294.44 Prohibition on linear construction zones.

(a) General. A linear construction zone may not be constructed or reconstructed in Colorado Roadless Areas except as provided in paragraphs (b) and (c) of this section.

(b) Upper Tier Acres. Notwithstanding the prohibition in paragraph (a) of this section, a linear construction zone may only be constructed or reconstructed in Colorado Roadless Area upper tier acres if the Responsible Official determines that:

(1) A linear construction zone is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty.

(c) Non-Upper Tier Acres. Notwithstanding the prohibition in paragraph (a) of this section, the Regional Forester may authorize a linear construction zone within a Colorado Roadless Area outside upper tier acres for:

Rationale: The upper tier category will not truly conserve the highest value roadless areas as long as the linear construction zone loophole exists for this category of lands. The LCZ loophole must be closed. (Recreation/Conservation Organization, Missoula, MT - #539.3.65000.620)

#### **TO PROTECT FISH AND WILDLIFE**

Several concerns are the potential granting of LCZs in the upper tier areas! Those areas are too valuable to allow any kind of development and should be off limits. I adamantly believe that the final document should contain strong language that requires any project in a roadless area to maintain the viability of fish and wildlife populations throughout the duration of the project. The current proposal does not require that projects refrain from harming fish and wildlife during a project. This could allow populations to be exterminated even if the conditions were returned to pre-project conditions after a project was completed. This would be totally unacceptable! (Individual, Steamboat Springs, CO - #31.2.65000.350)

#### **TO PRESERVE ROADLESS CHARACTERISTICS, WILDLIFE HABITAT, WATERSHEDS, AND QUIET RECREATION OPPORTUNITIES**

I am unable to attend the public meeting on the Colorado Roadless Rule in Pueblo on May 19. I therefore submit these comments for inclusion in the public record.

In general, I support the protections embodied in the National Roadless Rule and do not support managing the forests in Colorado to any lower standard. To ensure this, any final rule needs to expand and strengthen the “upper tier” protections and give priority to maintaining and enhancing roadless characteristics in all of the state’s inventoried Roadless Areas.

Areas of our National Forests that contain no roads are a valuable, and historically, rapidly decreasing natural resource that must be protected to maintain wildlife habitat, watersheds, and quiet (also a rapidly decreasing resource). (Individual, Buena Vista, CO - #71.1.66000.200)

#### **TO KEEP THESE AREAS ROADLESS**

Chief among my concerns are keeping LCZs out of the “upper tier” areas and taking full opportunity to keep roadless areas today roadless in the future. (Individual, Durango, CO - #75.2.66300.680)

### **4-238 Public Concern: The Forest Service should limit LCZs.**

#### **TO ACCESS REQUIRED BY VALID EXISTING RIGHTS**

Restrict the allowance for linear construction zones to valid existing rights.

Too many exceptions renders prohibition meaningless. LCZ allowances should be limited to existing rights. Oil and gas pipeline LCZs must be limited to existing rights. Rule must clarify criteria used to determine placement of LCZs. (Place-Based Group, Ridgway, CO - #533.10.65000.160)

The FS must restrict use of Linear Construction Zones (LCZ) to circumstances where they are necessary to access or develop valid existing rights for current lease holders only. The general prohibition on LCZs is swallowed by exceptions in the Draft Rule. (Preservation/Conservation, Carbondale, CO - #406.4.65000.160)

#### **TO DISALLOW THEIR USE FOR WATER PROJECTS**

We need to preserve our state land and not grant access for companies that seem to have no concern for the wild life, the watersheds, and our forests. I must insist that the final rule prohibit road construction for water projects in roadless areas. (Individual, West Bloomfield, MI - #73.2.65100.200)

#### **TO PROTECT WATERSHEDS**

The proposal to allow “linear corridors” in Colorado’s National Forest Wilderness Areas is shortsighted. As water sources diminish, there should be no higher priority than protecting watersheds. The headwaters of Colorado’s most valuable rivers begin in the currently roadless areas. As you’re well aware, construction of pipelines, utility corridors, logging roads, etc., have an out-sized impact on water quality. Why would the Forest Service threaten that to accommodate commercial interests? There are alternatives for commerce; pipelines can be re-routed, but the rivers don’t have a choice where they run. Better to spend a little more to avoid valuable watershed areas, than save in the short-term by threatening water supplies. (Individual, Denver, CO - #521.1.65000.240)

#### **TO PROTECT ROADLESS QUALITIES**

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. (Individual, Boulder, CO - #455.4.65000.621)

#### **TO AVOID SUBSIDIZING NON-RENEWABLE ENERGY**

The City of Aspen has made and continues to make efforts to produce renewable energy locally. Our efforts and those of other communities are undermined by the creation of de facto subsidy for power transmission from coal fired plants to rural areas. (City of Aspen, Aspen, CO - #536.4.65000.880)



**4-239 Public Concern: The Forest Service should limit LCZs to existing rights-of-way.**

“Linear construction zones” should not be expanded to new transmission, utility, and telecom lines. Any construction corridors on roadless forests must be limited to existing rights-of-way. (Individual, Denver, CO - #15.5.65200.001)

Prohibition of Linear Construction Zones is an important element of the CRR and an area where the Specific Request for Public Comment identified an interest in additional feedback on management. We [Outdoor Alliance et al.] believe certain exceptions need to be tightened. Specifically [section] 294.44(c) states that installation of a linear facility will include “placement within existing rights-of-way where feasible,” and this should be modified to “shall be located entirely within existing rights-of-way.” (Recreation/Conservation Organization, Washington, DC - #681.17.65000.160)

**TO MINIMIZE SURFACE DISTURBANCE AND CONSERVE SURFACE VALUES OF ROADLESS AREAS**

[ATT1] “Sportsmen’s Solutions” for the Proposed Colorado Roadless Rule

Problem 5: Linear Construction Zone definition does not keep LCZs within rights of way.

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

[section] 294.44 Prohibition on linear construction zones.

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

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

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

Rationale: LCZ should be located within rights of way to minimize surface disturbance and conserve the surface values of roadless areas. Allowing LCZs to be constructed outside of rights of way creates opportunities for abuse where land managers could essentially create temporary roads under the name of LCZs. (Recreation/Conservation Organization, - #539.6.65000.002)

**TO ENSURE THAT LCZS FOLLOW LINEAR FACILITIES**

As written, the proposed Colorado Roadless Rule provides no direction for the placement of LCZs in proximity to linear facilities. This could potentially lead to LCZs switchbacking up a mountain or approaching linear facilities from a perpendicular angle. In order to provide certainty that LCZs will in fact follow linear facilities, the Colorado Roadless Rule should require LCZs to be located entirely within rights-of-way to minimize surface disturbance and conserve the surface values of roadless areas. Allowing LCZs to be constructed outside of rights-of-ways creates opportunities for land managers to essentially create temporary roads under the name of LCZs.

We [Theodore Roosevelt Conservation Partnership] recommend that the LCZ regulatory language be changed to the following:

[section] 294.44 Prohibition on linear construction zones.

(c) Linear construction zone decommissioning. Where a linear construction zone is constructed in a Colorado Roadless Area, installation of the linear facility will be done in a manner that minimizes ground disturbance and shall be located entirely within rights-of-way. (Recreation/Conservation Organization, Missoula, MT - #673.17.65000.160)

**TO REDUCE OPPORTUNITIES FOR ABUSE**

Under the draft rule, linear construction zones could be allowed outside of rights of way for linear facilities. This creates opportunities for abuse where land managers could effectively create temporary

roads under the name of linear construction zone. We recommend modifying the language under [section] 294.44 (c) to read:

Where a linear construction zone is constructed in a Colorado Roadless Area, installation of the linear facility will be done in a manner that minimizes ground disturbance and shall be located entirely within the authorized right-of-way for the linear facility.

Similarly, we recommend changing the definition of linear construction zone at [section] 294.41 to read:

A temporary linear area of surface disturbance over 50 inches wide and located within an authorized right of way that is used for motorized transport by vehicles or construction equipment to install a linear facility. It is not used as a motor vehicle route and is not engineered to road specifications. (Recreation/Conservation Organization, Denver, CO - #617.20.65000.680)

#### **4-240 Public Concern: The Forest Service should avoid limiting the ability to lay lines and pipelines in LCZs.**

##### **TO PROTECT JOBS AND THE ABILITY TO MEET THE NATION'S ENERGY NEEDS**

In a time when our country is facing critical energy needs and doesn't have a thorough comprehensive plan for how to become more energy self-sufficient, I think it is extremely short-sighted to be implementing a plan that restricts linear construction zones for utility companies and others to lay lines and pipelines to help our country meet its energy needs. Additionally, thousands of Colorado and nationwide jobs would be in jeopardy if this harsh restriction were to pass. (Individual, Edwards, CO - #403.2.65000.800)

#### **4-241 Public Concern: The Forest Service should revise the definition of LCZs.**

##### **TO ENSURE THEY ARE WITHIN RIGHTS-OF-WAY AND ELIMINATE THE 50-INCH LIMITATION**

The Colorado Roadless Rule will be the first place where the LCZ is officially termed and defined by the Forest Service. It is highly likely that the term and definition for LCZs used in the Colorado Rule will be adopted by the Forest Service to be used in other planning documents and for other proposed actions. Specifically, because of the Bull Mountain Pipeline, it is likely that this term and definition will be used to plan projects in Inventoried Roadless Areas under the parameters of the 2001 Roadless Rule. Because of the big implications this term and definition could have on subsequent planning and management activities, it is very important that the LCZ definition be as narrow and clear as possible to ensure that it isn't used in unintended ways.

We [Theodore Roosevelt Conservation Partnership] recommend that the definition in [section] 294.41 of the proposed Colorado rule for an LCZ be changed to:

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

This recommendation makes two key changes. 1st - it specifies that LCZs will be located within rights-of-way to ensure that LCZs do not deviate from the path of the linear facility, and 2nd - it eliminates the specification that LCZs are over 50" wide. Given that LCZs are neither a road nor a trail, the 50" distinction should be eliminated from the definition. (Recreation/Conservation Organization, Missoula, MT - #673.18.65000.160)

#### **4-242 Public Concern: The Forest Service should consider economic feasibility when determining whether to authorize an LCZ.**

LCZ Technical Feasibility Consideration:

In order for the Regional Forester to authorize a LCZ within a CRA for one of the three itemized exceptions in [section] 294.44(b)(1)-(3), three additional criteria must also be met. See [section] 294.44(b)(4). Of concern is the first criterion: "motorized access, without a linear construction zone, is not technically feasible." See [section] 294.44(b)(4)(i). This criterion does not allow for consideration of the economic feasibility of motorized access without a LCZ. This broad criterion could allow local forest

managers to prohibit almost any LCZ by identifying technically feasible options that are not economical or reasonably practical. The rule must be revised to state that motorized access, without a linear construction zone, is not economically or technically feasible or reasonably practicable. (Oil, Natural Gas, Coal, or Pipeline Industry, Aurora, CO - #616.20.65000.800)

#### **4-243 Public Concern: The Forest Service should disclose potential effects of LCZs on wetlands and appropriate mitigation measures.**

The use of LCZs for water conveyance systems, electrical and telecommunication transmission lines, and oil and gas pipeline varies depending on the alternative. It may be appropriate to identify requirements project-level analyses, including disclosure of the following:

- Location and amount disturbance proposed in wetlands (if applicable);
- Amount of wetland soil compaction expected from installation equipment;
- Location on which soil from trenching would be temporarily stored;
- Type and diameter pipe to be installed;
- Width and depth of the necessary trenches, including locations of cutoff collars to prevent drainage along the pipes; and
- Identification of trench fill material that would be used to promote drainage (e.g., gravel).

If avoidance of wetland and riparian areas is not possible, we [EPA] recommend identification of mitigation measures that would minimize the extent of wetlands impacts from these activities. Such measures include the following:

- Re-vegetate removed shrubs and mats of herbaceous cover (carefully stockpiled on-site) and appropriate native wetland seed species as soon as possible after the disturbance. Monitor for five years to ensure successful re-vegetation of impacted montane wetland communities.
- Use bulkheads/box structures to minimize disturbance area from side casting and trench width.
- Use fabric or hay layers to protect existing vegetation from stockpiled dredged material and to mark existing contours. (U.S. Environmental Protection Agency, Washington, DC - #685.25.65000.201)

#### **4-244 Public Concern: The Forest Service should clarify standards for exceptions to the prohibition on LCZs.**

Standards for Regional Forester determination regarding exceptions to the prohibition on LCZs should be clarified; specifically where the exception will result in “less environmental damage,” or an alternative will result in “substantially greater environmental damage.” (Pitkin County Board of Commissioners, Aspen, CO - #587.15.65000.201)

#### **4-245 Public Concern: The Forest Service should clarify the criteria used to determine placement of LCZs.**

##### **TO IMPROVE MANAGEMENT AND REDUCE LITIGATION**

Any Colorado rule must clarify criteria used to determine placement of LCZs. The Forest Service must establish clear criteria to determine if a route will cause “substantially less environmental damage” or, conversely, would cause “substantially greater environmental damage”. While the concept of undertaking this analysis and requiring that environmental harm be weighed as a deciding factor has merit, the reliance on this tactic begs an obvious question—what constitutes ‘substantially less’ and ‘substantially greater’ environmental damage? Nowhere is this metric explained or even defined. Failure to define such critical terms is a recipe for management difficulties and litigation.

The DEIS relies heavily on this device, employing it for two of the three instances of allowable LCZs: “Authorize electrical power lines or telecommunication lines within CRAs only if there is no opportunity for the project to be implemented outside of a CRA without causing substantially greater environmental damage.” 294.44(b)(2). (Preservation/Conservation, Portland, OR - #591.56.65000.160)

## **4-246 Public Concern: The Forest Service should reduce the exceptions for LCZs.**

### **TO ALLOW THEM ONLY FOR THE EXERCISE OF EXISTING RIGHTS**

All LCZ allowances should be limited to existing rights. In the proposed rule, the LCZ exception is contemplated for construction of oil and gas pipelines, telecommunication lines, electrical lines, and water conveyances. Slightly different standards apply to each type of LCZ. See 294.44(b) (1) - (3). A 'decision tree' is proposed to guide approval of transmission and telecommunication lines. And water conveyances attached to a valid court decree existing at the implementation date of a final rule would be approved without any significant guidance.

The LCZ exception would be better expressed as two exceptions rather than three. The two exceptions would be granted in exercise only of existing rights. One exception would be specific to oil and gas pipelines. The other would be applicable more generally to linear facilities necessary in exercise of other valid existing rights. Along with limiting use of LCZs to existing rights, the agency should require that any LCZ through a roadless area (including for water conveyances) be pursued only if an alternative route would cause 'substantially greater environmental damage.'

The final rule should specify: "No linear construction zones will be allowed in Colorado Roadless Areas except for oil and gas pipelines as noted at \_\_\_; or to exercise a valid, existing right if no other less environmentally-harmful route is available." (Preservation/Conservation, Monument, CO - #591.54.65000.160)

### **TO MAKE THE PROHIBITION MEANINGFUL**

The proposed rule allows too many exceptions to the prohibition on linear construction zones, rendering the prohibition meaningless. The proposed Colorado Rule introduces a new term to describe road-like features associated with construction of pipelines, utility lines, or similar facilities: the "linear construction zone", or LCZ. According to the RDEIS, Chapter 1, "An LCZ is a temporary linear area of surface disturbance over 50-inches wide that is used for motorized transport by vehicles or construction equipment to install a linear facility" which "includes pipelines, electrical power lines, telecommunications lines, ditches and canals." RDEIS at 33.

The LCZ allowance derives from the Tenth Circuit Court's ruling in the Bull Mountain pipeline case. [Footnote 23: Wilderness Workshop v. United States BLM, 531 F.3d 1220 (10th Cir. Colo. 2008).] The allowance seeks to address a real threat to roadless lands under the 2001 Rule (gas pipelines), as well as an applied threat (other 'linear features'), but in so doing introduces new allowances for construction of utility lines and water conveyances (in addition to pipelines) across roadless lands, with little guidance or clear parameters on when or how such construction might occur. See 294.44.

The average miles of disturbance associated with construction of LCZs is exactly the same for Alternative 1: Provisions of the 2001 Rule, Alternative 2: Proposed Colorado Rule, and Alternative 4: Colorado Roadless Rule with Public Proposed Upper Tier. [Footnote 24: RDEIS, Table 3-8, at 88.] This indicates that, despite bold public statements by FS officials about closing the "Bull Mountain loophole," the Agency really created a prohibition but now proposes to render it meaningless with exceptions.

The Agency must prohibit LCZs in roadless areas or at least constrain the breadth of exceptions to ensure that this well-intentioned prohibition actually provides meaningful protection for roadless areas and roadless characteristics. (Preservation/Conservation, Livingston, MT - #591.52-53.65000.621)

## **4-247 Public Concern: The Forest Service should clarify the definitions of "less" and "greater" environmental damage.**

### **SO THE PROPER LEVEL OF NEPA ANALYSIS WILL BE CONDUCTED**

The USFS must provide more guidance on how to define 'less' and 'greater' environmental damage. What data will it use (specific species; habitat connectivity; watershed function; healthy vegetation)? And, what will be the public mechanism by which stakeholders and others can provide input and information, and gauge the Agency's decision and rationale?

The RDEIS indicates that this determination will be made in some sort of NEPA document, but offers no other direction, guidance, or parameters: “Construction or an LCZ, with Regional Forester determination, based on a site-specific NEPA analysis, is allowed for the construction, reconstruction, or maintenance of existing or future authorized electrical power lines and telecommunication lines where it has been determined such utility lines cannot be located outside of a CRA without causing substantially greater environmental damage.” RDEIS, Table 2-13, at 71.

The final Colorado Rule must clarify that the proper level of NEPA for construction of an LCZ in a roadless area is expected to be an EIS. (Preservation/Conservation, Denver, CO - #591.57.65000.131)

#### **4-248 Public Concern: The Forest Service should define “substantially greater environmental damage” in relation to LCZs.**

##### **TO ALLOW FOR CONSISTENT DECISION-MAKING**

[ATT1] “Sportsmen’s Solutions” for the Proposed Colorado Roadless Rule

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

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

Rationale: Without a clear definition of “substantially greater environmental damage,” it could be difficult for the Forest Service to make consistent decisions when denying and allowing LCZs and those decisions could be legally vulnerable. It is easy to imagine a situation where a roadless mountain range lies between one utility installation and another and the company would have to go all the way around the mountain range, deal with multiple land owners and agencies, and incur much greater costs than simply building the utility over the range. The company could then argue, and would have the financial and other motivations to do so, that by going over the range it would cause less environmental damage. If the Forest Service disagreed, they would have no supporting language in the rule to substantiate their claim. (Recreation/Conservation Organization, Denver, CO - #539.7.65000.160)

The decision tree that is intended to determine if an LCZ should be built within a roadless area lacks clarity and has the potential to lead the Forest Service towards inconsistent decision making. Specifically, the term “substantially greater environmental damage” is not defined, making it difficult for the Forest Service to make consistent decisions when denying and allowing LCZs at [section] 294.44 (b)(2) and (3).

It is easy to imagine a situation where a roadless mountain range lies between one utility installation and another and the company would have to go all the way around the mountain range, deal with multiple land owners and agencies, and incur much greater costs than simply building the utility over the range. The company could then argue, and would have the financial and other motivations to do so, that by going over the range it would cause less environmental damage. If the Forest Service disagreed, they would have no supporting language in the rule to substantiate their claim.

The rule should provide a clear guidance for the Forest Service to determine when a situation exists where substantially greater environmental damage will occur if an LCZ is prohibited from a roadless area. (Recreation/Conservation Organization, Missoula, MT - #673.19.65000.160)

##### **TO PROTECT ROADLESS VALUES**

Linear construction zones are used for motorized vehicle transportation associated with construction of linear facilities. Linear construction zones result in ground disturbance habitat fragmentation, and in general create impacts very much like those of a temporary road. In light of these impacts, it is vital that linear construction zones be subject to carefully crafted sideboards to ensure that they do not undercut the protection of roadless values.

The draft rule calls for linear construction zones to be limited to three circumstances. The first is construction or maintenance of water conveyance structures under pre-existing water court decrees. The other two allow for linear construction zones associated with construction of certain pipelines for oil and gas leases or authorized electrical power or telecommunication lines subject to an alternatives test

demonstrating that the project cannot be implemented outside of roadless areas without causing substantially greater environmental damage. However, the draft rule does not define what constitutes “substantially greater environmental damage.” This provision lacks clarity and will make it difficult for the Forest Service to make consistent decisions when denying or allowing linear construction zones, making those decisions legally vulnerable.

It is easy to imagine a situation in which a roadless mountain range lies between one utility installation and another and the company would have to go all the way around the mountain range, dealing with multiple land owners and agencies and incurring much greater costs than simply building their corridor over the range. The company could then argue, and would have strong financial motivation to do so, that going over the range would cause less environmental damage. If the Forest Service disagreed, they would have no supporting language in the rule to substantiate the basis for their decision. To ensure consistency and defensibility of decisions, a clearer definition should be provided. (Recreation/Conservation Organization, Denver, CO - #617.18-19.65000.160)

#### **4-249 Public Concern: The Forest Service should provide clear standards for the decommissioning and the restoration of LCZs.**

##### **TO ENSURE THAT RECLAMATION MAINTAINS THE VALUE OF ROADLESS AREAS**

The draft rule lacks clear standards for decommissioning and restoration of linear construction zones. While the rule requires adoption and implementation of a reclamation plan, it offers no standard for what reclamation should look like. While reclamation to a condition similar to pre-construction may not be applicable for corridors associated with linear facilities (e.g., forested areas would not be reforested where power lines are routed), some direction for greater clarity on reclamation expectations is needed. We would propose language similar to that currently included in the draft rule for roads: following construction, a linear construction zone should be reclaimed to “stabilize, restore, and revegetate the corridor to a more natural state to protect resources, preserve natural drainage patterns, and conserve roadless characteristics, achieving a state that resembles pre-project conditions to every extent possible.” Such a standard would ensure that reclamation plans for linear construction zones actually maintain the value of roadless areas. (Recreation/Conservation Organization, Denver, CO - #617.21.65000.330)

#### **4-250 Public Concern: The Forest Service should eliminate the LCZ language regarding effects on cutthroat trout habitat.**

##### **BECAUSE THE TROUT IS ALREADY PROTECTED UNDER THE ESA**

The language in [section] 294.44(b)(4)(iii) regarding cutthroat trout habitat is redundant due to current protections for the various subspecies found in Colorado. The Endangered Species Act (ESA) is already in place to protect the cutthroat trout. Moreover, most, if not all, Colorado subspecies are currently petitioned for listing or are already listed as threatened under the ESA or are currently treated as sensitive species by the USFS. In addition, official determinations on the status of the subspecies are still being evaluated. If the proposed rule were to go into effect, it would restrict LCZs in cutthroat trout habitat regardless of whether it is later determined that cutthroat trout subspecies are actually not sensitive or threatened.

We object to the language in [section] 294.44(b)(4)(iii) regarding the use of LCZs in cutthroat trout catchment or identified recovery watershed because it is too vague. Specifically, the terms “diminish,” “long-term,” and “conditions” are not defined anywhere in the proposed rule or RDEIS. These three terms could be interpreted in many different ways which could present additional constraints on development and unreasonably delay project approvals. For these reasons, we [Western Energy Alliance, et al.] request that language in the proposed rule regarding cutthroat trout habitat be removed altogether. (Oil, Natural Gas, Coal, or Pipeline Industry, Aurora, CO - #616.41.65000.352)

##### **BECAUSE OFFICIAL DETERMINATIONS OF THE SPECIES STATUS HAVE NOT BEEN DECIDED**

Tri-State requests that language in the proposed ruling regarding cutthroat trout habitat impacts be removed. The language in the proposed ruling is too general and excessively restrictive.

-Official determinations on the status of the subspecies are still being decided. If the proposed Colorado Roadless Area Rule were to go into effect, it will restrict linear construction zones in cutthroat trout habitat regardless if it is later determined that cutthroat trout subspecies are not sensitive or threatened. (Utility Group, Westminster, CO - #677.16.65200.355)

#### **BECAUSE THE LANGUAGE IS TOO GENERAL AND EXCESSIVELY RESTRICTIVE**

Tri-State requests that language in the proposed ruling regarding cutthroat trout habitat impacts be removed. The language in the proposed ruling is too general and excessively restrictive.

-The current language in 2011 proposed Roadless Area Rule Section 294.44.b.4. states the following:

“If a proposed linear construction zone meets one of the exceptions then the following must be determined:

“(iii) Within a native cutthroat trout catchment or identified recovery watershed, a linear construction zone will not diminish, over the long-term, conditions in the water influence zone and the native cutthroat habitat.”

-This language is too vague and open to interpretation. Specifically, the terms “diminish,” “long-term,” and “conditions” are not defined in the document. These three terms could be interpreted in many different ways, and each interpretation could lead to different consequences to Tri-State. (Utility Group, Westminster, CO - #677.18.65200.300)

### **4-251 Public Concern: The Forest Service should reduce the discretion allowed in the proposed rule related to timber harvest, road construction, and LCZs.**

#### **TO ENSURE THAT PRESERVATION OF ROADLESS CHARACTERISTICS IS GIVEN PRIORITY IN DECISION-MAKING**

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

Even in the case where when permitting allowable activities, 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 roadbuilding 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.

A final rule must ensure that an area’s overall roadless qualities and characteristics be enhanced and maintained, and must tighten the overly broad discretion that would allow logging far into the backcountry.

New roads of any type should not be allowed to access or develop future water facilities, nor should the idea ‘linear construction zones’ be expanded to permit new transmission, utility, and telecommunication lines. Any construction corridors on roadless forests must be limited to existing rights-of-way. (Individual, Denver, CO - #30.4.63000.421)

### **4-252 Public Concern: The Forest Service should give approval authority for LCZs to the Forest Supervisor.**

#### **RATHER THAN THE REGIONAL FORESTER**

I do not believe it is necessary to have the Regional Forester approve a Linear Construction Zone in a Roadless Area. That decision should be left to the Forest Supervisor of the affected Forest. (Individual, Austin, CO - #175.3.65000.160)

**4-253 Public Concern: The Forest Service should use LCZs to allow necessary access to water conveyances, electrical and communications lines, and oil and gas pipelines.**

**TO AVOID THE NEED FOR LONGER ROADS TO GO AROUND ROADLESS AREAS**

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 that 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. (Business, Denver, CO - #458.7.65000.200)

**4-254 Public Concern: The Forest Service should ensure that maintenance on oil and gas pipelines will be permitted in LCZs.**

**TO ENSURE THE SAFETY OF THE PIPELINE**

We [Western Energy Alliance, et al.] object that exemptions for maintenance in LCZs are provided for water conveyance structures, electrical power lines, and telecommunication lines, but not oil and gas pipelines. See [section] 294.44(b). The proposed rule currently requires all areas of surface disturbance associated with a LCZ to be reclaimed upon completion of the installation of a linear facility via the use of a LCZ. See [section] 294.44(c). Without a specific exemption for maintenance of oil and gas pipelines, an oil and gas pipeline operator would have no ability to access the pipeline for continued maintenance after the pipeline was installed. Maintenance over the life of a pipeline is a critical component of the safety measures an oil and gas operator takes to prevent potential safety hazards from occurring. In order to eliminate unnecessary impediments, it is of critical importance that authorizations for construction, reconstruction, and maintenance activities in LCZs for oil and gas actions are treated exactly the same as water conveyance structures, electric power lines, and telecommunication lines. (Oil, Natural Gas, Coal, or Pipeline Industry, Durango, CO - #616.18.65000.421)

**4-255 Public Concern: The Forest Service should retain provisions allowing pipeline construction for oil and gas resources.**

**TO AVOID OPPORTUNITY LOSS**

Issue - Potential loss of opportunity to feasibly transport oil and gas resources using pipelines. Prohibiting oil and gas pipelines from going through roadless areas from lands outside roadless areas may result in a loss of opportunity to feasibly extract and transport oil and gas resources.

We, Blue Ribbon Coalition, support provisions that allow for new pipeline and/or pipeline maintenance along existing pipeline or other similar infrastructure corridors within IRAs. (Motorized Recreation, Pocatello, ID - #592.13.65300.421)

**4-256 Public Concern: The Forest Service should limit the LCZ exception for oil and gas pipelines.**

**TO EXISTING RIGHTS**

The LCZ exception applicable to oil and gas pipelines must be limited to existing rights. The proposed rule’s clarification on when oil and gas pipelines could be built (addressing the real threat in the Bull Mountain decision) is stated in the RDEIS at Table 2-13 as: “The construction of pipelines for the purposes of transporting oil or natural gas through a CRA where the source(s) and destination(s) of the pipeline are located exclusively outside of a CRA shall not be authorized.”

RDEIS at 72.

Under the proposed rule, new oil and gas pipelines would be allowed only in the following cases, essentially an explicit recognition of existing lease rights: “Where the Regional Forester determines a



linear construction zone is needed to allow for the construction or reconstruction of a pipeline associated with an oil and gas lease that allows surface use within a CRA or the construction or reconstruction of a pipeline needed to connect to infrastructure within a CRA from outside a CRA where such a connection would cause substantially less environmental damage than alternative routes.” DEIS at 71, Table 2-13.

The added parameters of when an oil or gas pipeline would be allowed, and the inclusion of the ‘decision tree’ (gauging which route would cause substantially less environmental damage) are both welcome. Nonetheless, the proposed rule does not prohibit construction or reconstruction of oil and gas pipeline LCZs for new leases issued after implementation of the Colorado Roadless Rule. This is not acceptable. LCZs should be a tool to facilitate development of existing rights only and must not be allowed to mar roadless areas indefinitely. (Preservation/Conservation, Carbondale, CO - #591.55.65300.421)

#### **4-257 Public Concern: The Forest Service should allow for new LCZs for oil and gas pipelines.**

##### **WHERE SOURCE AND DESTINATION ARE OUTSIDE CRAS AND CONSTRUCTING OUTSIDE THE CRA WOULD CAUSE SUBSTANTIALLY MORE ENVIRONMENTAL DAMAGE**

We our [Western Energy Alliance, et al.] recognize the clarifications that have been made in the proposed rule regarding the use of Linear Construction Zones (LCZs) for the construction of pipelines, especially the Regional Forester’s ability to authorize a LCZ for the “construction or reconstruction of a pipeline needed to connect to infrastructure within a [CRA] from outside a [CRA] where such a connection would cause substantially less environmental damage than alternative routes.” See [section] 294.44(b)(3). In previous drafts of the Colorado Roadless Rule and EIS, it was unclear why exceptions were made for electrical power lines and water conveyance structures, but not for oil and natural gas pipelines.

Nonetheless, we remain concerned that the proposed rule still does not provide for existing or new rights-of-way designations that may cross through CRAs and still contains some unexplained discrepancies between the treatment of electrical power lines and telecommunication lines, on the one hand, and oil and natural gas pipelines, on the other. The proposed rule still prohibits the construction of pipelines for the purposes of transporting oil or natural gas through a CRA where the source(s) and destination(s) of the pipeline are located exclusively outside of a CRA. See [section] 294.44(b)(3).

However, the proposed rule allows for the construction of electrical power lines or telecommunication lines within CRAs if there is no opportunity for the project to be implemented outside of a CRA without causing substantially greater environmental damage. See [section] 294.44(b)(2). Several of our member companies operate interstate oil and natural gas pipelines that provide critical connectivity between the nation’s oil and gas production areas and its growing population centers. The proposed rule would limit those companies’ ability to develop and expand their operations and could affect their ability to continue to provide oil and natural gas to consumers across the country. The proposed rule fails to recognize that construction of oil and gas pipelines results in an especially short-term, temporary disturbance that has no long-lasting effects on roadless values. While inspections and routine maintenance of these facilities is required, such activities can be accomplished with little or no impact to the roadless character of the landscape. Further, constructing an interstate oil or natural gas pipeline around a CRA could easily cause substantially greater environmental impact than traversing it, especially if the only viable alternative route traverses an area of critical wildlife habitat, urban area, or other special land use designation. We recommend that the final Roadless Rule allow for construction of oil and natural gas pipelines in CRAs where the source(s) and destination(s) of the pipeline are located outside a CRA and where doing so would cause substantially less environmental damage than alternative routes. Such an exception would be consistent with the exception provided for other LCZs. (Oil, Natural Gas, Coal, or Pipeline Industry, Durango, CO - #616.13-14.65000.421)

#### **4-258 Public Concern: The Forest Service should clarify the standards that will be applied to LCZs for oil and gas pipelines.**

[DEIS] Page 118, Chapter 3: “Agency policy reflects Bureau of Land Management (BLM) policy that recognizes authorized oil and gas pipeline construction does not require a road-the area of disturbance

for the installation of the pipeline is considered a linear construction zone.” Please define if this will be the standard for roadless areas. Please clarify if the linear disturbance of a road definition is consistent with a pipeline. When doing surface disturbance and reclamation mitigation in a National Environmental Policy Act document the impacts to roadless may be the same. It may appear that a road is being constructed. (U.S. Department of Interior, Office of Environmental Policy Compliance, Washington, DC - #829.9.65300.160)

#### **4-259 Public Concern: The Forest Service should prohibit LCZs for construction of pipelines supporting oil and gas leases issued after implementation of the 2001 Roadless Rule.**

##### **AND IN UPPER TIER AREAS OTHER THAN TO ACCESS VALID OIL AND GAS LEASES**

We, Pitkin County Board of Commissioners, appreciate the concept of Linear Construction Zones (“LCZs”) as an alternative to temporary roads to facilitate installation of “linear facilities,” such as pipelines, electrical powerlines, telecommunication lines, ditches and canals. However, the exceptions to prohibition on linear construction zones are too extensive to provide the protection they are intended to provide. At a minimum, LCZs should be:

Prohibited for construction or reconstruction of pipelines associated with oil and gas leases issued after the 2001 Roadless Rule was implemented; Prohibited in “Upper Tier” lands; other than where valid oil and gas leases exist. (Pitkin County Board of Commissioners, Aspen, CO - #587.14.65000.421)

#### **4-260 Public Concern: The Forest Service should be commended for tightening the Bull Mountain loophole that would have allowed a natural gas pipeline.**

We [San Miguel County Board of Commissioners] appreciate the work of the Colorado State Department of Natural Resources and the US Forest Service to tighten the so-called Bull Mountain loophole that allowed a new natural gas pipeline to bisect several roadless areas on the GMUG and support the parameters outlined in the proposed rule for pipelines. (San Miguel County Board of Commissioners, Telluride, CO - #675.4.65300.160)

#### **4-261 Public Concern: The Forest Service should reconsider restricting the Bull Mountain pipeline project.**

##### **BECAUSE REROUTING THROUGH NON-ROADLESS AREAS MAY CAUSE GREATER DISTURBANCE**

I am familiar with the Bull Mountain pipeline project and know that much of that pipeline was constructed along an existing, smaller older pipeline corridor. As such, new disturbance was minimized. By saying that a pipeline—a linear feature—cannot be constructed through a roadless area, the Forest may be forcing greater, more extensive disturbance. To restrict linear construction that could be the least disturbance and will be reclaimed and restored to a typically better than previous condition. These reclaimed linear features are not roads. (Individual, - #189.3.65300.201)

#### **4-262 Public Concern: The Forest Service should allow water conveyance LCZs with reasonable mitigation.**

##### **EVEN IF NATIVE CUTTHROAT TROUT HABITAT IS DIMINISHED OVER THE LONG TERM**

Clear Creek County has three planned reservoir sites in the Bakerville and Leavenworth areas, for which it has applied for or received conditional water rights to store water for domestic uses, which could be affected by the proposed rule. Two are in the zone identified as a native cutthroat trout catchment area and all three are partially within the proposed CRA. (See Exhibit A)

The Rule addresses, through an exception, the right to construct, reconstruct, or maintain an authorized water conveyance structure which is operated pursuant to a pre-existing water court decree, an exception to the general prohibition against linear construction zones in the CRAs (36 CFR [section]294.44b)(1). However, for the exception to apply, it must be determined “Within a native cutthroat trout catchment or

identified recovery watershed, a linear construction zone will not diminish, over the long-term, conditions in the water influence zone and in the native cutthroat habitat.” ([section]294.44(b)(4)(i ii).)

The RDEIS acknowledges “....Water conveyance structures change the stream flow regime.” (Page 153) That seems undeniable. In so doing, however, have you not acknowledged that it will be impossible or unduly burdensome to satisfy the condition to exercising the exception? We recommend these sections expressly allow “reasonably possible” mitigation even if the habitat is diminished over the long term. (Clear Creek County, Georgetown, CO - #537.5.65100.340)

#### **4-263 Public Concern: The Forest Service should revise the LCZ exception for water conveyances to honor any water rights with an appropriation date that predates the Rule.**

##### **TO BE CONSISTENT WITH COLORADO WATER LAW**

The Proposed Rule prohibits road construction and linear construction zones in a Colorado Roadless Area with certain exceptions. One such exception is when the Regional Forester determines that “a forest road or a temporary road is needed to allow for the construction, reconstruction, or maintenance of water conveyance structure which is operated pursuant to a pre-existing water court decree.” [sections] 294.43(b)(1) and [sections] 294.44(b)(1).

The emphasized portion of this quoted exception is inconsistent with Colorado water law. In Colorado, water right priority rather than date of decree is controlling. As written, one can have a valid Colorado water right, the priority of which predates the final rule, that he cannot exercise in a Colorado roadless area if the decree happens to be finalized after the date of the final rule. Greeley requests that the exception cover any water rights with an appropriation date that pre-dates the date of the final rule. (City of Greeley, Greeley, CO - #683.4.65100.180)

#### **4-264 Public Concern: The Forest Service should revise the LCZ exception for water conveyances.**

##### **TO ELIMINATE THE RESTRICTION TO AN EXISTING WATER COURT DECREE**

In [section] 294.44(b) Linear Construction Zones, we [Denver Water] recommend modifying item (1) as follows:

(1) The construction, reconstruction, or maintenance of a decreed [delete]n authorized[delete] water conveyance structure which is operated pursuant to a [delete]pre existing[delete] water court decree-(see also [section] 294.43(c)(1)(iv)); (Utility Group, Denver, CO - #672.10.65100.141)

#### **4-265 Public Concern: The Forest Service should modify the Rule to allow maintenance, development, and expansion of reservoirs in LCZs.**

##### **TO MAINTAIN AND DEVELOP FUTURE WATER SUPPLIES**

Section 294.44 and the prohibition on linear construction zones (LCZs) cause consternation. The 2001 Roadless Rule did not restrict the use of LCZs. This is of particular importance to water supplies. We [Montrose Economic Development Corporation] must maintain the ability to maintain and develop future water supply on public lands. The wording locks in the existing water rights, but fails to allow for the maintenance, development, and expansion of reservoirs within roadless areas. There is also need for clarifying language in the event that a structure outside of the roadless area causes water to be stored within the roadless areas.

We urge adding more specific language protecting these facilities and future needs that may need to be extended to roadless areas. (Business, Montrose, CO - #618.8.65100.242)

#### **4-266 Public Concern: The Forest Service should prohibit electrical and telecommunication lines in roadless areas.**

Electrical and telecommunication lines should not be allowed in roadless areas, especially in the upper tier areas. (Individual, Bayfield, CO - #764.6.61000.620)

What a Colorado Roadless Rule should contain:

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

Construction of electrical and telecommunications lines should not be permitted in roadless areas. (Preservation/Conservation, Colorado Springs, CO - #731.9.61000.061)

#### **4-267 Public Concern: The Forest Service should allow construction and maintenance of electrical and telecommunications lines in LCZs.**

Section 294.44 Prohibition on Linear Construction Zones-

The previous 2001 Roadless Rule did not restrict the use of LCZs. Provisions have to be kept to allow for the construction or expansion of reservoirs within these roadless areas to honor the water rights which have been filed on or before the date of adoption of the Roadless Rule. Allowance must also be made for access to electrical and telecommunication services for our communities and we [Dolores County Board of County Commissioners] urge the opportunity and ability to construct, maintain, and improve these infrastructures to areas that may be considered roadless or upper tier. (Dolores County Board of Commissioners, Dove Creek, CO - #633.5.65000.640)

##### **TO ENSURE THAT FUTURE ELECTRICITY AND TELECOMMUNICATIONS NEEDS CAN BE MET**

The LCZs also seem possibly restricted for access to electrical and telecommunication services in our rural areas. Our economic health will demand that electrical and transmission services expand to meet future electrical demand and upgrades in telecommunications.

We [Montrose Economic Development Corporation] urge adding more specific language protecting these facilities and future needs that may need to be extended to roadless areas. (Business, Montrose, CO - #618.9.65200.800)

#### **4-268 Public Concern: The Forest Service should ensure the Rule allows access to electrical and telecommunications lines.**

We [Colorado Timber Industry Association] 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. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.8.65200.001)

##### **TO ENSURE THAT MAINTENANCE OF EXISTING LINES WILL NOT BE IMPEDED**

Tri-State has three electric transmission lines that will be affected by the proposed Colorado Roadless Area Rule:

1. Crested Butte to Skito 115,000 volt (115 kV)—2.3 miles
2. Telluride to Cascade, 115 kV; San Juan County—4.5 miles
3. Bayfield to Pagosa, 115 kV; Archuleta County—1.7 miles

A total of 8.5 miles of line will be directly affected by the proposed rule. Other portions of Tri-State transmission lines closely border roadless areas. Access, fire management, vegetation management or other maintenance tasks could be impeded by the proposed rule. (Utility Group, Westminster, CO - #677.22.65200.002)

##### **TO ENSURE THAT NECESSARY TREE AND VEGETATION REMOVAL AND EMERGENCY MAINTENANCE ARE TIMELY**

The proposed rule fails to mention access to existing transmission facilities and other associated vital equipment necessary for Tri-State's continued operations within the proposed Colorado Roadless Areas. This will lead to regulatory uncertainty and may cause denial of access to this equipment in the future, leading to potential failure of electric transmission and decrease in reliability.

2011 proposed Roadless Area Rule Section 294.42 states the following:

“(b) Upper Tier Access. Notwithstanding the prohibition in paragraph (a) of this section, trees may be cut, sold, or removed in Colorado Roadless Areas upper tier acres if the Responsible Official determines the activity is consistent with the applicable land management plan” and

“(c) Non-Upper Tier Access. Notwithstanding the prohibition in paragraph (a) of this section, trees may be cut, sold, or removed in Colorado Roadless Areas outside upper tier acres if the Responsible Official, unless otherwise noted, determines the activity is consistent with the applicable land management plan, one or more of the roadless area characteristics will be maintained or improved over the long-term with the exception of paragraphs (c)(5) and (6) of this section, and one of the following circumstances exists ...”

The above statements imply the need for Regional Forester’s approval for any tree removal operation, even if located within Tri-State’s access or rights-of-way. This will slow down or inhibit adequate maintenance of transmission line corridors if approval is needed for such operations.

Tree and vegetation removal is vital to providing reliable electricity. Overgrown vegetation can cause blow downs, increased fire risk, difficult access to facilities, and decrease safety and reliability.

Tri-State requires clear access to transmission lines and associated facilities to conduct maintenance. Tri-State currently implements a vegetation management policy as mandated by the North American Electric Reliability Council (NERC) Federal reliability standards. This policy requires specific right-of-way management practices and notification to jurisdictional agencies as warranted.

Many of the items discussed in this comment will also apply to emergency maintenance. If an emergency situation occurs where electricity must be restored as soon as possible, Tri-State will need immediate access to transmission lines. If transmission line function is not restored promptly, the issue could become a matter of public health and safety. (Utility Group, Westminster, CO - #677.3-4.65200.160)

## Chapter 5. Upper Tier Areas

### General Considerations

#### 5-1 Public Concern: The Forest Service should expand the upper tier designations.

##### **TO INCLUDE AREAS IN THE PIKE-SAN ISABEL, ROUTT, AND RIO GRANDE NATIONAL FORESTS**

Protect key fish and wildlife habitat in all of our forests. The Pike-San Isabel, Routt, and Rio Grande National Forests have tens of thousands of high-value roadless backcountry acres that are worthy of upper tier protections and not to leave them out of upper tier designation. (Individual, Durango, CO - #40.7.41100.621)

##### **TO INCLUDE THE THOMPSON CREEK AREA**

I believe the new rule should be at least as protective as the 2001 National Roadless Rule, that it should include strong restrictions on logging and road construction, and that it should expand the upper tier lands to include those proposed in Alternative 4. I am most concerned about the Thompson Creek area and hope that it will be included as a key area to protect. (Individual, Glenwood Springs, CO - #446.1.40000.002)

#### 5-2 Public Concern: The Forest Service should reconsider the upper tier restrictions.

##### **TO ENSURE THAT NEEDED OPTIONS ARE AVAILABLE FOR FOREST MANAGEMENT AND FIRE PREVENTION**

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. (Conservation District, Woodland Park, CO - #489.1.43000.030)

#### 5-3 Public Concern: The Forest Service should expand the upper tier protections.

Please add to the "upper tier" the full 2.8 million acres that could be added to the "upper tier". (Individual, Boulder, CO - #431.2.66000.001)

13 percent statewide is not enough upper tier designations nor is 17 percent enough for our GMUG (Grand Mesa, Uncompahgre and Gunnison [National Forests]). Colorado deserves more. (Individual - #459.6.66000.001)

Thank you for the introduction of an 'upper tier' category protecting high-quality roadless lands—those with particularly important wildlife, watershed, and recreational values. This is a positive development to be commended. Thanks to the Grand Mesa, Uncompahgre, and Gunnison National Forests for proposing 17 percent of its Inventoried Roadless Areas (IRAs) for the stronger 'upper tier' protections. But, statewide, more forest lands deserve this consideration. (Individual - #564.1.66000.001)

##### **BECAUSE THERE ARE ALREADY TOO MANY ROADS IN THE BACKCOUNTRY**

Due in part to the unmanaged mining practices of the 19th century, Colorado's backcountry is a virtual labyrinth of roads. In the decades since the mining booms slumped, this vast network of roads has been

taken over by OHV (off-highway vehicle) enthusiasts, resulting in it having been carved, trashed and overused to the point that it is “backcountry” in name only, and any sense of true “wildness” is dubious, at best.

In fact, the Colorado of the 21st century more closely resembles an all-terrain park operating within the confines of a large zoo—something like Busch Gardens, Florida.

Under the current proposal, only 13 percent of Colorado’s roadless areas are given top tier protection, thus leaving the remainder more vulnerable to new road building, drilling, and development.

Colorado deserves more! Please expand top tier protection for our roadless National Forests in a manner that fully protects their suite of backcountry values, so that the water, wildlife, and other bounties of our backcountry will be preserved. (Individual, Villa Grove, CO - #39.3.66000.002)

#### **TO PROTECT WATER, WILDLIFE, AND BACKCOUNTRY VALUES**

Under the current proposal, only 13 percent of Colorado’s roadless areas are given top tier protection, thus leaving the remainder more vulnerable to new road building, drilling, and development.

Colorado deserves more! Please expand top tier protection for our roadless National Forests in a manner that fully protects their suite of backcountry values, so that the water, wildlife, and other bounties of our backcountry will be preserved. (Individual, Denver, CO - #43.2.66000.002)

#### **TO PROTECT WILDLIFE, WATER, AND THE RECREATION ECONOMY**

Expand and strengthen “upper tier protections” of the more than 2.8 million areas identified by the Forest Service in one of the many DEIS alternatives. These areas are extremely important wild lands to people, ecosystems, and animals. They protect critical habitat and provide important wildlife migration corridors that enable sustainable and healthy populations of animals. Also they are vitally important sources of potable water for downstream communities. And, they offer unique and important recreational activities which bring tourism dollars and also help Colorado attract a vibrant workforce. This is essential for Colorado businesses to remain competitive domestically and globally. (Individual, Denver, CO - #530.2.66000.002)

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 percent, 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.

Upper tier protections must 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. (Basalt Town Council, Basalt, CO - #540.4.66000.002)

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 ‘add significantly’ to the level of protection and adequately strengthen

the proposed rule, half or more of the state's roadless areas should be included in this category. (Individual, Denver, CO - #30.2.66000.002)

#### **TO PROTECT WATER RESOURCES**

I am writing to say that I hope you will not decrease upper-tier protection areas in Colorado. New roads and exploration don't just damage wildlife and recreation values, they also increase chances of potential damage to watersheds through hydrofracking, accidental spills, visual pollution, and other unavoidable perils of expanded roads. Please protect roadless areas.

Take a lesson from the Yellowstone River Spill; we cannot believe that there are sufficient protections to prevent disasters. (Individual - #545.1.66000.002)

#### **BECAUSE ROADS AND ELECTRICAL AND TELECOMMUNICATIONS LINES DO NOT NEED TO BE IN ROADLESS AREAS**

Roadless areas need to be added to the upper tier. This protection is essential for a balanced ecosystem. Electrical and telecommunication lines do not need to be taken through roadless areas, especially the upper tier. Also, please stop the construction of roads through forest lands for gas and oil leases. I live in area where the ecosystem is extremely fractured due to oil and gas roads. The traffic is high and this also interferes with natural function of the environment. It is extremely vital that roads for water projects in roadless areas be stopped.

There are other ways to meet the demands of humans. It is not necessary that more roadless areas be destroyed. (Individual - #385.2.66000.330)

#### **TO PROTECT MORE AREAS FROM TIMBER HARVEST**

I would request that more roadless areas be added to the "upper tier", where they have more protection against logging. (Individual, West Bloomfield, MI - #73.3.66000.261)

### **5-4 Public Concern: The Forest Service should expand upper tier protection to all roadless areas covered by the 2001 Roadless Rule.**

#### **BECAUSE THESE AREAS' GREATEST VALUE IS AS WATERSHEDS, HABITAT, AND PLACES OF HUMAN REFUGE**

The lands in question have a higher social value as watersheds, wildlife habitat and places of human refuge, than the commercial value of items that can be extracted from these fragile lands.

I would request that all roadless lands identified during the evaluation process for the 2001 Roadless Rule be granted top tier protection under the law. (Individual, Ridgway, CO - #156.2.66000.200)

### **5-5 Public Concern: The Forest Service should expand upper tier areas.**

#### **TO INCLUDE ALL COLORADO ROADLESS AREAS (CRAS) WITH RECREATIONAL RESOURCES**

[ATT 1] If every CRA with recreational resources as documented herein [ATT1] were designated upper tier in its entirety, that would total approximately 1,592,500 acres. The areas we [Outdoor Alliance et al.] have indentified represent an increase of 1,327,400 additional acres over Alternative 2, and an increase of 446,800 additional acres over Alternative 4. (Recreation/Conservation Organization, Washington, DC - #681.20.66000.001)

#### **TO INCLUDE AREAS WITH KEY FISH AND HABITAT AND HIGH-QUALITY HUNTING AND FISHING**

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

As drafted, about 13 percent of the overall acreage in the proposed Colorado Rule is upper tier while Idaho upper tier areas represent about 33 percent of the overall acreage. Further, it should be pointed out



that the draft rule proposes no land for upper tier on the Pike-San Isabel National Forest and only .02 percent of the Inventoried Roadless Areas on the Rio Grande National Forest.

In order for the Colorado Rule to be successful, the upper tier category should include the Colorado Roadless Areas with key fish and wildlife habitat and high-quality hunting and fishing. We ask that the final Colorado Roadless Rule upper tier category include the 1.47 million acres of CRAs recommended by TRCP [Theodore Roosevelt Conservation Partnership] and several other organizations on July 14, 2011 in the document titled "CO RR Upper Tier Sportsmen Recommendations Final." These recommendations are also accompanied by a spreadsheet titled, "Sportsmen Upper Tier Criteria Ranking," PDF maps entitled, "Arapaho-Roosevelt Sportsmen Upper Tier Map," "GMUG Sportsmen Upper Tier Maps," "Pike-San Isabel Sportsmen Upper Tier Map," "Rio Grande Sportsmen Upper Tier Map," "Routt Sportsmen Upper Tier Map," "San Juan Sportsmen Upper Tier Map" and "White River Sportsmen Upper Tier Map." Due to their large file size, the GIS shapefiles used in the mapping will be sent to the Region 2 Planning Team and Acting Deputy Regional Forester, Randy Karstaedt. We also recommend that all 562,000 Alternative 2 upper tier lands included in the proposed rule maintain their upper tier status in the final rule. (Recreation/Conservation Organization, Missoula, MT - #673.12-13.66000.160)

#### **TO REDUCE HABITAT FRAGMENTATION, PROTECT WILDLIFE AND FISHERIES, AND PRESERVE HUNTING AND FISHING OPPORTUNITIES**

My background is in conservation biology and my organization has worked for twenty years on Forest Plans travel plans to help reduce the amount of habitat fragmentation that occurs due to motorized and mountain bike trail development.

My work involves preserving large, unfragmented core habitat areas by minimizing road and trail densities in Forest Service travel plans.

Roadless areas embody all this: they are large, relatively unfragmented ecosystems.

Accordingly, I am concerned that in the preferred alternative of the Colorado Roadless Rule, upper tier roadless areas have been delineated on too limited a basis and will allow too much fragmentation to occur. The proposed upper tier roadless areas fail to capture much of Colorado's remaining wildlife habitat and fisheries, along with our largest intact hunting and fishing areas. (Individual - #630.1.66100.331)

#### **TO ENSURE THE RULE IS AT LEAST AS PROTECTIVE AS THE 2001 RULE**

Roadless lands were first proposed for an 'upper tier' in the 2010 revised State Petition. The idea developed from discussions at the Roadless Area Conservation National Advisory Committee (RACNAC). It was a key component of the Idaho Roadless Rule, the only other state-specific roadless rulemaking. In Idaho roughly one-third of the state's roadless National Forests were placed into a category more protective than the 2001 Rule. See 36 CFR 294.23(a) and 73 Fed Reg 61479, October 16, 2008.

The addition of an upper tier is an improvement over earlier versions of the proposed Colorado Rule. And the current proposal includes more lands than the state identified in its 2010 petition, moving in the right direction.

"The 2010 [[State]] Petition contained 257,000 upper tier acres. Based on the Secretary's direction, acres were added such that there are now 562,200 upper tier acres in this proposed rule. These areas were selected to become upper tier based on their roadless characteristics, and that they were already designated for higher levels of protection in either draft or final forest plans." Preamble at 21274.

At first glance, the higher acreage does seem to reflect the direction suggested by Secretary of Agriculture Thomas Vilsack when he discussed the 2010 Petition:

"The Obama Administration is committed to the protection of roadless areas on our National Forests as these areas are vital for conservation of water resources, for wildlife and for outdoor recreation...As the Forest Service prepares a draft environmental impact statement for this petition, I have asked that the agency analyze the potential of adding significantly to the number of acres receiving a higher level of protection than the 2001 rule. I'm confident that working with the Governor and with the public, we will craft a final rule that is, on balance, at least as protective of roadless areas—and preferably more protective—than the 2001 Roadless Rule." Release No. 0167.10, April 6, 2010.

On closer scrutiny, however, the proposed rule fails to meet this commitment. The proposed rule fails to place a significant amount of roadless lands into a more protective category. Thus, on balance, the resulting rule—if enacted as proposed—would guide management of Colorado’s roadless National Forests to a much lower standard than the 2001 Rule.

Under the draft rule the proposed upper tier protections are somewhat of a parlor trick as they already exist for the identified lands in current forest plans (with exceptions for the GMUG [Grand Mesa, Uncompahgre, Gunnison National Forests]), and would exist—at least until plan amendment or revision—if only the forest plans directed management, i.e. under Alternative 3 (see RDEIS Appendix B). Further, since the FS can amend and revise its plan to make it more protective than the roadless rule, this is not a new direction given to the Agency; it is only recognition of what is already decided.

But the Agency was not necessarily looking for roadless characteristics when developing forest plans. On the GMUG, for instance, the 2005 inventory work on which the upper tier proposal rests was done for the plan’s wilderness recommendations—and thus left out many roadless areas found suitable and capable of wilderness protection, but not available due to other management concerns. In many cases, these concerns are not related to roadless management or to protecting the values that exist and are worthy of the strongest administrative protections. Instead, areas with incredible wildlife values, important watersheds, and high quality recreation are not proposed for upper tier protection, essentially due to non-roadless conflicts such as snowmobiling or mountain-biking.

For forests with the most stale management plans, the situation is even worse. Written when the list of sensitive species was much different or didn’t exist; crafted more than a decade before a national Roadless Rule was even contemplated; developed when the science of conservation biology was much less developed; and when backcountry recreation was not the force on public lands it is today; National Forests like the Pike-San Isabel, Rio Grande, and Routt have upper tier proposals that are embarrassingly low.

Rather than adding significantly to roadless lands “receiving a higher level of protection than the 2001 rule” the draft rule proposes no land for upper tier on the Pike-San Isabel National Forest and only .02 percent of the Inventoried Roadless Areas on the Rio Grande National Forest. The Routt National Forest has, by comparison, a relatively generous upper tier designation of 6 percent of IRAs (RDEIS at 52). When compared with the total lands identified for potential upper tier protection in either Alternative 2 or Alternative 4, these numbers look even worse. Indeed, about two-thirds of the state’s National Forest IRAs (over 2.8 million acres) are identified, in either or both of Alternatives 2 and 4, for upper tier protection but only 13 percent are included for such in the proposed rule (Alternative 2). (See RDEIS at 61. Combined acreage for upper tier proposed in one or the other alternative derived from GIS [Geographic Information Systems] analysis of USFS data).

The differences between proposed and potential upper tier, comparing Alternatives 2 and 4 on the individual forests, highlights the variances among the state’s forest plans. (The GMUG proposal is based on the 2005 unfinished forest plan and the San Juan’s is based on its 2007 draft revised forest plan.) [see ATT1]. (Preservation/Conservation, Duluth, MN - #684.32-34.66000.160)

#### **BECAUSE UPPER TIER AREAS WERE IDENTIFIED USING A FLAWED APPROACH**

One fundamental problem with the draft rule is that it lacks the consistent protective vision implicit in the 2001 Rule. This is highlighted in the draft rule’s reliance on a patchwork of forest plans to determine lands proposed for ‘upper tier’ protection. The upper tier is described ([section] 294.41 Definitions) as: “Colorado Roadless Area Upper Tier Acres: A subset of Colorado Roadless Areas identified in a set of maps maintained at the national headquarters office of the Forest Service where not all exceptions for tree-cutting, sale, or removal and road construction/ reconstruction would apply in order to provide a higher level of protection.” 294.41.

But the proposed upper tier lands are identified through a flawed approach, relying on forest plans ranging from nine to 27 years in age (or on more recent work around plan revisions on two forests): “This alternative [[proposed rule]] designates 562,200 acres as CRA upper tier acres. These areas were identified in forest plans, or during forest plan revision processes, as areas where tree-cutting and road building restrictions would be appropriate.” RDEIS at 14.

A primary purpose of the 2001 Rule was to provide consistent management for all our roadless National Forests. Unfortunately the proposed rule does not even provide consistent protection across the state, but

instead takes a piecemeal approach to identifying, and ultimately protecting, our most important backcountry. (Preservation/Conservation, Santa Fe, NM - #684.29.66000.160)

## **5-6 Public Concern: The Forest Service should incorporate the upper tier areas from Alternative 4 into the final rule.**

### **TO CREATE MEANINGFUL PROTECTIONS**

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. (Individual, El Jebel, CO - #382.2.66000.200)

I believe the Colorado Roadless Rule should be at least as protective as the Clinton 2001 Rule. The proposed Colorado Roadless Rule definitely falls short of that. All Alternative 2 lands placed in upper tier should remain and all upper tier lands in Alternative 4 should be moved into the Preferred Alternative upper tier category. (Individual, Dolores, CO - #541.1.66000.200)

### **TO PROTECT THESE HIGH-QUALITY HUNTING AND FISHING AREAS**

I am a sportsman who cares deeply about quality fish and wildlife habitat and the future of hunting and fishing on National Forest lands in Colorado. The 4.2 million acres of backcountry roadless areas in the Centennial State provide important habitat for numerous big-game species and wild trout.

More than 259,000 hunters and 660,000 anglers take to Colorado's woods and waters every year. With untold miles of Gold Medal streams and more elk and mule deer than any other state, Colorado is a sportsmen's paradise. Responsible management of roadless backcountry is necessary to safeguard our outdoor legacy.

I ask that the 2.6 million acre upper tier category of lands proposed in Alternative 4 be incorporated into the Preferred Alternative in the Final Rule. The upper tier category provides additional certainty for backcountry lands that have been identified as being of highest value. The lands included in Alternative 4 were originally recommended for upper tier by the hunting and fishing community because they have outstanding fish and wildlife values, receive considerable use by sportsmen and provide high-quality recreational experiences. (Individual, La Follette, TN - #178.1.66200.560)

I ask that the 2.6 million acre upper tier category of lands proposed in Alternative 4 be incorporated into the Preferred Alternative in the final rule. The upper tier category provides additional certainty for backcountry lands that have been identified as being of highest value. The lands included in Alternative 4 were originally recommended for upper tier by the hunting and fishing community because they have outstanding fish and wildlife values, receive considerable use by sportsmen, and provide high-quality recreational experiences. (Individual, Lorton, VA - #242.2.66000.560)

#### **[ATT1] "Sportsmen's Solutions" for the Proposed Colorado Roadless Rule**

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

Solution: The Forest Service should significantly increase the acreage of upper tier lands in the preferred alternative. All Alternative 2 lands already placed in upper tier should remain and all upper tier lands in Alternative 4 that are important for fish and wildlife habitat and hunting and fishing should be moved into the Preferred Alternative upper tier category

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

As drafted, about 14 percent of the overall acreage in the proposed Colorado rule is upper tier while Idaho upper tier areas represent about 33 percent of the overall acreage. In order for the Colorado rule to be a similar success to the Idaho rule, the final upper tier category must be expanded and include the Colorado roadless areas with key fish and wildlife habitat and high quality hunting and fishing. (Recreation/Conservation Organization, Colorado Springs, CO - #539.2.66000.002)

#### **TO PROTECT HIGH WILDLIFE VALUES, CLEAN WATER, AND OUTSTANDING RECREATIONAL OPPORTUNITIES**

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. (Individual, Durango, CO - #374.2.66000.002)

Protection of "Upper Tier" roadless areas.

We [Bull Moose Sportsmen's Alliance] appreciate that the new draft rule includes the concept of "upper tier" roadless lands. Strong protections for upper tier areas are critical to providing adequate safeguards for fish and wildlife habitat that retain Colorado's sporting heritage.

Inclusion of appropriate lands in "upper tier." We request additional consideration be given to an expansion of the 562,000 acres identified in the preferred alternative to incorporate areas deemed important wildlife habitat. While important, the acres identified as upper tier under the preferred alternative are currently limited to areas where Forest Plans already prohibit road building. Limiting upper tier to these acres neither addresses key fish and wildlife habitats, nor does it illustrate a commitment by the Forest Service to go beyond current plans and create a truly protective roadless rule for Colorado.

Alternative 4 includes the appropriate number of acres of high-value lands for fish and wildlife habitat and the hunting and fishing recreation they sustain. The acreage included in this alternative encompasses native trout recovery watersheds, crucial elk summering habitats, and areas that have been identified by Colorado sportsmen as the "best of the best" roadless areas for hunting and fishing opportunities. Several sportsmen's organization have gone to great lengths to identify these key areas in an effort to ensure protection of the roadless lands that are most valuable to sportsmen. The acreages identified in the conservation alternative are fully supported by numerous sportsmen and sportsmen's organizations across the state and would preserve our sporting traditions and continue to sustain rural economies. Accordingly, all 2.6 million acres identified in the conservation alternative should be given upper tier status. (Recreation/Conservation Organization, CO - #628.4.66000.560)

#### **BECAUSE THEY INCLUDE UPPER TIER AREAS IN THE PIKE-SAN ISABEL NATIONAL FOREST**

I've recently learned that the USFS preferred alternative for roadless lands management in Colorado severely limits the number of "upper-tier" acres with the National Forest System in Colorado. I'm at a loss to describe my disappointment.

As a child of Colorado, and an avid backcountry fly fisherman, I know first-hand the truth when it comes to the quality of Colorado's backcountry. I know that there are literally millions of "upper tier" roadless acres spread all across the state, and that each of the state's National Forests possess hundreds of thousands of high-quality, intact acres that should be left just like they are today.

The fact that the USFS preferred alternative recognizes no upper-tier acreage on the Pike-San Isabel National Forest is proof of a vital disconnect. Having hunted and fished on that National Forest since I was a child, I can attest that there are, indeed, some "upper-tier" roadless lands within that forest—in fact, I would suggest that the bulk of the P-SI's roadless lands are upper tier lands. The conservation

alternative, while still short of the mark, in my opinion, is much more realistic, and likely a more palatable compromise for folks like me, who value the backcountry and the habitat it offers to game and fish.

I would support the conservation alternative in the proposed Colorado roadless rule. I believe the Forest Service, however, is out of touch by naming a preferred alternative that is so drastically short of the mark when it comes to protecting the best of Colorado's backcountry as upper-tier. Frankly, I'm shocked at the lack of upper-tier acreage, and can only assume that consumptive-use interests are behind this alternative. Please, consider the conservation alternative and help us protect our fishing and hunting heritage now and for years to come. (Individual, Idaho Falls, ID - #28.1.66000.560)

#### **AS WELL AS AREAS OF GREAT VALUE TO THE RECREATION COMMUNITY**

At the beginning of this process, the Obama Administration specified an unambiguous target for the Colorado Roadless Rule - the Rule must offer conservation protections as strong as or stronger than the 2001 Roadless Rule. While the proposed rule is much improved from earlier efforts, the meager acreage presently in the upper tier category (562,200) precludes the proposed rule from hitting the Obama Administration's target. We feel that the adoption of DEIS Alternative #4, which is identical to the proposed rule except that it has approximately 2.6 million acres in the upper tier category, would put the Administration's target much more in reach. Including additional acreage in the upper tier as specified in our attached portfolio of candidate parcels of greatest importance to the active outdoor recreation community [see ATT1] would improve USDA's accuracy further still. (Recreation/Conservation Organization, Washington, DC - #681.1.66000.160)

### **5-7 Public Concern: The Forest Service should clarify how upper tier areas were identified.**

How were the "Upper Tier" acres identified? I have heard that the Alternative 2 (proposed action) "Upper Tier" acres on the Grand Mesa, Uncompahgre and Gunnison National Forests came from a draft Forest Plan that never ever received public comment. It is absolutely wrong to use a draft plan as a foundation for these acres. Is this correct? (Motorized Recreation, Delta, CO - #161.2.66000.160)

### **5-8 Public Concern: The Forest Service should include a table clearly showing what uses will be permitted in each upper tier area.**

#### **TO CLEARLY DEFINE THE PROPOSED MANAGEMENT DIRECTION**

The management objectives of the 'upper tiers' need to be defined in a format understandable to the average reader.

The Proposed Action, as described in the Summary Document (p. 4), states that this rule is intended to provide direction on how roadless areas should be managed in the future, to wit:

"The Department, in cooperation with the State of Colorado, proposes to promulgate a state specific rule to manage roadless areas and conserve roadless area characteristics on NFS lands in Colorado."

However, SAF [Society of American Foresters'] reviewers had a very difficult time trying to determine exactly what this management would entail. If experts in the forestry profession are unable to determine the management direction of the proposed rule, the general public will likely have a difficult time as well. Using a format similar to the 2003 Revised Medicine Bow National Forest Plan, Table 2-2 of Chapter 2 would be helpful, where the reader can easily determine if specific uses such as road construction, timber harvesting, and motorized recreation are permitted in particular Management Prescription Areas. (Timber or Wood Products Industry or Association, Bethesda, MD - #748.5.66000.160)

### **5-9 Public Concern: The Forest Service should reconsider upper tier areas.**

#### **TO ENSURE THAT SUFFICIENT MANAGEMENT FLEXIBILITY IS RETAINED TO DEAL WITH FUEL LOADS IN THE FORESTS**

I believe the increased flexibility provided by the Colorado Roadless Rule proposal is superior to the existing Roadless Rule. Given the exceptionally high fuel loads present as a result of the pine beetle

epidemic, it is critical that forest managers have the full range of possible options to address the most cost effective way to reduce the risk of forest fires to mountain communities and homes. The EIS goes to great lengths to address the need for flexibility in dealing with fuels issues on the forests. The theory of upper tier area directly conflicts with this analysis as significant numbers of local communities will be directly limited in their ability to address fire prevention as a result of upper tier designations within a short distance of the community. (Individual, Colorado Springs, CO - #190.4.66000.263)

#### **BECAUSE THEY ARE BASED ON OUT-OF-DATE FOREST PLANS**

The Forest Service response that the upper tier acres follow the direction of the forest plans is inadequate in light of the change of forest conditions since every one of these plans were adopted. Region 2 has over 4 million acres of standing dead trees caused by a variety of insects and diseases. There is a steady growth of insect pressure and tree mortality in the Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG) adjacent to this community. The past decade has shown an unprecedented level of wildland fires. We [Montrose Economic Development Corporation] cannot afford a Colorado rule that establishes a permanent, non-flexible management restriction on additional acres. (Business, Montrose, CO - #618.4.66000.260)

#### **BECAUSE THEY ARE NOT SCIENTIFICALLY DEFENSIBLE AND COULD BE DAMAGING TO WILDLIFE**

Colorado Roadless Rule Contents:

The CWAC [Colorado Wildlife Advisory Council] understands, and respects, the desire to keep certain areas “roadless” to benefit certain wildlife species and ecosystems as well as to satisfy an emotional need to keep certain areas “untouched” and “wild.” While folks can disagree on exactly how much of the National Forest in Colorado we should keep “untouched” and “wild,” there is no objective, scientifically defensible reason for the extreme number of acres proposed by Alternative 4 (or even for that proposed by Alternative 2). In fact, according to literature published by the proponents of Alternative 4, such extreme protection of such a vast number of acres could be catastrophic to wildlife and wildlife habitat, including watersheds.

According to the 2008 proposed Colorado Roadless Rule and draft Environmental Impact Statement, temporary roads and tree-cutting were permitted for fuels treatment either within the “wildland urban interface” (WUI) or based on an established Community Wildlife Protection Plan (CWPP). In the current proposed Colorado Roadless Rule, a separate management strategy was developed for “upper tier acres.” Within this “upper tier,” tree cutting, road construction (or reconstruction), and linear construction zones are generally prohibited (with few exceptions).

A document created by the U.S. Forest Service titled Roadless Area Characteristics [Footnote 3: [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5292346.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5292346.pdf)], explains that roadless areas are designed to protect:

- Healthy watersheds because watersheds are not only “important sources of public drinking water, but also because they “help maintain abundant and healthy fish and wildlife populations”;
- Ecosystem health because areas free from the additional disturbance caused by roads can support “a diversity of native and desired non-native plant and animal communities”;
- “Biodiversity “by serving as a bulwark against the spread of non-native invasive species;” and
- Areas “as biological strongholds and refuges for many species, including terrestrial and aquatic plant and animal species” because “[m]any of the nation’s species currently listed as threatened, endangered, or proposed for listing under the Endangered Species Act and those listed by the Forest Service as sensitive, have habitat within roadless areas.”

The Impact of the Prohibition on Tree Cutting Within Upper Tier Areas on Wildlife and Wildlife Habitat:

Another document created by the U.S. Forest Service, this one titled Key Elements of the Colorado Roadless Rule [Footnote 4: [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5292338.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5292338.pdf)] states that tree cutting is prohibited on all roadless areas (including “upper tier” areas) unless it meets certain conditions. Tree cutting in roadless areas may be allowed if:

- It “is needed to improve habitat for threatened, endangered, proposed, and sensitive species”;

- It “is needed to maintain or restore the characteristics of ecosystem composition, structure, and processes”;
- “[A] community is at risk from wildfire, and where cutting of trees is needed to reduce that risk”; and
- “[T]here is a significant risk to a municipal water supply system.”

These all sound like perfectly reasonable exceptions, however, the “Key Elements” document specifically states that these exceptions “[do] not apply on upper tier roadless areas.” To the CWAC, the fact that these exceptions “[do] not apply on upper tier roadless areas” is nonsensical unless you somehow believe that in these upper tier acres there are no risks to healthy watersheds, ecosystem health, biodiversity, or threatened and endangered species and that tree cutting would necessarily always be detrimental, and never beneficial or necessary. We all know, based on common sense and peer-reviewed science that this is not the case.

Specifically, Colorado completed their 2008 Colorado Statewide Forest Resource Assessments [Footnote 5: [http://csfs.colostate.edu/pdfs/SFRA09\\_csfs-forestassess-web-bkmrks.pdf](http://csfs.colostate.edu/pdfs/SFRA09_csfs-forestassess-web-bkmrks.pdf)], a 2010 Colorado Statewide Forest Resource Strategy [Footnote 6: <http://csfs.colostate.edu/pdfs/assessmentstrategysmall.pdf>], and the 2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) [Footnote 7: <http://www.parks.state.co.us/Trails/LWCF/SCORPplan/Pages/SCORPplan.aspx>]. The overriding concerns from these state-wide public planning processes involved forest health, insects and disease, and the impacts of catastrophic wildfire on lives, personal property, and public land access.

The Statewide Forest Strategy identified ten threats to Colorado’s forested areas including unprecedented levels of insect and disease activity, threat of wildfire both inside and outside of wildland-urban interface, forest resiliency under climate change, and declining watershed and riparian ecosystem health. The SCORP also identified planning issues and adverse impacts related to a decline in forest health.

One of the top issues in the SCORP planning process was how insect infestations and wildfire would adversely impact recreation opportunities. These impacts include: diminished scenic values, a loss of hunting opportunities and access, declines in camping as a result of hazard trees and campfire bans, and safety concerns from standing dead and fallen trees. Roadless areas clearly need attention to restore ecosystem functions; attention that is prohibited in upper tier areas.

Colorado’s Department of Natural Resources, Colorado State Forest Service also recently released their 10th Annual Report on the Health of Colorado’s Forests [Footnote 8: [http://csfs.colostate.edu/pdfs/FINAL\\_2010\\_Forest\\_Health\\_Report\\_www.pdf](http://csfs.colostate.edu/pdfs/FINAL_2010_Forest_Health_Report_www.pdf)]. It documents the continuing, recurring, and emerging threats and challenges for Colorado’s forests. The Report documents—with maps and data—millions of acres of Mountain Pine Beetle infestation—historic and current. This epidemic is generating tons per acre of dead standing and down fuels in Colorado’s wild, rural and urban forests. Colorado’s forests and woodlands are 24.4 million acres, 11.3 million acres of which are National Forests. Because of years of fire control, maturing forests, the lack of forest management projects, climate change, and the loss of forest product based industries, we face potentially catastrophic losses.

Given these facts and the substantial scientific research and analysis in support thereof, it is nonsensical that we would preclude forest management including tree cutting on any of our National Forests. What is even more nonsensical, however, is Alternative 4, which argues for the addition of over 2 million more acres of these upper tier acres.

A completely “hands-off” approach, however, actually directly contradicts documents, namely Season’s End [Footnote 9: <http://www.seasonsends.org/downloads/SeasonsEnd.pdf>] and Beyond Season’s End [Footnote 10: [http://www.seasonsends.org/pdfs/Beyond\\_Seasons\\_End.pdf](http://www.seasonsends.org/pdfs/Beyond_Seasons_End.pdf)], which were self-published by at least some of the organizations that are the proponents of Alternative 4 [Footnote 11: See the “Take Action” page at

<https://secure3.convio.net/trcp/site/Advocacy?cmd=display&page=UserAction&id=144>, which requests that people send an email to Tom Vilsack, Secretary of the U.S. Department of Agriculture, and the U.S. Forest Service, with recommended language stating in part, “Specifically, I ask that the 2.6 million acre upper tier category of lands proposed in Alternative 4 be incorporated into the Preferred Alternative in the final rule.”

The foreword to *Beyond Season's End* states that "[w]ith each passing season, the need to develop strategies and invest in management practices to assist fish and wildlife adapting to a warmer world becomes more imperative." It goes on to argue that "agencies [[must]] use adaptive management techniques and established best practices" and efforts must be "directed toward":

- "[R]educing present threats to wildlife populations to increase their ability to withstand the immediate consequences of climate change"; and
- "[R]estoring and managing habitat to address the effects of changes in temperature, weather and precipitation patterns on species' ranges."

*Beyond Season's End* goes on to discuss how "reducing the loss of wildlife and wildlife habitat resulting from climate change will require [[Federal and state fish and wildlife agencies]] to adopt new strategies that...assist wildlife through actions such as...restoring habitats..." (Id. at 11).

When discussing the impacts of climate change to coldwater fishes, habitat for which is contained within many of the proposed roadless and upper tier areas, *Beyond Season's End* states that "[a]s climate change escalates the frequency and magnitude of disturbances such as wildfire, flood and drought, they pose ever-growing dangers to aquatic systems" (Id. at 32) and "[f]ire can destroy riparian habitat immediately and cause acute and possibly lethal spikes in water temperature. Erosion and sedimentation are long-term consequences of rapid rainfall runoff in a burned watershed." (Id. at 33). Further, "[a]s climate change magnifies existing stresses on coldwater fish habitat, a watershed-scale approach to restoration programs will become increasingly important." (Id. at 37). *Beyond Season's End* also discusses the impacts of climate change and the need for forest management for the benefit of big game species, habitat for which is also contained within many of the proposed roadless and upper tier areas.

Proponents of Alternative 4 acknowledge in *Beyond Season's End* that "hot fires that burn large stands of timber may directly harm large mammals and render portions of their habitat unusable...Hot and frequent fires will combine with the spread of invasive species (e.g., cheat grass)...to change those ecosystems' dominant plant species and consequently affect big game food supplies." (Id. at 70-71). *Beyond Season's End* goes on to argue that "[p]rojects enhancing habitat diversity and redundancy across landscapes will bolster big game resiliency and resistance to climate change" and that such projects would include "thinning overstocked forests." (Id. at 79).

The RDEIS acknowledges the increased risk of fire in upper tier areas. A study group of biologists from Idaho, in reviewing the Idaho Rule for fish species, voiced the concerns below that clearly have strong ramifications for post-fire species survival:

Fire can pose a risk to aquatic organisms when populations are isolated or individuals are not very mobile and therefore do not have the capability to recolonize after local extirpation due to fire disturbance. Salmonids have evolved strategies to survive perturbations occurring at the frequency of wildland fire (10-100 years), but local populations of a species, especially if they are small and/or isolated, may be more ephemeral (Gresswell 1999). Perturbation associated with hydrological processes is probably the primary factor influencing post fire persistence of fishes, benthic macro invertebrates, and diatoms in fluvial systems (Gresswell 1999). Fires can produce dramatic changes in aquatic and terrestrial ecosystems, including altered sediment and flow regimes, changes in vegetation structure and composition, fish mortality, and even local extinctions. More wildland fires are expected in Idaho due to changes in the climate regime... [Footnote 12: [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fsm8\\_036276.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm8_036276.pdf), at 65-66.]

The proponents of Alternative 4, in their own self-published documents, actually argue in favor of abolishing the upper tier category—and provide arguments in support of expanding the tree cutting exceptions to all roadless areas—rather than arguing in support of expanding the upper tier category by over 2 million additional acres. Public land managers, now more than ever, need a full and unconstrained set of forest management and vegetative prescription tools and techniques. Upper tier restrictions on "tree cutting, sale or removal of timber and prohibitions of road construction" unnecessarily restrict professional public land management. These restrictions tie the hands of planners and managers and impede many management alternatives necessary to managing healthy forests and reducing the risks to wildlife habitat, watersheds, and human communities. As such, it is indefensible to absolutely prohibit tree cutting on 562,200, let alone 2,614,200, acres of Colorado forests. For this reason, the CWAC supports Alternative 2 with an elimination of the upper tier.



The Impact of the Prohibition on Building (or Reconstructing) Roads Within Upper Tier Areas on Wildlife and Wildlife Habitat:

The document titled Key Elements of the Colorado Roadless Rule states that new road construction and reconstruction is prohibited on all roadless areas (including “upper tier” areas) unless it meets certain conditions. The only road construction exception applicable to upper tier areas pertains to roads that “are needed for reserved or outstanding rights, statutes, or treaties (including CERCLA [Comprehensive Environmental Response, Compensation, and Liability Act] and Federal Highways).”

Temporary roads are permitted in non-upper tier roadless areas, if they are required for such activities as:

- “[T]ree cutting to maintain or restore the characteristics of ecosystem composition, structure, and processes”;
- Fuel treatment projects; and
- Protecting “public health and safety in case of catastrophic events.”

When discussing coldwater fish, the authors of Beyond Season’s End discuss various project types that will help these fishes adapt to climate change. Such projects include “[restoring] channel diversity and deep pools” (Id. at 37); stabilizing banks; (Id.), restoring native plants (Id. at 38); removing culverts, dams, diversions and other flow reduction measures (Id.); installing baffles in existing culverts and replacing culverts (Id. at 39); and “restoring or modifying stream channels” by “[p]lacing large wood, whole trees with root wads and boulders in streams or in adjacent riparian areas.” (Id. at 41). The majority of these activities will require the building of at least temporary roads to facilitate the bringing in of the equipment and supplies necessary to conduct these projects; which the authors clearly believe are necessary to protect coldwater fish.

Similarly, Beyond Season’s End identifies projects that will help “bolster big game resilience and resistance to climate change.” (Id. at 79). Such projects include not only the aforementioned thinning of overstocked forests, but also prescribed burns, reseeded native vegetation, installing fences, “implementing other restoration measures to improve riparian habitat for cover and forage,” and “using mechanical means to improve stream drainage and habitat cover[;] contain, reduce or remove exotic species[; and] accomplish other habitat enhancements.” (Id. at 79). Again, the majority of these activities will require the building of at least temporary roads to facilitate the bringing in of the equipment and supplies necessary to conduct these projects; which the authors of Beyond Season’s End clearly believe are necessary to protect big game species.

Further, we know that creating sediment traps after a wildfire—to protect watersheds, fishes, and other wildlife species utilizing the streams, ponds, lakes, and riparian corridors—is critical. After the Hayman Fire, for instance, Denver Water placed many sediment traps on tributaries to the South Platte. These sediment traps consisted of boulders placed in convenient drainage areas, stacked loosely, and followed by straw bales upstream of the boulders. The result was a filter mechanism, which allowed the runoff water to pass through, while filtering out sediment dirt, gravel, logs and waste products. Without roads, however, these sediment traps would have been impossible to construct.

The proponents of Alternative 4, in their own self-published documents, actually argue in favor of abolishing the upper tier category—and provide arguments in support of expanding the road building exceptions to all roadless areas—rather than arguing in support of expanding the upper tier category by over 2 million additional acres. As such, it is indefensible to absolutely prohibit even temporary road building on 562,200, let alone 2,614,200, acres of Colorado forests. For this reason, the CWAC supports Alternative 2 with an elimination of the upper tier. (Recreation/Conservation Organization, Berthoud, CO - #836.3-13.66000.002)

#### **TO ALLOW FOR HABITAT RESTORATION INITIATIVES**

In Alternative #4, the upper tier concept prevents habitat improvements for threatened and endangered species as well as game species. Many Colorado species depend on early and mid seral habitats and these habitats need active management. Big game species such as elk, deer, bear, and turkey need habitat restoration treatments to ensure the availability of healthy forage. In this time of human population growth, viable wildlife habitats become more crucial. Currently there are a number of restoration initiative projects planned within the proposed upper tier areas. These restoration initiatives are

important for reopening wildlife migration corridors and creating revitalized habitats. (Recreation/Conservation Organization - #258.3.66000.330)

#### **TO ENSURE THAT WATER SUPPLY STRUCTURES CAN BE ADEQUATELY MAINTAINED AT A REASONABLE COST**

Colorado Springs Utilities recognizes the intended benefits of roadless areas to protect water quality and other natural resource values. However, these values can and must be protected in manner that also allows for necessary watershed and forest management and future water supply development. Due to the new upper tier designations and associated management/development restrictions it contains, the proposed rule does not strike this necessary balance and Colorado Springs Utilities cannot support it in its current form. For example, under the proposed rule, Colorado Springs Utilities would be subject to thousands of acres of roadless area designations that would restrict the management of critical watershed areas as well as prohibit the development of future water supply projects. These problems result in large part from new changes to the proposed rule, such as the upper tier designations, and represent a step backwards from the previous version of the Rule that provided more flexibility for water providers to meet the growing water supply needs of the citizens of Colorado. (Utility Group, Colorado Springs, CO - #701.2.46120.160)

### **5-10 Public Concern: The Forest Service should eliminate the upper tier areas from the Rule.**

#### **BECAUSE THEY CAUSE UNNECESSARY CONFUSION AND REDUCE MANAGEMENT FLEXIBILITY**

While I support Alternative 2, I do not support the theory of upper tier area included in this proposal, as often the Roadless Rule is a source of confusion and frustration for the users of the forests. An additional level of roadless area designation will not help this situation. The upper tier area theory will make the frustration and confusion experienced by forest users worse. In addition to increasing frustration, the upper tier theory simply makes no sense in terms of providing flexibility to managers to address local fire prevention concerns. Alternative 4 simply makes no sense from this perspective as it provides an upper tier area. (Individual, Colorado Springs, CO - #190.3.66000.002)

The UVTR [Uncompahgre Valley Trail Riders] membership continues to be serious stewards of our natural environment and works closely with the local Forest Service and BLM entities.

We believe the provisions provided by the Colorado Roadless Rule proposal is substantially better than the existing Roadless Rule. However, the Alternative 4 proposal would have a huge negative impact on the general use of the Roadless Areas.

We are strong supporters of the Travel Management Planning process that allows the continued management of dispersed motorized recreation in Roadless Areas.

But, the upper-tier concept doesn't merit our support. It seems to add another layer of "guidelines and restrictions" which confuse the users of the forest and complicate the management of the areas. Alternative 4 has no value from this perspective because of the upper tier areas. (Motorized Recreation, Montrose, CO - #408.7.66000.530)

#### **BECAUSE THEY INCREASE MANAGEMENT COMPLEXITY AND WILL INCREASE COSTS**

Colorado Roadless Rule: I select Alternative 2 without the upper tier acre designation.

Upper tier acre designation only adds another layer of rules on an all ready complicated landscape of rules. The land managers will need another manual just to implement this concept. The cost to the tax payers is not worth this new designation. Just treating invasive species in this area will cost thousands of dollars. We have not been able to fund wilderness management (poor trails, no erosion control, no signage, no weed control, no enforcement). These acres need management for fuels, WUI [wildland-urban interface], wildlife, woody biomass, range, and weeds; do not complicate management and costs by putting another burden on the land managers.

No more locking up acres into some designation that restricts our ability to manage for the future. (Individual, Montrose, CO - #168.1.66100.002)

**TO PROTECT PUBLIC SAFETY, POTENTIAL RESOURCE DEVELOPMENT, LOCAL ECONOMIES, AND  
REDUCE RISKS OF LITIGATION**

It is understood that the Forest Service is primarily interested in comments pertaining to changes made since the 2008 Roadless Proposal. Based on that request, the following comment does address those changes, but are submitted with the caveat that the 2008 proposal was also flawed and not in the best interest of the citizens of Montrose County or Colorado.

With regard to “Colorado Roadless Area Upper Tier Acres” as defined in [section] 294.41, we [County Commissioners for Montrose County, Colorado] believe that the inclusion of this designation is onerous and unnecessary. Once again, this is a provision that is totally new since the 2008 Rule. Areas designated as upper tier would be subject to even greater scrutiny and restrictions than the remainder of CRAs. Accordingly, we oppose the inclusion of Upper Tier designations for all of the reasons stated in the preceding paragraphs [adverse effects on public safety, resource development, and local economies; likelihood of increased litigation; inefficient routing of LCZs] and would hope that this designation is completely removed from any further revisions to the proposed rule and/or alternatives. (Montrose County Board of Commissioners, Montrose, CO - #621.5.66000.002)

**TO ALLOW FOR ACTIVE FOREST MANAGEMENT AND FUELS REDUCTION PROGRAMS**

A responsible Colorado Roadless Rule must incorporate a multi-use plan allowing for maintenance and restoration for a healthy forest. A healthy watershed demands active forest maintenance including thinning, erosion control, and revegetation actions. The proposed Colorado Roadless Rule restricts forest management options, in turn making impossible adequate access which is necessary to avoid catastrophes such as the Hayman Fire and the costs associated with mitigation which, in most cases, is beyond the threshold of a local community’s means. Of particular concern is the designation of “upper tier” CRAs that would “preclude forest health treatments involving tree-cutting and may thereby lead to larger areas of dead trees, and potentially larger and more damaging wildfires.” (RDEIS page 95.) This restriction will result in a greater risk of severe extreme events.

We [Clear Creek Watershed Foundation] strongly urge that upper tier designations be removed from the Colorado Roadless Rule. (Place-Based Group, Idaho Springs, CO - #532.2.66000.220)

**TO ALLOW FOR NEEDED FUELS REDUCTION AND TO PROTECT PUBLIC SAFETY**

The Colorado Mule Deer Association (CMDA) is very concerned with the proposed Colorado Roadless Rule in regards to the upper tier concept. The upper tier concept as proposed in Alternative #2 and Alternative #4 places restrictions on management of our National Forest in Colorado and puts Colorado communities at risk. Alternative #2, upper tier concept proposal, which encompasses over 500,000 acres, restricts protection of towns and communities by reducing the fuels fire reduction safety barriers by 13 percent. With the constant threat of wildfires, the CMDA firmly believes that such restrictions on the ability of homeowners, townships, and communities to protect themselves from such fires would be negligent on the part of the Forest Service. We are currently seeing the results of not implementing fuel reductions within this state with the number of wildfires destroying thousands of acres and a number of homes.

Alternative #4, which encompasses over 2.4 million acres, would endanger more than 200 townships and communities. It reduces the fire fuel reductions by 52 percent. With the pine beetle infestation covering over 3 million acres in Colorado and the fact that pine beetle-killed forests lead to more dangerous wildfires (earthtimes.org article on pine beetle forest), it would be improper to incorporate the upper tier concept into the Colorado Roadless Rule. (Recreation/Conservation Organization - #258.1.66000.260)

Based on a review of the Proposed New Rules (Federal Register/Vol. 76, No. 73/Friday, April 15, 2011/Proposed Rules), Denver Water has prepared the following comments:

**Proposed Designation of Upper Tier Areas**

The highly restrictive upper tier acres have been added in the proposed rule, which further restricts the on-the-ground forest treatments for hazardous fuel reduction, as well as ecosystem maintenance and restoration. Even the flexibility provided in [section] 294.42(c)(1) for at-risk communities and community protection zones (CPZs) would be eliminated and only those treatments not involving tree

cutting or road construction would be allowed. This level of restriction would not allow for responsible protection and management of critical watershed areas for municipal water supplies. This additional category is overly protective and should be removed from the proposed rule. (Utility Group, Denver, CO - #672.3.66000.260)

#### **TO PROTECT RECREATIONAL OPPORTUNITIES**

A significant amount of recreation occurs in our National Forests. It is crucial that these areas be actively managed to provide for forest health, access, and diverse recreation opportunities. Eliminating roads within these areas will impact the ability to manage them and impact the important recreation economy of local communities.

We [Clear Creek Watershed Foundation] strongly suggest upper tier designations be removed from the Colorado Roadless Rule. (Place-Based Group, Idaho Springs, CO - #532.8.66000.500)

#### **BECAUSE THEY WILL HAVE A NEGATIVE EFFECT ON THE ECONOMY**

I am 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. (Individual, Colorado Springs, CO - #190.5.66000.800)

#### **BECAUSE UPPER TIER AREAS ARE A STEPLADDER TO MORE UNNEEDED WILDERNESS AREAS**

Larry Jon Fencel and Joyce Ann Fencel have chosen Alternative #2 with "no" support for an Upper-Tier. The Upper-Tier theory is a stepladder to more wilderness! America has enough wilderness.

America's natural resources of timber, coal, oil and gas, other minerals, cattle grazing, recreation, hunting and fishing, and water must not be confiscated as no use; this would cripple and restrain America's economic growth and the welfare of its citizens. Roads are absolutely necessary to harvest and recover in a conservative manner our resources. (Individual, Cedaredge, CO - #427.1.66000.800)

#### **TO PROTECT ACCESS FOR FIREFIGHTERS AND THE HANDICAPPED**

Concerning the 59,600 acre reduction in designated roadless areas provided by Alternative 2 of proposed Colorado roadless rule. Please do not vote for Alternative 4. But do consider Alternative 2 minus the theory of upper tier area due to the fact that, by installing the upper tier theory, the chance of losing our forests to fires due to no access by the fire fighters becomes quite extreme. And the ability to view our wilderness by handicapped persons will become nil. (Individual, Fruita, CO - #228.1.66000.002)

#### **BECAUSE THEY ARE ILLEGAL DE FACTO WILDERNESS AREAS**

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. [section] 1131(a). Wilderness may be added to the National Wilderness Preservation System only through an act of Congress. 16 U.S.C. [section] 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 [section] 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. [section] 294.43(b)(1).

[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. [section] 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. [section] 1131. As in wilderness areas, the proposed rule disallows temporary and permanent roads, commercial development, mechanical transportation, and structures. Compare 16 U.S.C. [section] 1133 with 2011 CRR [section] 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. [section] 1133 with 2011 CRR [sections] 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. (Public Interest Group/Political Party, Lakewood, CO - #490.7-10.66000.130)

#### **BECAUSE THEY WERE NEITHER RECOMMENDED BY THE ROADLESS TASK FORCE NOR PART OF THE ORIGINAL COLORADO ROADLESS RULE**

The Colorado Roadless Rule is already a tremendously restrictive/protective rule, and adding further restrictions is unnecessary and inappropriate. “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. (Timber or Wood Products Industry or Association, Fort Lupton, CO - #457.6.66000.024)

### **5-11 Public Concern: The Forest Service should eliminate upper tier areas from Alternative 2.**

#### **TO AVOID ADDING RESTRICTIONS AND TO BE CONSISTENT WITH THE ORIGINAL INTENT OF THE RULE**

Inclusion of “upper tier acres” in Alternative 2

The Board also opposes including “upper tier acres” in Alternative 2 of the Colorado Roadless Rule. Including “upper tier acres” in the Colorado Roadless Rule puts additional restrictions on those areas and goes beyond the original intent of the Rule. Local input and implementation of locally prepared Forest Plans provide the most responsible and effective multiple use management of our local Federal Lands. Further decisions about management of Colorado Roadless Areas, including “upper tier acres”, should be made in local 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. The inclusion of “upper tier acres” is not a product of a collaboration process, was not a recommendation of the Roadless Task Force, nor was it a part of the original Colorado Roadless Rule proposal. (Delta County Board of Commissioners, Delta, CO - #626.5.66100.100)

## **5-12 Public Concern: The Forest Service should eliminate the upper tier areas.**

### **BECAUSE THIS DESIGNATION WOULD PROHIBIT ROAD BUILDING FOR CONSTRUCTION AND MAINTENANCE OF WATER SUPPLY INFRASTRUCTURE**

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

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

In [section] 294.42(b) Upper Tier Acres, Colorado Springs Utilities recommends the following additional exclusion:

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

In [section] 294.43(b) Upper Tier Acres, Colorado Springs Utilities recommends the following additional exclusion:

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

These exclusions simply provide for the protection and development of municipal water supplies necessary to protect public health and safety. (Utility Group, Colorado Springs, CO - #701.3-4.66300.242)

## **5-13 Public Concern: The Forest Service should reconsider the upper tier areas proposed in Alternative 4.**

### **BECAUSE THEY WERE INADEQUATELY ANALYZED AND WOULD PLACE UNNECESSARILY RESTRICTIVE CONSTRAINTS ON EXISTING OIL AND GAS LEASES**

The USFS failed to adequately analyze the roadless character of these areas, which were proposed from two single-interest user groups, before arbitrarily designating them as “upper tier” areas in Alternative 4. It’s quite likely that most of the 2.6 million acres were proposed not because of their roadless character, but solely for the reason of preventing development of, and transportation from, existing oil and gas leases and other multiple-use activities. We [Western Energy Alliance, et al.] strongly oppose Alternative 4 as it is unnecessarily restrictive and urge USFS to undertake additional analysis of the roadless characteristics of these areas prior to further consideration of Alternative 4. (Oil, Natural Gas, Coal, or Pipeline Industry, Durango, CO - #616.30.66200.621)

## 5-14 Public Concern: The Forest Service should provide upper tier protection for roadless areas that support native cutthroat trout species.

### IN ACCORDANCE WITH THE CONSERVATION MANAGEMENT PLANS FOR THE SPECIES

[ATT 1:] Roadless areas most important to the conservation of native cutthroat trout:

The long term persistence of native cutthroat trout requires diverse and consistent conservation measures. In Colorado, three native cutthroat species exist in Colorado's valued backcountry lands and roadless areas contain a disproportionate and vital amount of cutthroat habitat. The Colorado Division of Wildlife (CDOW) places the highest priority on protection of native cutthroat trout populations. Each species has a conservation management plan developed with specific goals and objectives to ensure long-term viability. Each plan has been adopted and is managed in partnership with numerous state and Federal agencies, and Indian tribes. In the roadless backcountry, the US Forest Service remains the primary partner in protecting backcountry cutthroat trout habitat in order to meet their obligations to protect the trout's roadless habitat and to ensure the sustainability and retention of cutthroat trout.

For Colorado River cutthroat trout, a Colorado River Cutthroat Trout [CRCT] Conservation Team was formed in 1999 followed by the development of the 2001 Conservation Agreement and Strategy (CRCT Task Force 2001). The Agreement and Strategy consists of fisheries and other resource professionals from Colorado, Wyoming, Utah, the Departments of Agriculture and Interior, and the Ute Indian Tribe. The establishment of the CRCT Conservation Team has led to a more complete assessment of the CRCT's population status, abundance, and distribution. The Forest Service has recognized CRCT as a sensitive species, and the State of Colorado has designated the CRCT as a species of special concern. The Forest Service is a participant in the CRCT Conservation Team and a signatory to the Team's Conservation Agreement, which obligates the Forest Service to ensure implementation of CRCT conservation actions detailed in the Team's Conservation Strategy. (CRCT Conservation Team, Conservation Agreement and Strategy for Colorado River Cutthroat trout [*Oncorhynchus clarkii pleuriticus*] in the States of Colorado, Utah and Wyoming, p. 3. June 2006; updated 2010).

For Rio Grande cutthroat trout [RGCT], the CDOW initiated the first RGCT plan in 1982 followed by periodic updates; eventually, in 2003 the Conservation Agreement for Rio Grande Cutthroat Trout was completed (June 2003). In 2004, the conservation plan for RGCT was implemented (Conservation Plan for Rio Grande Cutthroat Trout [*Oncorhynchus clarki virginalis*] in Colorado, August 2004, CDOW). Two primary objectives exist within the RGCT Conservation Strategy: 1) Securing and maintaining areas currently supporting RGCT conservation populations, and 2) increase the distribution of RGCT where ecologically and economically feasible. Partners in this endeavor include Federal agencies including the US Forest Service, the National Park Service, and the BLM. In addition, cooperation with private landowners is instrumental in key areas. In order to be successful in carrying out objective 1, roadless areas that support Rio Grande cutthroat must be retained in their pristine state, thus our recommendation for including all of the roadless areas which contain Rio Grande cutthroat trout in the upper tier category.

For Greenback cutthroat trout, an initial Greenback Recovery Plan was written in 1978, after being listed as "endangered" in 1973 and downlisted to "threatened" in 1978. The Greenback Recovery Plan was then revised in 1983 and updated in 1998, when a 25-year mandated recovery program was initiated on a Federal status with the development of a Greenback Cutthroat Trout Recovery Team and Plan (Greenback Cutthroat Trout Recovery Plan, Region 6, USFWS, Denver, Colorado. March 1998). Members of that Team included US Fish and Wildlife Service (USFWS), NPS, BLM, USFS, and the CDOW. Currently, a review and revision to the 1998 Recovery Plan is underway ("Initiation of a 5-Year Review of Greenback Cutthroat Trout [*Oncorhynchus clarki stomias*]", USFWS. December 2005).

All three of these subspecies of cutthroat trout require clear and cold water, naturally fluctuating flows, low levels of fine sediment in channel bottoms, well-distributed pools, stable stream banks and abundant stream cover. All of these characteristics can be found in backcountry roadless areas. The areas listed below [see ATT1: ATT1] contain pure conservation strains of Colorado's three sub-species of native cutthroat trout and should be given the utmost consideration for protection in the upper tier category. (Recreation/Conservation Organization, Denver, CO - #617.27-30.66000.355)

## **5-15 Public Concern: The Forest Service should establish standards for protection of native cutthroat trout within upper tier areas.**

### **BECAUSE TROUT POPULATIONS ARE VULNERABLE TO SHORT-TERM LOCALIZED EFFECTS**

Even more problematic is the language at [section] 294.43 (b)(2)(iii), which does not establish a standard for protection of native cutthroat trout within upper tier roadless areas but only requires a finding of “whether” activities will diminish conditions. The rule makes no mention of what would occur if it is determined that a project would diminish conditions, leaving native trout populations at risk and the Forest Service potentially legally vulnerable. We understand there may be situations in which the Forest Service would lack discretion to deny a roadbuilding exception—and these are the very exceptions that would potentially apply in upper tier roadless areas. However, some standard to ensure conservation of native trout populations should apply even in situations where the Forest Service cannot simply reject an exception request. We recommend that the following language be added to the Rule at [section] 294.43 (b)(2)(iii):

Within a native cutthroat trout catchment or identified recovery watershed, road construction will not diminish conditions in the water influence zone and in the native cutthroat habitat and will not damage or destroy native cutthroat trout populations. If it is determined that a non-discretionary project would diminish conditions in the water influence zone or in the native cutthroat habitat, the Regional Forester will require a plan for protecting native cutthroat populations and their habitat during project activities that ensures that native cutthroat trout populations will be maintained during and after project construction.

Absent clear standards of this kind, native cutthroat trout populations—which often occupy small, isolated habitats and are vulnerable to short-term localized impacts—will not receive the protection that is needed to ensure their future within Colorado’s roadless areas. (Recreation/Conservation Organization, Denver, CO - #617.23.66300.355)

## **5-16 Public Concern: The Forest Service should ensure that upper tier areas protect important trails and recreational areas.**

The Specific Request for Public Comment asks for public input regarding specific areas within Colorado Roadless Areas that should or should not be included in the upper tier land including the reason for inclusion or exclusion. We [Outdoor Alliance et al.] are pleased to see the inclusion of an upper tier and view this as a pragmatic means of balancing narrowly defined exceptions for mining, future ski area development, and community protection zones. For this balance to be achieved, however, and a rule created that is as protective or preferably more protective than the 2001 rule, the 562,200 acres represented by the preferred alternative needs to be expanded. The preferred alternative identifies areas where road building is already prohibited in current forest plans, and this needs to be supplemented with additional acres that have important backcountry recreation value and are in need of stronger administrative protection.

To provide specific suggestions for additions to the upper tier beyond the preferred alternative we have completed an inventory, attached as Exhibit 3 [ATT1] that highlights some of the outstanding recreation areas found in CRAs. The inventory was developed with input from outdoor recreationists from across Colorado and around the country and focuses on areas located within CRAs, but which are not provided upper tier protection under Alternative 2. Many of these areas would be afforded protection by adoption of Alternative 4. Other areas are not included under either alternative, but strongly merit protection through upper tier designation.

The most noteworthy areas highly valued by our [Outdoor Alliance et al.] community for the backcountry recreational experiences they provide are as follows:

- The Colorado Trail, an iconic destination for mountain bikers and hikers, crossing through 26 CRAs along its 483-mile route;
- The Continental Divide Trail, which traverses Colorado’s highcountry for 800 spectacular miles of its route from the Canadian border to Mexico;
- The Animas River Canyon and its tributaries, a world-famous whitewater boating destination;
- The Arkansas River Valley, home to peerless mountain biking trails and whitewater;



-The Cache La Poudre Canyon and its upper reaches, presenting outstanding opportunities for backcountry winter travel, climbing, hiking, mountain biking and whitewater boating, all within a short drive from Colorado's Front Range population centers;

-The Vail Pass area, and other tremendously popular backcountry areas for winter recreation and summer hiking in and around Colorado's Summit County. (Recreation/Conservation Organization, Washington, DC - #681.14-15.66000.500)

### **5-17 Public Concern: The Forest Service should designate any roadless area adjacent to Wilderness as upper tier.**

Any roadless area adjacent to existing or proposed Wilderness must be seriously considered as upper tier. (Place-Based Group, Ridgway, CO - #533.11.63000.650)

### **5-18 Public Concern: The Forest Service should clarify whether the upper tier designation could be removed by a future Secretary of Agriculture.**

Alternative #2 designates 562,200 acres as CRA upper tier acres and Alternative #4 designates 2.6 million acres. These areas were identified in forest plans, or during forest plan revision processes, as areas where tree-cutting and road building restrictions would be appropriate. Tree-cutting is allowed in the upper tier only for two limited exceptions.

However, there is no congressionally approved authority for so-called "upper tier CRAs". Despite its favor by the environmental groups, they have only a letter authorizing it from Agriculture Secretary Vilsack. If this is OK, then what is to prevent some future Secretary from approving clear cutting or surface mining, or 4-lane super highways across the forest? (Individual, Montrose, CO - #195.2.66000.020)

## **Upper Tier Exceptions**

### **5-19 Public Concern: The Forest Service should reduce the exemptions for activities in upper tier areas.**

#### **TO BETTER ENSURE THE FUTURE OF THE NATURAL LANDS**

I am writing about the proposed rules for Colorado's roadless areas. I believe that they provide too many exemptions to adequately ensure the future of our beautiful natural lands. We citizens don't want this! Your proposal protects less than 13 percent of Colorado's "upper tier" roadless areas. Even upper tier destinations will not protect important areas from future oil or gas activity.

It's your job to protect our natural areas. (Individual, Colorado Springs, CO - #191.1.66000.850)

### **5-20 Public Concern: The Forest Service should ensure that upper tier protection will not place limits on future needed water supply projects.**

Greeley has general concerns about the potential for the Rule to eliminate options for future water facilities in roadless areas, particularly in Upper Tier Acres. The Colorado Statewide Water Supply Initiative has identified challenges in addressing future water supply needs across the State, particularly along Colorado's Front Range. Colorado will need to ensure that all options to meet such needs remain available for careful consideration and not eliminated before they can be fully evaluated under a comprehensive permitting regime. (Such projects would require a special use authorization from the Forest Service, and would typically also require a Clean Water Act section 404 permit from the Army Corps of Engineers.) (City of Greeley, Greeley, CO - #683.3.66000.242)

### **5-21 Public Concern: The Forest Service should allow roads for the operations, maintenance or development of future municipal water supply systems in upper tier areas.**

In [section] 294.43(b) Upper Tier Acres, we recommend an additional exclusion:

(3) A road is needed for the operations, maintenance or development of future water supplies for municipal water supply systems. (Utility Group, Denver, CO - #672.5.66300.242)

## **5-22 Public Concern: The Forest Service should ensure that access to head gate features is permitted in both upper and standard tier roadless areas.**

### **TO ALLOW FOR MAINTENANCE AND OPERATION OF WATER CONVEYANCE STRUCTURES**

Recommendations on Exceptions to Access Existing Water Conveyance Structures:

Comments previously submitted by County [Summit County Board of County Commissioners] to the Colorado Roadless Area Review Task Force in 2006 requested that the USFS recognize the legal right to access and maintain existing head gate features within 11 of the 19 roadless areas in Summit County.

The County is pleased to see that an exception has been added to the proposed rule for roads to access authorized water conveyance structures operated according to a state water court decree, which were in existence at the time of the promulgation of the formal rule. However, as currently proposed, this exception is only applicable to standard tier roadless areas. This creates a concern, as there are existing head gate features located on the following five (5) Summit County roadless areas, which the County is supporting as proposed upper tier lands in Alternative 4: Black Lake West, Elliot Ridge, Corral Creek, Parmigan Hill B, and Hoosier Ridge. To address this issue, the County recommends that the proposed rule be modified to recognize the legal right to access and maintain existing water conveyance structures on upper tier lands, in addition to the exceptions already provided for standard tier lands. (Summit County Board of Commissioners, Breckenridge, CO - #679.11.66300.242)

## **5-23 Public Concern: The Forest Service should allow for tree cutting to address fuel loads in areas that support municipal water supplies.**

If upper tier areas are not removed from the proposed rule, then flexibility is essential in the Rule to allow for responsible protection, management, and development of municipal water supplies. Such flexibility would include areas allowing activities to reduce hazardous fuels to an at-risk community or municipal water supply system.

In [section] 294.42(b) Upper Tier Acres, we recommend an additional exclusion:

(3) Tree-cutting, sale, or removal is needed in areas where there is a significant risk that a wildland fire disturbance event could adversely affect a municipal water supply system or the maintenance of that system. A significant risk exists where the current forest conditions and fire hazard and risk indicate a serious likelihood that a wildland fire disturbance event would present a high risk of threat to a municipal water supply system. (Utility Group, Denver, CO - #672.4.66300.263)

## **5-24 Public Concern: The Forest Service should ensure that access to reservoirs and dams will be permitted in upper tier areas.**

### **INCLUDING DEVELOPMENT OF NEEDED ROADS**

We [Ute Water Conservancy District] are concerned about adequate access to the reservoirs that we own and our need to maintain our facilities. We are very concerned about the upper tier acres in both Alternatives 2 and 4 and the effect those will have on the operation and maintenance of existing special-use facilities, specifically dams and reservoirs. It is our understanding that, in those instances where no defined road now provides access to the facility, road construction and or materials needed for dam maintenance would not be allowed. Even in those instances where an ATV trail exists, it would not be allowed to be widened in order for passage of equipment and materials needed for repair of a dam or outlet works. There are instances where equipment can probably access a facility just fine, but the trucks hauling sand for drains in dams, or concrete in outlet works cannot pass without additional width on the access routes. In most instances, those materials are required by the State of Colorado dam engineers as part of the dam designs necessary to address hazard levels. Ute Water [Conservancy District] owns an interest over 31 reservoirs on the Grand Mesa National Forest that could be affected. (Utility Group, Grand Junction, CO - #754.1.66300.240)

**5-25 Public Concern: The Forest Service should allow post-wildfire protection efforts in standard and upper tier areas.****TO ADDRESS EROSION ISSUES**

Recommendation to Allow Post-Wildfire Water Protection Efforts in Standard and Upper Tier Roadless Areas:

In addition to the exceptions already included in the proposed rule for forest management activities, the County [Summit County Board of County Commissioners] suggests that an exception also be provided in both standard tier and upper tier roadless areas for post-wildfire watershed protection efforts (e.g., the ability to construct water quality protection structures). If a wildfire occurs in Summit County, the loss of vegetative ground cover may result in major erosion episodes that could greatly increase sediment loading in area streams and lakes. The results could impact water quality and threaten the ability of water bodies such as Goose Pasture Tarn (the Town of Breckenridge's primary water source) to provide a safe water supply for area residents. Having the ability, in the aftermath of a wildfire, to construct water quality structures such as sediment retention ponds is critical in order to ensure a safe and reliable water supply for the residents and businesses of Summit County. The County therefore requests that this exception be added for both standard and upper tier roadless areas. (Summit County Board of Commissioners, Breckenridge, CO - #679.13.63000.240)

**5-26 Public Concern: The Forest Service should allow avalanche control efforts in CRAs adjacent to public rights-of-way.****FOR PUBLIC SAFETY**

Recommendation to Specify Allowance for Avalanche Control Work within CRAs Adjacent to Public Rights-of-Way:

Within the Porcupine Peak Roadless Area, CDOT [Colorado Department of Transportation] has identified needs to conduct avalanche control work in areas where existing avalanche paths cross over State Highway 6 (e.g., the Professor Avalanche Path). Such work does not necessitate the construction of roads or the removal of vegetation, and does not appear to be prohibited by the proposed rule. Nevertheless, in light of the important life safety considerations associated with this land management activity, [the Summit County Board of County Commissioners] requests that the proposed rule be modified to specifically recognize the legal right to conduct avalanche control work in both standard and upper tier roadless areas, where needed to protect adjacent public rights-of-way from avalanche hazard. (Summit County Board of Commissioners, Breckenridge, CO - #679.12.63000.790)

**5-27 Public Concern: The Forest Service should modify upper tier boundaries to ensure they do not overlap with areas that require fuel reduction treatments.**

USFS Alternatives 2 and 4 did not correlate these [upper tier] lands with fuel treatment areas around communities, which should probably be adjusted to account for areas close to at-risk communities. Although the majority of lands we [Rocky Mountain Wild, et al.] are recommending for upper tier protection do not fall into this category in places where this situation exists, the USFS should carefully consider boundary modifications for upper tier lands to ensure that they do not overlap areas genuinely needing fuel reduction treatments. (Preservation/Conservation, Portland, OR - #591.37.66000.262)

**5-28 Public Concern: The Forest Service should require no surface occupancy (NSO) stipulations in upper tier areas.****TO PROTECT THEIR PRIMITIVE CHARACTER AND BE CONSISTENT WITH THE IDAHO ROADLESS RULE**

[ATT1] "Sportsmen's Solutions" for the Proposed Colorado Roadless Rule

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

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

[section] 294.46 Other Activities.

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

Rationale: Colorado Roadless Areas designated as upper tier should receive maximum safeguards from surface developments that would jeopardize their primitive character. Further, upper tier areas in the Idaho Roadless Rule received NSO protections and the Colorado Roadless Rule must do the same in order to replicate this success. (Recreation/Conservation Organization, Colorado Springs, CO - #539.4.66000.421)

#### **TO PROTECT THE DEFINING CHARACTERISTICS OF THESE AREAS**

The Specific Request for Public Comment asks for public input on tree-cutting, sale, or removal and road construction/reconstruction as applied to upper tier lands. In addition to expanding the acreage, we [Outdoor Alliance et al.] believe the CRR should provide stronger protection language for conservation of roadless area values and characteristics of upper tier lands. Specifically, a final Colorado Roadless Rule at [section] 294.46 should ensure that all upper tier lands have strict No Surface Occupancy stipulations to protect these areas from the impacts of any future oil and gas leasing and development on the defining characteristics of these areas that make them eligible for upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.16.66000.421)

### **5-29 Public Concern: The Forest Service should require NSO stipulations and should prohibit linear construction zones (LCZs) in upper tier areas.**

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 telecom facilities. (Individual, Denver, CO - #30.3.66300.421)

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 percent 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. (Individual, Santa Cruz, CA - #64.5.66000.002)

All 'upper tier' lands must have strict No Surface Occupancy stipulations to protect the entire roadless area for any future oil and gas leasing and development. These areas must not permit the use of 'linear construction zones' to facilitate pipelines, transmission lines, and telecomm facilities. The exceptions to the prohibitions on logging in all roadless areas are too broad and must be limited. (Preservation/Conservation, Salida, CO - #590.5.66300.421)

### **5-30 Public Concern: The Forest Service should prohibit linear construction zones in upper tier areas.**

#### **TO PROTECT ROADLESS AREAS AND BE CONSISTENT WITH THE IDAHO ROADLESS RULE**

Adequate protection of areas designated as upper tier: To be meaningful, an upper tier designation must provide protections beyond those extended to other roadless lands and beyond the safeguards contained in the 2001 roadless rule. The draft rule limits the exceptions for road building in "upper tier" lands, but it lacks some of the protections that similar designations included in the Idaho roadless rule. It also includes a harmful loophole for linear construction zones that put these high value roadless areas under threat.

Colorado roadless areas designated as upper tier should have maximum safeguards from surface developments that would jeopardize their primitive character. Accordingly—and consistent with the successful model offered by the Idaho roadless rule—language establishing no surface occupancy

protections for upper tier roadless rules should be added. We recommend the following language be inserted at [section] 294.46 Other Activities:

For mineral leases, contracts, permits, and other associated activities, including transmission lines and pipelines, authorized after the effective date of this subpart the Forest Service will not recommend, authorize, or consent to road construction, road reconstruction, linear construction zones, or surface occupancy associated with mineral leases in Colorado Roadless Areas designated as upper tier. (Recreation/Conservation Organization, Denver, CO - #617.13.66300.680)

### **5-31 Public Concern: The Forest Service should include exemptions for temporary road construction in upper tier areas similar to those provided for the non-upper tier areas.**

#### **TO AVOID LIMITING ACCESS TO VALID EXISTING RIGHTS**

“Upper tier” areas in Alternative 4:

The State of Colorado’s 2010 Petition identified 257,000 acres as requiring a higher level of protection than the 2001 Roadless Rule. However, the proposed rule states the Secretary of Agriculture unilaterally instructed the agency to more than double the acreage in the “upper tier” designation to 562,200 acres. The preamble does not clarify why such additions were made. Therefore, we [Western Energy Alliance, et al.] can only assume the addition is a result of the “voting” letters and cards received from a single segment of the public.

The 562,000 acres slated to receive “upper tier” protection in Alternative 2 do not contain active oil and gas leases. However, Alternative 4 identifies more than 2.6 million acres which would receive the same designation. Several active oil and gas leases exist within these designated “upper tier” areas, many of which are actively being explored and developed. It must be recognized that the restrictions on road construction for “upper tier” areas will unreasonably preclude access to the valid existing leases within the identified 2.6 million acres in Alternative 4. See [section] 294.43(b)(1). As such, it is crucial that the final rule provide exemptions for temporary road construction in “upper tier” areas that are the same as those included in the guidance for “non-upper tier” areas in [section] 294.43(c)(viii). Overall, the more burdensome restrictions associated with “upper tier” designation will prevent operators from executing valid existing rights on these leases, leading to years of litigation with the potential to cost taxpayers millions of dollars. (Oil, Natural Gas, Coal, or Pipeline Industry, Durango, CO - #616.29.66200.421)

### **5-32 Public Concern: The Forest Service should allow timber removal in upper tier CRAs adjacent to ski areas.**

#### **TO MINIMIZE FIRE HAZARD**

The Forest Service should allow timber removal to minimize fire hazard in upper tier CRAs adjacent to ski areas:

The principal difference between Alternative 2 and Alternative 4 is that Alternative 4 includes approximately 2.6 million acres of upper tier CRAs while Alternative 2 designates 562,200 acres of upper tier CRAs. Draft EIS at 11-12. Upper tier CRAs are designated in Alternative 2 and Alternative 4 adjacent to some CSCUSA member resorts. Timber removal is generally prohibited in upper tier areas, subject to limited exceptions. Given the intensive use of permitted ski areas on NFS lands, and the fire risk that may exist in upper tier CRAs adjacent to those resorts, the Forest Service should consider allowing timber removal to reduce fire hazard in upper tier CRAs adjacent to permitted ski areas or Forest Plan skiing land allocations. (Business, Denver, CO - #614.8.66000.261)

### **5-33 Public Concern: The Forest Service should clarify whether chainsaws can be used in upper tier areas to remove trees affected by pine beetle.**

An area of potential concern by our [Society of American Foresters] reviewers pertains to the use of chainsaws to fell hazardous, dead standing trees or to remove fallen trees from established trails in upper tier areas. Reviewers were unable to determine whether or not this was addressed in the proposed rule and given the high mountain pine beetle activity in Colorado and the long-term work effort, the

necessary tools need to be directly defined. (Timber or Wood Products Industry or Association, Bethesda, MD - #748.6.66300.261)

### **5-34 Public Concern: The Forest Service should ensure that upper tier boundaries do not overlap with Community Protection Zones.**

#### **TO ALLOW FOR NEEDED TREE CUTTING AND TEMPORARY ROAD CONSTRUCTION FOR FUELS REDUCTION**

Upper Tier Overlap: As tree cutting and associated temporary road construction for hazardous fuels reduction will be prohibited on “upper tier” acres, the Forest Service should verify that “upper tier” boundaries don’t overlap with Community Wildfire Protection Area boundaries where fuel treatments may be necessary. (Pitkin County Board of Commissioners, Aspen, CO - #587.12.66000.263)

### **5-35 Public Concern: The Forest Service should ensure that upper tier designations do not conflict with the Summit County Community Wildfire Protect Plan.**

Upper Tier Lands in Summit County: Alternative 4 (Colorado Roadless Rule with Additional Public Proposed Upper Tier Acres):

Alternative 4 proposes to designate portions of all 19 Summit County CRAs as upper tier lands. Due to the significant limitations on tree cutting within upper tier roadless areas, some of the proposed upper tier designations create concerns, most notably on properties adjacent to existing residential development where wildfire mitigation will need to be conducted.

Compatibility with Summit County Community Wildfire Protection Plan (SCCWPP)

The SCCWPP was originally adopted in September 2006 and last revised in May 2010. The purpose of the Plan is to identify areas where the risk and potential community impact of wildfire is greatest and to guide and coordinate community efforts to reduce the risk of wildfire through public education, reducing hazardous fuels and reducing structural ignitability. Like all Community Wildfire Protection Plans, the SCCWPP is a direct extension of the Healthy Forest Restoration Act (HFRA) authorized by Congress in 2003, which aims to enhance life safety for residents and responders, mitigate undesirable fire outcomes to property and infrastructure, and mitigate undesirable fire outcomes to the environment and quality of life within the community. Within Summit County, implementation of the SCCWPP is particularly imperative in light of the epidemic outbreak of mountain pine beetle that the County has been experiencing for the past decade. Currently, there are no lodgepole stands in Summit County that do not have some mountain pine beetle activity.

The SCCWPP identifies a total of 26 “focus areas” or locations where the need for fire protection is most critical. Identification of these “focus areas” is based on the following five components: fuel hazards; risk of wildfire occurrence; essential infrastructure at risk; community values at risk; and local preparedness and firefighting capability. The identified focus areas represent those areas where community resources should be focused to most effectively reduce potential damage from wildfire. (Summit County Board of Directors, Breckenridge, CO - #679.4-5.66200.263)

### **5-36 Public Concern: The Forest Service should prohibit electrical and telecommunications lines in upper tier areas.**

I strongly request that more roadless areas be added to the “upper tier”, where they have more protection against logging and road construction. Electrical and telecommunication lines should not be allowed in roadless areas, especially in the upper tier areas. (Individual, Durango, CO - #423.3.66000.002)

### **5-37 Public Concern: The Forest Service should prohibit sale of common variety minerals in upper tier areas.**

#### **TO PROTECT THEIR PRIMITIVE CHARACTER**

[ATT1] “Sportsmen’s Solutions” for the Proposed Colorado Roadless Rule

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

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

[Section] 294.46 Other Activities

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

Rationale: Colorado Roadless Areas designated as upper tier should receive maximum safeguards from surface developments that would jeopardize their primitive character. Upper tier areas in the Idaho Roadless Rule were withdrawn from common variety mineral entry and the Colorado Roadless Rule must do the same in order to replicate this success. (Recreation/Conservation Organization, Denver, CO - #539.5.66000.400)

#### **TO BE CONSISTENT WITH THE IDAHO ROADLESS RULE**

Upper tier areas should be withdrawn from common variety mineral entry. Upper tier areas in the Idaho roadless rule were withdrawn from common variety mineral entry and the Colorado roadless rule can and must do the same in order to replicate this success. We recommend the following language also be inserted at [section] 294.46 Other Activities:

Common Variety Minerals. After (final rule effective date) the Forest Service will not authorize the sale of common variety mineral materials in Colorado roadless acres designated as upper tier. (Recreation/Conservation Organization, Denver, CO - #617.14.66300.400)

### **5-38 Public Concern: The Forest Service should ensure that precious minerals and rare earth metals within upper tier areas remain accessible.**

#### **BECAUSE THEY ARE ESSENTIAL TO THE NATION'S ECONOMY AND NATIONAL DEFENSE**

Those entities that hold mineral rights within the upper tier areas would be restricted from extracting them due to the prohibition on road construction. Some of the precious minerals and rare-earth metals within the upper tier are essential to our nation's economic livelihood and our national defense. It is vitally important that they remain accessible (<http://www.raremetalblog.com/2011/01/colorado-part-of-new-gold-rush-for-rare-earth-metals.html>). (Recreation/Conservation Organization - #258.7.66000.800)

### **5-39 Public Concern: The Forest Service should consider a tree-cutting exception in upper tier areas for the benefit of big game habitat.**

A very narrowly tailored exception for improvement of big game habitat may be inserted into upper tier provisions under Alternative 2.

We [National Wildlife Federation and Colorado Wildlife Federation] acknowledge that in some circumstances, a portion of an upper tier parcel might benefit from limited tree-cutting to improve big game habitat. Therefore, we would not oppose inclusion of such limited exception to the protections provided to upper tier acreage, so long as the Division of Parks and Wildlife has a significant role in specifying the acreage and appropriate treatments, coupled with meaningful public input. (Preservation/Conservation, Denver, CO - #620.11.66300.180)

### **5-40 Public Concern: The Forest Service should permit tree cutting as part of the Aspen-Sopris Wildlife Habitat Improvement Project.**

#### **EVEN THOUGH A PORTION OF THE PROJECT WILL OCCUR IN UPPER TIER AREAS**

Aspen-Sopris Wildlife Habitat Improvement Project: We [Pitkin County Board of Commissioners] support the broadest inclusion of "Upper Tier" areas to most effectively protect roadless area characteristics across the State. However, Pitkin County also supports the soon-to-be implemented Aspen-Sopris Wildlife Habitat Improvement Project, intended to use prescribed fire and mechanical treatments across approximately 45,600 acres of forest, shrubland, and grassland vegetation types to improve wildlife browse and foraging habitat across the Aspen Sopris District and small portions of the

Eagle and Rifle Ranger Districts. Roughly one-half of that area is included as “upper tier” acreage in Alternative 4. To allow for tree-cutting to accommodate this project (and other future projects in the State that may be necessary specifically to improve species habitat or to “maintain or restore the characteristics of ecosystem composition, structure and processes,”) we recommend that consideration be given to a modification to Alternative 4 to allow an exception for tree-cutting for purposes stated above, as an administrative use, subject to approval by the Forest Supervisor and the State Division of Wildlife - and a NEPA process to incorporate public comment. While we support tree cutting for these purposes in “Upper Tier” areas, we do not support road construction, sale, or removal of trees/vegetation.

As another option, consideration may be given to limiting treatment in upper tier areas for purposes of habitat and forest health improvement, to prescribed burns—but allowing for the establishment and maintenance of fire lines to facilitate the management of burns, as an administrative use subject to approval of the Forest Supervisor, Colorado Division of Wildlife and a NEPA process incorporating public comment. (Pitkin County Board of Commissioners, Aspen, CO - #587.5.66300.335)

## *Specific Upper Tier Area Requests*

### **5-41 Public Concern: The Forest Service should acknowledge that the upper tier areas in the GMUG National Forest did not go through a formal public comment period.**

It should be noted that the upper tier acres included on the GMUG [Grand Mesa, Uncompahgre and Gunnison National Forests] did not go through a formal forest plan comment period on management prescriptions before being designated as upper tier in the proposed rule. (Timber or Wood Products Industry or Association, Bethesda, MD - #748.4.66000.162)

### **5-42 Public Concern: The Forest Service should make six of the CRAs standard tier instead of upper tier areas.**

#### **BECAUSE THEY ARE NEAR HEAVILY POPULATED AREAS**

[Summit] County recommends that six (6) of the 19 CRAs, which are currently being proposed as upper tier lands in Alternative 4, should instead be designated as standard tier roadless areas (i.e., Boulder, Maryland Creek, Ryan Gulch, Willow, Tenderfoot Mountain, and Porcupine Peak Roadless Areas). This recommendation is based on the proximity of these CRAs to heavily populated residential areas, which are identified as “focus areas” for prioritized wildfire hazard reduction efforts in the Summit County Community Wildfire Protection Plan (SCCWPP). The County strongly emphasizes that, if applied to these CRAs, the increased restrictions on tree cutting within upper tier lands would detrimentally impact the identified need to protect the public health, safety, and welfare of adjacent residents through prioritized wildfire hazard reduction efforts. Additional considerations built into the County’s recommendations for the Tenderfoot Mountain and Porcupine Peak Roadless Areas include the need for forest and fire management in approximately 1,046 acres of the Town of Dillon’s watershed and the need for maintenance in and along Straight Creek. Therefore, based on the local land management needs summarized in the table [See ATT2], the County requests that these six CRAs be designated as standard tier roadless areas. (Summit County Board of Commissioners, Breckenridge, CO - #679.7.66200.263)

### **5-43 Public Concern: The Forest Service should modify five CRAs.**

#### **TO EXCLUDE PORTIONS THAT ARE IMMEDIATELY ADJACENT TO RESIDENTIAL NEIGHBORHOODS**

[Summit] County recommends that the upper tier designations currently being proposed for five (5) additional CRAs (i.e., Ptarmigan A, Ptarmigan B, Ptarmigan C, Williams Fork, and Hoosier Ridge) be modified to exclude portions of these respective roadless areas which are immediately adjacent to residential neighborhoods and have been identified as areas for prioritized wildfire hazard reduction efforts. (Summit County Board of Commissioners, Breckenridge, CO - #679.8.66200.263)



**5-44 Public Concern: The Forest Service should ensure that the Colorado Trail is provided upper tier protection.****TO PRESERVE THIS IMPORTANT RECREATIONAL RESOURCE**

[ATT 1] Pike-San Isabel National Forests:

The Colorado Trail

CRA: Green Mountain, Lost Creek East, Lost Creek West, Jefferson, Tenmile, Ptarmigan Hill B, Ptarmigan Hill A, Holy Cross, Mount Massive, Elk Mountain-Collegiate North, Elk Mountain-Collegiate South, Kreutzer-Princeton, Mount Antero, Chipeta, Agate Creek, Starvation Creek, Antora Meadows/Bear Creek, Cochetopa Hills, Cochetopa, Bristol Head, Big Buck/Kitty/Ruby, Pole Mountain/Finger Mesa, Weminuche Adjacent, San Miguel, Blackhawk Mountain, Hermosa CRAs

Status: Partially protected under Alternative 4; new proposed upper tier area

The Colorado Trail, running from Denver to Durango, offers an incomparable experience for hikers and mountain bikers. Over the trail's 483 miles, it passes through six National Forests and six Wilderness areas (with detours available for mountain bikes). It traverses five major river systems, and passes through eight different mountain ranges. The trail's average elevation is over 10,000 feet. The Colorado Trail is a peerless resource, drawing visitors from around the world. At minimum, the areas of the CRAs through which it passes or within the trail's viewshed should be protected through upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.37.66200.510)

**5-45 Public Concern: The Forest Service should ensure that sufficient area adjacent to I-70 remains open for a rapid-transit advanced guideway system.****BECAUSE THE ADVANCED GUIDEWAY SYSTEM IS THE PREFERRED ALTERNATIVE FOR THE MOUNTAIN CORRIDOR**

The Upper Tier Area delineated along the I 70 corridor from Graymont to Loveland Basin on the north and south sides of the Interstate protects the scenic designation of the area by the USFS. With that in mind, sufficient area relatively adjacent to the Interstate should remain open to the possibility of a rapid transit advanced guideway system (AGS). The AGS is the Preferred Alternative in the Record of Decision for the I 70 Mountain Corridor. (Regional other governmental agency (multi-jurisdictional), Georgetown, CO - #682.6.66100.860)

**5-46 Public Concern: The Forest Service should expand upper tier protections in the Pike-San Isabel National Forest.****TO PROTECT THESE AREAS FROM OFF-ROAD VEHICLES**

I am quite disappointed that the Pike-San Isabel National Forest has such a paltry amount of Upper Tier protection. While I am fortunate to live close to an area of Pike National Forest that has relatively few roads, I am also close to once beautiful places such as Jones Park and Frosty Park that have been utterly destroyed by off road vehicles. As such, I urge you to include all of the areas nominated as Upper Tier in Alternative 4 in Pike-San Isabel National Forests to be included in the proposed rule. Additionally, there is so much pressure in the Pikes Peak Region, Pikes Peak East and West should be included in the Upper Tier. (Individual, Manitou Springs, CO - #52.2.66000.530)

**TO PROTECT WILDLIFE HABITAT, INCLUDING SPECIAL-STATUS SPECIES, QUIET RECREATION OPPORTUNITIES, AND SCENIC RESOURCES**

We, Quiet Use Coalition, are very concerned that only a few small areas on the Pike-San Isabel National Forest (PSI) are recommended for "upper tier." There are many outstanding values associated with many roadless PSI and other lands, including but not limited to providing important wildlife habitat including numerous endangered species, outstanding opportunities for solitude and quiet recreation, scenic and viewscape values, etc. Our members enjoy and benefit from all of the following roadless areas and we urge the Forest Service to further protect the following areas as upper tier:

Aspen Ridge, Badger Creek, Buffalo Peaks West, Mount Elbert, Mount Massive, Rampart East, Chipeta, Kreutzer-Princeton, Mount Antero, Starvation Creek, Romley, Porphyry Peak, Babcock Hole, Tanner

Peak, Spanish Peaks, Buffalo Peaks East and South, Puma Hills, Sangre de Cristo Medano Pass to Carbonate Mountain, Thirty-nine Mile Mountain, Weston Peak, Lost Creek East, and Silverheels. (Preservation/Conservation, Salida, CO - #590.6.66000.002)

#### **TO PROTECT WILDLIFE HABITAT AND WATER RESOURCES AND REDUCE NOISE AND AIR POLLUTION**

I am personally very concerned that so little public land in the Pike/San Isabel National Forest area is being considered for “upper tier” protection. I strongly support “upper tier” status for the roadless areas identified by Wild Connections, and the comments being submitted by Wild Connections on this matter. More of our roadless areas should be given this protection, including the “no surface occupancy” stipulations, to also protect our roadless areas from any future oil and gas leasing and development.

Areas that are of particular concern to me include Farnum, Lost Creek South, Lost Creek West, Schoolmarm Mountain, Puma Hills, Buffalo Peaks East, Buffalo Peaks South, Boreas, Thirtynine Mile Mountain and Jefferson. These are areas I have personally hiked and camped in for years and want to see them protected for future generations to also enjoy. These areas are home to a large number of wildlife populations, including elk, pronghorn, bighorn sheep, deer, mountain lion, in addition to having some of the best blue-ribbon fishing waters in the state. The development of roads in these environmentally sensitive areas cuts wildlife populations off from traditional migratory routes, stresses wildlife populations with increased noise and air pollution, creates potential for stream degradation and opens environmentally sensitive areas up to potential destruction. (Individual, Jefferson, CO - #779.2.66000.002)

#### **5-47 Public Concern: The Forest Service should repeal upper tier areas within Pikes Peak West and East Roadless Area that are protected under Congressional Watershed Reserve Lands Grants.**

Colorado Springs Utilities is requesting the repeal of any upper tier areas within the Pikes Peak West and East Roadless Areas that overlap and are under the protections pursuant to the 1913 and 1924 Congressional Watershed Reserve Lands Grants established for the City of Colorado Springs, City of Manitou Springs, and Town of Cascade. (Utility Group, Colorado Springs, CO - #701.12.66000.190)

#### **5-48 Public Concern: The Forest Service should expand upper tier protection to areas of the Rio Grande National Forest.**

##### **BECAUSE EVERY FOREST SHOULD HAVE SOME AREAS DESIGNATED AS UPPER TIER**

It is not acceptable that there are National Forests within Colorado that have no upper tier designations under this rule. For example, the Rio Grande National Forest borders the GMUG [Grand Mesa Uncompahgre Gunnison National Forests] and is a popular destination for many of our [Western Colorado Congress'] outdoor enthusiast members. We know the Rio Grande National Forest to have many areas that are in need of upper tier designation yet this magnificent forest has zero in the preferred Alternative 2. The USFS must include significant upper tier candidate CRAs in every US Forest in the Colorado Roadless Area Rule. (Civic Group, Grand Junction, CO - #615.10.66000.002)

#### **TO PROTECT THE HEADWATERS OF THE RIO GRANDE, THE SANGRE DE CRISTO MOUNTAINS, AND A WIDE VARIETY OF ECOSYSTEMS**

The 1.86 million acre Rio Grande National Forest in south-central Colorado is an ‘undiscovered jewel’ of Colorado, according to the USFS. Yet the Agency only proposes protecting 64 acres in the upper tier category, relegating 99.98 percent of the forest’s roadless areas to a lower management standard than the 2001 Roadless Rule. The Forest includes the headwaters of the Rio Grande, which begins its 1,800 mile journey to the Gulf of Mexico in the San Juan Mountains, where the Continental Divide runs for 236 miles along most of the western border. The breathtaking Sangre de Cristo Mountains form the eastern border, rising thousands of feet from the San Luis Valley. The forest is composed of a myriad of ecosystems ranging from high elevation desert at 7,600 ft. to rocky crags over 14,300 ft. in the Sangres. (Preservation/Conservation - #622.124.66000.200)

**5-49 Public Concern: The Forest Service should include all upper tier areas proposed for the GMUG National Forests.****AND SHOULD EXPAND THE BOUNDARIES OF THE UNAWEEP ROADLESS AREA TO INCLUDE ALL IDENTIFIED CRAS**

Upon reviewing the maps and discussing them with Forest Service personnel of the GMUG National Forests, it is very apparent that the preferred alternative (Alternative 2) ignores the value of most Colorado Roadless Areas identified on the Uncompahgre Plateau and Naturita Division of the Forest. Under the preferred alternative, only three areas are included in the upper tier category: UnawEEP, Horsefly Canyon, and Naturita Canyon. As described in the EIS (Environmental Impact Statement) and supporting documents, all three of these areas contain extremely valuable elk summer range, calving areas, and winter range. Horsefly and Naturita Canyons also provide habitat for the threatened Mexican spotted owl. Native Colorado River cutthroat trout also occur in Red Canyon and Clear Creek, which are tributaries to Horsefly Creek. The Uncompahgre Plateau is predominantly a roaded landscape, and these roadless areas provide important areas for backcountry hunting, fishing, and primitive recreation that are not impacted by motorized trails and OHVs (off-highway vehicles). All three of these areas should remain in the preferred alternative, and the boundaries of the UnawEEP Roadless Area expanded to include all of the area identified on the maps as Colorado Roadless Areas. (Individual, Norwood, CO - #528.2.41100.540)

**5-50 Public Concern: The Forest Service should consider areas in the Grand Mesa and Uncompahgre National Forests for upper tier protection.****TO PRESERVE THEM FOR EQUESTRIAN AND OTHER FORMS OF RECREATION**

Alternative 2, the recommended rule, requires modification to include additional upper tier areas. These areas should include some of the recommendations from Alternative 4. Specific suggestions are:

In the Grand Mesa National Forest—Cottonwoods Area: This area designated as roadless deserves treatment as upper tier and is recommended in Alternative 4. Existing FS Road 254 and its extensions should be continued and maintained as a road; this is commonly referred to as the Lake of the Woods trail from Route 65 to the Cottonwood Lakes passing through Bull Basin. Scenic values, recreation and hunting and fishing all prevail. This is an excellent horse trail as well. FS Trail 511 which connects with 254 and descends to Crum Reservoir and on to the BLM trail descending to Mesa should continue as an ATV/hiking/horse trail at less than 50".

Kannah Creek Area: Designated as roadless, this area deserves treatment as upper tier and is recommended in Alternative 4. There are no 'roads' here, only trails for hiking, biking, horses, and cattle from Carson Lake down to the FS exit on Kannah Creek. Scenic values, recreation, and hunting and fishing prevail.

Battlement Mesa: Designated as roadless, this area deserves treatment as upper tier and is recommended in Alternative 4, particularly the section north and west of the Silt Road. Existing access roads should be maintained. Scenic values, recreation, and hunting and fishing prevail. The Brush Creek area is spectacular.

In the Uncompahgre National Forest—Most of this forest is crisscrossed with roads originally placed to serve the mining interests. It is hard to imagine this as a roadless area. The one section along the northern border designated as upper tier in Alternative 2, should remain upper tier. The remainder should be managed by the Forest Service with all values considered. The Alternative 4 recommendations do not make sense here except for hunting and fishing interests.

It should be recognized that Alternative 2 and 4 need not be mutually exclusive. Some study and compromise is needed.

Alternative 4 comes from specific interest groups advocating for hunting and fishing. As such, their recommendations cover a narrow field and result in very extensive upper tier designations. By comparison it appears that the upper tier recommendations in Alternative 2 did not give adequate consideration to the hunting and fishing concerns. I [Back County Horseman] would recommend that the final draft include some of the Alternative 4 upper tier recommendations. (Non-Motorized/Non-Mechanized Recreation, Grand Junction, CO - #244.3-4.66000.500)

## **5-51 Public Concern: The Forest Service should give roadless areas in the White River National Forest upper tier protection.**

### **TO PROTECT HABITAT FOR WILDLIFE AND PRESERVE HEALTHY FORESTS FOR FUTURE GENERATIONS**

I am concerned that the Colorado Roadless Rule does not give enough of White River National Forest (WRNF) the protection it deserves. Only 13 percent of roadless areas in WRNF receive full protection. There is much important mid-elevation habitat that has not been fragmented by roads and the development that comes in with them. The wildlife, the water, the air, the plants and all the species, from the microorganisms in the soil up to the big game and birds in the sky, need undisturbed lands to call home. The health of the habitat in our forests is the baseline for the health of our communities in the neighboring valleys. The one thing we humans are not capable of making is any more new lands for healthy watersheds, thriving wildlife populations, and productive habitat in its natural state. We need to protect all the proposed roadless areas for the greater good of native animal and bird populations.

The WRNF roadless areas have been carefully mapped to include areas important to habitat, healthy forests and game populations. I hope that those areas will be available for my grandchildren to see in their undisturbed beauty.

Please give the roadless areas in the WRNF top-tier protection. (Domestic Livestock Industry, Carbondale, CO - #186.1.41000.200)

## **5-52 Public Concern: The Forest Service should expand upper tier protections to include the Continental Divide Trail.**

### **TO PROTECT THIS IMPORTANT RECREATIONAL RESOURCE**

[ATT 1] Routt National Forest:

Continental Divide Trail

CRA: Dome Peak, Long Park, Troublesome North, Troublesome South, Never Summer Adjacent Area, Never Summer South, Indian Peaks Adjacent Area, James Peak, Vasquez Adjacent Area, Byers Peak, Williams Fork Ptarmigan Adjacent, Bard Creek, Mount Sniktau, Burning Bear, Jefferson, Tenmile, Ptarmigan Hill B, Ptarmigan Hill A, Holy Cross, Mount Massive, Elk Mountain-Collegiate North, Texas Creek, Sanford Basin, Romley, Mount Antero, Agate Creek, Chipeta, Starvation Creek, Antora Meadows/Bear Creek, Cochetopa Hills, Cochetopa, Bristol Head, Big Buck/Kitty/Ruby, Carson, Pole Mountain/Finger Mesa, Cataract, Beartown, Turkey Creek, Treasure Mountain, Summit Peak/Elwood Pass, Chama Basin CRAs

Status: Partially protected under Alternative 4; new proposed upper tier area

In 1978, Congress designated the Continental Divide National Scenic Trail. This 3,100-mile backcountry route from Canada to Mexico is a spectacular pathway through an iconic American landscape, perhaps highlighted by the trail's 800-mile journey through Colorado. Along with the Pacific Crest Trail and the Appalachian Trail, the Continental Divide Trail is one of the definitive experiences for backcountry hiking in America. This invaluable resource must be protected by upper tier designation for the many CRAs through which it passes. At minimum, those areas immediately surrounding the trail and within its viewshed should be protected. (Recreation/Conservation Organization, Washington, DC - #681.43.66000.510)

## **5-53 Public Concern: The Forest Service should include the following areas in the upper tier lands.**

### **AREAS IN SOUTH COTTONWOOD CREEK, BUFFALO PEAKS, SANGRE DE CRISTO, AND PORPHYRY CREEK**

I ask you to give "top-tier protection" to the 2.8 million acres that have been identified as having the necessary characteristics deserving of these environmental safeguards. Such areas should include the recommended lands of South Cottonwood Creek, Buffalo Peaks, Sangre de Cristo, and Porphyry Creek.

Someone once said that if you love the land, you will protect it. (Individual, Buena Vista, CO - #55.6.66000.621)

**CLEAR FORK DIVIDE ROADLESS AREA, KELSO MESA, AND KANNAH CREEK**

Places such as the Clear Fork Divide Roadless Area between McClure Pass and Sunlight Ski Area, Kelso Mesa on the Uncompahgre Plateau above Escalante Canyon, and Kannah Creek (a Grand Junction watershed) need to be included in the “upper tier” roadless areas.

Let’s not revert back to the Bush Administration’s roll back of environmental protections. Protect our roadless areas now! (Individual, Denver, CO - #172.1.66000.200)

**AREAS IN THE PIKE-SAN ISABEL, ROUTT, AND RIO GRANDE NATIONAL FORESTS**

Protect key fish and wildlife habitat in all of our forests. Remind the Forest Service that the Pike San Isabel, Routt, and Rio Grande National Forests have tens of thousands of high value roadless backcountry acres that are worthy of upper tier protections and not to leave them out of upper tier designation. (Individual, Durango, CO - #84.8.66000.350)

**HERMOSA CREEK ROADLESS AREA**

I am a hunter, angler and backpacker from Dolores, Colorado. I prefer Alternative #4. I think our Roadless Rule should be even stronger than the 2001 Rule. I would like to see the western part of the Hermosa Creek Roadless Area (Bear Creek) get “upper tier” protection. (Individual, Dolores, CO - #173.1.66200.500)

**CURRENT CREEK**

Current Creek (Priest Mountain) should be placed in the upper tier protection so that it will be preserved in its precious state. (Individual, Cedaredge, CO - #444.2.66000.200)

**MOUNTAIN DIVISION OF THE UNCOMPAHGRE NATIONAL FOREST**

The preferred alternative includes portions of several Colorado Roadless Areas in the upper tier category identified on the Mountain Division (aka, San Juan Mountains) of the Uncompahgre National Forest but excludes other significant Colorado Roadless Areas from the preferred alternative. The Forest Service should significantly increase the acreage of upper tier lands in the preferred alternative to include lands that are vital for fish and wildlife habitat and backcountry hunting, fishing, and primitive recreation opportunities. All of the Alternative 2 lands included in the upper tier category should remain and be expanded to include the entire area mapped as Colorado Roadless Areas. Specifically, the following areas within the Mountain Division should remain within the upper tier category:

Failes Creek/Soldier Creek—8,900 acres

Hope Lake—8,200 acres

Last Dollar/Sheep Creek—6,400 acres

Little Cimarron—4,200 acres

Matterhorn—3,600 acres

Turret Ridge—5,500 acres

Whitehouse Mountain—14,400 acres

Wilson—2,600 acres (Individual, Norwood, CO - #528.4.66000.002)

**PIKES PEAK AND RAMPART EAST**

I request that more areas be designated upper tier, especially Pikes Peak and Rampart East. (Individual, Colorado Springs, CO - #191.3.66000.001)

**THOMPSON CREEK**

In my opinion there should be more areas included in the upper tier of protection.

I know and love Thompson Creek and it should remain pristine for myriad reasons. (Individual, Aspen, CO - #197.1.66000.002)

**THOMPSON CREEK, DEEP CREEK, PAGODA PEAK, DOME PEAK, AND LOWER PINEY**

Upper tier protections must be expanded and strengthened. Unfortunately, the proposed state-specific roadless rule provides a high level of protection for only 13 percent of Colorado’s remaining roadless

lands. The Forest Service should combine the 2.8 million acres of Upper Tier lands proposed in Alternative 4 with Alternative 2 to increase the level of upper tier protection for Colorado's Roadless Areas. Key areas that should receive upper tier protection include Thompson Creek, Deep Creek, Pagoda Peak, Dome Peak, and Lower Piney. (Individual, Aspen, CO - #559.9.66000.200)

#### **PRIEST MOUNTAIN, CURRANT CREEK, AND FLATTOPS/ELK PARK ROADLESS AREAS**

I believe it is important that many more roadless areas be added to the upper tier as was done in Idaho, where they will have more protection against logging and road construction. Among areas needing to be added to the upper tier are:

- Priest Mountain Inventoried Roadless Area
- Currant Creek Roadless area
- Flattops/Elk Park Roadless Areas (Individual - #630.2.66100.200)

### **5-54 Public Concern: The Forest Service should consider the Adam Mountain CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Adam Mountain, upper tier recommendation: 8,200 acres.

Recommended from Alternative 4. Protection in upper tier would benefit wildlife, ensure continued enjoyment of popular backcountry recreation opportunities, and protect municipal water.

The Adam Mountain Colorado Roadless Area (CRA) is at the end of an arm of the Sawatch Range that lies between East Brush and West Brush Creeks. It is a wooded divide with steep-sided drainages radiating down each side, and it is a significant feature in the beautiful Brush Creek Valley. The northern slopes are heavily-forested with old-growth lodgepole pine. The higher elevations have spruce/fir forests. The elevation ranges from 7,800 feet at lower East Brush Creek, to 11,158 feet on Mount Eve. The south-facing slopes tend to be very steep.

Adam Mountain CRA provides wildlife with a movement corridor from the Sawatch Range and Red Table Mountain down into the Brush Creek Valley and to Bellyache Ridge. The area supports a herd of elk year-round, and many deer and bear are present in the summer. Its proximity to the Woods Lake and Red Table RAs [Roadless Areas] contributes to landscape connectivity in the Fryingpan River/Eagle River region. The area was proposed for ski area development many years ago and is now utilized by backcountry skiers during winter months. It provides an excellent opportunity to experience solitude, naturalness, and challenge in a primitive landscape. The Adam Mountain Roadless Area provides potential habitat for lynx, contains a viable population of Colorado River cutthroat trout, and provides summer habitat for reintroduced Merriam's turkey. The area also provides occupied or potential habitat for a variety of Forest Service sensitive species, including but not limited to pine marten, Northern goshawk, boreal owl, olive-sided flycatcher, flammulated owl, and American 3-toed woodpecker. The area is within a state-defined water source assessment area. (Preservation/Conservation - #622.220-221.66200.002)

### **5-55 Public Concern: The Forest Service should consider the Agate Creek CRA for upper tier protection.**

#### **AS A WILDLIFE REFUGE AND CONNECTIVITY FOR MIGRATION**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Agate Creek\*

This is an important area that could be a much needed wildlife refuge from the neighboring ranch land that surround it. The nearby lands in San Isabel National Forest would provide, if protected, for connectivity and migration patterns for elk and deer. This roadless area provides big horn sheep summer range, elk summer range and production in the Marshall Creek area, lynx habitat and movement corridor, and mule deer summer range. (Place-Based Group, Ridgway, CO - #533.40.66000.330)

**TO PROTECT THE MONARCH CREST TRAIL**

[ATT 1] Pike-San Isabel National Forests:

Monarch Crest Trail

CRA: Agate Creek CRA, 11,826 acres (Grand Mesa-Uncompahgre-Gunnison National Forests); Chipeta CRA, 28,686 acres; Starvation Creek CRA, 7,565 acres

Status: Partially protected under Alternative 4; new proposed upper tier area

The Monarch Crest Trail begins from a trailhead atop Monarch Pass at approximately 38.495980, -106.325500. From there, it heads south-southeast, roughly following the border between the Agate Creek and Chipeta CRAs and winding between the two. It then continues south, before entering the Starvation Creek CRA and turning east across that area. After leaving the Starvation Creek CRA, the trail turns northeast and runs just outside the northwest border of the Porphyry Peak CRA before ultimately ending at Highway 285. For a part of its length, the Crest trail overlaps with a portion of the Colorado Trail.

The Monarch Crest is a spectacular, high elevation journey, popular with hikers as well as mountain bikers. The trail covers more than 30 miles of mostly singletrack, with portions above the treeline and others running through stunning mixed forest. This world-class resource for hikers and mountain bikers should be protected by upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.38.66200.510)

**TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Agate Creek, upper tier recommendation: 3,800 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

Adjacent to roadless lands on the Pike-San Isabel National Forest, the rugged terrain adds to the sense of remote backcountry in the Agate Creek Roadless Area. The area provides a good range of recreational pursuits. The Monarch Crest Trail offers “world-class” mountain biking, and the Agate Creek Trail offers dirt biking.

Agate Creek Roadless Area is dominated by lodgepole pine, mixed with aspen and spruce, and with riparian habitat along Agate Creek. The forest’s diversity provides for a range of species. The area lies within the Poncha Pass lynx linkage and is mapped as denning and winter foraging habitat. Agate Creek provides summer range for mule deer and elk, summer concentration areas for elk, and summer range for bighorn sheep. The Colorado Division of Wildlife writes that Agate Creek “provides big horn sheep summer range, elk summer range and production in the Marshall Creek Area, lynx habitat and movement corridor, and mule deer summer range.” Alpine areas provide habitat for white-tailed ptarmigan. Below timberline, the forests include habitat for American marten, American three-toed woodpecker, Northern goshawk, boreal owl, olive-sided flycatcher, and golden-crowned kinglet. The Agate Creek Roadless Area is within a municipal water supply. (Preservation/Conservation - #622.47.66200.002)

**5-56 Public Concern: The Forest Service should consider the Antelope Creek CRA for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Alamosa River, upper tier recommendation: 4,800 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.126.66200.002)

## **5-57 Public Concern: The Forest Service should consider the Antelope Creek area for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT, SPECIAL-STATUS SPECIES, AND THE HEADWATERS OF BEAR CREEK**

Antelope Creek:

Listed by WC [Wild Connections] in the WCCP [Wild Connections Conservation Plan] as Pole Creek, the area is an important wildlife habitat area. There is scattered lynx habitat in the area, including denning areas. The Forest Service has identified a lynx linkage between Pole Creek and the Muddy Creek headwaters of the Sangre de Cristo Mountains. WC recommends 3,500 acres as upper tier.

Mountain lion and black bear can be found across the area, with bears concentrated on the west and southwest. Bighorn sheep are found on the west side in the summer. Elk have both summer and winter range here, and the large elk calving grounds extending from Antelope Mountain southeast into Greenhorn Mountain Wilderness runs across the center of the roadless area. Mule deer have summer range across the area, with winter range on the west. The CDOW lists the area as a production and winter area for wild turkey.

Reflected moonwort is a rare plant of the area.

As a watershed, most of the headwaters of the North and South Forks of Bear Creek and Pole Creek are inside the area. (Preservation/Conservation, Colorado Springs, CO - #581.4.66000.002)

## **5-58 Public Concern: The Forest Service should consider the Antora Meadows/Bear Creek CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Antora Meadows/Bear Creek, upper tier recommendation: 22,800 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The Antora Meadows/Bear Creek Roadless Area hosts an array of habitats, covering a range from sagebrush to alpine tundra. This CRA provides habitat for the federally-listed lynx and the Mexican spotted owl. The CRA also provides habitat for the American marten, bighorn sheep, wolverine (along the Continental Divide), and goshawk (nesting documented). Blue grouse have also been documented. The RA [Roadless Area] provides deer and elk winter habitat. Lower- to mid-elevations of this CRA are important to the Trickle Mountain herd of bighorn sheep. East Middle Creek boasts an introduced population of pure Rio Grande cutthroat trout. The streams in the area, including West Middle Creek, the main stem of Middle Creek, and Indian Creek, support sport fisheries of brook and brown trout in a network of beaver ponds.

Traditional, historical, and cultural sites are found here, including sawmills that operated in the late 1800s and early 1900s, and homestead sites in the RA. There are 17 miles of non-motorized trails in the CRA, and approximately 5.2 miles of motorized trails including the Continental Divide National Scenic Trail/Colorado Trail. East Middle Creek, Indian Creek, and Flagstaff Creek are major non-motorized trails in the roadless area, which receives its highest use during hunting season. The main trailhead leading into this area is a base camp for backcountry hunters. Game species present include elk, deer, black bear, and bighorn sheep. This CRA is within a state-identified source water assessment area (municipal water supply). (Preservation/Conservation - #622.127.66200.002)

## **5-59 Public Concern: The Forest Service should consider the Aspen Creek area for upper tier protection.**

### **TO PROTECT DOMESTIC AGRICULTURAL WATER SUPPLIES**

Aspen Ridge:



WC recommends 14,200 acres as upper tier. The Wild Connections Conservation Plan lists the area as Browns Canyon and calls for designation of the Forest Service Aspen Ridge part of the larger Browns Canyon proposed Wilderness.

These watershed areas include tributaries to the Arkansas River that provide the water supply for Pueblo and many farming communities in Eastern Colorado, Kansas, Oklahoma, Arkansas and Missouri.

Domestic agricultural water supplies are best protected from erosion and pollution when they are located on roadless lands. The Arkansas Canyons complex includes many tributaries. (Preservation/Conservation, Colorado Springs, CO - #581.5.66000.240)

## **5-60 Public Concern: The Forest Service should consider the Aspen Ridge area for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT**

Aspen Ridge:

WC recommends 14,200 acres as upper tier. The Wild Connections Conservation Plan lists the area as Browns Canyon and calls for designation of the Forest Service Aspen Ridge part of the larger Browns Canyon proposed Wilderness.

The area is of importance as wildlife habitat: bighorn production, summer concentration area, and severe winter range; potential lynx habitat; mule deer critical and severe winter range; elk severe winter range; and within the current range of the boreal toad. (Preservation/Conservation, Colorado Springs, CO - #581.7.66000.350)

### **TO PROTECT RECREATION OPPORTUNITIES AND ASSOCIATED ECONOMIC BENEFITS**

Aspen Ridge:

WC recommends 14,200 acres as upper tier. The Wild Connections Conservation Plan lists the area as Browns Canyon and calls for designation of the Forest Service Aspen Ridge part of the larger Browns Canyon proposed Wilderness.

The Browns Canyon portion of the Arkansas is one of the most popular whitewater runs in Colorado, and the economic contribution of the adjacent Wilderness for the tourism industry should not be underestimated. (Preservation/Conservation, Colorado Springs, CO - #581.6.66000.510)

## **5-61 Public Concern: The Forest Service should consider the Assignment Ridge CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Assignment Ridge, upper tier recommendation: 11,800 acres.

Recommended from Alternative 2. Protection in upper tier would benefit wildlife and plant communities, ensure continued enjoyment of popular backcountry recreation opportunities, and protect water supplies.

The Assignment Ridge CRA sits on the divide between the Crystal River and South Thompson Creek. The bulk of the unit consists of rolling hills and craggy drainages covered in diverse plant communities. These include aspen, mountain shrubs, sagebrush, Gambel oak, Douglas fir, and pinyon/juniper. The precipitous slopes near the eastern boundary of the unit display enormous red sandstone cliffs that tower over the Crystal River Valley, and give Redstone its name. The elevation ranges from below 7,000 feet near the Crystal River to 10,614 feet on the divide.

This unit, despite its proximity to the Town of Carbondale, remains essentially undisturbed and retains wild and natural qualities. The area is well-known for its large diversity of plant communities, and has been proposed to be a Research Natural Area by the Colorado Natural Heritage Program (CNHP). The CRA also contains part of CNHP's Middle Thompson Creek Potential Conservation Area, and is adjacent to the Smith Gulch Potential Conservation Area. There are populations of Colorado River cutthroat trout in two forks of Thompson Creek and the area provides habitat for threatened lynx. The area also provides habitat and potential habitat for: wolverine, pine marten, river otter, Townsend's big-

eared bat, bighorn sheep, Northern goshawk, boreal owl, olive-sided flycatcher, American peregrine falcon, flammulated owl, American 3-toed woodpecker, deer and elk, bald eagles, turkey, black bear, and mountain lions.

Assignment Ridge CRA is part of a critical big game migration corridor between the Maroon Bells/Snowmass Wilderness and the Thompson Creek roadless complex. It also provides access to lower elevation winter range on BLM roadless land to the north. Taking a broader view, this CRA is part of a larger complex of contiguous roadless areas (East Willow, Baldy Mountain, Clear Creek, Hayes Creek, Thompson Creek and Reno Mountain) that together occupy nearly 125,000 acres (187 square miles)—the largest unprotected roadless complex in the state. Importantly, it serves as a rare, mid-elevation wildland corridor that links the high Elk Range with the Grand and Battlement Mesas to the west.

Trails in the area are popular with hikers and horseback riders, and a moderate amount of elk hunters are present in the fall. There are also popular ice climbing areas on the sandstone cliffs along the Crystal River. The WRNF [White River National Forest] recommended this area for wilderness designation in the 2002 Revised Forest Plan as it is being managed to not impair its wilderness qualities until Congress acts on this recommendation. It was recently included in the Colorado Canyon Country Wilderness Proposal and introduced in Congress [Footnote 1: H.R. [House Resolution] 2420: Colorado Wilderness Act 2011 available at govtracks.gov here: <http://www.govtrack.us/congress/bill.xpd?bill=h112-2420>. See also area proposal map: <http://degette.house.gov/images/assignment.pdf>.] The Crystal River has been proposed to be a Wild and Scenic River, and the Assignment Ridge Area provides a significant scenic backdrop to this valley. The area is within a state-defined water assessment area. (Preservation/Conservation - #622.222-223.66100.002)

## **5-62 Public Concern: The Forest Service should grant the Babcock Hole area upper tier protection.**

### **TO PROTECT GREENBACK CUTTHROAT TROUT HABITAT**

Babcock Hole (WC Bears Head):

WC recommends 8,900 acres as upper tier. The Babcock Hole roadless area is an outtrigger of forest southeast of Wetmore. It is listed as Bears Head in the WCCP. It is surrounded on all sides by private property and includes the large private holding in Babcock Hole. Bears Head (7,755 feet), Little Red Butte (7,864 feet), and Big Red Butte (7,864 feet) are prominent landmarks.

CDOW identified approximately 3 percent of the area as Greenback Cutthroat Trout Watershed in 2010. CNHP's [Colorado Natural Heritage Program] Potential Conservation Area Arkansas Valley Barrens intersects part of Babcock Hole. (Preservation/Conservation, Colorado Springs, CO - #581.11.66000.330)

### **TO PROTECT RIPARIAN HABITAT**

Babcock Hole (WC Bears Head): ....

Ponderosa pine or ponderosa/Douglas-fir and Gambel oak shrublands are predominant with some piñon-juniper and mountain shrublands on the edges in the lower elevations and gulches. Approximately 9 percent of the roadless area is riparian habitat. The rare Deneger's beardstongue occurs here. (Preservation/Conservation, Colorado Springs, CO - #581.9.66000.333)

### **TO PROTECT WILDLIFE HABITAT**

Babcock Hole (WC Bears Head):

WC recommends 8,900 acres as upper tier. The Babcock Hole roadless area is an outtrigger of forest southeast of Wetmore. It is listed as Bears Head in the WCCP. It is surrounded on all sides by private property and includes the large private holding in Babcock Hole. Bears Head (7,755 feet), Little Red Butte (7,864 feet), and Big Red Butte (7,864 feet) are prominent landmarks.

Generally low in elevation, less than 8,000 feet on the highest peaks to low 6,000s, the area provides excellent habitat for a variety of wildlife. Black bear fall concentrations and elk production are notable across the area, and the rare common hog-nosed skunk is found here. There is habitat for mountain plover and Mexican spotted owl and nesting and roost sites for wild turkey. (Preservation/Conservation, Colorado Springs, CO - #581.10.66000.351)

**TO PROTECT VEGETATION COMMUNITIES**

Babcock Hole (WC Bears Head):

WC recommends 8,900 acres as upper tier. The Babcock Hole roadless area is an outrigger of forest southeast of Wetmore. It is listed as Bears Head in the WCCP. It is surrounded on all sides by private property and includes the large private holding in Babcock Hole. Bears Head (7,755 feet), Little Red Butte (7,864 feet), and Big Red Butte (7,864 feet) are prominent landmarks.

The proposed Big Red Butte Research Natural Area is located across the southern third of the area. The Colorado Natural Areas survey noted that RNA designation would preserve and provide representation of ponderosa pine forest/Gambel oak and Gambel oak/mountain mahogany shrublands communities in good condition. (Preservation/Conservation, Colorado Springs, CO - #581.12.66000.357)

**TO PROTECT HIKING AND HUNTING OPPORTUNITIES**

Babcock Hole (WC Bears Head):

WC recommends 8,900 acres as upper tier. The Babcock Hole roadless area is an outrigger of forest southeast of Wetmore. It is listed as Bears Head in the WCCP. It is surrounded on all sides by private property and includes the large private holding in Babcock Hole. Bears Head (7,755 feet), Little Red Butte (7,864 feet), and Big Red Butte (7,864 feet) are prominent landmarks.

There are hiking and hunting opportunities and Mountain Park Environmental Center uses the North Creek vicinity for its fire ecology education hikes. (Preservation/Conservation, Colorado Springs, CO - #581.13.66000.500)

**BECAUSE IT HAS BEEN RECOMMENDED FOR WILDERNESS DESIGNATION**

Babcock Hole (WC Bears Head):

WC recommends 8,900 acres as upper tier. The Babcock Hole roadless area is an outrigger of forest southeast of Wetmore. It is listed as Bears Head in the WCCP. It is surrounded on all sides by private property and includes the large private holding in Babcock Hole. Bears Head (7,755 feet), Little Red Butte (7,864 feet), and Big Red Butte (7,864 feet) are prominent landmarks. The area is recommended for Wilderness designation. (Preservation/Conservation, Colorado Springs, CO - #581.8.66000.650)

**5-63 Public Concern: The Forest Service should add the Badger Creek area to the upper tier category.****TO PROTECT VEGETATION COMMUNITIES**

Badger Creek:

WC recommends 12,300 acres as upper tier. Badger Creek flows south from the western edge of South Park. The Badger Creek roadless area is east of Salida and includes lands on both sides of Badger Creek north of the Arkansas River. It is proposed by Wild Connections for Wilderness designation.

Vegetation in Badger Creek is predominately piñon-juniper, with some areas of semidesert shrublands and sage on the southwest. Large aspen stands and montane grasslands intermingle in the uplands, while ponderosa pine and Douglas-fir cover higher elevations in the north. There are several important riparian plant communities: narrowleaf cottonwood/coyote willow riparian forests; montane wet meadows with water sedge; two types of montane riparian forest, narrowleaf cottonwood/thinleaf alder and narrowleaf cottonwood/water birch; and two coyote willow communities. (Preservation/Conservation, Colorado Springs, CO - #581.16.66000.335)

**TO PROTECT HOG-NOSED SKUNK, BOREAL TOAD, LYNX, MOUNTAIN LION, AND BALD EAGLE**

Badger Creek:

WC recommends 12,300 acres as upper tier. Badger Creek flows south from the western edge of South Park. The Badger Creek roadless area is east of Salida and includes lands on both sides of Badger Creek north of the Arkansas River. It is proposed by Wild Connections for Wilderness designation.

The not-so-common hog-nosed skunk is found here. It is within the current range of the boreal toad and rated as potential lynx habitat by CDOW. Mountain lions frequent the area and bald eagles have been observed. (Preservation/Conservation, Colorado Springs, CO - #581.15.66000.340)

## TO PROTECT ELK HABITAT

Badger Creek:

WC recommends 12,300 acres as upper tier. Badger Creek flows south from the western edge of South Park. The Badger Creek roadless area is east of Salida and includes lands on both sides of Badger Creek north of the Arkansas River. It is proposed by Wild Connections for Wilderness designation.

Elk winter range is found throughout Badger Creek roadless area and two elk calving grounds are located adjacent. Elk migration corridors connect Browns Canyon, the Black Mountain vicinity, and B. High summer bear activity is found across the whole area. Bighorn sheep frequent the canyon in summer, and in winter they concentrate in Badger Creek canyon. There is also a large bighorn lambing area. (Preservation/Conservation, Colorado Springs, CO - #581.14.66000.351)

## BECAUSE THE AREA INCLUDES A PROPOSED RESEARCH NATURAL AREA AND A POTENTIAL CONSERVATION AREA

Badger Creek:

WC recommends 12,300 acres as upper tier. Badger Creek flows south from the western edge of South Park. The Badger Creek roadless area is east of Salida and includes lands on both sides of Badger Creek north of the Arkansas River. It is proposed by Wild Connections for Wilderness designation.

The Badger Creek proposed Research Natural Area is in the Badger Creek area. The southeastern corner of the roadless area is a Potential Conservation Area (PCA) of high significance to the Colorado Natural Heritage Program (CNHP). (Preservation/Conservation, Colorado Springs, CO - #581.17.66000.660)

## 5-64 Public Concern: The Forest Service should consider the Baldy CRA for upper tier protection.

### TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES

Colorado Roadless Area recommended for upper tier on the GMUG:

Baldy, upper tier recommendation: 600 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

Baldy Roadless Area provides critical mid-elevation wildlife lands, and a diversity of forest cover and grasslands. Pinyon-juniper and scrub oak dominate lower in the unit, and aspen intermixed with grassy slopes and stands of dark spruce-fir are found at the higher elevations.

Baldy Roadless Area provides critical bighorn sheep habitat and includes potential lynx habitat. This area is a black bear summer and fall concentration area, elk winter range and concentration area, elk production Area, and mule deer winter and summer range. The entire roadless area is range for Merriam's turkey. The area is adjacent to private developments on three sides, but two trails run through the area, providing needed public access to this part of the National Forest. Baldy Roadless Area includes source areas for downstream municipal water supplies. (Preservation/Conservation - #622.48.66200.002)

## 5-65 Public Concern: The Forest Service should consider the Baldy Mountain CRA for upper tier protection.

### TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Baldy Mountain, upper tier recommendation: 1,900 acres.

Recommended from Alternative 4. Protection in upper tier would benefit wildlife and ensure continued enjoyment of popular backcountry recreation opportunities.

Baldy Mountain CRA occupies rolling, forested country in the upper West Divide Creek drainage. Baldy Mountain represents the southernmost of moderately-steep hills separating West and East Divide Creeks. Mosquito Creek originates on the broad summit of Baldy Mountain and flows into West Divide Creek. The southern slope of the mountain features Gambel oak and sagebrush. The rest of the area is

blanketed with aspen and spruce/fir forests. Elevations in the unit range from 7,600 feet at West Divide Creek to 10,200 feet on Baldy Mountain. The Baldy Mountain Area provides production and summer range for deer and elk. It is also important habitat for black bear, mountain lion, and various raptors. The area is potential lynx habitat. Little Rock Creek, within the CRA, is identified as a Colorado cutthroat trout conservation Area. This is an Area important for hunters and receives heavy hunting traffic in the fall.

Mid-elevation forests, such as Baldy Mountain have critical ecological importance but remain largely unprotected across the National Forest System. [Footnote 2: Citizens for Roadless Defense, "Baldy Mountain Roadless Area", <http://www.wroadless.org/p-bald-mtn-166.html> (accessed 7/29/10); see also Colorado Division of Wildlife (CDOW), "Recommendations to the State Inventoried Roadless Area Task Force on the White River National Forest Inventoried Roadless Areas", June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/Roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on "White River/Manti La Sal."] As discussed above, Baldy Mountain is also part of an important roadless complex creating habitat connectivity between the main stem of the Rocky Mountains and the Grand and Battlement Mesas. Baldy Mountain CRA is also within a state-defined source water assessment area. (Preservation/Conservation - #622.224-225.66200.002)

## **5-66 Public Concern: The Forest Service should add the Baldy and Cimarron Ridge CRAs to the upper tier category.**

### **TO PROTECT WILDLIFE HABITAT, SPECIAL-STATUS SPECIES, AND HUNTING, FISHING, AND BACKCOUNTRY RECREATION OPPORTUNITIES**

Two roadless areas on the Mountain Division of the Uncompahgre National Forest need to be included in the upper tier category. Both of these roadless areas need to include all of the area within the boundaries of the lands mapped as Colorado Roadless Areas. Based upon my local knowledge of the lands identified, I request the following areas be added to the upper tier category:

Baldy—2,300 acres

Cimarron Ridge—12,300 acres

Collectively, this portion of the Uncompahgre National Forest from the Lone Cone to Lake City provides high quality aspen and spruce-fir forest habitats, meadows, and alpine tundra as well as numerous perennial streams. These habitats provide the core recovery area for the threatened Canada lynx in this part of the State as well as high quality summer range for elk, mule deer, Rocky Mountain bighorn sheep, and black bear. The numerous perennial streams, lakes, and reservoirs provide habitat for our sports and native fish populations. Conservation populations of native Colorado River cutthroat trout are present in the Nate Creek drainage of the Cimarron Ridge RA as well as the Deep Creek drainage of the Last Dollar/Sheep Creek RA. The Wilderness and roadless areas within this portion of the Forest provide spectacular opportunities for backcountry hunting, fishing, and primitive recreation that are some of the best in Colorado. (Individual, Norwood, CO - #528.5.66000.330)

## **5-67 Public Concern: The Forest Service should consider the Basalt Mountain A and B CRAs for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Basalt Mountain A and B, upper tier recommendations: 12,300 and 1,900 acres.

Recommended from Alternative 4. Protection in upper tier would benefit wildlife and rare plant species, backcountry recreation, and water supply.

Basalt Mountain is a large area that covers not only Basalt Mountain but also most of the upper Cattle Creek drainage. It is separated from the even larger Red Table RA to the east only by the 4WD [four-wheel drive] northern section of Taylor Creek Road (FS 510). It is also contiguous with adjacent BLM roadless land to the west.

It ranges in elevation from 7,000 near the Fryingpan River to 11,000 feet near the Red Table crest and covers a wide variety of landforms and vegetation types. Some of the south-facing slopes are very steep,

but much of the area is rolling terrain with mixed sagebrush/grasslands yielding to oak/pinyon/juniper and aspen or dark timber, depending on elevation.

Basalt Mountain is an ancient shield volcano, as evidenced by its south-facing basalt-rock cliffs; farther east, the underlying sandstone has been carved into dramatic amphitheaters and formations, such as the Seven Castles towering above the Fryingpan Valley.

Overall, there's a high degree of naturalness and variety/abundance of wildlife. The lower elevations are winter range for elk, deer, and bighorn sheep. The area contains sensitive elk calving habitat, lynx habitat, greenback cutthroat trout habitat, and historic peregrine falcon nesting sites. Bighorn sheep and black bears can often be seen in the southern portion of the area. Cattle Creek is a fishery for the Colorado River cutthroat trout, as well as greenbacks. Basalt Mountain provides critically important low-elevation habitat in the mid-Roaring Fork Valley as well as a wildlife movement corridor across the mid-valley area between the Maroon Bells Wilderness and the high-elevation Red Table Mountain Roadless Area. Most of this area has been identified as having high habitat priority by the Colorado Division of Wildlife. The globally rare Harrington's beardtongue penstemon is also found in the area.

Basalt Mountain is an important and easily-accessible elk hunting area. It is also a popular destination for mountain bikers, cross country skiers, and horseback riders, and it provides a scenic backdrop for communities in the mid-Roaring Fork Valley.

The CRA is within a state-defined source water assessment area. (Preservation/Conservation - #622.226-227.66200.002)

## **5-68 Public Concern: The Forest Service should consider the Berry Creek CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Berry Creek, upper tier recommendation: 8,600 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife and rare plant species, backcountry recreation, and water supply.

A long, low ridge, with a high point on Red & White Mountain, runs east/west and divides the Piney and Eagle Rivers. Berry Creek CRA occupies west- and south-facing drainages that originate on the west end of this divide. The terrain consists of moderate rolling hills that are deeply dissected by Berry Creek, Beard Creek, Red Sandstone Creek, and Cache Creek. A small amount of spruce/fir forest is present on the high divide, but the area is dominated by fairly arid aspen and mountain big sagebrush communities. The elevation is 7,800 feet in lower Berry Creek and rises to 11,000 feet.

The Red & White ridge is an important mid-elevation corridor that connects the high peaks of the Gore Range to lower-elevation range on BLM lands northwest of Wolcott. It is thus a transitional zone for the migration of big game. Mid-elevation areas on public lands, like these, are largely unprotected and vulnerable to the fragmenting effects of roads.

In addition to accommodating a large herd of elk and a moderate herd of deer, the Berry Creek CRA has been identified by the Colorado Department of Wildlife as an Area of high priority habitat. Berry Creek contains a population of imperiled Colorado River cutthroat trout. There is also habitat for pine marten, Northern goshawk, boreal owl, greater sage grouse, Northern harrier, olive-sided flycatcher, loggerhead shrike, American 3-toed woodpecker, Brewer's sparrow, and Harrington's beardtongue.

This area provides a quickly-accessible recreational resource for residents in Edwards, who hike, bike, and walk dogs in the area. It is also a popular area among hunters, and a 640-acre parcel of the State Land Trust in the area is managed primarily for hunting activity.

The Berry Creek Roadless Area is located within a state-defined water assessment area. (Preservation/Conservation - #622.228-229.66200.002)

## **5-69 Public Concern: The Forest Service should consider the Blanca Peak area for upper tier protection.**

### **TO PROTECT VEGETATION COMMUNITIES AND WILDLIFE HABITAT**

Sangre de Cristo: Blanca Peak to Slide Mountain

This area is listed in the WCCP as: Carbonate Mountain/Blanca Peak/Slide Mountain and Wild Connections has recommended all three for Wilderness designation. Wild Connections recommends 4,100 acres for the upper tier.

Blanca Peak:

The Blanca Peak roadless area is at the southern end of the Sangre de Cristo Wilderness. The area is on the northern slopes of Blanca Peak, including what is reputed to be the southernmost glacier in the United States. Although the Blanca Peak roadless area includes the highest peak in the Sangre de Cristo range, a magnet for hikers and climbers, it was excluded from the adjacent Sangre de Cristo Wilderness.

The Blanca Peak roadless area is predominantly alpine tundra, with some Engelmann-spruce subalpine fir in the valley below the north face. Gary's Peak whitlow-grass is a rare plant found here.

Bighorn sheep can be found in the area, and there is a lambing area immediately to the north in the Wilderness. In the winter the bighorn sheep concentrate in the Huerfano valley. A high priority linkage for deer and elk is just east of the Blanca Peak roadless area and continues southeast of the National Forest.

The Nature Conservancy's Conservation Portfolio gives moderately high conservation value to the area. (Preservation/Conservation, Colorado Springs, CO - #581.142.66000.002)

## **5-70 Public Concern: The Forest Service should consider the Bard Creek CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Bard Creek, upper tier recommendation: 16,500 acres.

Recommended from Alternative 4 Protection in upper tier would benefit wildlife, safeguard water sources, and ensure continued enjoyment of popular backcountry recreation opportunities.

The Bard Creek Roadless Area is directly adjacent to the Ptarmigan Peak Wilderness and part of a large roadless region that spans the Continental Divide, including the adjacent Williams Fork Roadless Area on the Rio Grande National Forest. The Bard Creek Area includes ten peaks over 13,000 feet. On- and off-trail access provides the adventuresome visitor with much the same experience as climbing 14ers, but without the crowds. Many popular trails cross or intersect this roadless area, including the Continental Divide National Scenic Trail and the Herman Gulch Trail. Archeological sites in the roadless area date back 10,000 years.

The roadless area provides important habitat to "over 100 passerine bird species, over 30 small mammals and numerous raptors", according to the USFS. Elk have calves, gather in the summer and winter, and spend severe winters in the Bard Creek Area. Bighorn sheep calve and gather in the winter in the area. A movement corridor from Mt. Evans to Byers Peak is heavily used by mountain goats. Greenback cutthroat trout, listed under the Endangered Species Act, occupy creeks in the unit. Canada lynx—listed as threatened under the ESA [Endangered Species Act] and critically imperiled in Colorado—have been observed near the Bard Creek Area. Boreal toads that are found in the area are a candidate for listing under the ESA. Black swift, considered sensitive by the USFS, has been observed in the area. Grey's peak whitlow grass and the clawless draba plant found in the area are globally imperiled, and the common moonwort plant (*botrychium lunaria*) found here is imperiled in Colorado, as well. The upper montane woodlands natural communities found in Bard Creek are globally imperiled. The area includes the headwaters for the West Fork of Clear Creek, Bard Creek, and numerous other tributaries of Clear Creek, which provides water for the cities of Golden, Westminster, and other suburbs north and west of Denver. (Preservation/Conservation - #622.12-13.66200.002)

## **5-71 Public Concern: The Forest Service should consider the Barber Basin CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Barber Basin, upper tier recommendation: 5,500 acres.

Recommended from Alternative 4. Upper tier protection would primarily benefit wildlife by securing essential habitat and movement corridors, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The elevations of the Barber Basin Roadless Area range from 5,575 to 14,410 feet with sagebrush shrublands, willow bottoms, and lodgepole pine forests; a large aspen grove in the northeast; and smaller areas of spruce-fir forest in the north. This area is notable for the wildlife connectivity it provides between adjacent areas for security and movement. Wildlife use the area as a migration corridor, and it provides winter and summer range for deer and elk. Calving and fawning are widespread in the roadless area. It is suitable habitat for lynx and wolverine. The area supports a wide variety of small mammals and birds, and is suitable habitat for sharp-tailed grouse and greater sage grouse. This CRA also provides essential habitat needs for black bear, elk, moose, mountain lion, Northern goshawk, boreal toad, and mountain wood frog. The CDOW has recommended that “no new roads be constructed in these areas to avoid increasing habitat fragmentation and degradation.”

Recreation opportunities include mountain biking, hunting, and gathering forest products. Significant cultural resources are associated with the Windy Ridge quarry site. This CRA is a source area for municipal water supplies. (Preservation/Conservation - #622.172.66200.002)

## **5-72 Public Concern: The Forest Service should consider the Battlements CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Beaver, upper tier recommendation: 3,600 acres.

Recommended from Alternative 2. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

Part of the 2001 Beaver Castle Inventoried Roadless Area, this roadless area forms a southern extension of the West Elks Wilderness and provides critical connectivity for wildlife from low to higher elevation lands. Beaver Creek itself forms a distinctive canyon on the southern flanks of the West Elks, and the roadless area is rugged with thick vegetation below the canyon rim. The area provides for a sense of remoteness and high quality opportunities for solitude.

The roadless areas are a series of southeast trending drainages and sage/shrub habitat make this some of the best critical winter range for big game in the region. The Colorado Division of Wildlife has evaluated this area as having critical wildlife values for elk, deer, bighorn sheep, lynx and Gunnison sage grouse, and has been identified as a potential state conservation area by the Division for its unique riparian woodland. Several elk migration corridors cross the roadless area, most of which is summer range for elk and mule deer.

“All or portions of these areas are identified as being elk winter range, severe winter range and winter concentration areas. These areas also have several elk migration corridors within them. Additionally these areas are identified mule deer winter range, severe winter range and winter concentration areas and also have deer migration corridors within them. These areas also are identified as bighorn sheep Habitat.” (Preservation/Conservation - #622.50.66100.002)



**5-73 Public Concern: The Forest Service should consider the Battlements and Sunnyside areas for upper tier protection.****TO PROTECT THEM FROM THE EFFECTS OF OIL AND GAS AND TIMBER HARVEST**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Battlements and Sunnyside\*

The northern most roadless areas of the GMUG are at high risk due to expansion of oil and gas and timber cutting. These are remarkable islands of habitat for wildlife species that are escaping the industrial activity from the lower elevations and highway activity. They should certainly be recognized and preserved not only for vast wildlife but also for the hunting and recreational opportunities that these areas provide. (Place-Based Group, Ridgeway, CO - #533.38.66000.002)

**5-74 Public Concern: The Forest Service should consider the Beaver CRA for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Beaver, upper tier recommendation: 3,600 acres.

Recommended from Alternative 2. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

Part of the 2001 Beaver Castle Inventoried Roadless Area, this roadless area forms a southern extension of the West Elks Wilderness and provides critical connectivity for wildlife from low to higher elevation lands. Beaver Creek itself forms a distinctive canyon on the southern flanks of the West Elks, and the roadless area is rugged with thick vegetation below the canyon rim. The area provides for a sense of remoteness and high quality opportunities for solitude.

The roadless areas are a series of southeast trending drainages and sage/shrub habitat make this some of the best critical winter range for big game in the region. The Colorado Division of Wildlife has evaluated this area as having critical wildlife values for elk, deer, bighorn sheep, lynx, and Gunnison sage grouse, and has been identified as a potential state conservation area by the Division for its unique riparian woodland. Several elk migration corridors cross the roadless area, most of which is summer range for elk and mule deer.

“All or portions of these areas are identified as being elk winter range, severe winter range and winter concentration areas. These areas also have several elk migration corridors within them. Additionally these areas are identified mule deer winter range, severe winter range and winter concentration areas and also have deer migration corridors within them. These areas also are identified as bighorn sheep Habitat.”

The southern portion is elk and mule deer winter range, and the area includes valuable bighorn sheep habitat as well. Lynx habitat has been mapped in the northern end, and Gunnison sage grouse winter range occurs at the southern end. Bald eagles forage in the winter along Beaver Creek, which hosts a Conservation Population of Colorado River cutthroat trout and is a reintroduction site for this species. This roadless area is within a municipal water supply source area. (Preservation/Conservation - #622.50-51.66100.002)

**5-75 Public Concern: The Forest Service should consider the Beaver and Steuben Creek area for upper tier protection.****TO PROTECT THIS IMPORTANT LOW ELEVATION HABITAT FOR WILDLIFE AND QUIET RECREATION**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Beaver and Steuben Creek\*

This 14,400-acre area is a merger of Steuben Creek, Sun Park, Little Mill Creek, and Castle Creek Roadless Areas, and is contiguous to the southeast corner of the West Elk Wilderness. The area is north of Highway 50, and 20 miles west of Gunnison. This is important low elevation habitat largely untouched by signs of development. It is readily accessible from Highway 50, but narrow dissected drainages promote solitude and a sense of naturalness. A series of southeast trending drainages and sage/shrub habitat make this some of the best critical winter range for large ungulates in the region, and sage grouse habitat extends into the eastern portion of area. There may be opportunities to enlarge the area by linking adjoining roadless BLM lands. This IRA has critical wildlife values for elk, deer, bighorn sheep, lynx and Gunnison's sage grouse. (Place-Based Group, Ridgway, CO - #533.26.66000.002)

## **5-76 Public Concern: The Forest Service should consider the Beckwiths CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Beckwiths, upper tier recommendation: 1,844 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

The Beckwiths is a unit of the USFS 2001 West Elk Adjacent Roadless Area, bordering the Wilderness on the north. Across Kebler Pass road lies the Horse Ranch Park Roadless Area and the Raggeds Wilderness beyond. The roadless area includes the landmark peaks East and West Beckwith. The area is well known to those who visit the Kebler Pass and Lost Lake Campground, a favorite spot for hiking, picnics, camping and fishing, and the trailhead for the Lost Lake and Beckwith Pass Trails—that make for a popular loop hike to Dollar Lake and a small cascade. Snowmobiling is also common in the area, which retains a high degree of naturalness. Rugged terrain offers a sense of remoteness. According to the state Division of Wildlife this land “provides valuable backcountry hunting experience...”

The Beckwiths Roadless Area provides calving areas and summer for elk. Black bears along Coal Creek in the fall. CDOW also notes that the roadless area includes designated native cutthroat waters in South Snowshoe Creek and Schafer Creek, which contain populations of Colorado River cutthroat trout [CRCT], a state species of special concern. CRCT now only occupy 10 percent of historic range in the state. Lynx habitat has been mapped in the roadless area. White-tailed ptarmigan is found on both West and East Beckwith mountains. Coal Creek and Snowshoe Canyon include bald eagles winter range. Northern goshawk, American marten, American three-toed woodpecker, and wolverine would also find habitat in the Beckwiths Roadless Area. The Beckwiths Roadless Area includes three potential conservation areas for montane riparian forest and shrubland (identified by the Colorado Natural Heritage Program). The Beckwiths Roadless Area is within a municipal water supply. (Preservation/Conservation - #622.52-53.66200.002)

## **5-77 Public Concern: The Forest Service should consider the Bennet Mountain/Blowout/Willow Creek/Lion Point/Greenie Mountain CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Bennet Mountain/Blowout/Willow Creek/Lion Point/Greenie Mountain, upper tier recommendation: 30,100 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

This RA of 53,029 acres lies near the communities of Del Norte, Jasper, and Monte Vista and resides in the Alamosa-Trinchera and Rio Grande Headwater watersheds providing surface and groundwater for the communities along Alamosa River and the Rio Grande. The town of Jasper had more than 5,000

prospectors around the early 20th century, who mostly resided in canvas tents. Today Jasper is characterized by a few summer cabins and a few dozen hardy year-round residents.

Fescue-dominated grasslands are common in the lowest elevations, transitioning into pinion-juniper habitats. Depending on aspects and elevations, mixed conifer habitats of ponderosa pine and Douglas fir can be enjoyed at low-to-mid elevations. Engelmann spruce, sub-alpine fir, and aspen stands become more prominent in mid to high elevations. Overall the southern slopes of this RA retain rocky dry and sparsely forested slopes while the northern slopes become much more moist and forested. The gray alder/mixed willow riparian habitat community along the southern boundary of the RA on the Alamosa River is an area the CNHP has indicated is vulnerable and susceptible to large-scale disturbances.

Elk and deer winter throughout the lower elevations of snow-free mountain parks and begin to move into higher elevations during snow-free months. Three elk production areas are found within the RA with a well-established migration route on the eastern side of the RA. Bighorn sheep concentrate in the southern portion along the rock cliffs above Alamosa River. Golden eagles are common above timberline and can be found hunting for marmot. Peregrine falcons use this RA for nesting and are often seen killing local waterfowl of the San Luis Valley. Blue grouse, three-toed woodpeckers, white-throated swifts, rock wrens, green-tailed towhees and violet-green swallows are the common bird species seen in this RA. The past glaciated headwaters of San Francisco Creek have a core and stable population of Rio Grande cutthroat trout as does the lower dry montane Cat Creek according to the Colorado Division of Wildlife 2004 Conservation Plan for the Rio Grande Cutthroat report. Rock Creek's gray alder community is considered imperiled and may become endangered due to 20 or less occurrences throughout the state according to the Colorado Natural Heritage Program.

Mountain biking, hiking, hunting and bird watching are some of the common recreational activities. Comstock Campground provides a good starting point for mountain biking on Trails 703 and 704 to Sheep Mountain and back down Trail/Road 702. Throughout this RA many unauthorized ATV trails have developed, mainly established during hunting season. (Preservation/Conservation - #622.128-129.66200.002)

## **5-78 Public Concern: The Forest Service should grant the Berthoud Pass area upper tier protection.**

### **TO PROTECT WINTER RECREATION OPPORTUNITIES**

[ATT 1] Arapaho-Roosevelt National Forest:

Berthoud Pass Area

CRA: Vasquez Adjacent Area CRA, 6,910 acres (5902 acres upper tier under Alternative 2); James Peak CRA, 2301 acres

Status: Upper tier under Alternative 4

The Berthoud Pass area, formerly the site of a ski resort, has become an exceptionally popular and accessible area for backcountry skiers. Popular areas on the west side of the pass include First and Second Creek, currently proposed for upper tier designation, as well as the areas to the west just north of the Henderson Mine (approximately 39.769925, -105.846223). Given the extraordinary popularity of this area for wintertime outdoor recreation, however, the entire Vasquez Adjacent Area should be given upper tier designation. To the east side of the pass, the southwest face of Colorado Mines Peak is also a popular area for skiers. This area, within the James Peak CRA, should also be designated in the upper tier. (Recreation/Conservation Organization, Washington, DC - #681.26.66000.510)

## **5-79 Public Concern: The Forest Service should consider the Big Buck/Kitty/Ruby CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Big Buck/Kitty/Ruby, upper tier recommendation: 5,900 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.130.66200.002)

## **5-80 Public Concern: The Forest Service should consider the Big Ridge to South Fork A CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Big Ridge to South Fork A, upper tier recommendation: 19,400 acres.

Recommended in Alternative 4. Upper tier protection would benefit wildlife, recreation, and water supply.

Big Ridge/South Fork A CRA is located east of Buford and about 18 miles east of Meeker. This large Roadless Area occupies many drainages that spill off the north and west sides of the massive Flat Tops plateau. The topography is quite varied. The Flat Tops Area is an ancient uplifted volcanic plateau, and features gentle terrain covered in vast system of alpine meadows and intermittent stands of Engelmann spruce, subalpine fir, and aspen. In the South Fork A Area, the plateau drops away steeply into the Stillwater Valley of the South Fork of the White River. These hillsides are swathed in oak brush, an important habitat for songbirds, bear, deer and elk, that is largely unprotected on WRNF [White River National Forest] lands and is increasingly degraded as private lands are developed. Big Ridge is a northerly arm of the Flat Tops Plateau that sits between Marvine Creek and the North Fork of the White River. Ute and Marvine Creeks are long, broad drainages that, along with Big Ridge, support large stands of lodgepole pine and aspen. The elevation in the unit ranges from 7,400 feet to 11,000 feet.

The Big Ridge/South Fork A CRA is a very large area and features a wide variety of plant and animal life. The presence of a wide range of habitat types makes this part of an important ecological transitional zone between the Flat Tops Wilderness Area and the lower-elevation BLM lands of the Axial Basin to the northwest. The area supports high-priority wildlife habitat, particularly an abundance of big game, including a year-round herd of bighorn sheep in the Hill Creek area. The area provides habitat and potential habitat for these species: purple martin, river otter, Townsend's big-eared bat, pygmy shrew, Northern goshawk, boreal owl, olive-sided flycatcher, flammulated owl, American 3-toed woodpecker, deer and elk, black bear, moose, mountain lion, mule deer, native cutthroat trout, and wild turkey.

This unit provides landscape connectivity from the Flat Tops into the northern White River watershed. It also acts as a buffer to motorized incursion into the Flat Tops Wilderness from private lands in the Stillwater and North Fork Valleys. This area is incredibly scenic and is an outstanding recreational resource. It is currently free from disturbance, and feels like an extension of the Flat Tops Wilderness. While the hiking, camping, and fishing opportunities are fabulous, the area is most popular as an elk hunting destination. The Big Ridge/South Fork CRA is one of nine roadless areas adjacent to the Flat Tops Wilderness that, when the Wilderness Area is included, forms a massive roadless complex of over 342,000 acres (533 square miles), the largest on the White River National Forest. The area is within a state-defined source water assessment area and adjacent to a mandatory Class I airshed. (Preservation/Conservation - #622.230-231.66200.002)

## **5-81 Public Concern: The Forest Service should consider the Big Ridge to South Fork B CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Big Ridge to South Fork B, upper tier recommendation: 1,000 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply.

From a value perspective these areas [Big Ridge to South Fork A and Big Ridge to South Fork B] should be considered together. While Big Ridge to South Fork B provides habitat for Northern leopard frog not found in Big Ridge to South Fork A, the areas generally provide similar value for wildlife, recreation,

and water resources. And they represent individual portions of a significant area. (Preservation/Conservation - #622.232.66200.002)

## **5-82 Public Concern: The Forest Service should consider the Black Lake East and West CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Black Lake East and West, upper tier recommendations: 800 and 900 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply.

The Black Lakes East and West CRAs occupy gently-rolling slopes on both sides of Black Creek. Black Lake West contains parts of the Otter Creek drainage, while Black Lake East RA [Roadless Area] is primarily drained by Brush Creek. These slopes are forested with stands of lodgepole pines and aspens; these are interspersed with mountain shrub communities. The elevation ranges from 8,200 feet in Doig Gulch to 9,500 feet at the Wilderness boundary. Private land in Black Creek divides these areas.

Because of their adjacency to wilderness, as well as public access issues, these areas receive very few visitors, mostly campers, hikers, hunters, and some backcountry skiers. Opportunities for solitude in these areas is high. Although they are small, these areas provide a mid-elevation buffer between the Eagles Nest Wilderness and private lands in the vicinity of Blue River/Green Mountain Reservoir. This buffer limits motorized trespassing into the Wilderness Area.

The Colorado Division of Wildlife has identified Black Lake CRAs as critical big game winter range, and the areas support a large herd of elk, and many deer. The CRAs provide habitat for Canada lynx, wolverine, pine marten, pygmy shrew, Northern goshawk, boreal owl, olive-sided flycatcher, flammulated owl, and American 3-toed woodpecker. In winter months, the areas support herds of elk and mule deer. Habitat exists for many other wildlife species, including but not limited to blue grouse, bobcat, ermine, fox, coyote, hawks, long-tailed weasel, owls, porcupine, skunk, snowshoe hare, black bear, moose, mountain goat, and mountain lion.

The Black Lakes CRAs are two of 12 Roadless Areas contiguous to the Eagles Nest Wilderness that, together with the wilderness, form a roadless complex of over 168,000 acres (262 square miles!). The CRAs are designated source water assessment areas and adjacent to a mandatory Class I airshed. (Preservation/Conservation - #622.233-234.66200.002)

## **5-83 Public Concern: The Forest Service should consider the Black Mountain CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Black Mountain, upper tier recommendation: 22,700 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife and provide backcountry hunting and recreation opportunities.

With elevations ranging from 5,600 to 12,000 feet, Black Mountain Roadless Area provides essential habitat needs for bear, elk, mule deer, lynx, greater sandhill crane, Columbian sharp-tailed grouse, boreal toad and Colorado River cutthroat trout [CRCT] (including Willow Creek, Roaring Fork Creek, South Fork of Slater Creek, and West Prong of Slater Creek, which all have CRCT conservation populations). The CRA contains potential habitat for the federally-listed Canada lynx, and Forest Service-sensitive species, including the native trout populations, boreal toad and Columbian sharp-tailed grouse. This area provides significant habitat for several species-of-special concern including nest sites for greater sandhill cranes. The roadless area has a high scenic quality with a rugged character. A series of pothole lakes lie in the northern part of the roadless area, and the area's forest areas are mixed with open meadows, often wet, and associated small lakes and streams. Four peaks in the area offer panoramic views of the surrounding area for long distances. Recreation use is low during most of the year, but the area is

popular during hunting season. Snowmobile use is substantial through the winter and early spring.  
(Preservation/Conservation - #622.173.66200.002)

## **5-84 Public Concern: The Forest Service should consider the Boulder CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Boulder, upper tier recommendation: 700 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply.

The area around Silverthorne has grown rapidly, and many subdivisions and developed ranches lie in close proximity to the Eagle Nest Wilderness Area. Small roadless areas such as the Boulder CRA provide a much-needed buffer between these developments and the Wilderness boundary. They limit incidences of motorized trespassing from private property, and help to reduce the impacts of urbanization upon the Wilderness.

The terrain consists of mellow east-facing slopes, becoming flatter toward the valley floor. The vegetation consists of stands of lodgepole pines and aspens, interspersed with mountain shrublands. The riparian corridors along the many creeks in the area provide excellent wildlife habitat. The Rock Creek drainage has a unique diversity of song birds and neo-tropical migratory birds. The Colorado Bird Observatory monitors the Rock Creek drainage. This CRA contains habitat for Canada lynx, pine marten, pygmy shrew, Northern goshawk, boreal owl, ferruginous hawk, greater sage grouse, Northern harrier, olive-sided flycatcher, American 3-toed woodpecker, boreal toad (recently petitioned for listing under the ESA [Endangered Species Act]), and Colorado river cutthroat trout. The area contains habitat for moose, deer, elk, black bear, blue grouse, mountain lion, bobcat, coyote, ermine, long-tailed weasel, owls, porcupine, skunk, hawks, snowshoe hare, and fox.

This RA is one of twelve roadless areas that are contiguous with the Eagles Nest Wilderness. Together, these form a roadless complex of over 168,000 acres (262 square miles). The RA is within a state-defined source water assessment area and adjacent to a mandatory Class I airshed.  
(Preservation/Conservation - #622.235.66200.200)

## **5-85 Public Concern: The Forest Service should grant the Boreas area upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT, WINTER BIG GAME HABITAT, AND SPECIAL-STATUS SPECIES HABITAT**

Boreas:

WC recommends 10,200 acres for upper tier inclusion. The Boreas area is part of the South Park complex, which includes the South Park basin and the hills and mountains on its northeastern boundary including the Puma Hills, Tarryall Mountains, Kenosha Mountains and the Platte.

The South Platte River and Tarryall Creek form the major waterways in the complex.

The vegetation on the National Forest lands within the South Park complex is primarily ponderosa pine along the edges of South Park with Engelmann spruce and subalpine fir common on the higher areas. Smaller areas of bristlecone/limber pine and Douglas-fir are found in the forested areas, interspersed with mountain grassland and meadows.

There is habitat for a large range of species including lynx, wolverine, mountain lion, bobcat, black bear, mule deer, elk, bighorn sheep, pine marten, a variety of raptors and smaller mammals. The area is rated significant for elk production and winter habitat, severe winter habitat for mule deer, migration corridors for both elk and mule deer, and potential lynx habitat. It is also within the current range of the Boreal Toad and a watershed area for Colorado River Cutthroat Trout.

The Boreas area has element occurrence by CNHP for least and reflected moonwort, globe gilia, and for Colorado Divide whitlow-grass. It is rated by the State of Colorado as a Potential Conservation Area.  
(Preservation/Conservation, Colorado Springs, CO - #581.18.66000.330)

## 5-86 Public Concern: The Forest Service should consider the Bristol Head CRA for upper tier protection.

### TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Bristol Head, upper tier recommendation: 46,100 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The Bristol Head Roadless Area [RA] includes a diversity of interesting terrain—gentle alpine slopes that run off its namesake feature and nearby Table Mountain down onto Snow Mesa; steep cliffs below and south of Bristol Head; and gentle and moderate slopes with toe slopes and flood plain, fanning into the valley bottoms. Wildflower meadows, hidden waterfalls, dense forests, and spectacular views from atop 12,713 foot Bristol Head Peak are among the features of this roadless area.

The wildlife values of the areas are particularly important, according to the Colorado Division of Wildlife, including habitat for elk and mule deer, bighorn sheep, as well as high quality habitat for moose, lynx, and pine marten.

Fescue-dominated grasslands to mixed conifer and aspen forests are the common ecosystems found within this RA. Table Mountain and Snow Mesa provide large expansive alpine tundra environments which give way to moderate forested mountain slopes below. Grouse whortleberries are the dominant undergrowth among the Engelmann spruce and sub-alpine fir stands. Clear cool creeks with banks full of willow and large continuous stands of aspen can also be found throughout. Bristol Head RA resides in the Rio Grande Headwaters watershed. This helps provide surface and groundwater for towns of the Upper Rio Grande which include Creede, South Fork, Del Norte, Monte Vista, Alamosa, La Jara, and other communities downriver.

Elk and deer winter in the lowest elevations of the RA and are found throughout the area during the snow-free months. Willow, Mesa, Miners, and Shallow Creeks are important productive areas for elk. Bighorn sheep are often seen along Highway 149 on the most extreme southern range of the RA and in the southern cliff bands of Bristol Head and north of the RA on San Luis Peak. Bald eagles winter roost along the Rio Grande and have a productive nesting site at the private Santa Maria Reservoir on the southwest border of the RA. Beaver, moose, mountain lion, coyote, rock wrens, pine grosbeak, red crossbills, golden eagle, white-tailed ptarmigan might be seen within the area. North Clear Creek at North Clear Creek Falls has been proposed as a Potential Conservation Area by the Colorado Natural Heritage Program because of the vulnerable plant community of Park willow/bluejoint reedgrass (*Salix monticola/Calamagrostis Canadensis*); also the upper sections of North Clear Creek are considered a unique riparian system.

Bristol Head provides a wealth of unsurpassed backcountry opportunities. From atop Bristol Head Peak on clear days, the view includes the San Luis Valley and the Sangre de Cristo Mountain Range—almost 100 miles away. To the west lie the San Juan Mountains, rising as a massive wall with many 14,000 foot peaks, glistening with snow late into the summer. Fishing, snowmobiling, cross-country skiing, mountain biking and hunting are some of the common types of recreation in the area, and one can find oneself in relative solitude. (Preservation/Conservation - #622.131-132.66200.002)

## 5-87 Public Concern: The Forest Service should grant Browns Canyon and Badger Creek areas upper tier protection.

### TO PROTECT WILDERNESS CHARACTERISTICS, HUNTING AND FISHING OPPORTUNITIES, SACRED NATIVE AMERICAN SITES, AND WILDLIFE HABITAT

What is disturbing is the number of areas you have left unprotected in south central Colorado.

These areas are roadless gems, provide unsurpassed recreation, yet no protection is afforded these areas.

I will cite two areas as examples: Browns Canyon:

The Forest Service land surrounding the Browns Canyon BLM Wilderness Study Area has some of the biggest bull elk to be found in the state. Western Archery, one of the largest archery dealers in the U.S. believes the next Colorado state record bull elk could come out of the Browns Canyon BLM/Forest

Service area. Likewise, area residents state the Browns Canyon BLM/Forest Service area is some of the best mountain lion habitat in Colorado.

Browns Canyon proposed wilderness area (20,000 acres; of which 7,000 is BLM and 13,000 is Forest Service) came within a whisker of being granted permanent wilderness protection in 2006 by Congress (Representative Joel Hefly of Colorado introduced the bill).

Why isn't Browns Canyon Forest Service land granted upper tier protection?

Badger Creek: Badger Creek is probably the wildest, most difficult area to travel to in south central Colorado. Renegade OHV users continue to vandalize and trespass in the southern most portion, and have been known to travel north on the actual Badger Creek until topography finally stops them.

Badger Creek has many sacred Indian sites, with lithic scatter numbering in the tens of thousands of pieces. The actual creek has significant populations of several trout species, and feeds directly into the Arkansas River. Elk and many other big game species call this area home without feeling the pressure like other areas with roads. This area has no oil and gas, commercial timber, or minerals.

Again, why isn't Badger Creek afforded top tier protection? Without appropriately designating these roadless areas and closing dangerous loopholes, we risk losing these last, best places to hunt and fish for our children and grandchildren. (Individual, Salida, CO - #404.1.63000.002)

## **5-88 Public Concern: The Forest Service should consider the Buffer Mountain CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, VEGETATION, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Buffer Mountain, upper tier recommendation: 11,000 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, rare plants, backcountry recreation, and water supply.

The Red and White Ridge and the Buffer Mountain CRA provide an important mid-elevation corridor that connects the high peaks of the Gore Range to lower-elevation range on BLM lands northwest of Wolcott. It is thus a transitional zone for the migration of big game. Mid-elevation areas on public lands, like these, are largely unprotected. As these same lower elevation habitats on private lands get increasingly developed, the value of these intact, unroaded public lands lower elevation habitats will dramatically increase.

Buffer Mountain CRA provides habitat for Canada lynx, moose, large herds of deer and elk, pine marten, pygmy shrew, northern goshawk, boreal owl, olive-sided flycatcher, American 3-toed woodpecker, Brewer's sparrow, and Harrington's beardtongue. The area supports elk, deer, mountain lions, moose, blue grouse, and snowshoe hare.

The Buffer Mountain Area provides a quickly-accessible recreational resource for residents in Vail and the Eagle Valley. There are popular hiking and mountain biking trails here that begin right in town. While that limits the amount of solitude in the area, it does provide an important buffer of undeveloped lands around the bustling I-70 corridor. The area is also popular among hunters in the fall.

The CRA is also within a state-defined source water assessment area. (Preservation/Conservation - #622.236.66200.002)

## **5-89 Public Concern: The Forest Service should consider the Buffalo Peaks East area for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT AND SPECIAL-STATUS PLANTS**

Buffalo Peaks East (WC Big Union)

WC recommends 5,500 acres for the upper tier. A mixture of Engelmann spruce, subalpine fir, aspen, and lodgepole pine with smaller pockets of bristlecone/limber pine. The southeastern portion in the Lynch Creek drainage was logged at least twenty-five years ago and has re-vegetated to the point that



logging spurs are invisible in the deadfall and understory and 6-8 foot trees are growing in former logging roads in the higher elevations.

The entire area is within the overall range for black bear and mountain lion and summer range for mule deer and elk. Elk calve in the Lynch Creek drainage in the southeast. Bighorn sheep can be found in the summer, and the Lynch Creek drainage on the far southeast portion of the area overlaps a larger area of winter habitat. American peregrine falcon and Townsend's big-eared bat ssp. have been recorded here.

The area is unusually rich in natural communities including Rocky Mountain fir-Engelmann spruce/Drummond's willow montane riparian forest, Analogue sedge, extremely rich fens of Bellardi bog sedge/alpine meadow-rue, bristlecone pine/Arizona fescue montane woodlands, Geyer's willow/water sedge montane willow carr, bareground willow/water sedge subalpine riparian/wetland carr, Rocky Mountain willow/mesic forb montane riparian willow carr, and Geyer's willow-Rocky Mountain willow/mesic forb communities. Rare plants include Rocky Mountain columbine, Leadville milkvetch, pale moonwort, alpine braya, clawless draba, woods draba, Colorado Divide whitlow-Grass, Penland alpine fen mustard, globe gilia, swampy lymnaea, Avery Peak twinpod, intermountain bitterweed, and Weber saussurea. (Preservation/Conservation, Colorado Springs, CO - #581.19.66000.330)

## **5-90 Public Concern: The Forest Service should consider the Buffalo Peaks South area for upper tier protection.**

### **TO PROTECT SALT CREEK AND THE DENVER WATER SUPPLY**

Buffalo Peaks South (WC Marmot Peak, Salt Creek):

WC recommends 15,100 acres for the upper tier. Salt Creek, with headwaters in the Marmot Peak roadless area, flows through the southern portion of the this roadless area and into the Antero Reservoir, part of the water system for the Denver metropolitan area. (Preservation/Conservation, Colorado Springs, CO - #581.20.66000.240)

### **TO PROTECT WILDLIFE HABITAT**

Buffalo Peaks South (WC Marmot Peak, Salt Creek):

WC recommends 15,100 acres for the upper tier.

However, SREP [Southern Rockies Ecosystem Project] identified several low priority lynx linkages from Marmot Peak south toward the Browns Canyon area. Bighorn sheep lamb and spend the summer and winter in large portions of this roadless area, with the lambing area covering the whole west side and into the Buffalo Creek Wilderness. (Preservation/Conservation, Colorado Springs, CO - #581.24.66000.331)

Buffalo Peaks South (WC Marmot Peak, Salt Creek):

WC recommends 15,100 acres for the upper tier.

USAAP field workers saw a black bear on the southern boundary of the roadless area, and mountain lion can be found here. In fact, the entire area is within the overall range for black bear and mountain lion. Mule deer are widespread and the most of the area is winter range. Pronghorn antelope might be seen occasionally on the eastern edge of the roadless area as it is very similar to their main range in South Park. Elk calve and spend the summer and winter in portions of this roadless area. Much of the roadless area is habitat for lynx, although the denning and winter habitat is somewhat scattered. (Preservation/Conservation, Colorado Springs, CO - #581.23.66000.351)

### **TO PROTECT VEGETATION COMMUNITIES**

Buffalo Peaks South (WC Marmot Peak, Salt Creek):

WC recommends 15,100 acres for the upper tier.

This area contains substantial aspen woodlands on the west, changing to areas of limber and bristlecone pine, Douglas-fir, foothills and mountain grassland, and ponderosa pine as one moves to the east. There is also a diverse mix of Engelmann spruce-subalpine fir, and lodgepole pine. (Preservation/Conservation, Colorado Springs, CO - #581.22.66000.335)

### TO PROTECT VISUAL RESOURCES

Buffalo Peaks South (WC Marmot Peak, Salt Creek):

WC recommends 15,100 acres for the upper tier.

East and West Buffalo Peaks dominate the western views from the roadless area and South Park is visible to the east. (Preservation/Conservation, Colorado Springs, CO - #581.21.66000.550)

### **5-91 Public Concern: The Forest Service should consider the Bunker Basin CRA for upper tier protection.**

#### TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Bunker Basin, upper tier recommendation: 9,100 acres.

Recommended from Alternative 4. Protection in upper tier would ensure continued high-quality backcountry hunting and recreation opportunities, benefit wildlife, safeguard water supplies.

Steep canyons and flat mesas with open parks characterize Bunker Basin Roadless Area, with elevations ranging from 5,600 to 12,000 feet. The CRA is a transition area between the Dunkley Pass Road and the Flat Tops Wilderness providing connectivity from higher elevation summer habitat in the Flattops to lower elevation habitats. Forest cover is mostly spruce/fir with some stands of aspen and lodgepole pine. Basalt outcrops mark the rugged terrain, with occasionally barren shale hillsides and landslides, crossed by many small streams, perennial and intermittent.

Contiguity with the Flat Tops Wilderness makes primitive recreation opportunities high. Pyramid Peak is on the southern boundary. During big game season, the area gets its most use—along with much of the surrounding forest. Mountain bike use occurs on the limited trail system in the area. Winter recreation opportunities include cross-country skiing, ice fishing, sledding, and snowmobiling. Generally, the CRA is unmodified by human activity; however, there is some evidence of human activity, primarily due to the occurrence of ditches. Much of the CRA is distinctive landscapes that are attractive and scenic because of their rugged, undeveloped nature. This CRA is within a state-defined source water assessment area (municipal water supply). Small wet parks are scattered throughout the spruce/fir forests, creating areas of localized riparian habitat and associated species. Bunker Basin has a population of cutthroat trout. The area also provides habitat for black bear, mountain lion and many other terrestrial species. (Preservation/Conservation - #622.174.66200.002)

### **5-92 Public Concern: The Forest Service should consider the Burning Bear area for upper tier protection.**

#### TO PROTECT VEGETATION COMMUNITIES AND RIPARIAN AND WETLAND HABITATS

Burning Bear:

WC recommends 19,200 acres for inclusion in the upper tier. Burning Bear roadless area is separated from Mount Evans Wilderness to the east only by Guanella Pass road and from the large Square Top roadless area to the north by the 4WD route to the historic Geneva City town site. The very rare iron fens at Geneva City are not included in the roadless area. Burning Bear rises to the Continental Divide on the west side but drops to lower elevations along the North Fork of the South Platte and Highway 285 on the south.

Habitat is predominantly lodgepole pine in the south, Engelmann spruce-subalpine fir in the higher forested elevations, and alpine tundra and rock in the north near the Continental Divide, with some areas of limber pine, ponderosa pine, and aspen. Riparian habitat is found on approximately 7 percent with significant wetlands, especially in Geneva Basin where Burning Bear Creek, Buno Creek, and Geneva Creek join. (Preservation/Conservation, Colorado Springs, CO - #581.26.66000.335)

#### TO PROTECT RARE PLANTS

Burning Bear:

WC recommends 19,200 acres for inclusion in the upper tier. Burning Bear roadless area is separated from Mount Evans Wilderness to the east only by Guanella Pass road and from the large Square Top

roadless area to the north by the 4WD route to the historic Geneva City town site. The very rare iron fens at Geneva City are not included in the roadless area. Burning Bear rises to the Continental Divide on the west side but drops to lower elevations along the North Fork of the South Platte and Highway 285 on the south.

Rare plants include Colorado Divide and thick-leaf whitlow-grass, nagoon berry, Rocky Mountain columbine, and Porter feathergrass, as well as a riparian-montane forest community of *Populus tremuloides* / *Lonicera involucrata*. The west side of Burning Bear intersects a small portion of the Jefferson Hill PCA. (Preservation/Conservation, Colorado Springs, CO - #581.28.66000.335)

#### TO PROTECT WILDLIFE HABITAT

Burning Bear:

WC recommends 19,200 acres for inclusion in the upper tier. Burning Bear roadless area is separated from Mount Evans Wilderness to the east only by Guanella Pass road and from the large Square Top roadless area to the north by the 4WD route to the historic Geneva City town site. The very rare iron fens at Geneva City are not included in the roadless area. Burning Bear rises to the Continental Divide on the west side but drops to lower elevations along the North Fork of the South Platte and Highway 285 on the south.

Black bear and elk are also found across the area, with elk winter range on the southern end. Nearly 5,000 acres is in elk calving areas in the north and south central parts, as well as a large migration corridor from the south end of Burning Bear into South Park. Mule deer also range across the area in the summer and concentrate along Highway 285 in the winter. There is a small bighorn sheep lambing area near Burning Bear Creek, although the main bighorn sheep concentrations are in the adjacent Mount Evans Wilderness. Lynx habitat is found across the forested part of the roadless area with denning habitat scattered throughout, and radio collared lynx have been located in the Guanella Pass area. Boreal toad sites have been identified by CNHP on approximately 53 acres. (Preservation/Conservation, Colorado Springs, CO - #581.27.66000.351)

#### TO PROTECT RECREATIONAL OPPORTUNITIES

Burning Bear:

WC recommends 19,200 acres for inclusion in the upper tier. Burning Bear roadless area is separated from Mount Evans Wilderness to the east only by Guanella Pass road and from the large Square Top roadless area to the north by the 4WD route to the historic Geneva City town site. The very rare iron fens at Geneva City are not included in the roadless area. Burning Bear rises to the Continental Divide on the west side but drops to lower elevations along the North Fork of the South Platte and Highway 285 on the south.

Hiking on the Burning Bear Trail, driving up the perimeter roads into Hall Valley or to the historic Geneva town site, or cross-country skiing along Geneva Creek provides many recreation opportunities in a varied setting of forests, wetlands, and tundra. (Preservation/Conservation, Colorado Springs, CO - #581.29.66000.510)

### 5-93 Public Concern: The Forest Service should consider the Burnt Mountain area for upper tier protection.

#### TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Burnt Mountain, upper tier recommendation: 800 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply.

Burnt Mountain CRA is sandwiched between Snowmass and Buttermilk Ski Areas. Its bulk rests on a gently rolling north-facing slope that is forested with spruce/fir, aspen, and lodgepole pine. The eastern portion of the unit occupies the very steep, rocky hillside that drops from the Buttermilk Ridge to Maroon Creek. This section is highly visible from Aspen Highlands.

This CRA is a popular recreational destination. The Government Trail receives heavy summer use from hikers, trail runners, and mountain bikers, and is the site of the Golden Leaf Half Marathon. Burnt Mountain also receives heavy use in the winter from skiers dropping in from Snowmass Ski Area, as well as nordic skiers cruising the Government Trail. Burnt Mountain CRA is the last intact, north-facing slope yet undeveloped in the valley surrounding Aspen. It is also a critical elk calving habitat and elk migration corridor between higher elevation summer range throughout the West Willow, Willow, and Maroon Creek drainages in the Maroon Bells-Snowmass Wilderness Area and lower elevation winter range. This migration corridor is becoming increasingly impinged by private lands development as well as increased recreational activity on Snowmass and Buttermilk Ski Areas. Alternate migration corridors do not exist for this population. This underlines the importance of maintaining the area's roadlessness so as not to further stress this already-impacted elk herd.

Wildlife habitat in the area exists for numerous Forest Service sensitive species. There is confirmed use of this CRA by Canada lynx. There is important production and transitional habitat for game species. The area is important for hunting of deer and elk and grouse. There is no public motorized access to the Burnt Mountain RA, as it surrounded by two ski areas, private property, and Wilderness. This unit acts as a wildland buffer between crowded centers of outdoor recreation.

Burnt Mountain is one of six CRAs that surround the large Maroon Bells/Snowmass Wilderness Area and create a roadless complex of over 206,000 acres (321 square miles). The area is within a state-defined source water assessment area—meaning it provides municipal water. And it is adjacent to a mandatory Class I airshed. (Preservation/Conservation - #622.237-238.66200.002)

## **5-94 Public Concern: The Forest Service should consider the Bushy Creek CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Bushy Creek, upper tier recommendation: 6,000 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.175.66200.002)

## **5-95 Public Concern: The Forest Service should consider the Butterfly CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Butterfly, upper tier recommendation: 1,800 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The Butterfly RA is at the west base of the Sangre de Cristo range northeast of the town of Villa Grove. This 1,928 acre RA is surrounded by public lands. To the east is the Sangre de Cristo Wilderness. To the west is the Bureau of Land Management. This area has been proposed by the Colorado Natural Heritage Program as a PCA [Potential Conservation Area], and is listed as "High Biological Significance" and is within a network of Conservation Area boundaries. Nieland Creek and Raspberry Creek have been proposed as a Potential Conservation Area by the CNHP because their unique aspen/tall forb communities and mountain snowberry shrub (*Symphoricarpos oreophilus*) in the lower portions of Raspberry Creek were given a Global Rank of G5S5 and the snowberry community an S4 rank.

Elk winter in the western lower elevations of the RA, and during the late spring, summer and fall elk move to the higher elevations. The south central higher elevations of the RA are identified as an elk production area. Mule deer can be seen throughout the RA and often concentrate in the lower elevations in the Gambel oak and pinyon forest environments during the winter. Pronghorn can be seen using the lowest elevations of the RA in the short grass prairie environments.

Thick stands of sage brush can be found throughout the area of Poncha Pass and becomes sparser farther south. Butterfly RA resides in the transition area where sage brush habitat starts to end. Miller Creek RA to the south is in some of the last large stands of sage brush. Gunnison sage grouse occupy a nearby ecosystem of sage brush and riparian habitats west and north of this RA. This satellite population is very small and vulnerable to extirpation. Exercise responsible recreation in this area.

See Southern Rockies Ecosystem Project's report "Linkage Assessment: U.S. Highway 50 Monarch Pass and U.S. Highway 285 Poncha Pass" of April 2006, which is posted on the Internet, for extensive information about the unique nature of this region. (Preservation/Conservation - #622.133-134.66200.300)

## **5-96 Public Concern: The Forest Service should consider the Byers Peak CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Byers Peak, upper tier recommendation: 7,400 acres.

Recommended from Alternative 4 Protection in upper tier would benefit wildlife, safeguard water sources, and provide quality backcountry recreation opportunities.

Far from most populated centers, the Byers Peak region in the Williams Fork Mountains is a little known portion of the Arapaho National Forest. The area offers remoteness and solitude in a wild, seldom-visited expanse of backcountry that includes the Vasquez, Ptarmigan Peak, and Eagle's Nest Wilderness Areas and adjacent roadless lands spanning the Continental Divide. Opportunities for recreation in the Byers Peak area include the Darling Creek Trail and the Horseshoe and Idlewild Trail. The half-mile trail connecting the South Fork and Sugar Loaf campgrounds is wheelchair-friendly.

According to the USFS, the Byers Peak is part of an "unfragmented and undisturbed area important for maintaining the ecological health of the habitat used by many terrestrial, aquatic and avian species". The area provides important wildlife connectivity from higher elevation to lower elevation habitats, important both for seasonal migrations and for adaption in a changing climate. Kinney Creek, McQueary Creek, and McQueary Lake provide habitat for Colorado River cutthroat trout. The roadless area includes important summer habitat for pine marten, black bear, elk, and mule deer and provides year-round habitat, winter habitat, and movement corridors for mountain goats. Golden-crowned kinglet, Wilson's warbler, hairy woodpecker, boreal toad, and warbling vireo are present in the area. Byers Peak Roadless Area provides habitat for the Canada lynx and there are historical sightings of wolverine and current sightings of Sandhill cranes documented in the area. (Preservation/Conservation - #622.14.66200.002)

## **5-97 Public Concern: The Forest Service should consider the Cache La Poudre CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, HISTORIC AND GEOLOGIC RESOURCES AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Cache La Poudre Adjacent, upper tier recommendation: 1,400 acres.

Recommended from Alternative 4 Protection in upper tier would benefit wildlife and provide quality backcountry recreation opportunities.

The Cache La Poudre Adjacent Area consists of several roadless areas directly adjacent to the Wilderness, providing stunning views of the Wilderness Area and Rocky Mountain National Park. Opportunities for recreation in the roadless area include the Kreutzer Nature Trail. Abandoned homesteads in this area—including the Clark homestead, the Bosworth homestead, and the Lewis Ranch—add historic value. White quartz and green quartzite in the Cache La Poudre Adjacent Areas are of interest to the geological hobbyist, as are the rock outcrops along the Poudre River Canyon.

Ponderosa pine and lodgepole pine forests are both found in these roadless areas. Mixed foothills scrublands and foothills pinyon-juniper woodlands and lower montane forests natural communities—all considered imperiled in Colorado—are found here. The rare plant lavender hyssop is found here as well.

Bighorn sheep have lambs and gather in the winter in the Roadless Area. Black bears gather in the summer and fall, and elk have calves, gather in the winter, and spend severe winters, here, and the area includes important migratory paths. Wild turkeys nest in the area. The Preble's meadow jumping mouse found here is listed as threatened under the Endangered Species Act and are critically imperiled in Colorado. (Preservation/Conservation - #622.15.66200.002)

## **5-98 Public Concern: The Forest Service should consider the Calamity Basin CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Calamity Basin, upper tier recommendation: 12,500 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

A portion of the USFS 2001 Ute Creek IRA, Calamity Basin spans important mid-elevation habitats on the northern end of the Uncompahgre Plateau. The area includes a mix of habitat and forest types from pinyon-juniper at the lower elevations, mixing with scrub oak and into aspen and ponderosa pine atop the plateau.

This area is used by elk, deer, black bears, mountain lion, Merriam's turkey, and blue grouse throughout the spring, summer, fall, and winter. Bald eagle winter range extends into the roadless area from the Dolores River Valley to the west. Calamity Basin offers a mix of backcountry opportunities, from motorized trails that link to a broader network across the plateau, to mountain biking, horse packing, and hiking. The roadless area is a municipal water source. (Preservation/Conservation - #622.54.66200.002)

## **5-99 Public Concern: The Forest Service should add the Calamity Basin, Dominguez, Johnson Basin, Kelso Mesa, Long Canyon, and Windy Point areas to the upper tier category.**

### **TO PROTECT FISH AND WILDLIFE HABITAT, HUNTING AND FISHING OPPORTUNITIES, SPECIAL-STATUS SPECIES, AND RECREATION OPPORTUNITIES**

Several roadless areas on the Uncompahgre Plateau need to be included in the upper tier category to preserve their roadless values for fish and wildlife and for us and future generations. Each roadless area needs to include all of the area within the boundaries of the lands mapped as Colorado Roadless Areas. Based upon my local knowledge of the lands identified, I request the following areas be added to the upper tier category:

Calamity Basin—12,500 acres

Dominguez—12,500 acres

Johnson Basin—11,900 acres

Kelso Mesa—35,500 acres

Long Canyon—17,200 acres

Windy Point—12,800 acres

The fish and wildlife values of these areas are extremely important to maintain populations of native and sports fisheries, big game animals such as desert bighorn sheep, elk, mule deer, black bear, and mountain lion, as well as federally listed or Forest Service sensitive and Management Indicator Species that depend upon these large, functioning ecosystems. They provide the backcountry and solitude necessary for a high quality fishing, hunting, and primitive recreation experience that cannot be replaced once these areas are gone. (Individual, Norwood, CO - #528.3.66000.300)

**5-100 Public Concern: The Forest Service should consider the Cameron Pass area for upper tier protection.****TO PRESERVE WINTER RECREATION OPPORTUNITIES AND VISUAL RESOURCES**

[ATT 1] Arapaho-Roosevelt National Forest:

Cameron Pass Area

CRA: Rawah Adjacent Area CRA, 2768 acres (478 acres Alternative 2 upper tier)

Status: Partially protected under Alternative 2; new proposed upper tier area

The Cameron Pass area, is popular with snowshoers and crosscountry skiers, and within the Rawah CRA, there are several popular routes, including the Cameron Connection and Montgomery Pass. The area features impressive scenery and reliable snowpack in winter, and is easily accessible from Fort Collins and other Front Range population centers. While only a small portion of this area is proposed for upper tier protection under Alternative 2, the entire Rawah Adjacent Area merits upper tier protection because of its outstanding opportunities for quiet wintertime outdoor recreation in a scenic and accessible setting. (Recreation/Conservation Organization, Washington, DC - #681.24.66100.510)

**5-101 Public Concern: The Forest Service should consider the Cannibal Plateau for upper tier protection.****TO PROTECT VISUAL RESOURCES, WILDLIFE HABITAT, AND HABITAT FOR THE CANADA LYNX**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Cannibal Plateau\*

This 14,500-acre area contains the highest continuous alpine tundra in the lower 48 states

(and is contiguous with Powderhorn and La Garita Wildernesses). The sweeping views from the top of the plateau into the high peaks of the La Garita to the south are magnificent. In addition, the National Landmark Slumgullion Earthflow lies to the southeast, a world-class geologic formation. The lower conifer-forested slopes below the high tundra have a high percentage of late-successional habitats. This area is important as lynx connection habitat, and serves as a gathering and dispersion point for reintroduced moose. (Place-Based Group, Ridgway, CO - #533.19.66000.330)

**TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Cannibal Plateau, upper tier recommendation: 1,800 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

The Cannibal Plateau Roadless Area is directly adjacent to the Powderhorn Wilderness with high elevations throughout, and is part of the largest expanse of alpine tundra in the lower 48 [states]. A variety of vegetation including aspen, mixed conifer, spruce fir, and large riparian (wetland) areas cover much of the area. Alpine habitat includes areas of bare rock, grass/forb types and willow. This area contains excellent habitat for lynx, provides summer range for black bear and mule deer and important habitat for elk and moose. Beaver ponds are found in the wetlands. White-tailed ptarmigan habitat and bald eagle winter range extends into this area. Brush Creek has been identified for its montane riparian willow habitat by the CNHP and The Nature Conservancy. The area is used for non-motorized and motorized recreation. Three motorized trails cross the area and there is a groomed snowmobile route within the roadless area. Away from the motorized trails, outstanding opportunities for solitude can easily be found. The roadless area provides source waters for municipal supplies. (Preservation/Conservation - #622.55.66200.002)

## **5-102 Public Concern: The Forest Service should consider the Canyon Creek area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Canyon Creek, upper tier recommendation: 7,800 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

The larger unit of the USFS 2001 Mount Antero North IRA, the Canyon Creek Roadless Area is high alpine country. This area has dense conifer forests near No Name Creek. Canyon Creek portion is dominated by lodgepole pine mixed with spruce/fir forests in the southwest half, transitioning to alpine habitats on Stella, Granite, and Paywell Mountains.

The Whitepine Iron Fen Potential Conservation Area identified for an iron fen and subalpine riparian habitats occur within the roadless area. Lower elevation habitats provide summer concentration areas for elk and lynx habitat has been mapped in the forested areas. Some snowmobiling occurs in the vicinity of Granite Mountain and South Quartz Creek. The CRA is within the Quartz Creek drainage, a source water assessment area (municipal water supply). (Preservation/Conservation - #622.56.66200.002)

## **5-103 Public Concern: The Forest Service should consider the Canyon Creek/Antero area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Canyon Creek/Antero, upper tier recommendation: 200 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

The smaller unit of the USFS 2001 Mount Antero North IRA, the Canyon Creek/Antero Roadless Area is marked by its high degree of naturalness, and is directly adjacent to the Mount Antero Roadless Area in the Pike-San Isabel National Forest, forming a large roadless area that crosses the Continental Divide.

The Antero Area is alpine habitat, providing summer range for mountain goat and white-tailed ptarmigan habitat. Some winter motorized activities in the Tomichi Pass are at the edge of the roadless area. The CRA is within the Quartz Creek drainage, a USFS source water assessment area (municipal water supply). (Preservation/Conservation - #622.57.66200.002)

## **5-104 Public Concern: The Forest Service should consider the Carbonate Mountain area for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT AND RECREATION OPPORTUNITIES**

Sangre de Cristo: Blanca Peak to Slide Mountain

This area is listed in the WCCP as: Carbonate Mountain/Blanca Peak/Slide Mountain and Wild Connections has recommended all three for Wilderness designation. Wild Connections recommends 4100 acres for the upper tier.

Carbonate Mountain:

The Carbonate Mountain roadless area lies south of Mosca Pass. The area is predominantly aspen forest, with some Engelmann spruce-subalpine fir on the west side, merging with foothill and mountain grassland along its eastern boundary, representing lower-elevation land adjacent to the Sangre de Cristo Wilderness. There is particular value to wildlife moving along the range or traveling up or down slope. The National Forest boundary closely approximates the transition between forest and foothills grassland. The area is accessible to hikers from the Mosca Pass Road and from Great Sand Dunes National Park and Preserve.

On the eastern edge of the area there is high summer bear activity, and suitable mountain lion habitat. Bighorn sheep use summer range across the area, and there is winter range and winter concentration. Elk



and deer use summer range across the Carbonate Mountain area, with some winter range for both on the east side. The whole area is part of a very large elk production area which extends eastward into the Huerfano valley. Lynx denning and winter habitat is also found across the area.

The Nature Conservancy's Conservation Portfolio moderately high conservation value Sangre de Cristo Mountains unit encompasses all of Carbonate Mountain. (Preservation/Conservation, Colorado Springs, CO - #581.140.66000.002)

## **5-105 Public Concern: The Forest Service should consider the Carson area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Carson, upper tier recommendation: 5,700 acres.

Recommended from Alternative 2. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

The Carson Roadless Area possesses striking scenery and easy accessibility. Part of the Carson Peak 2001 IRA, the Roadless Area includes lands around the popular Alpine Loop Backcountry Byway, a renowned four-wheel drive road that runs along the edge of the area. Snowmobiling is popular on the byway in the winter. A mountain biking trail bisects the area.

The roadless area has summer range for elk, mule deer, and moose and includes key Canada lynx habitat. Bald eagle winter range extends into the area. The CDOW writes:

"The Carson Peak Area has a key summer concentration Area for elk within its interior. This is also an area that contains key Canadian Lynx habitat as well. Several lynx den sites have been identified in close (within 1 mile) of this area. This area also provides habitat for mule deer and moose."

Carson Peak is also the site of the Wager Gulch Iron Fen, currently proposed as a Botanical Special Area. The water chemistry, flora, and fauna at this site are unique to iron fens in Colorado. This area is within The Nature Conservancy's Uncompahgre/Red Cloud Conservation Site. The roadless area is within a source area for municipal water supply. (Preservation/Conservation - #622.58.66100.002)

## **5-106 Public Concern: The Forest Service should consider the Castle area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Castle, upper tier recommendation: 7,100 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

Part of the 2001 Beaver-Castle IRA, the Castle Roadless Area offers prime backcountry recreational opportunities. On the edge of the West Elk Wilderness, this area is used for hiking, mountain biking on the Lowline Trail, and hunting, receiving moderate to heavy use during the big game season.

Most of the area is within the Crested Butte conservation site identified by The Nature Conservancy. The North Castle Creek Potential Conservation Area, identified for willow riparian habitats, also extends into the unit. The CDOW writes:

"[[The roadless area]] contains 8,720 acres which are identifies as elk summer concentration areas and production areas. Also contains a major migration route to winter ranges to the south and west. A small portion of the [[roadless area]] is also identified as mule deer winter range and the western portion of the IRA has bighorn sheep overall range and a bighorn sheep lambing area. The [[roadless area]] is also identified as lynx habitat and occasional individuals have been located in the area."

Riparian habitat occurs along the forks of Castle Creek and Little Pass and Pass Creeks, and around ponds and wetlands. Over 70 percent of this particular assessment area is managed by the USFS and is recognized as a high value for domestic watershed, and the area is within a source area for municipal water supplies. (Preservation/Conservation - #622.59.66200.002)

### TO PROTECT ELK, MULE DEER, AND BIGHORN SHEEP HABITAT

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Castle\*

This is an extremely important wildlife area. IRA contains 8,720 acres which are identified as elk summer concentration areas and production areas. It also contains a major migration route to winter ranges to the south and west. A small portion of the IRA is also identified as mule deer winter range and the western portion of the IRA has bighorn sheep overall range and a bighorn sheep lambing area. The IRA is also identified as lynx habitat and occasional individuals have been located in the area. (Place-Based Group, Ridgeway, CO - #533.28.66000.350)

## 5-107 Public Concern: The Forest Service should consider the Cataract area for upper tier protection.

### TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES

Colorado Roadless Area recommended for upper tier on the GMUG:

Cataract, upper tier recommendation: 10,200 acres.

Recommended from Alternative 2. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

Adjacent to the Handies Peak Wilderness Study Area on BLM lands, and to the Pole Mountain/Finger Mesa Roadless Areas on the Rio Grande National Forest, Cataract Roadless Area (part of the 2001 Carson Peak IRA) is at a wild core high in the eastern San Juan Mountains.

Dominated by alpine habitats with riparian areas scattered throughout, Cataract Roadless Area has spectacular views and includes the highly scenic Cataract Lake. The highest point along the Continental Divide (Coney) is located in the roadless area, which contains the 13,000-foot summits of Half Peak, Cataract Peak, Bent Peak, Tundra Top, and Carson Peak as well. Two popular mountain bike trails are in the roadless area, the Cataract Creek and Cuba Gulch Trails. Snowmobiling is a winter use. Wager Gulch Road is a popular route that skirts this area.

This area is adjacent to the Silverton-Lake City lynx linkage area and the USFS has mapped suitable lynx habitat throughout the roadless area. This linkage is likely to be used by other species as well, including the wolverine. White-tailed ptarmigan habitat occurs throughout, which is also suitable habitat for the Uncompahgre fritillary. The CDOW writes:

"[[Cataract Roadless Area]] is critical summer and winter range for wild Bighorn Sheep as well as a production area where several Bighorn ewe and lamb groups have been seen on a frequent basis. This area is also key habitat for the Canadian Lynx. Several den sites reside in this area and minimal human contact/disturbance is very desirable. The area is also suitable habitat for moose. Several have been sighted on a regular basis in the area near and around both Cuba Gulch and Cataract Gulch."

The CNHP has identified the Half Peak Potential Conservation Area for several alpine plants; and the area is within The Nature Conservancy's Uncompahgre/Red Cloud Conservation Site. The area is within a municipal water supply source area. (Preservation/Conservation - #622.60-61.66100.002)

## 5-108 Public Concern: The Forest Service should consider the Chama Basin area for upper tier protection.

### TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Chama Basin, upper tier recommendation: 21,600 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife including federally-listed species, provide backcountry hunting and recreation opportunities, safeguard water sources.

Chama Basin Roadless Area provides potential habitat for the federally-listed Canada lynx, Mexican spotted owl, and southwestern willow flycatcher. This CRA has an area with waterfalls and a rugged

landscape expanding into a riparian system that provides habitats for southwestern willow flycatchers, at least two black swift breeding sites, as well as Wilson's warbler, Lincoln's sparrow, and other passerine species. The CRA provides documented habitat for boreal owl and goshawk. Bald eagles have been documented utilizing the Chama Basin in summer. This is a high use area for lynx, functioning as a corridor to New Mexico. Other wildlife species include black bear, wild turkey, deer, and elk. In the fall, elk migrate from higher elevations along the Continental Divide through the Chama Basin to lower elevations in New Mexico.

The Continental Divide National Scenic Trail attracts hikers and mountain bikers to the area, and there are approximately 17 miles of motorized trails and 5 miles of non-motorized trails. The roadless area provides good hunting opportunities in late summer and fall and is considered a higher quality elk hunting area. Traditional and cultural sites are found here and throughout the Rio Grande National Forest. The CRA is within a source water assessment area. (Preservation/Conservation - #622.135.66200.002)

### **5-109 Public Concern: The Forest Service should consider the Chatfield area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Chatfield, upper tier recommendation: 4,500 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.176.66200.002)

### **5-110 Public Concern: The Forest Service should consider the Cherokee Park area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Cherokee Park, upper tier recommendation: 7,600 acres.

Recommended from Alternative 4. Protection in upper tier would benefit wildlife, safeguard water sources, and ensure continued enjoyment of popular backcountry recreation opportunities.

Wildlife abounds in the beautiful Cherokee Park Roadless Area, in the Laramie Mountains, with volunteers reporting sightings of elk, pronghorn antelope, coyotes, red-tailed hawks, and signs of moose and bear.

Hunting is the primary recreational use of the roadless area, with fishing popular at Eaton Reservoir, which borders the unit. The headwaters of Beaver Creek and Cow Creek are in Cherokee Park, and all of the creeks in and around this area flow into the North Fork of the Cache La Poudre River, which is part of the South Platte River system, and the roadless lands are source areas for municipal water supplies.

In the interior of the area one is surrounded by peaceful rolling hills reminiscent of the Appalachian Mountains. Views of the surrounding area show a landscape relatively untouched by humans. Sagebrush scrublands on the north give way to ponderosa and lodgepole pine as the land slowly rises to the south in the Cherokee Park Area. Elk have calves in the Cherokee Park Area, and moose gather here. The sagebrush natural communities (mountain big sagebrush growing with spike fescue) found in the Cherokee Park Area are critically imperiled in Colorado. A bobcat was seen near the area, as well. (Preservation/Conservation - #622.16.66200.002)

### **5-111 Public Concern: The Forest Service should consider the Chicago Ridge area for upper tier protection.**

#### **TO PROTECT THE HEADWATERS OF THE ARKANSAS RIVER**

Chicago Ridge:

Chicago Ridge, at about 12,600 feet in elevation, spans the Continental Divide along the boundary of the San Isabel and White River National Forests. The Inventoried Roadless Area encompasses 11,600 acres on the southern portion of Chicago Ridge between the headwaters for the Arkansas River and the East Fork of the Arkansas River, including 12,867 foot Buckeye Peak and 12,126 foot Mount Zion. WC concurs with the Alt. 4 recommendation of 1,800 acres in the upper tier.

The eastern edge of the Chicago Ridge roadless area is adjacent to both the East Fork of the Arkansas River at Delmonica Gulch PCA, of very high biodiversity significance and The Nature Conservancy's Mosquito Range conservation area, of moderately high value. The southwestern portion of the roadless area is overlapped by TNC's Elk Ridge portfolio area of moderately low conservation value. The Southern Rockies Wildlands Network Vision proposes that the Chicago Ridge roadless area be managed for low use. (Preservation/Conservation, Colorado Springs, CO - #581.33.66000.330)

#### **TO PROTECT WILDLIFE HABITAT**

Chicago Ridge:

Chicago Ridge, at about 12,600 feet in elevation, spans the Continental Divide along the boundary of the San Isabel and White River National Forests. The Inventoried Roadless Area encompasses 11,600 acres on the southern portion of Chicago Ridge between the headwaters for the Arkansas River and the East Fork of the Arkansas River, including 12,867 foot Buckeye Peak and 12,126 foot Mount Zion. WC concurs with the Alt. 4 recommendation of 1,800 acres in the upper tier.

The entire area is summer range for elk and mule deer. Elk calve in the western half of the roadless area and along with mule deer find some winter habitat in the southwest portion of the area. Most of the forested area is potential habitat for lynx, and the CDOW has recorded radio signals from reintroduced lynx in the area. Both the Southern Rockies Ecosystem Project and the Forest Service consider the Tennessee Pass area to be a high priority lynx linkage connecting Chicago Ridge to Holy Cross Wilderness and to the north into the White River National Forest. (Preservation/Conservation, Colorado Springs, CO - #581.32.66000.351)

#### **TO PROTECT VEGETATION COMMUNITIES**

Chicago Ridge:

Chicago Ridge, at about 12,600 feet in elevation, spans the Continental Divide along the boundary of the San Isabel and White River National Forests. The Inventoried Roadless Area encompasses 11,600 acres on the southern portion of Chicago Ridge between the headwaters for the Arkansas River and the East Fork of the Arkansas River, including 12,867 foot Buckeye Peak and 12,126 foot Mount Zion. WC concurs with the Alt. 4 recommendation of 1,800 acres in the upper tier.

The eastern half of Chicago Ridge is primarily alpine tundra, but Engelmann spruce subalpine fir lodgepole pine, and some aspen stands are found in lower elevations on the east, south, and western portion. The Colorado Natural Heritage Program located the rare dwarf hawksbeard along with sensitive Drummonds willow/mesic forb, alpine meadows and Rocky Mountain fir-Engelmann spruce/Drummond's willow, montane riparian forest communities in this roadless area. (Preservation/Conservation, Colorado Springs, CO - #581.31.66000.353)

#### **TO PROTECT WINTER RECREATION OPPORTUNITIES**

Chicago Ridge:

Chicago Ridge, at about 12,600 feet in elevation, spans the Continental Divide along the boundary of the San Isabel and White River National Forests. The Inventoried Roadless Area encompasses 11,600 acres on the southern portion of Chicago Ridge between the headwaters for the Arkansas River and the East Fork of the Arkansas River, including 12,867 foot Buckeye Peak and 12,126 foot Mount Zion. WC concurs with the Alt. 4 recommendation of 1,800 acres in the upper tier.

The Chicago Ridge roadless area is contiguous with over 5,000 acres of roadless land in the White River National Forest to the north. Chicago Ridge is a popular area for snowcat skiing; however, most of the skiing occurs in the White River National Forest portion. The National Forest boundary along the Continental Divide forms the northern boundary of the area. (Preservation/Conservation, Colorado Springs, CO - #581.30.66000.500)

**TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Chicago Ridge, upper tier recommendation: 1,500 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, alpine vegetation, backcountry recreation, and water supply.

Chicago Ridge CRA is a high-elevation spur of the Continental Divide that separates the East Fork and South Fork of the Eagle River. The bulk of the unit is above treeline and exhibits extensive alpine tundra vegetation. The east and north sides of Chicago Ridge are steep and rocky. Below the tundra, spruce/fir and lodgepole pine forests blanket the flanks of the ridge. The primary drainages in the area are the East Fork Eagle River and Jones Gulch which feeds the East Fork at Eagle Park. The elevation ranges from 9400 feet on the East Fork to 12,714 feet on the Continental Divide.

This CRA is prime habitat for the endangered lynx and provides a high-elevation migration corridor along the Continental Divide between the Sawatch Range and the Gore/Mosquito Ranges. The area contains an important subalpine willow carr (a wetland shrub community), identified by the Colorado Natural Heritage Program. The area is also summer range for deer and elk. There is habitat for Canada lynx, as well as Mexican spotted owl, marten, pygmy shrew, northern goshawk, boreal owl, northern harrier, olive-sided flycatcher, white-tailed ptarmigan, flammulated owl, American 3-toed woodpecker, and Brewer's sparrow.

The proximity of this unit to Vance's Cabin and to Ski Cooper Ski Area makes it a popular backcountry skiing destination. In summer, there is a high opportunity to experience solitude, naturalness, and magnificent views from the ridge.

The Chicago Ridge CRA on the WRNF [White River National Forest] is contiguous with another CRA on the San Isabel National Forest, forming a substantial swath of contiguous roadless acreage that all deserves upper tier protection. Chicago Ridge Roadless Area is also within a state-defined source water assessment area—meaning water from the area contributes to municipal water supply. (Preservation/Conservation - #622.239-240.66200.002)

**5-112 Public Concern: The Forest Service should expand upper tier areas in the Chicago Ridge CRA.****TO PRESERVE WINTER RECREATION OPPORTUNITIES**

[ATT 1] White River National Forest:

Chicago Ridge Area

CRA: Chicago Ridge CRA, 5,098 acres

Status: Partially protected under Alternative 4; new proposed upper tier area

The Chicago Ridge area offers great skiing and diverse terrain for a variety of backcountry winter activities. This area should be protected through upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.58.66200.510)

**5-113 Public Concern: The Forest Service should consider the Chipeta area for upper tier protection.****BECAUSE THE AREA HAS BEEN RECOMMENDED FOR WILDERNESS DESIGNATION AND THE COLORADO AND CONTINENTAL DIVIDE TRAILS CROSS THE AREA**

Chipeta:

The Chipeta roadless area lies between Monarch Pass to the north and Marshall Pass to the south, and is dominated by a high mountain ridge which includes Pahlone Peak, Chipeta Mountain, and Mount Ouray the high point in the area at 13,971 feet. WC recommends inclusion of 28,000 acres in the upper tier. Both the Colorado Trail and Continental Divide Trail cross the roadless area and permit mountain bike use. This area is recommended both for Wilderness designation and as a Core Reserve.

Devils Armchair, a huge cirque on the east flank of Mount Ouray with its unusual geology, topography and rare plants and the McClure Creek area with the rare natural community of narrow-leaf cotton

woods and Rocky Mountain juniper are of conservation interest. Lower Pass Creek, east of Chipeta is a PCA [Potential Conservation Area] of very high significance. (Preservation/Conservation, Colorado Springs, CO - #581.38.66000.002)

#### **TO PROTECT LYNX HABITAT**

Chipeta:

The Chipeta roadless area lies between Monarch Pass to the north and Marshall Pass to the south, and is dominated by a high mountain ridge which includes Pahlone Peak, Chipeta Mountain, and Mount Ouray the high point in the area at 13,971 feet. WC recommends inclusion of 28,000 acres in the upper tier. Both the Colorado Trail and Continental Divide Trail cross the roadless area and permit mountain bike use. This area is recommended both for Wilderness designation and as a Core Reserve.

In addition to summer range for bighorns across the area, winter range is located along Green Creek. There is lynx denning, and winter habitat across most of the area. Radio-collared lynx have been recorded by the CDOW. SREP [Southern Rockies Ecosystem Project] has identified two lower priority lynx linkages that connect the northeast side of the area to the Browns Canyon area in the Arkansas Canyons Complex. More important, both the Forest Service and SREP identify a high priority lynx linkage from Monarch Pass southwest across Chipeta ending at the Sangre de Cristo Wilderness Area. It is among the twelve most important linkages in Colorado. (Preservation/Conservation, Colorado Springs, CO - #581.37.66000.331)

#### **TO PROTECT BIG GAME HABITAT**

Chipeta:

The Chipeta roadless area lies between Monarch Pass to the north and Marshall Pass to the south, and is dominated by a high mountain ridge which includes Pahlone Peak, Chipeta Mountain, and Mount Ouray the high point in the area at 13,971 feet. WC recommends inclusion of 28,000 acres in the upper tier. Both the Colorado Trail and Continental Divide Trail cross the roadless area and permit mountain bike use. This area is recommended both for Wilderness designation and as a Core Reserve.

Elk and mule deer summer range is spread across the area, but winter range is located on the extreme eastern edge and into the lower elevations in the Arkansas Valley. A large elk production area is located from Fooses Creek south and east to Little Cochetopa Creek. Another calving area is found in the Marshall Pass and Poncha Creek area. Two bighorn sheep lambing areas are located on the eastern slopes of Chipeta Mountain and Mount Ouray and in the headwaters of Pass Creek. (Preservation/Conservation, Colorado Springs, CO - #581.36.66000.351)

#### **TO PROTECT VEGETATION COMMUNITIES AND STREAM DRAINAGES**

Chipeta:

The Chipeta roadless area lies between Monarch Pass to the north and Marshall Pass to the south, and is dominated by a high mountain ridge which includes Pahlone Peak, Chipeta Mountain, and Mount Ouray the high point in the area at 13,971 feet. WC recommends inclusion of 28,000 acres in the upper tier. Both the Colorado Trail and

Continental Divide Trail cross the roadless area and permit mountain bike use. This area is recommended both for Wilderness designation and as a Core Reserve.

Alpine tundra is concentrated on the southwest side of the Chipeta roadless area around Mount Ouray and Chipeta Mountain, with the slopes below the tundra and north along the Continental Divide being Engelmann spruce-subalpine fir. Lodgepole pine is predominant across the eastern half of the area, especially on the north side, with much aspen in the stream drainages, and some small areas of ponderosa pine, montane shrublands and piñon-juniper on the extreme northeast, and bristlecone/limber pine and ponderosa pine in scattered locations on the southeast. Chipeta has several major stream drainages, including Fooses Creek, Greens Creek, Pass Creek, Little Cochetopa Creek and Gray's Creek that harbor extensive willows and other riparian vegetation. (Preservation/Conservation, Colorado Springs, CO - #581.34.66000.335)

Chipeta:

The Chipeta roadless area lies between Monarch Pass to the north and Marshall Pass to the south, and is dominated by a high mountain ridge which includes Pahlone Peak, Chipeta Mountain, and Mount Ouray the high point in the area at 13,971 feet. WC recommends inclusion of 28,000 acres in the upper tier. Both the Colorado Trail and Continental Divide Trail cross the roadless area and permit mountain bike use. This area is recommended both for Wilderness designation and as a Core Reserve.

It also has a notable natural community of narrowleaf cottonwood/Rocky Mountain juniper montane riparian forest in the lower reaches of Greens Creek. (Preservation/Conservation, Colorado Springs, CO - #581.35.66000.353)

### **5-114 Public Concern: The Forest Service should consider the Cimarron Ridge area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Cimarron Ridge, upper tier recommendation: 4,800 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

The Cimarron Ridge Roadless Area occupies critical mid-elevation lands that are important for wildlife and offer a wide range of recreational opportunities. The roadless area is occupied by black bear, turkey, mule deer, and elk, as the CDOW notes:

“It is occupied by black bear, an elk summer range and concentration Area and a mule deer summer range. Nate Creek is designated a native cutthroat water and contains a population of Colorado River cutthroat trout, *Oncorhynchus clarkii pleuriticus*, a state species of special concern. Colorado River cutthroat trout now occupy only 10 percent of historic range in Colorado and remaining populations deserve the highest level of protection.”

Moose likely use the area which includes potential lynx habitat. Peregrine falcon nesting habitat occurs along the cliff band. Two CNHP potential conservation areas have been identified in the area. The Nate Creek Potential Conservation Area (PCA) is designated for Colorado River cutthroat trout; and the Lou Creek PCA is designated for riparian habitats. The Silver Jack Reservoir and campground are along the east side of the Big Cimarron River and portions of the roadless area are popular for motorized recreation. The roadless area is within a source water area for municipal supplies. (Preservation/Conservation - #622.62.66200.002)

### **5-115 Public Concern: The Forest Service should consider the Clear Fork area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Clear Fork, upper tier recommendation: 24,500 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

The Clear Fork Roadless Area includes some of the largest stands of aspen in the world. Clear Fork—part of the 2001 Clear Creek IRA—is at the heart of a nearly roadless region that extends from Battlement Mesa to Carbondale, providing a large expanse of critically important mid-elevation backcountry.

The area is important for elk winter range, fawning habitat for mule deer, and winter forage for Canada lynx, as well as year-round habitat for moose. Extensive areas of riparian habitat follow the drainages in this area. Many feeder streams that provide vital habitat to genetically pure strains of Colorado River cutthroat trout including Clear Fork Muddy Creek, Second Creek, North Twin Creek, and South Twin Creek. Northern goshawks also occur in the area’s expansive mature aspen forest. The Audubon Society has identified this area as an important bird area due to the presence of purple martin nesting colonies. Northern goshawk and flammulated owl also inhabit portions of the area with large diameter aspen. A

portion of the roadless area is within The Nature Conservancy's McClure Pass Conservation Site. The Clear Fork Roadless Area is within source water area for municipal supplies. (Preservation/Conservation - #622.63.66200.002)

### **5-116 Public Concern: The Forest Service should consider the Clear Fork, Turner Creek, and Hightower areas for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT, RIPARIAN HABITATS, AND FISH HABITAT**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Clear Fork, Turner Creek and Hightower\*

The Clear Creek proposed wilderness straddles the Gunnison Delta County border near the northern boundary of the GMUG and includes many feeder streams that provide vital habitat to genetically pure strains of Colorado River cutthroat trout. The area is also important for elk winter range, fawning habitat for mule deer, and winter forage for Canada lynx. Northern goshawks also occur in the area's expansive mature aspen forest. Turner Creek, being adjacent lands, provide and extension for wildlife connectivity, probably into the Hightower area. Clear Fork Muddy Creek, Second Creek, North Twin Creek, and South Twin Creek are designated native cutthroat waters in the Clear Fork Roadless Area. These streams contain conservation populations of Colorado River cutthroat trout, *Oncorhynchus clarkii pleuriticus*, a state species of special concern. Colorado River cutthroat trout now occupy only 10 percent of historic range in Colorado and conservation populations are remnant populations of the best genetic purity and deserve the highest level of protection. Potential impacts of new roads and increased vehicle use on cutthroat habitats include degradation of riparian habitats, increased sedimentation, and barriers to fish movement from road culverts. (Place-Based Group, Ridgeway, CO - #533.21.66000.002)

CRA in the GMUG recommended for upper tier protection:

Clear Fork, Turner Creek and Hightower: The Clear Creek proposed wilderness straddles the Gunnison Delta County border near the northern boundary of the GMUG, and includes many feeder streams that provide vital habitat to genetically pure strains of Colorado River cutthroat trout. The area is also important for elk winter range, fawning habitat for mule deer, and winter forage for Canada lynx. Northern goshawks also occur in the area's expansive mature aspen forest. The adjacent Turner Creek RA provides a route for wildlife connectivity into the Hightower Area. Clear Fork, Muddy Creek, Second Creek, North Twin Creek, and South Twin Creek are designated native cutthroat waters in Clear Fork #20409 Roadless Area. These streams contain conservation populations of Colorado River cutthroat trout, *Oncorhynchus clarkii pleuriticus*, a state species of special concern. Colorado River cutthroat trout now occupy only 10 percent of historic range in Colorado. Conservation populations are remnant populations of the best genetic purity and deserve the highest level of protection. Potential impacts of new roads and increased vehicle use on cutthroat habitats include degradation of riparian habitats, increased sedimentation, and barriers to fish movement from road culverts. The Turner Creek RA although not as roadless as some of the other RAs, may be one of our most important aspen wildlife species. Rocky Mountain Bird Observatory has recorded boreal owl—which is a FS Region 2 Sensitive Species—along the border between Elk Park and Turner Creek. They say that Turner Creek might have more purple martins—another R2 Sensitive Species—than any other RA in the entire state.

Because of an uncommonly high population of aspen wildlife species and several sensitive species of special concern we feel this group of RAs should be moved to the highest tier of protection offered. (Preservation/Conservation, Grand Junction, CO - #619.14-15.66000.340)

### **5-117 Public Concern: The Forest Service should consider the Cochetopa area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Cochetopa, upper tier recommendation: 2,500 acres.



Recommended from Alternative 2. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

The Cochetopa Roadless Area (2001 Middlefork IRA) includes forested stands mixed with aspen, lodgepole pine, limber pine, bristlecone pine, and Englemann spruce. This area provides summer habitat for big game species (black bear, mule deer, elk, and moose). Cochetopa Creek is a popular fishing area and the roadless area is within a municipal water supply source area. (Preservation/Conservation - #622.64.66100.002)

## **5-118 Public Concern: The Forest Service should consider the Cochetopa Hills area for upper tier protection.**

### **BECAUSE IT IS AN IMPORTANT WILDLIFE CORRIDOR**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Cochetopa Hills\*

The largest remaining roadless area on the Gunnison National Forest is the 98,563-acre Cochetopa Hills. This area is clad in rolling mixed-conifer and spruce-fir forests, and is an important regional wildlife corridor between the Rio Grande/San Juan Basin to the south, and the Gunnison Basin to the north. One of the lowest points on the Continental Divide in Colorado, Cochetopa Hills is a natural crossing point of many wildlife species in and out of the Gunnison Basin, and forms an important ecological link from the La Garitas to the west, and towards Fossil Ridge to the north. The area has been especially noted as a well-used transbasin lynx crossing point in the USFS Region Two 2004 Lynx assessment. (Place-Based Group, Ridgway, CO - #533.20.66000.330)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Cochetopa Hills, upper tier recommendation: 25,200 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

The largest remaining roadless area on the Gunnison National Forest and one of the lowest points on the Continental Divide in Colorado, Cochetopa Hills is clad in rolling mixed-conifer and spruce-fir forests. Cochetopa Hills is a natural crossing point of many wildlife species in and out of the Gunnison Basin, and forms an important ecological link from the La Garitas to the west, and towards Fossil Ridge to the north. The area is an important regional wildlife corridor between the Rio Grande/San Juan Basin to the south and the Gunnison Basin to the north. The area has been especially noted as a well-used trans-basin lynx crossing point in the USFS Region Two 2004 Lynx Assessment. The CDOW notes:

“Roadless area provides elk summer concentration areas and production areas in the Long Branch Baldy to Green Mountain areas and the Razor Creek Dome to West Baldy areas. Lynx habitat and movement corridor, and mule deer summer range, big game wintering areas in the lower elevations, and potential sage grouse habitat.”

This area also provides summer range for black bear and mule deer and provides big game wintering areas; pronghorn use the lower elevations for summer habitats. The roadless area includes bald eagle winter range. An interconnected series of nine single-track trails are in the area, used by both motorcyclists and mountain bikes. Needle Creek Reservoir, a popular camping area, is adjacent to the area which includes a segment of the world-famous Continental Divide National Scenic Trail. The area is within a municipal water supply source area. (Preservation/Conservation - #622.65.66200.002)

## **5-119 Public Concern: The Forest Service should designate the Comanche Peak Adjacent Area as upper tier.**

### **TO PROTECT THE WHITEWATER RUN ON THE CACHE LE POUDRE RIVER**

[ATT 1]Arapaho-Roosevelt National Forest:

Cache La Poudre River (Big South)

CRA: Comanche Peak Adjacent Area, 44,158 acres (17,129 acres designated Alternative 2 upper tier)

Status: Upper tier under Alternative 4

The Big South section of the Cache La Poudre River is consistently described as perhaps the finest whitewater run in Colorado, and the Whitewater of the Southern Rockies guidebook calls it “One of the signature runs of Colorado, if not the signature run.” Beginning at the outflow of the Long Draw Reservoir (at approximately 40.502821, -105.771020) and flowing north to a takeout at the Big South trailhead (approximately 40.632939, -105.807274), the river flows through a spectacular and remote forest setting. The 12-mile run is notable for its length, traveling its entire distance through an unspoiled and undeveloped setting. This world class recreational resource undeniably deserves the scenic and water quality protections of upper tier designation for the Comanche Peak Adjacent Area CRA. (Recreation/Conservation Organization, Washington, DC - #681.21.66000.002)

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Comanche Peak Adjacent, upper tier recommendation: 44,200 acres.

Recommended from Alternative 4 Protection in upper tier would benefit wildlife, safeguard water sources, and ensure continued enjoyment of popular backcountry recreation opportunities.

Comprised of a half dozen roadless units adjacent to and surrounding the Comanche Peaks Wilderness, the Comanche Peak Adjacent Roadless Area is part of a large expanse of virtually roadless country including the Comanche Peak, Neota, and Rawah Wilderness Areas, Colorado State Forest, and Rocky Mountain National Park.

The area includes many outstanding recreational opportunities, including hunting for bighorn sheep, deer, elk, small game, and upland birds. Mountain biking, hiking, and snowmobiling are also popular uses. Hikers can enjoy solitude on the Signal Mountain and Donner Pass Trails, even on popular summer weekends, and on the aptly-named Flowers Trail, which provides access to the Comanche Peak Wilderness. Poudre Falls—at the confluence of Joe Wright Creek and the Cache la Poudre River (Colorado’s only designated Wild and Scenic River)—provides a magnificent backdrop for fishing, hiking, or photography. Above the falls, expert kayakers can take on several very challenging runs on a little used portion of the Cache la Poudre. Below the falls, less technical but still challenging runs await those in canoes, kayaks, or rafts.

Ponderosa pine and lodgepole pine along the river give way to spruce-fir forests and meadow tundra as the areas gain elevation south of the river and rises towards its source. The roadless lands are home to many rare natural plant communities. The sagebrush communities (mountain big sagebrush growing with spike fescue) and the narrowleaf cottonwood/common chokecherry communities are critically imperiled in Colorado. The montane riparian forest and mixed foothills shrublands communities are imperiled in Colorado. Elk have calves, spend severe winters, and migrate across the area. The peregrine falcon—a state species of special concern—and the boreal owl have nesting sites in the area. The greenback cutthroat trout found here are listed as threatened under the Endangered Species Act and are imperiled in Colorado. The Preble’s meadow jumping mouse found in the area is listed as threatened under the ESA [Endangered Species Act] and are critically imperiled in Colorado. Boreal toads found in the area are a candidate for listing under the ESA and are globally critically imperiled. Comanche Peak Adjacent Roadless Area contains watersheds that are source waters for municipal supplies. (Preservation/Conservation - #622.17-18.66200.002)

### **5-120 Public Concern: The Forest Service should expand the upper tier areas of the Conejos River/Lake Fork CRA.**

#### **TO INCLUDE THE CONEJOS RIVER**

[ATT 1] Rio Grande National Forest:

Conejos River

CRA: Conejos River/Lake Fork CRA, 870 acres

Status: New proposed upper tier area

The Conejos River contains an approximately 6.4 mile intermediate-difficulty whitewater run (from 37.308, -106.48 to 37.227, -106.467) through a scenic setting, largely within the Conejos River/Lake Fork CRA. The run passes through an open volcanic gorge and features impressive geologic formations, including the Pinnacles, and late summer flows maintained for irrigation create recreational opportunities after other runs in the area have dropped for the season. This recreational resource should be protected through upper tier designation for the Conejos River/Lake Fork CRA. (Recreation/Conservation Organization, Washington, DC - #681.42.66000.510)

### **5-121 Public Concern: The Forest Service should consider the Copper Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Copper Mountain, upper tier recommendation: 4,600 acres.

Recommended from Alternative 4. Protection in upper tier would benefit wildlife and ensure continued enjoyment of popular backcountry hunting and recreation opportunities.

Amazing views of Gore Range and Green Mountain Reservoir to the west and of Indian Peaks and Rocky Mountain National Park to the east greet the visitor to the Copper Mountain Roadless Area in the Williams Fork Mountains, southeast of Kremmling. Copper Mountain is directly adjacent to the Eagle Roost Roadless Area in the White River National Forest across the ridge. Copper Mountain (10,127 feet) is at the northwestern end of the William Fork Mountains. Numerous creeks have their headwaters in the Copper Mountain Area including Copper Creek, Bull Run, Battle Creek, Skylark Creek, Mule Creek, and Lost Creek, which are tributaries of the Williams Fork River.

Opportunities for recreation in the Copper Mountain Roadless Area include hiking access to and along the ridge of the Williams Fork Mountains. Thick lush forests and fields of aspens are found in this area. Several trails provide the hiker access to these spectacular views and wonderful forests. Areas of aspen contrast with the lodgepole pine along the ridge of the Williams Fork Mountain found in the Copper Mountain Area. Elk have calves, gather in the summer, gather in the winter and spend severe winters in the Copper Mountain area. Bald eagles that nest near the Copper Mountain Area are listed as potentially threatened under the Endangered Species Act and are critically imperiled in Colorado. (Preservation/Conservation - #622.19.66200.002)

### **5-122 Public Concern: The Forest Service should consider the Copper Mountain/Sulphur area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Copper Mountain/Sulphur, upper tier recommendation: 2,200 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

Copper Mountain Sulphur RA contains 5,321 acres 12 air miles southwest of the community of Creede and creates a peninsula of Roadless Area close to the Weminuche Wilderness. It resides in the Rio Grande headwaters providing surface and groundwater for the communities of Creede, South Fork, Del Norte, and other communities along the Rio Grande. During the last major glacial activity Trout and Red Mountain Creeks were carved out with glacial cirques at the headwaters. Rock talus slopes are found throughout the highest sections of this RA and are comprised of alpine tundra, including alpine blue forget-me-not, alpine cinquefoil, and king's crown.

Elk and mule deer can be found near the lowest elevations of the RA during winter months and will begin to move into the RA during snow-free months. Two elk production areas run along the ridge lines of this RA. In the past, boreal toads were much more prevalent and were often found throughout the San Juan Mountains. More recently historic population sites for the toads have been lost, and they are considered a species of great concern. Today the populations found at the western boundary of the RA along Trout Creek and Jumper Creek are important for the ongoing research and future management of

the species. Beaver, pine marten, short-tailed weasel, moose, lynx, mountain lion, gray fox, three-toed woodpecker and golden eagle are some of the wildlife that might be seen in the area. Common recreation includes: hiking, backpacking, hunting, horseback riding, snowshoeing and cross-country skiing. (Preservation/Conservation - #622.136.66200.002)

### **5-123 Public Concern: The Forest Service should consider the Corral Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Corral Creek, upper tier recommendation: 3,100 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply.

This CRA occupies a narrow strip of land between I-70 and the Eagles Nest Wilderness Area. The terrain consists of steep west and south facing hillsides above Black Gore Creek north of Vail Pass, and Tenmile Creek to the south. Many avalanche paths cross the unit. The bulk of the area is densely-forested with spruce and fir, as well as some aspen in the Gore Creek campground area. Corral Creek is the major creek in the unit, and flows from Uneva Peak. The elevation ranges from 8,600 feet near Gore Creek, to 11,900 on the SW [Southwest] slopes of Uneva Peak.

The area is significant as a buffer between the extremely busy I-70 corridor and the primitive Eagles Nest Wilderness. As a sub-alpine roadless strip, it plays an important role in connecting the Eagles Nest Wilderness to the Ptarmigan Hill Roadless Areas to the south. This is part of a vital north-south migration corridor for wildlife, particularly the endangered lynx, as well as bighorn sheep, mountain goats, and elk. A “wildlife bridge” is planned to span I-70 near Vail Pass that will link the Ptarmigan Hill and Corral Creek Roadless Areas. Other wildlife that use this area include: boreal toad (recently petitioned for listing under the ESA [Endangered Species Act]), genetically pure populations of Colorado River cutthroat trout, elk, mule deer, black bear, moose, mountain goat, mountain lions, ptarmigan, badger, blue grouse, bobcat, coyote, ermine, long-tailed weasel, porcupine, skunk, snowshoe hare, as well as hawks and owls.

The area is also important for providing access to five trails that enter the Eagles Nest Wilderness Area from I-70. Polk Creek and Corral Creek are important fisheries for the imperiled Colorado River cutthroat trout. In addition this Roadless Area acts as a scenic corridor, especially for the Tenmile-Vail Pass National Recreation Trail that passes along the NW [Northwest] boundary of the unit.

This is one of 12 roadless areas that are contiguous with the Eagles Nest Wilderness Area, and together form a roadless complex of over 168,000 acres (262 square miles). The Corral Creek CRA is also within a state-defined source water assessment area—meaning water from the area contributes to municipal water supply. The CRA is also adjacent to a mandatory Class I airshed. (Preservation/Conservation - #622.241-242.66200.002)

### **5-124 Public Concern: The Forest Service should consider the Cottonwoods area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Cottonwoods, upper tier recommendation: 11,200 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

Cottonwoods Roadless Area (2001 Nick Mountain IRA) includes important watershed and wildlife values, as well as some recreational use. The eastern portion is within The Nature Conservancy’s Debeque South Conservation Site while the southern half is within the Grand Mesa Lakes Megasite identified by Colorado Natural Heritage Program for the large concentration of fens, wetlands, lakes and associated species. Cottonwoods Roadless Area is home to a variety of wildlife including black bear, bobcat, deer, elk, mountain lion, mule deer, and wild turkey. Lynx habitat has been mapped in the upper

elevations of this CRA. The area is a source area for municipal water supplies. (Preservation/Conservation - #622.66.66200.200)

### **5-125 Public Concern: The Forest Service should consider the Crosier Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Crosier Mountain, upper tier recommendation: 7,300 acres.

Recommended from Alternative 4. Protection in upper tier would benefit wildlife, safeguard water sources, and ensure continued enjoyment of popular backcountry recreation opportunities.

Crosier Mountain Roadless Area east of the northeast part of Rocky Mountain National Park and northeast of the City of Estes Park contains Crosier Mountain itself (9,250 feet) and flats such as Sullivan Park and Piper Meadows. Foothills grasslands give way to lodgepole and ponderosa pine as the land gains elevation above the North Fork of the Big Thompson River.

In the 1990s, the Forest Service performed a controlled burn in a portion of the area to provide winter forage for elk herds. The burned area is recovering nicely; meadows there are covered with flowers and grasses, and hikers frequently see deer there.

Deer and elk use the area for winter and transitional range, and the area is critical elk winter range. Black bear, mountain lion, Abert's squirrel, and wild turkey use the area. Bighorn sheep have lambs and gather in the winter. The Preble's meadow jumping mouse found in the Crosier Mountain Area is listed as threatened under the ESA [Endangered Species Act] and is critically imperiled in Colorado. The Colorado Natural Heritage Program documents occurrence of the modest sphinx moth in the roadless area. The montane grasslands natural communities found in the Crosier Mountain Area are globally critically imperiled, as well.

Crosier Mountain can be accessed year-round from three trailheads and the area is popular for hiking, mountain biking and hunting. The area is considered critical for elk management, in helping to control the herds that migrate out of the park each winter. The Big Thompson River is an excellent river for fishing with native and stocked trout. (Preservation/Conservation - #622.20.66200.002)

### **5-126 Public Concern: The Forest Service should consider the Crystal Falls area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT**

Sangre de Cristo: Alvarado Campground to Music Pass (WC Horn Creek-Crystal Falls-Upper Grape Creek):

Wild Connections recommends 7,900 acres for upper tier. All acres are also recommended by WC for designation as Wilderness.

Crystal Falls:

The Crystal Falls roadless area, located approximately ten miles south of Westcliffe, is directly adjacent to the Sangre de Cristo Wilderness. It includes the Marble Mountain trail and the trail-less Crystal Falls Creek, and continues south to the Music Pass Road.

The area is predominantly Douglas-fir with areas of Engelmann spruce/subalpine fir and aspen forest, and is particularly noteworthy for its wildlife values. There is high summer bear activity, and mountain lions are found in suitable habitat. Mule deer and elk use summer range across the area, with elk winter range and a small calving area to the east. Lynx denning and winter habitat is found across the area. There is a historical record of wolverine in Crystal Falls-Upper Grape Creek. (Preservation/Conservation, Colorado Springs, CO - #581.138.66000.300)

## **5-127 Public Concern: The Forest Service should consider the Crystal Peak area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Crystal Peak, upper tier recommendation: 1,100 acres.

Recommended from Alternative 2. Protection in upper tier would benefit wildlife, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and safeguard water sources.

The Crystal Peak Roadless Area is an addition to the northern edge of the Uncompahgre Wilderness. Steep terrain with dramatic rock outcrops lends a sense of remoteness to the area. The granite spires of Sugarloaf Rock loom above a rich mixture of spruce, open meadow, and aspen, making this area rank high in wildlife values. Dense, old growth conifer forests offer excellent habitat for lynx denning in Larson and Crystal Creeks. The Crystal Peak Roadless Area provides summer range for moose, elk, mule deer, black bear, and mountain lion. Bighorn sheep range also extends into the roadless area and white-tailed ptarmigan habitat occurs in the alpine areas. Bald eagle winter range extends into this area. A known colony of Uncompahgre fritillary butterfly inhabits the roadless area and the eastern side extends into the Uncompahgre Potential Conservation Area, established by the CNHP for the fritillary. The Crystal Peak Roadless Area also lies within The Nature Conservancy's Uncompahgre/Red Cloud Conservation Site. The Crystal Peak Roadless Area is popular with day hikers and horseback riders. Nellie Creek provides access to the Wilderness Trailhead and Uncompahgre Peak. The trail to Larson Lakes receives some mountain bike use. The roadless lands are a source area for municipal water supplies. (Preservation/Conservation - #622.67.66100.002)

## **5-128 Public Concern: The Forest Service should consider the Crystal River area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Crystal River, upper tier recommendation: 2,200 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, scenery, backcountry recreation, and water supply.

Crystal River CRA, with the exception of the Avalanche Creek valley floor, consists of very steep west-facing slopes towering 3,000 feet above the Crystal River. These slopes are made up of extensive sandstone (and some granite) outcrops and cliffs. The vegetation within the unit consists of dense stands of Gambel oak and aspen, as well as some Douglas fir and spruce/fir forest. The elevation ranges from 6,500 feet on the Crystal River to 9,422 feet above the Redstone Campground.

The Crystal River CRA provides an important mid-elevation buffer on the west and southwest side of the high-elevation Maroon Bells/Snowmass Wilderness Area. This allows the abundant and diverse wildlife to reach the Crystal River easily. The area also provides critical winter range for bighorn sheep and elk. Bighorn sheep are often present in Filoha Meadows across from Penny Hot Springs. Peregrine falcons nest within the CRA. Avalanche Creek is a major fishery. Forest Service sensitive species with habitat in the CRA include: pine marten, river otter, Townsend's big-eared bat (there is a maternity roost within this CRA), Northern goshawk, boreal owl, olive-sided flycatcher, slack swift, American peregrine falcon, flammulated owl, and American 3-toed woodpecker.

According to the Colorado Natural Heritage Program, Avalanche Creek (very high), Kline Creek (high), and Gift Creek (moderate) all contain significant montane riparian forest habitat. The unit is adjacent to the Kline Creek Research Natural Area. The Crystal River is under consideration for Wild, Scenic and Recreational River designation.

State Highway 133 is a Colorado State Scenic Byway, and the Crystal River CRA dominates the viewshed. The Avalanche Creek Trailhead is an important access point to the Maroon Bells/Snowmass, and the area is heavily-used by hunters in the fall. Outfitters run operations in the area. The unit is also popular for cross-country skiing, horseback riding, and wildlife viewing. The Crystal River Roadless Area is also within a state-defined source water assessment area—meaning water from the area

contributes to municipal water supply for the town of Carbondale. This CRA is also adjacent to a mandatory Class I airshed. (Preservation/Conservation - #622.243-244.66200.002)

## **5-129 Public Concern: The Forest Service should consider the Cuchara North and Cuchara South areas for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT**

Cuchara North, Cuchara South (WC Cuchara/ Cuchara West):

WC recommends upper tier status for 200 acres in Cuchara N, and 4,700 acres in Cuchara S. The two Cuchara roadless areas lie west of Spanish Peaks whose dramatic twin peaks and volcanic dikes are complemented by Cuchara's forested slopes that rise to Napoleon, Sheep and Trinchera Peaks to the crest of the Cuelebra Range on the west. Cuchara is separated from the Purgatoire Roadless Area to the south only by unimproved forest road 436 leading to Trinchera Peak. CNHP lists Teddy's Peak PCA across the central part of the area.

High black bear summer activity is found across the Cuchara roadless areas, with a section of high fall concentrations along the east and northeast sides. Mountain lion may be sighted here, and mule deer and elk use the roadless area in the summer, with some winter range for deer in the north central portion. Bighorn sheep can readily be observed on the high slopes and CDOW identifies summer concentrations and production areas for them. Lynx winter and denning suitable habitat is well distributed across the area, though denser in the north central part of the area, and the lynx linkages identified by the Forest Service are located across the southern half. There have been some radio-collar lynx signals in Cuchara. Turkey winter concentration areas are found across most of the two areas. (Preservation/Conservation, Colorado Springs, CO - #581.41.66000.331)

### **TO PROTECT VEGETATION COMMUNITIES**

Cuchara North, Cuchara South (WC Cuchara/ Cuchara West):

WC recommends upper tier status for 200 acres in Cuchara N, and 4,700 acres in Cuchara S. The two Cuchara roadless areas lie west of Spanish Peaks whose dramatic twin peaks and volcanic dikes are complemented by Cuchara's forested slopes that rise to Napoleon, Sheep and Trinchera Peaks to the crest of the Cuelebra Range on the west. Cuchara is separated from the Purgatoire Roadless Area to the south only by unimproved forest road 436 leading to Trinchera Peak. CNHP lists Teddy's Peak PCA across the central part of the area.

Vegetation consists of Douglas-fir, Engelmann spruce-subalpine fir, with some lodgepole pine on the west and north, aspen on the south, and a few bristlecone/limber pines in higher elevations and Gambel oak in lower locations. The alpine area has a mixture of tundra forbs, alpine grasslands, wetlands, and some barren ground. Colorado larkspur and Colorado Divide whitlow-grass are rare plants of the area. (Preservation/Conservation, Colorado Springs, CO - #581.40.66000.353)

### **TO PROTECT RECREATIONAL OPPORTUNITIES**

Cuchara North, Cuchara South (WC Cuchara/ Cuchara West):

WC recommends upper tier status for 200 acres in Cuchara N, and 4,700 acres in Cuchara S. The two Cuchara roadless areas lie west of Spanish Peaks whose dramatic twin peaks and volcanic dikes are complemented by Cuchara's forested slopes that rise to Napoleon, Sheep and Trinchera Peaks to the crest of the Cuelebra Range on the west. Cuchara is separated from the Purgatoire Roadless Area to the south only by unimproved forest road 436 leading to Trinchera Peak. CNHP lists Teddy's Peak PCA across the central part of the area.

The two roadless areas have excellent recreational opportunities. There are camp grounds and fishing at Blue and Bear Lakes, jeep travel up to Trinchera Peak, and mountain bikes, OHVs, hiking, and horses are allowed on the trail system. Cuchara town has tourist amenities, and the ski area may or may not be open depending on current owners and snow depth. (Preservation/Conservation, Colorado Springs, CO - #581.42.66000.500)

## **5-130 Public Concern: The Forest Service should consider the Cumbres CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Cumbres, upper tier recommendation: 8,800 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife including federally-listed species, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The Cumbres Roadless Area borders the South San Juan Wilderness, and provides large tracts of public lands for the benefit of wildlife. The area provides potential habitat for the federally-listed lynx, southwestern willow flycatcher, and Mexican spotted owl. It is considered a high-use lynx area and part of a movement corridor to New Mexico. Lynx have been documented in the area. The steep north facing slopes and drainages are used by lynx for reproduction sites and hunting grounds. The CRA is considered a special wildlife area for bighorn sheep, and provides mule deer summer range, and elk production areas near Duck and Rock Lakes. It is range for black bear and provides potential habitat for American marten, wolverine (documented in the area in 1994), and goshawk (nesting documented). It is a high-use area for American three-toed woodpeckers and other cavity nesters. Hermit thrush and brown creepers have been observed in the area. The Rio de Los Pinos River from the headwaters to the waterfall at the wilderness boundary contains an introduced population of pure Rio Grande cutthroat trout.

This area is managed for semi-primitive recreation with most trails open to motorized use. There are approximately 14 miles of non-motorized trails, including the CDNST [Continental Divide National Scenic Trail]. Recreational users include hikers, horseback users and motorcycles. The CRA provides good hunting opportunities in late summer and fall. Traditional and cultural sites are found here and throughout the Rio Grande National Forest. This CRA is within a source water assessment area. (Preservation/Conservation - #622.137.66200.002)

## **5-131 Public Concern: The Forest Service should consider the Curecanti CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Curecanti, upper tier recommendation: 5,900 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, as well as safeguard water sources, and provide backcountry hunting and recreation opportunities.

The Curecanti Roadless Area forms a large part of the 2001 West Elk Adjacent IRA, which is comprised of scattered units that ring this Wilderness area. Like the other roadless areas that border the Wilderness, particularly on its southern flanks, the Curecanti Area contains superior wildlife values—including large portions of elk winter range, winter concentration areas, and calving grounds; mule deer winter range, winter concentration areas, and fawning grounds; bighorn sheep habitat; and lynx habitat. In September of 2005 the CDOW stocked fingerling trout by horseback into East Creek that flows into the area from the West Elk Wilderness. That Agency recommends that “Keeping upper Curecanti Creek roadless creates a buffer for this wilderness fishery to develop.” The CDOW recommends management for the Curecanti Roadless Area “should allow no new roads trails for motorized travel...The establishment of new roads be they classified or non-classified will negatively impact the fishery in Curecanti Creek...” The area provides quality backcountry elk, deer, and bear hunting opportunities, and is a municipal water source area. (Preservation/Conservation - #622.68.66100.002)



**5-132 Public Concern: The Forest Service should consider the Currant Creek CRA for upper tier protection.****TO PROTECT THE AREA FROM COAL MINING**

We [Theodore Roosevelt Conservation Partnership] not only ask that you safeguard Currant Creek from coal mining, but that the area be elevated to upper tier status in the final Colorado roadless rule. With virtually no motorized use and high hunter participation for mule deer, Currant Creek is a high value roadless area that deserves long-term safeguards. Further, Currant Creek provides important economic benefits to local outfitters and protecting the surface values of this roadless area will contribute to the local hunting and fishing based economy. (Recreation/Conservation Organization, Missoula, MT - #673.7.66000.002)

**TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Currant Creek, upper tier recommendation: 10,800 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

The Currant Creek Roadless Area is an important calving and fawning ground, as well as winter range for both deer and elk. The highest elevations provide lynx habitat. The CDOW notes that the Currant Creek Area has “significant wildlife value” and that it is “highly utilized by black bear in the fall” due to high availability of food sources, like chokecherries and acorns. The Currant Creek Area has limited trail access, providing a remote and remarkable backcountry experience, seeing most of its use during the fall hunting season. Several outfitters are permitted to guide on this part of the forest and have seasonal camps set up in the roadless area. The Currant Creek Area is a source area for municipal water supplies. (Preservation/Conservation - #622.69.66200.002)

**5-133 Public Concern: The Forest Service should consider the Currant Creek, Flattops/Elk Park, and Salt Creek areas for upper tier protection.****TO PROTECT WILDLIFE HABITAT AND TO LIMIT THE IMPACTS OF MOTORIZED RECREATION**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Currant Creek, Flattops/ Elk Park and Salt Creek\*

Forming graceful flat-topped rises, this is at the heart of the Grand Mesa National Forest at the top of the Grand Mesa. The area is made up of four distinct roadless core areas with established motorized corridors in between. This RA has significant wildlife value. Currently access is limited into this area, providing secure locations for both elk and mule deer production and migration routes; however, unauthorized trails are being created from the southern forest boundary bordered by private land and from the north. The area—dominated by conifers and aspen, with interspersed open meadows—is important habitat for a vast variety of species. The Colorado Division of Wildlife has identified the area as particularly critical for the region’s black bears. All of Priest Mountain, which also includes the Elk Park and Flattops units, remains without the higher level of ‘upper tier’ protections under the proposed rule. Protection of this central wildland area and its water resources is crucial as the impacts of increased motorized traffic accrue on the Grand Mesa. This roadless area has essential habitat needs for several big game species. (Place-Based Group, Ridgeway, CO - #533.37.66000.002)

**5-134 Public Concern: The Forest Service should consider the Deer Creek area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES ON THE GMUG NF**

Colorado Roadless Area recommended for upper tier on the GMUG:

Deer Creek, upper tier recommendation: 5,400 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Part of the 2001 Elk Mountain-Collegiate IRA, most of the Deer Creek Roadless Area is within The Nature Conservancy's Crested Butte Conservation Site. The West Brush Creek Potential Conservation Area is identified for boreal toad, and several types of riparian habitat. This area provides summer habitat for black bear, with fall concentration in the East River, Deer Creek, West and Middle Forks of Brush Creek. This entire roadless area is an elk production area. It also has essential habitat components for elk winter range. Lynx habitat is mapped in the forested portion. Potential habitat for Gunnison sage grouse occurs along the East River. Breeding populations of boreal toad occur in both West and Middle Brush Creek Drainages. Colorado River cutthroat trout populations occur in Middle Brush Creek. The roadless lands are a source area for municipal water supplies, and over 70 percent of this assessment area is managed by the USFS which recognizes the roadless area as having a high value for domestic water supply. (Preservation/Conservation - #622.70.66200.200)

### **5-135 Public Concern: The Forest Service should consider the Deep Creek/Boot Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Deep Creek/Boot Mountain, upper tier recommendation: 27,600 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

Deep Creek-Boot Mountain RA contains 70,190 acres north and east of the town of South Fork and northwest of the town of Del Norte, with most of the area in natural condition. The area encompasses desert grasslands in the lowest elevations to alpine tundra in the highest. Mixed stands of pinyon pine, juniper, ponderosa pine, Douglas fir and white fir can be found at mid-elevations along with aspen and spruce. Engelmann spruce, sub-alpine fir, and aspen become dominant at the higher elevations, which eventually give way to alpine environments of willow carrs and alpine forget-me-nots. Bristlecone and limber pine can be found on wind-blown, exposed ridges. Deep Creek-Boot Mountain RA resides in four major watersheds, which include Saguache, Rio Grande Headwaters, San Luis, and Alamosa-Trinchera providing surface and groundwater for South Fork, Del Norte, La Garita, Saguache, Moffat, Alamosa, La Jara, to name just a few of the communities along the Rio Grande.

Near Pine Cone Gulch Baughman Creek's aspen/gray alder (*Populus tremuloides/Alnus incana*) riparian community is considered critically imperiled due to 5 or fewer occurrences in the state and is vulnerable to extirpation according to the Colorado Natural Heritage Program. Elk and mule deer use the lower elevations during winter months. When upper elevations of snow began to melt, elk and deer will move up to the higher elevations. Two elk production areas are found around Mesa Mountain and Wannamaker Creek. Beaver, coyote, moose, mountain lion, boreal owls, short-tailed weasel, rock wren, whitetailed ptarmigan, white-throated swift and golden eagle might be seen in the area.

Hiking, fishing, snowmobiling, cross-country skiing, hunting, and all-terrain vehicle use are the common types of recreation in the area. Some of the popular trails are Trail 787 which follows a long extensive exposed alpine ridge of Mesa Mountain, Deep Creek Trail 779, and Embargo Creek 792. (Preservation/Conservation - #622.138-139.66200.002)

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES ON THE WHITE RIVER NF**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Deep Creek, upper tier recommendation: 9,900 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, unique caves, scenery, backcountry recreation, and water supply.

Deep Creek is a spectacular 15-mile long limestone gorge that plunges from the White River Plateau into the Colorado River. It is 2,000 feet deep at Deep Creek Overlook and a mile wide. The dominant tree in the canyon is the Douglas fir. There are cottonwoods along the creek, and spruce/fir forests

interspersed with sagebrush on the broad, upland plateau above the rim. The creek starts just below Deep Lake (10,500 feet) and drops to 7,200 feet at the forest boundary and 6,100 feet at the Colorado River.

This is a very scenic and unique area. Its steep terrain and huge vertical relief have prevented significant human activity from ever occurring here. Deep Creek Canyon features karst geo-hydrology, in which water flows rapidly through limestone, and as a result, over 40 caves have been identified in this canyon—one of the largest concentrations of caves in Colorado. One of these, Groaning Cave, is the longest explored cave in Colorado. The caves provide critical habitat for several rare species of bats.

Many Engelmann spruce on the plateau were killed by beetles in the 1950s, and now provide excellent cavity-nesting habitat for birds. There are Colorado River cutthroat trout in the creek. Big game (including bighorn sheep) use the canyon as summer range, and as a protected movement corridor. Other wildlife found in the area include: bald and golden eagles, black bear, fringed myotis and other bats species, mountain lions, peregrine falcons, snowshoe hare, and wild turkey. The area receives occasional use from hunters, hikers, and cave explorers, but is generally unoccupied by people.

Deep Creek is under consideration as a Wild and Scenic River, and as a Colorado Natural Heritage Program Research Natural Area. The Deep Creek Roadless Area is also within a state-defined source water assessment area—meaning water from the area contributes to municipal water supply. And this area is adjacent to a mandatory Class I airshed. (Preservation/Conservation - #622.245-246.66200.200)

### **5-136 Public Concern: The Forest Service should consider the Dome CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Dome, upper tier recommendation: 300 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.177.66200.002)

### **5-137 Public Concern: The Forest Service should consider the Dome Peak CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES ON THE ROUTT NF**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Dome Peak, upper tier recommendation: 35,700 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

The CRA is directly adjacent to the Mount Zirkel Wilderness in the Park Range north of Steamboat Springs. Elevations range from 7,800 feet to 10,824 feet, with numerous creeks and several small lakes. The primary attraction is Dome Peak, with its variety of vegetation types from riparian to alpine tundra. The Dome Peak Roadless Area provides essential habitat needs for bighorn sheep, black bear, elk, moose, mountain lion, mule deer, lynx, sandhill crane, white-tailed ptarmigan, boreal toad, and mountain wood frog. Deer and elk displaced by motorcycle and ATV riders in the surrounding area have moved into the roadless area, making it a vital sanctuary. Scenic features are rated high (spectacular views are available, particularly from Farwell Mountain). Recreational activities include camping, fishing, hiking, horseback riding, hunting, and mountain biking. The CRA is popular for four-wheel drives, motorcycles, and ATVs. Winter recreation use is predominantly snowmobiling. A portion of this CRA is within a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.178.66200.002)

## **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES ON THE WHITE RIVER NF**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Dome Peak, upper tier recommendation: 600 acres.

Recommended in Alternative 2. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply.

Dome Peak CRA consists of a broad, uplifted volcanic plateau covered with stands of Engelmann spruce (mostly beetle-killed in the 1950s), large aspen patches, and open park-like meadows. Dome Peak is the easternmost extension of the Flat Top Mountains, and its rocky, rounded form dominates the area. The unit is drained by the steep-walled valleys of Sunnyside Creek, North Fork Cedar Creek, Cedar Creek, Cabin Creek, and Dry Fork Cabin Creek. There is an exposed formation of columnar basalt on the northeast slope of Dry Fork Cabin Creek. The creeks support riparian vegetation with cottonwoods, willows, and alders. The elevation ranges from 8000 feet at Dry Fork Cabin Creek to 12,172 on Dome Peak.

This CRA provides a mid-elevation buffer to the higher Flat Tops Wilderness, allowing wildlife access to the Colorado River, and a migration corridor leading east toward the Gore Range. The area is used by deer and elk as summer range. It provides habitat for federally-listed Canada lynx, as well as Forest Service-listed sensitive species including: wolverine, pine marten, greater sage grouse, northern harrier, olive-sided flycatcher, loggerhead shrike, flammulated owl, American 3-toed woodpecker, and Brewer's sparrow. Other wildlife in the area include: black bear, mule deer, and Northern goshawk.

There is a high degree of adventure and solitude to be experienced in this area, and it has remained in a relatively natural state, being adjacent to wilderness and far from a population center. The Dome Peak CRA is most popular as a hunting area in the fall, as evidenced by the many hunting camps located along roads in the area. There is also excellent fishing here, as Sunnyside Lake is stocked. The unit has outstanding opportunities for horse packing and hiking. There is also rock climbing potential on columnar basalt outcrops in the Dry Fork Cabin Creek Area.

The CRA is also within a state-defined source water assessment area—meaning water from the area contributes to municipal water supply. (Preservation/Conservation - #622.247-248.66100.002)

## **5-138 Public Concern: The Forest Service should consider the Dominguez area for upper tier protection.**

### **TO PROTECT THE WATERSHED AND HABITAT OF DOMINGUEZ CREEK FROM MOTORIZED RECREATION**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Dominguez\*

This area forms the upper watershed of Dominguez Creek, the largest perennial creek on the Uncompahgre Plateau. It is contiguous with the BLM Dominguez Wilderness Area, and therefore offers important continuity with a large, wild roadless area. The majority of the vegetation is shrub with conifer and aspen at higher elevations, all providing excellent wildlife habitat. Much of the area is used by a population of desert bighorn sheep. The area is frequented year round by sheep, given the arid terrain and low snow amounts that the area receives. We urge that the area be managed as a roadless area given the wildlife use in the area. We also urge that expansion of OHV trails be ceased and the existing trails be used at a minimum. The disturbance on wildlife tends to have a great impact throughout the year. (Place-Based Group, Ridgeway, CO - #533.33.66000.002)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Dominguez, upper tier recommendation: 12,500 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Dominguez Roadless Area (2001 Black Point IRA) forms the upper watershed of Dominguez Creek, the largest perennial creek on the Uncompahgre Plateau. It is contiguous with the BLM Dominguez

Wilderness Area and Dominguez/Escalante National Conservation Area, providing important continuity with a large, wild area. The majority of the vegetation is shrub, including Gambel oak mixed with serviceberry, mountain mahogany, and snowberry, which transitions into sage and pinyon-juniper, then conifer and aspen at higher elevations. Riparian habitat occurs along Red Creek and Keith Creek. Much of the area is used by a population of desert bighorn sheep. The area is frequented year-round by sheep, given the arid terrain and low snow amounts that the area receives. The roadless area also provides overall range for deer and elk, from calving and fawning to winter range. Turkey summer range and production areas occur in this, as well as overall range for black bear and mountain lions. Bald eagle winter range extends into this CRA along the lower reaches of Little Dominguez Creek. There has been historic use by Columbian sharp-tail grouse and Gunnison sage grouse. There are three non-motorized trails (Winter Camp, Bad Land, and Black Point) and the area is popular for hunting and wildlife viewing particularly during fall big game season. This CRA is within a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.71.66200.002)

### **5-139 Public Concern: The Forest Service should consider the Dorsey Creek CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Dorsey Creek, upper tier recommendation: 3,100 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The 3,620 acres of Dorsey Creek RA resides at the northernmost reach of the Sangre de Cristo Wilderness. This area has been seeing a lot of illegal road creation from recreational activity, due to the open terrain of sagebrush and the capacity of OHV's leaving official roads. Please use the best available maps of the area and stay on official routes to reduce impacts.

Great views can be gained by a few short hikes to various rock ridges. Approximately 100 miles south both San Antoine Peak and Ute Peak can be seen which are in northern New Mexico. Several other mountain ranges can also be seen which include the Collegiate, Sawatch, La Garita, San Juan, and the little known mountains just west called the Cochetopa Hills. The relatively undeveloped nature of the northern San Luis Valley is becoming rarer in Colorado. Development potential still remains possible, however, and the local communities and conservation groups are working hard to place private lands into conservation easements or to keep as open space.

Dorsey Creek RA resides in the San Luis watershed, which contributes surface and groundwater for the communities of Villa Grove, Moffat, Hooper, Mosca, and the surrounding ranches and farms in the closed basin.

Gambel oak and sage brush dominate the very lower elevations of the RA. Douglas fir, Engelmann spruce, aspen, and subalpine fir become much more prominent on the northern aspects and as one goes up in altitude. Some bristlecone and limber pine trees can be found on exposed wind-blown rock ridges. Dorsey Creek, which resides on the western side of the Sangre de Cristos, has a unique mix of Englemann spruce and mountain bluebell (*engelmannii/Mertensia ciliate*) habitat with a Global Rank of G5 and a State Rank of S5. During June and July many beautiful large black and white Hera buck moths, in the subfamily Hemileucinae, can be seen flying from sage brush to sage brush.

Elk, mule deer, and the American pronghorn can be found using this area during deep snow-free months. Poncha Pass is significant terrestrial wildlife corridor, which can include elk, lynx and mountain lion. Black-headed grosbeaks, rock wrens, black bears and coyote are some of the other wildlife that might be seen in the area. See Southern Rockies Ecosystem Project report "Linkage Assessment: U.S. Highway 50 Monarch Pass and U.S. Highway 285 Poncha Pass" of April 2006, which is posted on the Internet, for extensive information about the unique nature of this region. (Preservation/Conservation - #622.140-141.66200.002)

## **5-140 Public Concern: The Forest Service should consider the Double Top CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Double Top, upper tier recommendation: 6,900 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Most of the area is either in The Nature Conservancy's Crested Butte or Cottonwood Pass Conservation Sites. Two potential conservation areas identified by the Colorado Natural Heritage Program for aquatic vertebrate species and riparian habitat types overlap this CRA in the Brush Creek and Cement Creek drainages. This CRA provides summer habitat for black bear, with fall concentration areas in both Cement Creek and Brush Creek drainages. Summer range is available for mountain lion and mule deer. Mountain goat and bighorn sheep range occur just north of this CRA. This area has essential habitat components for elk winter range, winter and summer concentration areas, and calving areas. The majority of this CRA has been identified as lynx habitat. A breeding population of boreal toad inhabits Brush Creek. Colorado River cutthroat trout populations occur in Middle Brush Creek and East Brush Creek. The lowest elevations in the East River Valley have potential Gunnison sage grouse habitat. White-tailed ptarmigan occur in alpine habitats. The high elevation conifer areas provide habitat for American marten, American three-toed woodpecker, Northern goshawk, and boreal owl. This CRA is within a state-defined source water assessment area (municipal water supply). Over 70 percent of this assessment area is managed by the FS and is recognized as having a high value for domestic water supply. (Preservation/Conservation - #622.72.66200.200)

## **5-141 Public Concern: The Forest Service should consider the East Animas area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area Recommended for upper tier on the San Juan National Forest:

East Animas, upper tier recommendation: 3,200 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The East Animas Roadless Area abuts the Weminuche Wilderness, and is an area rich in wildlife due to the wide variety of vegetation. Tank and Canyon Creek trout fishery. The roadless area provides potential habitat for the threatened Canada lynx, known to inhabit the area. According to the CDOW, over 1,000 elk use the area during the winter, and that the area serves as a migration corridor for deer and elk. The lower elevations are important habitat for black bears due to the abundance of food, in some cases traveling great distances in order to use the East Animas area. The Animas Canyon at the north end of the roadless area is home to a reintroduced herd of bighorn sheep. The roadless area is a source for municipal water supplies and is a popular area for backcountry hunting. (Preservation/Conservation - #622.200.66200.002)

## **5-142 Public Concern: The Forest Service should expand the upper tier protections in the East Animas, West Needles, and Weminuche Adjacent CRAs.**

### **TO INCLUDE ANIMAS RIVER CANYON, AND LIME, CANYON AND NEEDLE CREEKS**

[ATT 1] San Juan National Forest:

Animas River Canyon

Lime Creek

Canyon Creek

Needle Creek

CRA: East Animas CRA, 16,854 acres; West Needles CRA, 6,887 acres; Weminuche Adjacent, 23,614 acres

Status: Partially protected under Alternative 4; new proposed upper tier area

The East Animas, West Needles, and Weminuche Adjacent Roadless Areas border the Animas River along the segment between Silverton and Rockwood, one of the nation's most outstanding whitewater runs, and the Animas, together with its spectacular tributaries, is a draw for whitewater river runners from across the state, the country, and the world.

The Animas River from Silverton to Rockwood is one of the longest whitewater runs in Colorado and flows through spectacular scenery in the heart of the San Juan Mountains. Often paddled as a two-day trip, this section draws boaters from around the world. The run passes through the East Animas, Weminuche Adjacent, and West Needles CRAs.

Lime Creek, from near the intersection of Old Lime Creek Road and Highway 550 (approximately 37.720895, -107.748367) flows through three distinct gorges before entering the Animas River. These three sections include boulder garden rapids and waterfalls, including Adrenaline Falls, one of the most iconic whitewater features in the country, featured on the cover of the first edition of Colorado Rivers and Creeks. The run flows largely through the Weminuche Adjacent and West Needles CRAs, both of which should be given upper tier protection to protect this outstanding recreational resource.

Needle Creek and Canyon Creek are two Animas River tributaries entering from the east side of the river. These spectacular creeks are typically accessed from the Animas River by kayakers hiking upstream from the creeks' confluences with the Animas. Needle Creek enters the Animas at approximately 37.627637, -107.697658. Canyon Creek meets the Animas at approximately 37.521769, -107.782620. Both sections are almost entirely within the boundaries of the East Animas CRA.

Of these areas, only 2,415 acres of West Needles and 599 Weminuche Adjacent are proposed for the upper tier in Alternative 2. In light of their backcountry recreation value and the fact that the Upper Animas attracts visitors from around the world, the 47,355 acres of these roadless areas should be included in the upper tier. At a minimum the following areas should be included: portions of the East Animas Roadless Area along the Animas River upstream and downstream of the confluence with Cascade Creek, Weminuche Adjacent along Lime Creek including Adrenaline Falls (37.705, -107.7519), Weminuche Adjacent along the Animas River as included in Alternative 2, and expansion of West Needles in Alternative 2 to make it contiguous with existing wilderness and include the Third Gorge on Lime Creek before it joins the Animas River.

These modifications to the proposed action are essential to protect water quality and the scenic viewshed of this world-class recreation destination. (Recreation/Conservation Organization, Washington, DC - #681.46-47.66000.510)

#### **TO PROTECT THE CHARACTERISTICS OF THE ANIMAS RIVER**

Creating an upper tier management category is a welcome development, but additional acres should be added. Personally I would like to see East Animas Colorado Roadless Area (CRA), West Needles CRA, and Weminuche Adjacent added to the upper tier. These areas border the Animas River along the segment between Silverton and Rockwood, one of the nation's most outstanding whitewater runs. They also border portions of Lime Creek including Adrenaline Falls, one of the most iconic whitewater features in the country. (Individual, Seattle, WA - #192.5.66000.500)

### **5-143 Public Concern: The Forest Service should consider the East Divide/Fourmile Park CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

East Divide/Fourmile Park, upper tier recommendation: 7,000 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply.

East Divide/Fourmile Park CRA separates the Divide Creek and Crystal River watersheds. This is a gently rolling divide, forested in a mixture of spruce/fir and aspen. There are also areas covered in

brushy Gambel oak and large open meadows, such as Fourmile Park. The headwaters for East Divide Creek are within the area. The elevations in the unit range from 8,100 feet at East Divide Creek to 10,236 feet at the head of Log Gulch.

As a forested, mid-elevation divide, this area is an ecological transition zone between summer and winter range for big game. This is a deer and elk production area. It is important habitat for black bear, mountain lions, and various raptors. Northern goshawks have been sighted in the area. It also provides potential lynx habitat. State Wildlife Areas lie to the north, just outside the National Forest. The area is a recreational destination for hunters in fall. Snowmobilers and cross-country skiers use it the in winter.

The area is part of a chain of wildlands that connect the Grand Hogback to Battlement Mesa, Grand Mesa, and the Raggeds Wilderness Area. [Footnote 3: See Citizens for Roadless Defense, East Divide & Fourmile Park Roadless Areas, <http://www.wroadless.org/p-east-divide-169.html> (accessed 7/29/10); see also Colorado Division of Wildlife (CDOW), "Recommendations to the State Inventoried Roadless Area Task Force on the White River National forest Inventoried Roadless Areas," June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on "White River/Manti La Sal".] Colorado Division of Wildlife specifically said of the area: "The East Divide/Four Mile Park IRA provides an important Area of low human impact in a larger Area that is seeing significant increases in human activity. It is necessary to reserve such places for the production and habitation of wildlife." [Footnote 4: See Colorado Division of Wildlife (CDOW), "Recommendations to the State Inventoried Roadless Area Task Force on the White River National forest Inventoried Roadless Areas," June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on "White River/Manti La Sal".] The East Divide/Fourmile Park Roadless Area is also within a state-defined source water assessment area—meaning water from the area contributes to municipal water supply. (Preservation/Conservation - #622.249-250.66200.002)

## **5-144 Public Concern: The Forest Service should consider the East Elk area for upper tier protection.**

### **BECAUSE THE AREA HAS HABITAT THAT IS UNDERREPRESENTED IN WILDERNESS AREAS ON THE GMUG NATIONAL FOREST**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

East Elk\*

An addition to the West Elk Wilderness. Most of its 6,000 acres are lower elevation Douglas fir, aspen, shrub, and some mixed conifer and spruce-fir in the higher reaches. These lower elevation habitats are underrepresented among wilderness lands on the GMUG and provide a connection between the southern-most reaches of the West Elk Wilderness and the Curecanti National Recreation Area boundary. Beaver and West Elk Creek have native cutthroat trout populations in these drainages. (Place-Based Group, Ridgeway, CO - #533.22.66000.330)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

East Elk, upper tier recommendation: 1,200 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Part of the 2001 Beaver Castle Inventoried Roadless Area, this roadless area forms a southern extension of the West Elks Wilderness and provides critical connectivity for wildlife from low- to higher-elevation lands. According to the Colorado Division of Wildlife, the roadless area has critical wildlife values for elk, deer, bighorn sheep, lynx, and Gunnison sage grouse, noting:

"All or portions of these areas are identified as being elk winter range, severe winter range and winter concentration areas. These areas also have several elk migration corridors within them. Additionally these areas are identified mule deer winter range, severe winter range and winter concentration areas and also have deer migration corridors within them. These areas also are identified as bighorn sheep habitat



and...has portions of two sheep production areas. This IRA is also suitable lynx habitat and several lynx have been located in the area in the recent past.”

The roadless area includes source waters for municipal water supplies. (Preservation/Conservation - #622.73.66200.200)

### **5-145 Public Concern: The Forest Service should ensure upper tier protection for the East Fork San Juan River.**

#### **TO PROTECT RECREATIONAL AND VISUAL RESOURCES**

[ATT 1] San Juan National Forest:

East Fork San Juan River

CRA: South San Juan Adjacent CRA, 34,899 acres (6252 Alternative 2 upper tier)

Status: Upper tier under Alternative 4

The East Fork of the San Juan (from approximately 37.383100, -106.857000 west to Highway 160) flows through the South San Juan Adjacent, a portion of which is included in the upper tier. Because of the outstanding recreational value of this run, the entire area should be afforded upper tier protection to safeguard its outstanding scenery and water quality. (Recreation/Conservation Organization, Washington, DC - #681.51.66000.510)

### **5-146 Public Concern: The Forest Service should consider the East Vail CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

East Vail, upper tier recommendation: 7,200 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply.

This irregularly-shaped CRA stretches from Vail to Vail Pass between I-70 and Vail Ski Area. The terrain consists of high ridges and steep forested hillsides, and many drainages tumbling into the Gore Creek Valley. The area is wooded predominantly with spruce/fir forests interspersed with savannas and meadows left over from a massive forest fire about a century ago. Many avalanche paths spill from the high ridges to carve paths through the forest. The elevation ranges from 8,300 feet near the Town of Vail, to 11,818 on Red Peak. The Black Lakes are in the unit, near the summit of Vail Pass.

The East Vail CRA serves as a buffer between development along the I-70 corridor and the expanding Vail Ski Area. The area is a fall transitional zone for the large Dowd Junction-Two Elk Creek herd of elk. It also provides elk with summer concentration and production areas. The area is also vital habitat for the Canada lynx and is an important piece of the forested landscape linkage connecting habitats south of I-70 to those on the north. The area provides habitat for the following Forest Service listed sensitive species, among others: pine marten, pygmy shrew, bighorn sheep, Northern goshawk, boreal owl, olive-sided flycatcher, black swift, American peregrine falcon, American 3-toed woodpecker, and boreal toad (recently petitioned for listing under the ESA [Endangered Species Act]). The area also has habitat for black bear, blue grouse, deer, mountain lion, and snowshoe hare.

This unit receives heavy recreational use, and is thus an important resource to residents of Vail. A popular winter playground, the area features world-class ice climbs on north-facing slopes near Vail, and the impressive East Vail Chutes, a challenging and frequently-visited backcountry skiing destination (usually accessed from Vail Ski Area). The Shrine Pass Area also receives abundant use by skiers and snowmobilers. The Two Elk Trail is a very popular summer hiking and mountain biking trail. The soaring forested slopes cast a feeling of wildness over the entire Gore Creek Valley.

The East Vail Roadless Area is also within a state-defined source water assessment area—meaning water from the area contributes to municipal water supply. (Preservation/Conservation - #622.251-252.66200.002)

## **5-147 Public Concern: The Forest Service should consider the East Willow CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

East Willow, upper tier recommendation: 5,300 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply.

East Willow CRA occupies rolling terrain on the north side of the divide between the Colorado and Gunnison River basins. The hills feature spruce/fir forest, but are more impressive for their extensive aspen stands. The area contains all three branches of Willow Creek, which together form the headwaters for West Divide Creek. Elevations range from 7,800 feet along East Willow Creek to 10,000 feet on the divide. The East Willow Area is important summer and fall elk habitat. It also provides prime habitat for deer, black bear, mountain lion, blue grouse, pine marten, snowshoe hare, lynx, and badger. The area remains remote and difficult to access. It is a place where wildlife can avoid heavy traffic from recreation and hunting. It is utilized by horsepackers, hikers and hunters, but generally only those seeking a backcountry experience where they are unlikely to run into human traffic. [Footnote 5: See Citizens for Roadless Defense, East Willow Roadless Area, <http://www.wrroadless.org/p-east-willow-167.html> (accessed 7/29/10); see also Colorado Division of Wildlife (CDOW), "Recommendations to the State Inventoried Roadless Area Task Force on the White River National Forest Inventoried Roadless Areas," June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on "White River/Manti La Sal".]

The area is part of a chain of wildlands that connect the Grand Hogback to Battlement Mesa, Grand Mesa, and the Raggeds Wilderness Area. This CRA provides an important area of low human impact in a larger area that is seeing significant increases in human activity. It is necessary to reserve such places for the production and habitation of wildlife. The East Willow Roadless Area is also within a state-defined source water assessment area—meaning it is part of the municipal water supply. (Preservation/Conservation - #622.253-254.66200.002)

## **5-148 Public Concern: The Forest Service should consider the Electric Mountain area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Electric Mountain, upper tier recommendation: 1,300 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

The Electric Mountain Roadless Area is dominated by aspen, with conifer at higher elevations. This area is important for lynx habitat, and is adjacent to other core wildlife areas. The roadless area provides summer range for elk, mule deer, black bear and moose. Moose also use this area year-round. Lynx habitat has been mapped within this area. Habitats for aspen-dependent sensitive species are also present (Northern goshawk, purple martin, American marten, and flammulated owl).

A foot and horse trail (Terror Trail) bisects the roadless area, and the area is popular and well-utilized during hunting season. The roadless area includes source waters for municipal water supplies and 70 percent of this assessment area is managed by the USFS and is recognized as having a high value for domestic water supply. (Preservation/Conservation - #622.74.66200.002)

## **5-149 Public Concern: The Forest Service should consider the Electric Mountain and Pilot Knob area for upper tier protection.**

### **TO PROTECT LYNX HABITAT FROM SURROUNDING MOTORIZED TRAVEL**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

**Electric Mountain and Pilot Knob\***

These roadless areas are dominated by aspen, with conifer at higher elevations. They are important for lynx habitat, and is adjacent to other core wildlife areas amidst intensifying motorized travel on the Grand Mesa. (Place-Based Group, Ridgway, CO - #533.23.66000.002)

**5-150 Public Concern: The Forest Service should consider the Elkhorn area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Elkhorn, upper tier recommendation: 10,500 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The Middle Fork of the Little Snake River bisects Elkhorn Roadless Area, which has elevations ranging from 5,600 to 12,000 feet. This CRA provides potential habitat for lynx and essential habitat needs for boreal toad, Colorado River cutthroat trout, Columbian sharp-tailed grouse, and greater sandhill crane. The area also provides habitat for black bear, elk, and mule deer. Portions of the river wind through a rugged, scenic canyon, providing the most outstanding feature of the area. The CRA provides a mix of semi-primitive and roaded natural recreation opportunities. Dispersed recreation includes camping, fishing, horseback riding, hunting, motorized trail use, and snowmobiling. The heaviest use is during hunting season. This CRA is within a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.179.66200.002)

**5-151 Public Concern: The Forest Service should consider the Elk Creek B CRA for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Elk Creek B, upper tier recommendation: 7,200 acres.

Recommended in Alternatives 2 and 4. Protection in upper tier would benefit wildlife, backcountry recreation, unique geology, and water supply.

The Elk Creek B CRA consists of a system of deep canyons that dissect mesa-like highlands that project like fingers from the White River Plateau. In this unit, Hadley Gulch, Main Elk Creek, Meadow Creek, Deep Creek, Clark Creek, and Mansfield Creek come together to carve through 2,000 feet of earth at Deep Creek Point. Together these drain a massive section of the broad, uplifted plateau.

The divides between creeks are generally flat-topped and vegetated with spruce/fir and aspen forest mixed with large open grassy meadows. The steeper slopes are thick with Gambel oak brush, and in many places the canyons are lined with sheer cliffs. Elevations in the unit range from 6,200 feet along lower Main Elk Creek, to 8,400 feet on the rim of Deep Creek Point.

This CRA features what is perhaps the most impressive canyon system on the White River National Forest. There is tremendous topographical relief here that has isolated long riparian corridors which lead to vast subalpine grasslands. The area within the USFS Roadless Area receives very few human visitors and has been identified by the Colorado Division of Wildlife as an area of extremely high priority habitat.

The limestone cliffs in the canyons feature caves that provide habitat for rare bats. Big game use the area extensively, including bighorn sheep, and this is critical winter range for them as well as overall range, summer range, and a production area. The area also contains habitat for federally-listed Canada lynx, wolverine, pine marten, fringed myotis, Townsend's big-eared bat, Northern goshawk, boreal owl, olive-sided flycatcher, flammulated owl, American 3-toed woodpecker, purple martin and peregrine falcon.

This CRA is also within a state-defined source water assessment area—meaning it is part of a municipal water supply. (Preservation/Conservation - #622.255-256.66000.200)

## **5-152 Public Concern: The Forest Service should expand the upper tier areas of the Elk Mountain–Collegiate North CRA.**

### **TO INCLUDE CLEAR CREEK OF THE ARKANSAS, LAKE CREEK, AND THE TWIN LAKES LOOP TRAIL**

[ATT 1]Pike-San Isabel National Forests:

Clear Creek of the Arkansas

Lake Creek

Twin Lakes Loop Trail

CRA: Elk Mountain-Collegiate North CRA, 32,069 acres

Status: Partially protected under Alternative 4; new proposed upper tier area

Clear Creek of the Arkansas includes a classic whitewater run beginning at 38.9833, -106.44 and ending at 39.0067, -106.323. This section flows between two portions of the Elk Mountain-Collegiate North CRA, and deserves the crucial water quality and viewshed protections of upper tier designation. This is a popular river with locals and visitors, and a classic training ground for the area's more challenging runs, as well as a spectacular resource in its own right because of its continuous rapids and beautiful scenery.

Lake Creek, from near mile marker 69 on Highway 82 (approximately 39.081500, -106.537000) to the Willis Gulch picnic area near the town of Twin Lakes, is the best low-volume creek run in the Arkansas River Valley. This world famous run flows off the east side of Independence Pass and through the Elk Mountain-Collegiate North CRA, where it drops through tight gorges and over spectacular falls.

The Twin Lakes loop is a popular and high-quality mountain bike ride circumnavigating Twin Lakes reservoir that includes sections of the Colorado Trail and the Continental Divide Trail.

Lake Creek and Clear Creek of the Arkansas are world-class recreational resources that contribute to Buena Vista's reputation as one of the greatest whitewater boating towns in the country, and the Twin Lakes trail is yet another aspect to the fantastic outdoor recreation opportunities present in the Arkansas River Valley. These outstanding resources draw visitors from around the world and merit protection through upper tier roadless designation for the Elk Mountain-Collegiate North CRA. (Recreation/Conservation Organization, Washington, DC - #681.36.66000.510)

## **5-153 Public Concern: The Forest Service should expand the upper tier areas of the Elk Mountain–Collegiate South CRA.**

### **TO PROTECT WILDLIFE HABITAT, PLANT COMMUNITIES, AND RIPARIAN AREAS**

Elk Mountain-Collegiate South (WC North Cottonwood Creek):

A total of 5500 acres is recommended as upper tier. The Elk Mountain-Collegiate South roadless area is an addition to the Collegiate Peak Wilderness Area, east of Mount Yale. The portion of this area recommended for upper tier protection is an important wildlife area.

The Elk Mountain-Collegiate South roadless area includes significant elk summer range with winter range found in its northern and eastern portions. The majority of the area is an elk calving area. The south end of the large Arkansas Valley elk migration corridor coming from the Mount Elbert/Elk Mountains region is to the east. Mule deer find summer range across the whole area, with winter range on the extreme east and south sides and out into the Cottonwood Creek and Arkansas River drainages where animals concentrate in the winter. CDOW has identified critical winter range. A bighorn sheep lambing area, winter range, and migration corridor are located in the roadless area. Mountain lion and black bear are found here. The northern three-fourths of the area is lynx habitat and includes both denning and winter habitat. Radio-collared lynx have been recorded by the CDOW. The rare boreal toad is found here.

The Middle and South Cottonwood Creeks CNHP Potential Conservation Area with high biodiversity significance intersects this area. A rare subalpine riparian willow carr natural community is found in this area. About 7 percent of the portion of the area proposed for upper tier protection is riparian. (Preservation/Conservation, Colorado Springs, CO - #581.46.66000.300)

## **5-154 Public Concern: The Forest Service should expand the upper tier areas of the Elk Mountain–Collegiate West CRA.**

### **TO PROTECT WILDLIFE HABITAT, PLANT COMMUNITIES, AND RIPARIAN AREAS**

Elk Mountain-Collegiate West (WC LaPlata Gulch):

A total of 4,900 acres is recommended for upper tier protection. The Elk Mountain-Collegiate West Roadless Area consists of several additions to the Collegiate Peak Wilderness Area, west of La Plata Gulch. The eastern addition, adjacent to La Plata Gulch, is recommended as wilderness in the Wild Connections Conservation Plan and the portion of the other additions recommended for upper tier protection are important wildlife habitat.

There is summer range for mule deer, elk, bighorn sheep, and mountain goats in the Elk Mountain-Collegiate West Roadless Area. CDOW has identified a migration corridor for elk in this area and this is a linkage area for mule deer. There is a small elk calving area on the far north side in the Lake Creek drainage. Mountain lion and black bear are found in forested area. Lynx habitat is sparse around the north and west edges of the area in the Sayres and La Plata Gulches, although radio-collared lynx have been recorded by CDOW. Some of the headwaters areas east of Sayres Gulch are part of the larger watershed for greenback cutthroat trout identified by CDOW. A large portion of this area is boreal toad current range and CDOW has found breeding sites in this area. A rare montane riparian forest natural community is found in this area. CNHP's La Plata Gulch Potential Conservation Area of lower biodiversity significance intersects this area. About 8 percent of the portion of the area proposed for upper tier protection is riparian. (Preservation/Conservation, Colorado Springs, CO - #581.47.66000.300)

## **5-155 Public Concern: The Forest Service should consider the Elliot Ridge CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Elliot Ridge, upper tier recommendation: 1,900 acres.

Recommended in Alternatives 2 and 4. Protection in upper tier would benefit wildlife, rare plants, backcountry recreation, and water supply.

The Elliot Ridge CRA is located two miles southwest of Heeney and Green Mountain Reservoir. Elliot Ridge is a high, rocky divide on the crest of the Gore Range. It is a prominent spine of Precambrian granite, and its steep talus and screefields fall away into rolling hills blanketed in lodgepole pine forests. These have been heavily logged. The terrain here consists of the northern crest of Elliot Ridge and part of the Elliot Creek drainage that flows northeast into the Blue River, just below the dam of Green Mountain Reservoir. The elevation ranges from 8,600 feet at Elliot Creek to 11,645 on the Ridge.

This CRA is excellent summer range for big game. It provides transitional habitat between lower-elevation BLM lands in the Colorado River basin to the north, and higher-elevation mountains in the Eagles Nest Wilderness Area to the south. As a result, this CRA supports a large herd of elk and many deer. The Mahan Lake area is high priority wildlife habitat, and contains a large population of a very rare plant species, the brown lady slipper.

The area also provides occupied and potential habitat for a wide variety of species, including: Canada lynx, wolverine, Northern goshawk, boreal owl, olive-sided flycatcher, white-tailed ptarmigan, loggerhead shrike, Lewis's woodpecker, flammulated owl, and American 3-toed woodpecker. The area is home to a genetically pure strain of Colorado River cutthroat trout, black bear, elk, moose, mountain goat, mountain lion, mule deer, badger, blue grouse, bobcat, coyote, ermine, long-tailed weasel, porcupine, skunk, and various hawks and owls.

The Elliot Ridge CRA is not only an important destination for hunters in the fall, but acts as a natural buffer between the Eagles Nest Wilderness and the heavily-logged lodgepole pine forests to the north of the unit. The area receives little summer use, and provides excellent opportunities to experience solitude.

Elliot Ridge is one of 12 roadless areas that are contiguous with the Eagles Nest Wilderness Area, which together form a roadless complex of over 168,000 acres (262 square miles). The area is adjacent to a

mandatory Class I airshed and within a state-defined source water assessment area. (Preservation/Conservation - #622.257-258.66000.002)

## **5-156 Public Concern: The Forest Service should consider the Failes Creek/Soldier Creek, Cimarron Ridge, and Baldy area for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT AND NON-MOTORIZED RECREATION OPPORTUNITIES**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Failes Creek/Soldier Creek, Cimarron Ridge and Baldy\*

Along with Turret Ridge and Little Cimarron provide remarkable quiet use recreational opportunities for hiking and climbing enthusiasts. They boundary the popular Uncompahgre Wilderness area and are arguably among the most scenic and rugged areas in the GMUG Grand Mesa Uncompahgre Gunnison National Forest. Wildlife abounds in this zone of dense forests and rocky crags. We support this area remaining and being managed as a roadless area. This area is critical Bighorn sheep habitat and extensive habitat improvements specifically for Bighorn sheep have been conducted in the area. Besides being critical Bighorn sheep habitat this area is mapped as bald eagle winter range, black bear summer and fall concentration area, elk winter range and winter concentration area, elk production area, potential lynx habitat, mule deer winter and summer range, and Merriam turkey overall range. (Place-Based Group, Ridgway, CO - #533.42.66000.002)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Failes Creek/Soldier Creek, upper tier recommendation: 6,200 acres.

Recommended from Alternative 2. Protection in upper tier would provide backcountry hunting and recreation opportunities, benefit wildlife, and safeguard water sources.

Failes/Soldier Creek Roadless Area is comprised of the 2001 Elk Creek and portions of the Uncompahgre Adjacent IRAs, bordering the Uncompahgre Wilderness to the south. The roadless area provides remarkable quiet use recreational opportunities for hiking and climbing enthusiasts. Adjacent to the popular Uncompahgre Wilderness, they are arguably among the most scenic and rugged areas in the GMUG. Wildlife abounds in this zone of dense forests and rocky crags. The roadless area includes source waters for municipal water supplies.

This area is critical bighorn sheep habitat and extensive habitat improvements specifically for bighorn sheep have been conducted in the area. Besides being critical bighorn sheep habitat this area is mapped as bald eagle winter range, black bear summer and fall concentration area, elk winter range and winter concentration area, elk production area, potential lynx habitat, mule deer winter and summer range, and Merriam turkey overall range. Moose use the area around Big Blue Creek, and the Big Blue Campground Potential Conservation Area has been identified in this area because of the subalpine riparian willow carr with aspen extending up the side slopes. (Preservation/Conservation - #622.75.66100.002)

## **5-157 Public Concern: The Forest Service should consider the Farnum/Schoolmarm Mountain area for upper tier protection.**

### **TO PROTECT WILDLIFE AND PLANT COMMUNITIES**

Farnum/Schoolmarm Mountain:

These two areas are treated as one as they are included as Farnum in the WCCP. Schoolmarm Mountain is the southern portion of the area. Wild Connections recommends 11,000 and 5,900 acres respectively for inclusion in the upper tier.

Farnum Peak at 11,378 feet is in on the northern end of the Puma Hills. The Farnum Roadless Area is 19,200 acres and includes Schoolmarm Mountain, Martland Mountain, and Rishaberger Mountain to the south. Tarryall Reservoir is just north of the roadless area. On the north the roadless area boundaries are

similar to the Roadless Area Conservation Rule Inventoried Roadless Area boundaries. To the south the roadless area is significantly larger than the Forest Service's Inventoried Roadless Area.

The vegetation in the Farnum Roadless Area is ponderosa pine, Douglas-fir, bristlecone/limber pine with some aspen and lodgepole pine. Several tributaries of Tarryall Creek have their headwaters in the area.

The south and northwest corners of the Farnum roadless are on the edge of the larger South Park pronghorn severe winter range. Most of the area is summer and winter range for mule deer, with a severe winter range for both deer and elk. There is lynx denning and winter habitat across the northern two-thirds of the area, and SREP [Southern Rockies Ecosystem Project] identified several low priority lynx linkages connecting Farnum to Lost Creek Wilderness, across South Park, and to Puma Hills to the south.

The extreme southern corner of the Farnum Roadless Area is part of the South Park PCA of very high biodiversity significance and The Nature Conservancy's South Park portfolio area of moderate conservation value. The northeastern boundary is adjacent to the Lower Tarryall Creek PCA of very high biodiversity significance. The Tarryall Reservoir State Wildlife Area intersects the northern boundary of this roadless area. The Southern Rockies Wildlands Network Vision proposes that the Farnum Roadless Area be managed as core wilderness. (Preservation/Conservation, Colorado Springs, CO - #581.48-49.66000.300)

## **5-158 Public Concern: The Forest Service should consider the Fawn Creek/Little Lost Park CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Fawn Creek/Little Lost Park, upper tier recommendation: 5,400 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, local economies, and water supply.

Fawn Creek/Little Lost Park CRA provides essential habitat for elk, mule deer, black bear, Colorado River cutthroat trout, bald eagles, as well as various birds and small mammals. The area represents prime habitat and a critical migration corridor for the world's largest herd of elk, with an estimated population of 37,900 animals.[Footnote 6: see also Colorado Division of Wildlife (CDOW), "Recommendations to the State Inventoried Roadless Area Task Force on the White River National forest Inventoried Roadless Areas," June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on "White River/Manti La Sal".] DOW estimates that the herd provides hunting opportunities for more than 30,000 hunters. [Footnote 7 : see also Colorado Division of Wildlife (CDOW), "Recommendations to the State Inventoried Roadless Area Task Force on the White River National forest Inventoried Roadless Areas," June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on "White River/Manti La Sal".]

Any industrial development on the fringes of these CRAs has the potential to impact aquatic habitats relied upon by Colorado River cutthroat trout and a monumental herd of elk. It goes without saying that any development affecting the area would have significant economic impacts on northwestern Colorado communities—the sportsman's paradise. [Footnote 8 : see also Colorado Division of Wildlife (CDOW), "Recommendations to the State Inventoried Roadless Area Task Force on the White River National forest Inventoried Roadless Areas," June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on "White River/Manti La Sal".] The CRA is also within a state-defined source water assessment area. (Preservation/Conservation - #622.259-260.66200.002)

### **5-159 Public Concern: The Forest Service should consider the Fish Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area Recommended for upper tier on the San Juan National Forest:

Fish Creek, upper tier recommendation: 13,500 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Fish Creek is a little-known and seldom-visited roadless area tucked into the western edge of the Dolores River watershed. With its rather narrow entrance, the valley and the surrounding steep canyons walls that lead to the mesa-like rim, the Fish Creek area is a secluded and wild landscape. The lower elevations of the valley are studded with enormous old growth ponderosas as well as other elders of other tree species that results in the area feeling as if it was untouched by mankind. The creek is laced with beaver dams and ponds with a stream luxuriant in trout. Fish Creek is a wealth of diversity and an area very worthy of maximum protections due to the overall lack of protections for low elevation roadless areas. (Preservation/Conservation - #622.201.66200.002)

### **5-160 Public Concern: The Forest Service should consider the Flat Irons area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Flat Irons, upper tier recommendation: 800 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources. (Preservation/Conservation - #622.76.66200.002)

### **5-161 Public Concern: The Forest Service should consider the Flattops/Elk Park area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Flattops/Elk Park, upper tier recommendation: 75,700 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Encompassing some of the highest parts of the Grand Mesa, the Flattops/Elk Park Roadless Area is important for its abundance of wildlife. Part of the 2001 Priest Mountain Inventoried Roadless Area (along with Currant Creek), the area includes a broad range of summer habitats from large open meadows and spruce-fir pockets to expanses of aspen and mountain shrub. Riparian areas—including wet seeps, springs, creeks and wetlands—are common across a very large portion of the roadless area.

Mule deer, elk, moose and many others species are found in the area. Moose will spend the majority of the year here, concentrating on the lower elevations during the heavier snow months. According to the Colorado Division of Wildlife the roadless area has “many production areas for deer and elk where they also tend to raise their young until they migrate in the late fall” and that boreal toad habitat is abundant and “should be preserved whenever possible.” (Preservation/Conservation - #622.77.66200.300)

### **5-162 Public Concern: The Forest Service should consider the Four Mile Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Four Mile Creek, upper tier recommendation: 1,200 acres.



Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

Four Mile Creek's 27,650-acre roadless area resides in the lower foothills of the La Garita Mountains and provides ample solitude and some very unique riparian rock cliff systems.

Four Mile Creek RA resides in Saguache Creek watershed providing surface and groundwater for the communities of Saguache, Moffat, Hopper, Mosca and the surrounding ranches and farms in the closed basin.

Ponderosa pine ecosystems can be found throughout the area intermixed with aspen, Engelmann spruce and Douglas fir. Some very nice beaver riparian complexes with aspen exist along Saguache Creek, and Four Mile Creek. Three drainages within this RA have been proposed as potential conservation areas by the CNHP. Trough Creek is proposed because of the uncommon Bebb's willow (*Salix bebbiana*), a riparian community susceptible to becoming endangered. A vulnerable park willow/bluejoint reedgrass (*Salix monticola/Calamagrostis Canadensis*) community is susceptible to large-scale disturbances near Saguache Creek at Duckfoot Creek, and Luders Creek due to its unique aspen with lush undergrowth of forbs (*Populus tremuloides*/Tall Mesic Forbs).

The central and northern portions of the RA provide important elk production habitat. Mule deer can be found during late spring through early fall months and in mild winters. During the 1970s one of the largest bighorn sheep herds existed 10 miles northeast of Four Mile Creek RA on Trickle Mountain. Beaver, mountain lion, Williamson's Sapsucker, golden eagle, peregrine falcon and coyote are some of the wildlife that might be seen. Hunting and fishing are the most common recreational activities within this RA. (Preservation/Conservation - #622.142-143.66200.002)

### **5-163 Public Concern: The Forest Service should consider the Fox Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Fox Creek, upper tier recommendation: 900 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.144.66200.002)

### **5-164 Public Concern: The Forest Service should consider the Fox Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Fox Mountain, upper tier recommendation: 2,100 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

A significant portion of Fox Mountain RA resides in elk-production habitat. Elk, mule deer and sometimes moose can be seen during snow-free months. Marmot, beaver, moose, lynx, mountain lion, coyote, three-toed woodpecker, boreal owl, pine marten and golden eagle are some of wildlife that might be viewed in the area. Fox Mountain RA resides in the Rio Grande Headwaters watershed providing surface and groundwater for the communities along the Rio Grande.

Engelmann spruce and sub-alpine fir forests are common throughout the RA. At the highest elevations one will encounter alpine environments. One can also find mountain parks with shallow kettles of water and sedges. Bristlecone and limber pine trees can be found on windblown ridges. Krummholz forests can be found around timberline zone. The northeastern section along the South Fork of the Rio Grande exposes examples of past glacial activity. Common recreation types in the area include hiking, hunting, horseback riding, snowmobiling and cross-country skiing. (Preservation/Conservation - #622.145.66200.002)

## **5-165 Public Concern: The Forest Service should consider the Freeman Creek CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Freeman Creek, upper tier recommendation: 1,000 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply.

The Freeman Creek CRA is essentially an extension to the Eagles Nest Wilderness Area along Piney River. The areas are timbered mostly with lodgepole pine, although Engelmann spruce, subalpine fir, and aspen may be found as well. Freeman Creek features some large wet meadows.

This unit is summer range for elk and deer. Moose are known to frequent in the wet meadows around Freeman Creek. The CRA also contains a well-preserved lower-montane willow carr (wet shrub community). Lost Lake is an unusual feature as it sits on a ridgetop. This CRA contains occupied and potential habitat for Canada lynx, Colorado River cutthroat trout, pine marten, deer and elk, black bear, blue grouse, moose, mountain lion, snowshoe hare. The area is heavily used in warmer months because of its proximity to the town of Vail. It is used for camping, hiking, fishing, mountain biking, horseback riding, and hunting. The area is also within a state-defined source water assessment area. (Preservation/Conservation - #622.261.66200.002)

## **5-166 Public Concern: The Forest Service should consider the Gallo Hill CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Gallo Hill, upper tier recommendation: 1,400 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply.

The Gallo Hill CRA is the steeply eroded hill that faces south, above the town of Marble. The terrain consists of steep south-facing slopes above the Crystal River. These slopes are made up of extensive sandstone (and some granite) outcrops and cliffs. The southern exposure provides sunny habitat in sagebrush meadows.

This CRA provides an important mid-elevation buffer on the west and southwest side of the high-elevation Maroon Bells/Snowmass Wilderness Area. This allows the abundant and diverse wildlife to reach the Crystal River easily, which provides critical winter range for bighorn sheep and elk. Peregrine falcons nest in the cliffs of this area, and Avalanche Creek is a major fishery. Bighorn sheep lambing may occur in the Gallo Hill Area. According to the Colorado Natural Heritage Program, Avalanche Creek (very high), Kline Creek (high), and Gift Creek (moderate) all contain significant montane riparian forest habitat. The unit is adjacent to the Kline Creek Research Natural Area. The Crystal River is under consideration for Wild, Scenic and Recreational River designation.

The Gallo Hill CRA is visible from State Highway 133, a scenic byway. Trailheads accessing Placity and Carbonate Creek are important access points to the Maroon Bells/Snowmass, and the area is heavily-used by hunters in the fall. Outfitters run operations in the area. The unit is also popular for cross-country skiing, horseback riding, and wildlife viewing. This CRA is adjacent to a mandatory Class I airshed and it is within a state-defined source drinking water assessment area. (Preservation/Conservation - #622.262.66200.002)

## **5-167 Public Concern: The Forest Service should consider the Game Creek CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Game Creek, upper tier recommendation: 1,200 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreational opportunities, educational and scientific resources, and water supply.

High ridges in the Game Creek CRA are covered in spruce/fir forests that funnel through the lush riparian systems of Two Elk and Game Creeks into the Eagle River. The uplands fall away dramatically above Minturn, forming a precipitous 2,000 foot-high wall of earth that features numerous large Precambrian granite outcrops. The elevation ranges from 7,800 near Dowd Junction to 10,900 feet at Battle Mountain.

This area provides a buffer between heavy development in the West Vail and Minturn areas, and the expanding Vail Ski Area. A large herd of elk use the Game Creek CRA as a transitional zone between winter range at Dowd Junction and summer range near Stafford Creek. A significant amount of elk calving occurs in the Two Elk drainage.

The area provides habitat and potential habitat for Canada lynx, wolverine, marten, Northern goshawk, olive-sided flycatcher, American 3-toed woodpecker, Brewer's sparrow, and peregrine falcon.

Trails along Game Creek, Two Elk Creek, and up to Lionshead are all extremely popular in summer, and provide an important recreational resource for the towns of Minturn and Vail. Game Creek is a popular backcountry ski route from Vail Ski Area to Minturn. Fossilized trees that exist in the Lionshead Area are an important educational and scientific resource as well. The area also provides quality big and small game hunting. The CRA is also within a state-defined source water assessment area. (Preservation/Conservation - #622.263.66200.002)

## **5-168 Public Concern: The Forest Service should consider the Gibbs Creek area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Gibbs Creek, upper tier recommendation: 900 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The Gibbs Creek Roadless Area resides west of the South Fork of the Rio Grande and east of the Weminuche Wilderness. The area's landscape is comprised of high-elevation mountainous terrain with Engelmann spruce/sub-alpine fir stands and aspen. Gibbs Creek RA lies in the Rio Grande headwaters watershed providing surface and groundwater for communities along the Rio Grande. Limber pine and bristlecone pine trees can be found throughout the higher, windblown ridges, while small stands of Krummholz (stunted conifer) forests can be found at or near timberline.

Hope Creek borders the northern edge. The southern boundary is created by Wolf Creek Pass (Highway 160). The Gibbs Creek RA southern region is considered an area of "High Biodiversity Significance" according to CNHP. Snowberry and mountain whortleberry are some of the common under story growth of the Engelmann spruce/sub-alpine forests here. Snow willow can be found in the alpine slopes above tree line. The northern portion of the Gibbs Creek RA is considered elk production habitat and resides in a predatory corridor. Mule deer can be found using this area during snow-free months, while on the alpine slopes one might see bighorn sheep. Within the forested habitat American marten, beaver, moose, lynx, mountain lion, coyote, three-toed woodpecker and pine martin might be seen.

Common recreation types in the area include hiking, hunting, horseback riding and cross-country skiing. Lobo Overlook provides great backcountry skiing through spruce trees. Of historical interest, Gibbs Creek exhibits evidence of early past-century railroad tie-cutting. Waist-high stumps are still observed in the area, which has since recovered. (Preservation/Conservation - #622.146-147.66200.002)

### **5-169 Public Concern: The Forest Service should consider the Gold Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Gold Creek, upper tier recommendation: 3,200 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.180.66100.002)

### **5-170 Public Concern: The Forest Service should consider the Gold Run area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Gold Run, upper tier recommendation: 5,400 acres.

Recommended from Alternative 2. Protection in upper tier would benefit wildlife, safeguard water sources, and provide backcountry recreation opportunities.

Gravel Mountain dominates the view to the north from the Gold Run Roadless Area, a lightly traveled area and with plentiful opportunities for backcountry recreation, including fishing for rainbow trout.

Black bears gather in the summer in the area. Moose gather in the Gold Run area, as well. According to the USFS, Gold Run Roadless Area "provides some refuge of undisturbed habitat for wildlife from an adjacent area scattered with subdivisions, private land, and highly impacted by motorized recreation," provides habitat for the federally listed Canada lynx. Trail Creek, which borders the Roadless Area, provides habitat for Colorado River cutthroat trout (threatened). The nagoon berry plant found in the Gold Run Area is critically imperiled in Colorado and is considered to be sensitive by the U.S. Forest Service. Gold Run and other streams have their headwaters in the area. These creeks are tributaries of Willow Creek, which is in turn part of the Colorado River system, and the area provides source waters for municipal water supplies. (Preservation/Conservation - #622.21.66100.002)

### **5-171 Public Concern: The Forest Service should consider the Grand Mesa–Kannah Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE AND WATER RESOURCES**

Areas that need consideration for more protection are: Grand Mesa-Kannah Creek which provides the watershed for Grand Junction; Grand Mesa-Priest Mountain/Currant Creek which has abundant wildlife but could be susceptible to proposed coal mining operations; Kelso Mesa at the Uncompahgre-Dominquez Wilderness; Gunnison-Cannibal Plateau as an important lynx habitat; and the Gunnison-Cochetopa Hills which is prominent as a corridor for wildlife traffic between the basins in that area.

Even though I may never see all these areas, it is important to protect their roadless status with upper tier designation as weaker standards tend to create loopholes that are often manipulated to the advantage of those who wish to profit from them. (Individual, Grand Junction, CO - #850.5.66000.200)

### **5-172 Public Concern: The Forest Service should consider the Graham Park area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the San Juan National Forest:

Graham Park, upper tier recommendation: 17,800 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

Graham Park offers outstanding elk calving and rearing habitat as well as forming the heart of a major game movement corridor between the Weminuche and Piedra areas. The area's wet meadows are an uncommon feature that enhances the higher, rocky slopes of the adjacent Weminuche Wilderness.

The spruce-fir forests and high mountain meadows in the Graham Park Roadless Area provide excellent elk and deer habitat. Wet meadows in the area are important elk calving and summer ranges. Mule deer use the high country for summer habitat and fawn rearing. The area includes lynx habitat, and the species is known to use the adjacent Wilderness Area. The roadless area has a large snowshoe hare population, an important prey species for the lynx. Bighorn sheep summer and rear lambs in the Graham Park Roadless Area; the USFS notes that "The roadless nature of the area is essential for their survival." Shaw Creek, from the headwaters to the confluence with Weminuche Creek, has a wild population of cutthroat trout. Sand Creek and Falls Creek have both been stocked with the pure Weminuche strain of Colorado River cutthroat.

The area includes Bear Creek, Shaw Creek and Falls Creek, tributaries to Weminuche Creek and the area contains the headwaters of Mosca Creek, Sand Creek, and the west and east forks of Coldwater Creek. It is a source area for municipal water supplies. A number of lightly-used trails provide outstanding opportunities for primitive recreation. The area is a prime spot for observing wildlife. Recreational use of the area is light, mostly during hunting season. Use is primarily by horse packers and backpackers. The area is closed to summer motorized use, but snowmobiling is permitted in a portion of the area. (Preservation/Conservation - #622.202-203.66200.002)

## **5-173 Public Concern: The Forest Service should expand the upper tier areas of the Granite Basin CRA.**

### **TO INCLUDE THE RENO/FLAG/BEAR/DEADMAN TRAIL**

[ATT 1] Grand Mesa-Uncompahgre-Gunnison National Forests:

Reno/Flag/Bear/Deadman Trail

CRA: Granite Basin CRA, 25,519 acres (9,265 designated upper tier under Alternative 2)

Status: Upper tier under Alternative 4

This classic mountain bike loop is often described as one of the best rides in the Crested Butte area. The ride begins on FS Road 740 at the Deadman Gulch trailhead (approximately 38.874710, -106.798100), and winds its way northeast, before turning south and entering the Granite Basin CRA at approximately 38.862435, -106.764001. From there, it continues south to approximately 38.834046, -106.761181 before turning west-northwest, and ultimately back to Road 740. While a portion of the CRA to the south and west of the trail is designated upper tier under Alternative 2, that area should be expanded to, at minimum, include this outstanding recreational resource. (Recreation/Conservation Organization, Washington, DC - #681.28.66000.510)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Granite Basin, upper tier recommendation: 25,500 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Part of the 2001 Boston IRA, Granite Basin Roadless Area includes two Potential Conservation Areas, Cement Creek and Spring Creek, that have been identified by the Colorado Natural Heritage Program for riparian habitat types. The area provides black bear summer range, with fall concentration areas occurring along the major drainages (Cement Creek, Spring Creek, Rosebud Gulch, Deadman Gulch, and Bear Creek). This area provides important summer range for mule deer, with several migration routes passing through it. It also provides summer range, summer concentration and calving areas for elk in the higher elevations and migration paths to winter range at lower elevations. Lynx habitat occurs within this CRA. Bald eagle winter range extends into this area from the Slate River drainage. Gunnison sage grouse habitats extend into the southwestern edge of this area. White-tailed ptarmigan habitat

occurs in the alpine areas on Cement and East Cement mountains. (Preservation/Conservation - #622.78.66200.300)

### **5-174 Public Concern: The Forest Service should expand upper tier areas in the Gray Rock CRA.**

#### **TO INCLUDE CACHE LA POUFRE RIVER; GREY ROCK, MONASTERY, AND PALACE CLIMBING AREAS; HEWLETT GULCH TRAIN; AND GREY ROCK NATIONAL TRAIL**

[ATT 1] Arapaho-Roosevelt National Forest:

Cache La Poudre River

Grey Rock, Monastery, Palace, climbing areas

Hewlett Gulch Trail (mountain biking)

Grey Rock National Trail (hiking)

CRA: Grey Rock CRA, 12,067 acres

Status: Partially protected under Alternative 4; new proposed upper tier area

Grey Rock CRA contains diverse and outstanding outdoor recreation opportunities and is especially valuable because of its proximity to Fort Collins and other major population centers on Colorado's Front Range.

Grey Rock itself (40.715672, -105.292650) offers outstanding rock climbing opportunities on a spectacular granite massif, culminating in a true summit at 7613 feet. In addition, Grey Rock CRA contains classic routes at the Monastery and the Palace, as well as innumerable bouldering opportunities and other routes. The area is popular with hikers, and includes the Grey Rock National Recreation Trail. The Hewlett Gulch trail to the west of Grey Rock Mountain is a popular mountain biking attraction.

The Cache La Poudre River flows along, and in places through, the southern boundary of the CRA. These sections of the Poudre offer outstanding whitewater recreation opportunities, from the challenging Narrows section, to mellower stretches suitable for beginning boaters further downstream. These sections are runnable at a wide range of water levels, and offer whitewater recreation opportunities long after other runs in the area have dropped out. (Recreation/Conservation Organization, Washington, DC - #681.22.66200.510)

### **5-175 Public Concern: The Forest Service should expand the upper tier area between Gray's and Torrey's Peaks and Mount Edwards.**

#### **TO PROTECT GRAY'S PEAK AND CONTINENTAL DIVIDE TRAILS**

The Upper Tier Area between Gray's and Torrey's Peaks and Mount Edwards could be expanded to protect the USFS Gray's Peak Trail and the Continental Divide Trail. (Regional other governmental agency (multi-jurisdictional), Georgetown, CO - #682.5.66100.510)

### **5-176 Public Concern: The Forest Service should consider the Green Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE AND PLANT COMMUNITIES**

Green Mountain:

The Green Mountain Roadless Area lies directly west of the south half of the Long Scraggy roadless area and is part of the continuous sweep of land from the South Platte River up to the higher elevations of Green Mountain and the Lost Creek Wilderness. It is an area immediately adjacent to the 2002 Hayman Fire landscape that was not burned in that event. It is recommended for Wilderness designation and WC is recommending 11,000 acres for the upper tier.

The Green Mountain Roadless Area is predominantly ponderosa pine and Douglas-fir, but being higher than other areas in the complex, it also has scattered stands of lodgepole pine, aspen and some Engelmann spruce-subalpine fir in the highest areas. Other communities include water birch/mesic forb,

foothills riparian shrublands, Rocky Mountain willow/mesic forb montane riparian willow carr and Colorado blue spruce/water birch riparian woodland.

Black bears and mountain lions roam the area with a small area of high summer bear activity on the northeast. Mule deer have summer range and elk have both summer and winter range here. There is habitat for Preble's meadow jumping mouse on the southern end of the area with two occupied drainages, and Pawnee montane skippers have been observed here. Other notable species include peregrine falcons, as well as this central portion hosts a rare plant, white adder's-mouth orchid, and wild turkeys, among other species. (Preservation/Conservation, Colorado Springs, CO - #581.50.66000.300)

### **5-177 Public Concern: The Forest Service should consider the Greenleaf Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE AND PLANT COMMUNITIES**

Sangre de Cristo: Lake Creek to Hermit Creek:

WC recommends 8500 acres for the upper tier. This area is listed in the WCCP as Lake Creek/Greenleaf Creek. It is recommended by Wild Connections [WC] for Wilderness designation.

Greenleaf Creek:

The Greenleaf Creek roadless area lies between the existing Sangre de Cristo Wilderness and the Rainbow Trail east of Gibbs Peak, less than ten miles northwest of Westcliffe. It is a lower-elevation area and is predominantly Douglas-fir, with areas of ponderosa pine forest, along with some aspen and Engelmann spruce-subalpine fir. Lack of direct public access across private land to the east of the National Forest boundary makes this a relatively unvisited area.

On the eastern edge of the Greenleaf Creek roadless area there is high summer bear activity, and mountain lions can be found. There are also elk and mule deer in the summertime. Lynx general, denning, and winter habitat occurs here. This area is also a production and concentration area for wild turkey.

The Nature Conservancy's Conservation Portfolio moderately high conservation value Sangre de Cristo Mountains unit overlaps all but the southeastern side of Greenleaf Creek. (Preservation/Conservation, Colorado Springs, CO - #581.144.66000.300)

### **5-178 Public Concern: The Forest Service should consider the Greenhorn Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE AND PLANT COMMUNITIES**

Greenhorn Mountain: Badito Cone to Dry Creek (WC Badito Cone and Santana Butte):

WC recommends 2300 acres for upper tier. The Greenhorn Mountain: Badito Cone to Dry Creek Roadless Area consists of two areas adjacent to the Greenhorn Mountain Wilderness. One of the areas, on the south, is just west of Badito Cone. The other area is on the west side of the Wilderness. Most of the land in these areas is recommended as Wilderness in the Wild Connections Conservation Plan. The southern part of the western addition recommended as part of a Research Natural Area that would also include areas within the Greenhorn Wilderness. Wild Connections recommends that the entire area be protected as an upper tier roadless area.

In the southern area that is west of Badito Cone, the rare species American peregrine falcon, Mexican spotted owl and greenback cutthroat trout are found. The Fish and Wildlife Service has determined that this area is critical habitat for Mexican spotted owl. Mountain lion and black bear are also found in the area. Bighorn sheep have winter range, while elk and deer have both summer and winter range in this portion of the roadless area.

Mountain lion and black bear are found in the western portion of this area, with summer and fall areas if high bear activities. Bighorn sheep have winter range across this portion of the area. There is elk summer range, and the roadless area lies in the southern extent of the large elk calving grounds extending from Antelope Mountain southeast into Greenhorn Mountain Wilderness. Mule deer have summer and winter range across the area.

The Apache Creek Natural Area identified by the Colorado Natural Areas Program intersects the Greenhorn Mountain: Badito Cone to Dry Creek roadless area. The entire area is potential habitat for lynx according to CDOW. Approximately 7 percent of the roadless area is riparian. (Preservation/Conservation, Colorado Springs, CO - #581.51.66000.300)

Greenhorn Mountain: Cisneros Creek to Upper Turkey Creek (WC Cisneros Creek):

WC recommends 2100 acres as upper tier. The Greenhorn Mountain: Cisneros Creek to Upper Turkey Creek Roadless Area consists of two areas adjacent to the Greenhorn Mountain Wilderness, both on the southwest corner of the Wilderness. One area is west of Turkey Creek and the other is in the drainage of Cisneros Creek. The areas are important wildlife habitat and the part that is in the Cisneros Creek drainage is recommended as Wilderness in the Wild Connections Conservation Plan. Wild Connections recommends that the entire area be protected as upper tier roadless lands.

Mountain lion can be found across the Greenhorn Mountain: Cisneros Creek to Upper Turkey Creek Roadless Area. Bighorn sheep are found across the area in the summer. Elk have summer range across the area and winter range in the lower elevations on the west side, and the large elk calving grounds extending from Antelope Mountain southeast into Greenhorn Mountain Wilderness crosses the roadless area. Mule deer also are found across the area in the summer. Wild turkey nest in this area. There is lynx habitat in the area as well.

The entire Greenhorn Mountain: Cisneros Creek to Upper Turkey Creek Roadless Area has been designated as critical habitat for Mexican spotted owl by the Fish and Wildlife Service. Approximately 12 percent of the area is riparian. (Preservation/Conservation, Colorado Springs, CO - #581.52.66000.300)

Greenhorn Mountain: Graneros Creek to Section 10 (WC Apache Creek and Greenhorn Mountain S):

WC recommends 4800 acres for upper tier protection. The Greenhorn Mountain: Graneros Creek to Section 10 Roadless Area consists of two areas adjacent to the Greenhorn Mountain Wilderness, one long narrow area on the east side of the Wilderness that includes Little Graneros Creek and North and South Apache Creek and another smaller addition on the southeast. The entire roadless area is recommended as Wilderness in the Wild Connections Conservation Plan. In addition, a recommended Research Natural Area crosses the eastern portion and continues west across the Wilderness to the Greenhorn Mountain: Badito Cone to Dry Creek Roadless Area. Wild Connections recommends that the entire area be protected as upper tier roadless lands.

American peregrine falcon, Mexican spotted owl and one of the three genetically pure populations of greenback cutthroat trout are rare species found here. Mountain lion and black bear summer and fall high activity locations are found across the area. Bighorn sheep have winter range here, although they likely go to the higher elevations in the Wilderness in the summer. Mule deer and elk have summer and winter range across most of the area, and there is a large elk calving area to the east of the area outside the forest boundary. Black bear concentrate in this area in the fall. Wild Turkey roost and nest in this area and concentrate here in the winter. There is lynx habitat across the areas although the habitat is quite scattered.

The Apache Creek Natural Area identified by the Colorado Natural Areas Program intersects the Greenhorn Mountain: Graneros Creek to Section 10 Roadless Area as does the Colorado Natural Heritage Program Greenhorn Creek Potential Conservation Area of high biodiversity significance. Two Colorado Natural Heritage Potential Conservation Areas of lower biodiversity significance intersect this area: Mexican Springs and a significant portion of the Apache Creek area. Approximately 3 percent of this area is riparian. (Preservation/Conservation, Colorado Springs, CO - #581.53-54.66000.300)

Greenhorn Mountain: Little Saint Charles Creek to Greenhorn Creek (WC Greenhorn Creek):

WC recommends 5200 acres for upper tier. The Greenhorn Mountain: Little Saint Charles Creek to Greenhorn Creek Roadless Area consists of an area adjacent to the Greenhorn Mountain Wilderness Area on the north. This area includes Greenhorn Creek along with the headwaters of North, Middle and



South Muddy Creeks. Wild Connections recommends that the entire area be protected as upper tier roadless lands.

Mexican spotted owls are recorded here and almost the entire area has been designated as critical habitat for Mexican spotted owls by the Fish and Wildlife Service. One of the complex's three locations of genetically pure greenback cutthroat trout is found in the Greenhorn Creek and its headwaters. Mountain lion can be found across the area. Black bear have summer high activity areas on the east. Bighorn sheep, mule deer, and elk summer across the area, with deer winter range on the east and elk winter range on the edges. There is a small elk calving area on the east side. Black bear concentrate in the area in the fall. Wild turkeys nest in this area and concentrate here in the winter. Lynx habitat, including denning habitat, is found in all but the lowest elevations.

The Colorado Natural Heritage Program Greenhorn Creek Potential Conservation Area of very high biodiversity significance is located across the southern half of the Greenhorn Mountain: Little Saint Charles Creek to Greenhorn Creek Roadless Area and over into the Greenhorn Mountain Wilderness. A very rare montane riparian forests natural community (*Abies concolor* - *Picea pungens* - *Populus angustifolia*/Acer glabrum forest) is found in this area. A rare montane riparian forests natural community (*Populus angustifolia*/Alder woodland) is also found here. Approximately 9 percent of this area is riparian. (Preservation/Conservation, Colorado Springs, CO - #581.55.66000.300)

## **5-179 Public Concern: The Forest Service should expand upper tier areas in the Green Ridge-East CRA.**

### **TO INCLUDE JOE WRIGHT CREEK**

[ATT 1] Arapaho-Roosevelt National Forest:

Joe Wright Creek

CRA: Green Ridge-East CRA, 26,626 acres (9,663 acres designated upper tier under Alternative 2)

Status: Partially protected under Alternative 2; new proposed upper tier area

Joe Wright Creek (from approximately 40.6039, -105.835 to 40.633, -105.809) flows through the Green Ridge-East CRA. This creek provides an outstanding whitewater recreation opportunity especially valuable because of its accessibility from major population centers on the Front Range. Joe Wright Creek, along with the downstream Spencer Heights section of the Cache La Poudre and the nearby Big South section of the Cache La Poudre, is part of a cluster of accessible, high quality whitewater, drawing recreationists from across the state and the country. To protect the scenic aspects of this area, as well as the water quality of the downstream areas popular with kayakers, rafters, tubers, and fishermen, the entire Green Ridge-East CRA should be afforded upper tier protection. (Recreation/Conservation Organization, Washington, DC - #681.23.66100.002)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Green Ridge-East, upper tier recommendation: 24,800 acres.

Recommended from Alternative 4. Protection in upper tier would benefit wildlife, safeguard water sources, and ensure continued enjoyment of popular backcountry recreation opportunities.

Green Ridge-East Roadless Area near the Rawah Wilderness and north of the Comanche Peaks Wilderness includes headwaters for Sevenmile Creek, Dry Creek, Peterson Creek and Roaring Creek, along with numerous other creeks and streams. All of the creeks and streams in this area flow into the Cache la Poudre, Colorado's only designated Wild and Scenic River, and part of the South Platte River system; the area includes numerous source waters for municipal supplies.

Hiking and access into the area include the Killpecker Trail, the North Lone Pine Trail, the Roaring Fork Trail, and others. Green Ridge-at 10,175 ft [feet]- dominates the western side of the roadless area. Boston Peak (9,363 ft.), Middle Bald Mountain (11,002 ft.), North Bald Mountain (10,982 ft.), and South Bald Mountain (11,003 ft.) are all found within the area, as are Bellaire Lake, Laramie Lake, and Twin Lakes. Opportunities for hiking, camping, fishing, and hunting abound. Class IV rapids along the Cache la Poudre River are found between the Green Ridge - East and the Comanche Peak Adjacent Roadless Areas. Challenging runs await those in canoes, kayaks, or rafts. Poudre Falls, at the confluence

of Joe Wright Creek and the Cache La Poudre River, provides a magnificent backdrop for fishing, hiking, or photography. Hunting for bighorn sheep, deer, elk, small game, and upland birds is available in the area and in the Bliss State Wildlife Area and the Poudre River State Fishing Unit, directly to the south and east.

Ponderosa pine forest quickly gives way to lodgepole pine as the land climbs to the north and west of the Poudre Canyon, and an aspen grove is tucked away north of the Poudre Falls area. The mixed foothills shrublands natural communities found in the Green Ridge-East Area are considered imperiled in Colorado.

Bighorn sheep have lambs, gather in the winter, and spend severe winters in the roadless area. Elk have calves, spend severe winters, and migrate across the Green Ridge-East Area. Moose gather here, and the Preble's meadow jumping mouse found in the area is listed as threatened under the Endangered Species Act (ESA), and is critically imperiled in Colorado. The unit contains greenback cutthroat trout, listed as threatened under the ESA and imperiled in Colorado. The American peregrine falcon—a state species of special concern—has nesting sites in the area. The wood frog found here is considered vulnerable in Colorado and considered sensitive by the Forest Service. (Preservation/Conservation - #622.22-23.66200.002)

## **5-180 Public Concern: The Forest Service should expand upper tier areas in the Green Ridge-West CRA.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Green Ridge-West, upper tier recommendation: 3,700 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, benefit wildlife and ensure continued enjoyment of popular backcountry hunting and recreation opportunities.

Green Ridge itself—at 10,175 feet—dominates the eastern side of the Green Ridge-West Area, and the unit also contains both Emerald Lake and Lily Pond Lake. The gentle slopes and wetlands to the west of the Laramie River west make up the Green Ridge Roadless Area. Few rivers flow from Colorado into Wyoming, from south to north. The Laramie is one such river, and headwaters of Pete Creek, Porter Creek, Brinker Creek, and Half Mile Creek are found in the roadless area, which includes important source waters for downstream municipal supplies.

Above the river, lodgepole pine forest covers the area. Aspen, wetland, and sagebrush scrubland are found along the Laramie River. Elk have calves, gather in the winter, and migrate across the area, and moose gather here. Mule deer migrate to and from the area, and pronghorn antelope are sometimes found in the unit. The greenback cutthroat trout found in the area is listed as threatened under the Endangered Species Act and is imperiled in Colorado. The wood frog found here is considered vulnerable in Colorado and considered sensitive by the U.S. Forest Service. The Boston Peak Fen Research Natural Area (RNA) is near the southern end of the unit, and contains a unique wetland ecosystem of sedge fens and willow carrs containing uranium-enriched peat, several rare plant species, and the complete watershed for this fen. Several species of sedge found in the roadless area are critically imperiled in Colorado. The sagebrush natural communities (mountain big sagebrush growing with spike fescue) found elsewhere in the unit are critically imperiled in the state as well.

Opportunities for recreation in the unit include the Lower Nunn Creek Trail. Chambers Lake, a productive fishing lake, is just south area. Use in the area includes hunting, fishing, camping, hiking, mountain biking, horseback riding, and snowmobiling. (Preservation/Conservation - #622.24-25.66200.002)

## **5-181 Public Concern: The Forest Service should expand upper tier areas in the Grey Rock area**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Grey Rock, upper tier recommendation: 700 acres.

Recommended from Alternative 4. Protection in upper tier would ensure continued enjoyment of popular backcountry hunting and recreation opportunities, safeguard water sources, and benefit wildlife.

Grey Rock Roadless Area is near the Cache La Poudre Wilderness on the northern side of the river. The area includes the popular Greyrock National Recreation Trail that provides great views of Front Range Peaks and the plains to the east from the summit of Greyrock Mountain. Hiking, mountain biking, and rock climbing are popular activities in the area. The Wintersteen Trail is also in the area. Hunting for deer and small game is available in the area.

The geology of the Grey Rock Area creates scenery that is unusual and beautiful. From the summit of a relatively low elevation peak in the area, a visitor can see for great distances in all directions. The Cache La Poudre River is visible approximately 1,500 feet below as it twists and turns along its meandering course through the canyon that it has cut over the past hundreds of thousands of years.

Elk have calves, gather in the winter, spend severe winters, and migrate across the unit. Mule deer spend severe winters here, and the Preble's meadow jumping mouse found in the area is listed as threatened under the Endangered Species Act. Townsend's big-eared bat, also found in the area, is imperiled in Colorado and considered sensitive by both the Forest Service and BLM. The mixed foothills shrublands natural communities found in the Grey Rock Area are globally imperiled. The area includes source waters for municipal supplies. (Preservation/Conservation - #622.26.66200.002)

## **5-182 Public Concern: The Forest Service should expand upper tier areas in the Grizzly Creek CRA.**

### **TO INCLUDE GRIZZLY CREEK AND THE GRIZZLY CREEK TRAIL**

[ATT 1] White River National Forest:

Grizzly Creek

Grizzly Creek Trail

CRA: Grizzly Creek CRA, 6669 acres

Status: New proposed upper tier area

Grizzly Creek Trail, from a trailhead (approximately 39.561031, -107.249957) just off I-70 east of Glenwood Springs, offers convenient access into the Grizzly Creek CRA. The trail is a scenic and accessible means of enjoying Glenwood Canyon, and is highlighted by waterfalls and views of colorful canyon walls, showcasing Colorado's unique geology.

Grizzly Creek itself is an occasionally-run piece of whitewater offering an interesting small-stream contrast to the high-volume sections of the Colorado downstream.

These recreational resources should be protected through upper tier designation for the Grizzly Creek CRA. (Recreation/Conservation Organization, Washington, DC - #681.60.66000.510)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Grizzly Creek, upper tier recommendation: 6,700 acres.

Not recommended in any alternative. Recommended for the tremendous wildlife value, unique scenery, and popular recreational opportunities provided, and to safeguard watersheds.

The Grizzly Creek CRA occupies most of the No Name Creek drainage, and the lower half of Grizzly Creek. No Name flows from Quartzite Ridge, a southerly extension of the White River Plateau, while Grizzly Creek flows from the main Plateau. The Plateau is a huge uplifted highland with gently rolling terrain, and vast open grasslands. These creeks carve deeply into this uplift and, before emptying into the Colorado River, are 1,500 feet deep with towering limestone cliffs. Forest regions include Douglas fir and limber pine on the slopes, islands of Englemann spruce and subalpine fir in the uplands, aspen on the canyon rims, and cottonwoods, alders, willows, and even ponderosa pines along the creeks. Many steep slopes are covered in Gambel oak brush. The elevations in the unit range from 6,000 feet along lower No Name Creek, to 9,800 feet on the divide between Grizzly and No Name Creeks.

The area provides habitat and potential habitat for Canada lynx, Mexican spotted owl, wolverine, marten, spotted bat, fringed myotis, Townsend's big-eared bat, bighorn sheep, Northern goshawk, boreal

owl, olive-sided flycatcher, black swift, flammulated owl, purple martin, native populations of Colorado River cutthroat trout. It also provides potential nesting sites for peregrine falcon, as well as bald eagle winter range, and bighorn sheep winter range. The area is popular for hiking, fishing, hunting, and horseback riding. This CRA is within a state-defined source water assessment area. (Preservation/Conservation - #622.264.66000.002)

### **5-183 Public Concern: The Forest Service should consider the Grizzly Helena area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Grizzly Helena, upper tier recommendation: 6,100 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The Grizzly Helena Roadless Area lies on the eastern border of the Mount Zirkel Wilderness and provides habitat for the federally-listed Canada lynx (threatened) as well as essential habitat needs for bighorn sheep, boreal toad, mountain wood frog, and greater sandhill crane. The area is important habitat for ducks and waterfowl and buffleheads. The CDOW has determined that this CRA provides habitat for black bear, moose, mule deer, white-tailed deer, osprey, white-tailed ptarmigan, many passerine birds, small mammals, and raptor species. Many intermittent and perennial streams are present. Livingston Park is a scenic area with large meadows and beaver ponds. Three trails cross the area including the motorized Grizzly Helena Trail and the Rainbow Lake and Lost Ranger Trails. Recreation use includes motorcycling and mountain biking; ATV use has been increasing on this trail. Other activities include horseback riding, hiking, hunting, and camping. Winter recreation opportunities include cross-country skiing, ice fishing, sledding, and snowmobiling. A portion of the roadless area is in a state-defined source area for municipal water supply. (Preservation/Conservation - #622.181.66100.002)

### **5-184 Public Concern: The Forest Service should enlarge the upper tier area on the west side of Guanella.**

#### **TO INCLUDE SQUARE TOP MOUNTAIN AND LAKES AND SMELTER GULCH**

The HDPLC [Historic District Public Lands Commission] would recommend enlarging that Upper Tier area on the west side of the Guanella with the inclusion of Square Top Mountain and Lakes and Smelter Gulch to the south. (Regional other governmental agency (multi-jurisdictional), Georgetown, CO - #682.3.66100.620)

### **5-185 Public Concern: The Forest Service should consider the Gunbarrel CRA for upper tier protection.**

#### **TO PROTECT RIPARIAN AREAS**

Gunbarrel (WC Long Scraggy):

Gunbarrel Roadless Area lies on the ridge west of the South Platte River from Nighthawk to Trumbull and is dominated by the huge rocky outcrop of Long Scraggy that rises dramatically from the river canyon and tops out at 8,800 feet. Saloon Gulch, Gunbarrel Creek and Kelsey Creek carve the land west to east. About 9 percent of the area is riparian. WC recommends 7600 acres for the upper tier.

In 2002, the Hayman fire reached its northernmost limit in the Kelsey Creek area. While the burn cannot be seen from the east side, the erosion that followed the fire can be observed along County Road 67 north of Deckers, particularly at the egress of Saloon Gulch. The Upper South Platte Restoration Project is designed to thin the dense forest in the vicinity, and some operations adjacent to the roadless area are carried out along administratively closed routes from the west. (Preservation/Conservation, Colorado Springs, CO - #581.57.66000.260)

**5-186 Public Concern: The Forest Service should consider the Gypsum Creek CRA for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Gypsum Creek, upper tier recommendation: 15,900 acres.

Recommended in Alternative 2. Protection in upper tier would benefit wildlife, rare plants, backcountry recreation, and water supply.

The Gypsum Creek CRA consists of vast areas of steeply-rolling mountainsides covered with mixed conifer forests (Engelmann spruce/subalpine fir/lodgepole pine), interspersed with areas of sagebrush, pinyon/juniper, Gambel oak, and aspen forests.

This large CRA has had little historical disturbance and retains an excellent remote and primitive character. At least forty separate drainages radiate from the crest of adjacent Red Table Mountain, providing outstanding topographical diversity. The area contains important habitat for bighorn sheep, lynx, peregrine falcon, and is a deer and elk calving Area. The northwest portion of the CRA has been identified by the Colorado Department of Wildlife as one of ten trophy big game areas in the state. A sensitive plant species also occurs in the unit.

Because it lacks any large lakes or 14,000-foot peaks, there has been little recreational tourism in the Gypsum Creek CRA. This has allowed it to retain great capability for solitude and challenge. The unit is popular with hunters in the fall, and some outfitters run operations here, especially on the east side.

This area is within a state-defined source water assessment area. (Preservation/Conservation - #622.265.66100.002)

**5-187 Public Concern: The Forest Service should consider the Hardscrabble CRA for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Hardscrabble, upper tier recommendation: 1,900 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply.

Hardscrabble CRA is a rugged ridge, eight miles long, that runs northwest and southeast. It divides Gypsum Creek from Brush Creek. The CRA occupies the entire Gypsum Creek side of the mountain. The terrain on this side of Hardscrabble is very steep and deeply dissected by twelve creeks that plunge into the Gypsum Creek Valley. These slopes are generally brushy and open, while the top of Hardscrabble is covered in spruce/fir forest. The elevation at Gypsum Creek is 7,200 feet and rises dramatically to 10,499 feet on top of Hardscrabble Mountain.

Limited access to the interior of this large unit provides an outstanding opportunity to experience solitude in a rugged and scenic landscape. The area has fabulous hiking, horseback riding, and mountain biking, but overall use is low. It is a moderately popular hunting destination as well. This unit is a critical transitional zone for big game that graze along the top of Hardscrabble in the summer months and use the steeper, bare slopes as winter range.

Occupied and potential habitat is found in the area for Canada lynx, wolverine, marten, Northern goshawk, boreal owl, olive-sided flycatcher, flammulated owl, American 3-toed woodpecker, Brewer's sparrow, and Harrington's beardtongue, as well as deer and elk, black bear, and Merriam's turkeys.

This CRA is within a state-defined source water assessment area. (Preservation/Conservation - #622.266.66200.002)

Hardscrabble (WC Hardscrabble):

WC recommends 7800 acres for the upper tier. Hardscrabble in the Wet Mountains lies between North and South Hardscrabble Creeks, with Middle Hardscrabble draining the center of the area. About 7

percent is riparian area. The extreme topography of about 10,000 feet on the west side to 7,600 feet on the east encourages diversity of vegetation. The north side is Douglas-fir with some ponderosa pine and mountain shrublands, while the south side is mixed blocks of Douglas-fir, aspen, mountain shrublands, and a bit of Engelmann spruce-subalpine fir. There is a natural community of white fir-Colorado blue spruce-narrowleaf cottonwood/Rocky Mountain maple (*Abies concolor*-*Picea pungens*-*Populus angustifolia*/*Acer glabrum*), and prairie violet and Front Range alum-root are found in this area.

The whole roadless area is an elk production area; black bears concentrate here in the fall, and nearly 3/4 of the area is suitable denning and winter habitat for lynx. It is Mexican spotted owl designated critical habitat and had an active peregrine nest in 2008, as well as a small turkey production area. In 2010 CDOW listed the whole area as a greenback cutthroat trout watershed. The ruggedness of the area provides security for wildlife, as human encounters are likely rare in the interior.

Recreation here would be primarily bushwhacking into the interior on game trails. (Preservation/Conservation, Colorado Springs, CO - #581.61.66000.300)

## **5-188 Public Concern: The Forest Service should consider the Hay Park CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Hay Park, upper tier recommendation: 8,700 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, scenery, recreational opportunities, and water supply.

The Hay Park CRA occupies a large, mid-elevation area of rolling slopes on the northeast flanks of the massive Mount Sopris. This broad upland shield is heavily forested with spruce/fir and impressively large aspen stands. Many large open meadows relieve the woods and provide great views. Gambel oak is also common in the lower reaches of this unit. Many lakes, mostly small, dot the hillside.

The glacier-formed cirques of Mount Sopris dominate the area, and enormous rock glaciers generate the streams of Nettle, Prince, and Thomas Creeks, which flow into the Crystal River. East and West Sopris Creeks also flow through the unit on their way to the Roaring Fork River. Elevations range from 6,700 feet near the Crystal River to 10,492 feet on the divide between East and West Sopris Creeks.

The Hay Park CRA lies in the center of an area of heavy recreational activity. Mount Sopris and Thomas Lakes are extremely popular destinations for hikers and backpackers, and backcountry skiers. This is a popular access point into the Maroon Bells/Snowmass Wilderness Area. The Hay Park Trail has been adopted by a local bike club, and it is a popular ride, particularly in the fall when the aspens turn bright yellow. The area also receives use by hunters.

This unit has ecological importance as a roadless buffer between developments in the lower Crystal and Roaring Fork Valleys and the Maroon Bells/Snowmass Wilderness Area. Mid-elevation areas such as this are largely unprotected on public lands, but are especially critical for wildlife that use them as transitional zones between their high-elevation summer and low-elevation winter ranges. A significant amount of elk calving occurs within this CRA. West Sopris Creek is a fishery for Colorado River cutthroat trout. The area also provides bighorn habitat. The CRA is within a state-defined source water assessment area and much of the town of Carbondale's water comes from this CRA. (Preservation/Conservation - #622.267-268.66200.002)

## **5-189 Public Concern: The Forest Service should consider the HD Mountains CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the San Juan National Forest:

HD Mountains, upper tier recommendation: 25,000 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

The HD Mountains Roadless Area includes some of the highest quality old-growth ponderosa pine left in the San Juan Mountains and in the entire state of Colorado, with trees well over 250 years old, many exceeding three feet in diameter. The ponderosas' corklike bark glows red in late afternoon sunlight, while lush undergrowth fills the riparian zone below the ponderosas' canopy.

The HD Mountains contain numerous diverse micro-ecological habitats surrounding springs and riparian areas, and provide a landscape linkage to the tribal forests of the Southern Utes and Jicarilla Apaches as well as the Carson National Forest in New Mexico. The area provides prime habitat for turkeys, black bear, goshawk, and Mexican spotted owl. Old growth ponderosa pine stands in Ignacio Canyon have been identified as a potential RNA [Research Natural Area] by the USFS.

The terrain and absence of trails results in outstanding opportunities for solitude; primitive recreational opportunities are abundant and exceedingly high quality, requiring highly-developed backcountry skills. Recreational use is described as moderate, although a full range of activities are enjoyed in the roadless area, such as hiking, mountain-biking, and ATV use. There is a high concentration of cultural sites in the HD Mountains roadless area including archaic campsites, lithic and ceramic scatters, and habitations with subsurface architecture. There are also numerous old historic sites in the roadless area, from logging and ranching in the 19th and early 20th centuries. (Preservation/Conservation - #622.204.66200.002)

### **5-190 Public Concern: The Forest Service should grant the entire Hermosa Roadless Area upper tier protection.**

#### **TO PROTECT IMPORTANT DRAINAGES**

The Hermosa Roadless Area is a gem! The entire 148,100 acres needs to be protected as an upper tier area. It is a remarkable area that extends from the top of Hesperus Peak to the Dolores River. This roadless area provides a continuous (non-roaded) connection between the Animas river drainage and the Dolores river drainage - two major drainages in southwest Colorado. Rarely ever do we get the opportunity to protect such a connection and wildlife corridor. This should not be missed - declare the entire Hermosa Roadless Area as upper tier. (Individual, Mancos, CO - #226.5.66000.331)

### **5-191 Public Concern: The Forest Service should expand upper tier protections in the Hermosa CRA.**

#### **TO INCLUDE HERMOSA CREEK AND HERMOSA CREEK TRAIL**

[ATT 1] San Juan National Forest:

Hermosa Creek

Hermosa Creek Trail

CRA: Hermosa CRA, 148,103 acres (63,140 acres designated upper tier under Alternative 2)

Status: Upper tier under Alternative 4

Hermosa Creek (from approximately 37.6269, -107.924 to 37.4136, -107.835) is a long whitewater run north of Durango, flowing through the heart of the Hermosa CRA, and the Hermosa Creek Trail, paralleling the river through the length of the CRA, is an outstanding, nearly 20-mile-long section of singletrack, often described by mountain bikers with superlatives. While the west side of Hermosa Creek is currently proposed for the upper tier under Alternative 2, this entire area is worthy of upper tier protection given the value of this resource for hikers, mountain bikers, and kayakers. (Recreation/Conservation Organization, Washington, DC - #681.48.66000.510)

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the San Juan National Forest:

Hermosa, upper tier recommendation: 148,100 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide exceptional backcountry hunting and recreation opportunities, and safeguard water sources.

Hermosa Creek—as the largest unprotected roadless area in Colorado and the entirety of the Southern Rockies—encompasses one of Colorado's largest and most biologically-diverse forests, with elevations

ranging from between 7,000 and 13,200 feet. Hermosa Creek contains perhaps the most diverse array of forest habitats in the entire San Juan Mountains, with some of the largest stands of old-growth ponderosa pine remaining in Colorado, and its expansive backcountry hosts significant wildlife populations. Less than half of this critical roadless area is proposed for 'upper tier' protections.

The forests and high mountain meadows of the Hermosa Creek area provide big game production, summer, fall, and transitional habitats and the higher elevations provide excellent summer elk habitat. The Hermosa drainage is known for its quality elk calving areas and summer range. Recently, bighorn sheep have re-occupied historic range in the roadless area. Although lynx were not initially released in the area, their presence in the Hermosa Roadless Area is documented. Black bear depend on the area's abundant native grasses, shrubs, and forbs. The area is also important for mountain lions.

Bear Creek is the only entirely roadless tributary of the upper Dolores River and its watershed in combination with Hermosa Creek provides the only lower elevation, undeveloped landscape linkage between the Animas and Dolores drainages, creating an extremely important wildlife corridor. Bear Creek is surrounded by outstanding scenery and is a remarkable fishery for native trout of above average size. The Colorado River cutthroat trout, a Forest Service sensitive species, also occupies Hermosa Creek, Rio Lado, and its tributary streams. Other USFS sensitive species found in the Hermosa Roadless Area include: pine marten, flammulated owl, Northern leopard frog, Lewis' woodpecker, and others. The endangered peregrine falcon inhabits the area, nesting on the cliffs of Elbert Creek and Hermosa Cliffs. The area also provides habitat for the Mexican spotted owl. Williamson's sapsucker, gray jay, and Cooper's hawk thrive and nest in the mixed forest habitat. Merriam's turkey and blue grouse are plentiful. The proposed 8,000 acre Hermosa RNA [Research Natural Area] lies in this roadless area. Its key features include: old-growth forests, Colorado cutthroat trout, alpine tundra, spruce-fir forests, aspen forests, ponderosa pine forests, mixed conifer forests, and mountain shrublands.

Hermosa Roadless Area has high scenic values from its natural qualities and alpine peaks, providing an opportunity to enjoy backcountry opportunities that might otherwise be prohibited in designated Wilderness. Some of the more than 125 miles of trails that cross the roadless area are open to motorcycles and ATVs. Mountain-bike use is popular on many of the trails. Bear Creek offers a wide opportunity for most uses, including: motorcycling, snowmobiling, hiking, horseback-riding, mountain biking, fishing, backcountry skiing, and snowshoeing. The Highline Loop Trail flanks Bear Creek in its upper reaches, providing spectacular recreational access to the remote beauty of the drainage. The popular Hermosa Trail is open to all forms of backcountry recreation, and serves as one of the most popular and scenic mountain-bike routes in Colorado. Ten trails that branch from the main Hermosa Trail offer access to numerous remote portions of the roadless area, which receive little recreational use except during hunting season. A western spur descends along Bear Creek to the Dolores River. Visitors can traverse over the crest of the Las Platas, from the Animas to Dolores Rivers without crossing a road or encountering a sign of civilization. Stream fishing and fall hunting (outfitting/guiding) are primarily dispersed off-trail uses. Outfitters and guides use the area in their business operations. There are numerous records of historic and prehistoric sites in the of Hope Creek area, with artifacts including aspen art, culturally significant trails, stone tools and tool-making artifacts, and remnants of early European settlement. The Hermosa Roadless Area includes several source waters for municipal supplies. (Preservation/Conservation - #622.205-207.66200.002)

## **5-192 Public Concern: The Forest Service should ensure that the Highline area is afforded upper tier protection.**

Highline (WC Highline):

WC recommends 22,700 for the upper tier. Near the northern end of the Wet Mountains, Highline Roadless Area spans the mountain ridge from Oak Grade Road to Hardscrabble Creek. More than a dozen creeks, including Newlin Creek and Lewis Creek, drain the area. (Preservation/Conservation, Colorado Springs, CO - #581.62.66000.240)

### **TO PROTECT WILDLIFE HABITAT AND RIPARIAN AREAS**

Highline (WC Highline):

WC recommends 22,700 for the upper tier. The Highline Roadless Area is primarily Douglas-fir, with some smaller areas of ponderosa pine and aspen, and a significant area of piñon-juniper and mountain



shrubland on the north. Highline has about 10 percent riparian vegetation. Degener beardtongue, Front Range alum root and Selkirk violet grow here. A montane riparian forest (*Populus angustifolia* / *Alnus incana* Woodland) is found in this area. Black bear and mountain lion roam across the area, with areas of high bear activity in the summer and fall around the periphery of the area. Bighorn sheep have both summer and winter range on the south end and nearby foothills on the east. Mule deer have summer range across the whole areas with winter range on the east and south side. There is both summer and winter range across the area for elk, with an elk calving area on the northwest side. Lynx habitat, including good denning habitat, exists across the south half. Newlin Creek and its headwaters have one of the few remaining genetically pure populations of greenback cutthroat trout, and more than 1,000 acres is Designated Cutthroat Trout Habitat. Bird species include sightings as late as 2000 of Mexican spotted owls, active peregrine falcon nest(s), and turkey roosts and winter concentrations.

There are five PCAs [Potential Conservation Area] intersecting Highline, an indication of its biological richness: Curley Peak, Locke Park, Lion Canyon, Smith Creek and South Fourmile Creek. CNHP's Arkansas Valley Barrens network of conservation areas also intersects Highline. (Preservation/Conservation, Colorado Springs, CO - #581.64.66000.300)

### **5-193 Public Concern: The Forest Service should consider the Hightower area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Hightower, upper tier recommendation: 1,900 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources. (Preservation/Conservation - #622.79.66200.002)

### **5-194 Public Concern: The Forest Service should avoid designating the Hoosier Ridge area as upper tier.**

#### **TO AVOID LIMITING WILDFIRE AND FOREST HEALTH MANAGEMENT**

The Town [of Breckenridge] supports the standard tier roadless designation proposed for the Hoosier Ridge area under Alternative 2. We believe this best protects resource values while still allowing for necessary forest management initiatives. The Town is not supportive of the more restrictive upper tier roadless designation proposed for Hoosier Ridge under Alternative 4, because we feel it will limit our ability to address wildfire/forest management and watershed issues. The increased restrictions on tree cutting within the upper tier designation would detrimentally impact the identified need to protect the public health, safety and welfare of adjacent residents through prioritized wildfire hazard reduction efforts. If the upper tier designation is applied to Hoosier Ridge, we request that only the eastern half of the roadless area be designated as upper tier. (Town of Breckenridge, Breckenridge, CO - #680.4.66000.002)

### **5-195 Public Concern: The Forest Service should consider the Holy Cross area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Holy Cross:

The Holy Cross East roadless area is directly adjacent to the designated Holy Cross Wilderness. Wild Connections recommends 1200 acres for inclusion in Alternative 4, upper tier. Old logging and mining roads, now closed, can still be found on the ground here, and several routes are cherry stemmed, including the 4WD access road to the Tenth Mountain Division Hut. The Colorado Trail crosses the northern part of the roadless area.

Vegetation in the Holy Cross East roadless area is lodgepole pine on the east with Engelmann spruce-subalpine fir on the west, interspersed with some montane meadows, mountain shrubland and wetlands.

Several streams drain the areas toward the east including West Tennessee Creek, providing habitat for riparian species.

There is elk summer range across the area, winter range on the southeast, a sizeable elk production area on the northwest edge, and an elk migration corridor runs along its eastern edge. It also provides connectivity habitat for mule deer. Mountain lion and black bear are found in the area.

The Holy Cross area is crossed by a very high priority linkage for lynx, identified by the Forest Service, extending from the Holy Cross Wilderness in the White River National Forest eastward into the Mosquito Range complex by way of Tennessee Pass. Radio-collared lynx have been recorded by the Colorado Division of Wildlife in the vicinity.

CDOW has identified the area as watershed for both the Greenback cutthroat trout and the Colorado River cutthroat trout. This is also range for the boreal toad. (Preservation/Conservation, Colorado Springs, CO - #581.66.66200.300)

## **5-196 Public Concern: The Forest Service should expand the upper tier protections in Hoosier Ridge CRA.**

### **TO PROTECT WINTER RECREATION OPPORTUNITIES**

[ATT 1] White River National Forest:

Hoosier Ridge

CRA: Hoosier Ridge CRA, 8,920 acres (2,934 acres located in Pike-San Isabel National Forests)

Status: Partially protected under Alternative 4; new proposed upper tier area

Hoosier Ridge CRA, just south from Breckenridge, offers some of Colorado's finest opportunities for backcountry and Nordic skiing, as well as incredible Nordic touring. The area's primitive backcountry character should be protected by upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.54.66200.510)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Hoosier Ridge, upper tier recommendation: 6,000 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, rare alpine plants, backcountry recreation, and water supply.

The Hoosier Ridge CRA sits on the north side of the Continental Divide, between the upper Blue River and Pennsylvania Creek. Red Mountain (13,229 feet), a huge rounded arm of the Divide, occupies the center of the unit. Most of the area in this unit consists of high peaks, above treeline, and supports extensive alpine meadows and rugged screefields. Engelmann spruce and subalpine fir trees are scattered in the high basins, with lodgepole pines dominating the lower drainages. The elevation is 10,100 feet at the bottom of Pennsylvania Creek, and rises to 13,352 feet on the crest of Hoosier Ridge.

This area provides a roadless link between the White River and Pike-San Isabel National Forests, as well as a rugged, high corridor from the area where the Mosquito, Tenmile, and Gore Ranges converge to the Mount Evans Wilderness. This untrammled swath is surrounded by areas that were heavily mined in the past. The CRA provides excellent hiking and camping, as well as mountain biking, skiing, and snowshoeing.

The Hoosier Ridge Research Natural Area straddles the Continental Divide in this unit, and is considered a prime example of a native alpine ecosystem. Its vast alpine grasslands and subalpine forest provide habitat for ten rare plant species, including: Penland alpine fen mustard, sea pink, smooth rockcress, clawless draba, Gray's peak, whitlow-grass, slander cotton-grass, Hoosier Pass Ipomopsis, Kotzebue's grass-of-Pamassus, Porter's needle grass, ice cold buttercup, sphagnum moss. Boreal toads (recently petitioned for listing under the ESA [Endangered Species Act]) are known to exist in the area. There is habitat suitable for wolverines. This is also important habitat for the Canada lynx, ptarmigan, and a number of FS sensitive species.

This CRA is within a state-defined source water assessment area. (Preservation/Conservation - #622.269-270.66200.002)

**5-197 Public Concern: The Forest Service should consider the Hope Lake area for upper tier protection.****TO PROTECT VISUAL RESOURCES, HABITAT FOR CANADA LYNX, AND QUIET RECREATION OPPORTUNITIES**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Hope Lake\*

As part of a large roadless complex that includes land on the adjacent San Juan National Forest, the San Miguel area exhibits a pristine alpine environment. Open meadows, brilliant wildflowers, steep slopes, jagged peaks, clear lakes and streams, and diverse wildlife, including Canada lynx, are all represented. The area offers excellent opportunities for solitude and quiet-use recreational activities. (Place-Based Group, Ridgway, CO - #533.30.66000.002)

**TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Hope Lake, upper tier recommendation 6,600 acres.

Recommended from Alternative 2. Protection in upper tier would provide continued high-quality backcountry hunting and recreation opportunities, benefit wildlife, and safeguard water sources.

As part of a large roadless complex that includes adjacent roadless areas on the San Juan National Forest, the Hope Lake/San Miguel Area exhibits a pristine alpine environment. Open meadows, brilliant wildflowers, steep slopes, jagged peaks, clear lakes and streams, and diverse wildlife, including Canada lynx, are all represented. The area offers excellent opportunities for solitude and quiet-use recreational activities. There are many opportunities for various types of recreation including rock climbing, peak climbing, and backcountry skiing. This CRA is within a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.80.66100.002)

**5-198 Public Concern: The Forest Service should consider the Horn Creek area for upper tier protection.****TO PROTECT WILDLIFE HABITAT**

Sangre de Cristo: Alvarado Campground to Music Pass (WC Horn Creek-Crystal Falls-Upper Grape Creek):

Wild Connections recommends 7,900 acres for upper tier. All acres are also recommended by WC for designation as Wilderness.

The Horn Creek roadless area is predominantly aspen forest and Engelmann spruce/subalpine fir forest, with some lodgepole pine and bristle/limber pine areas. Mule deer and elk use summer range across the area. On the eastern edge of the area there is high summer bear activity, and mountain lions are found. Lynx denning and winter habitat is scattered. (Preservation/Conservation, Colorado Springs, CO - #581.137.66000.300)

**5-199 Public Concern: The Forest Service should consider the Horsefly Canyon Roadless Area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Horsefly Canyon, upper tier recommendation: 6,100 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Two potential conservation sites exist within the Horsefly Canyon Roadless Area—the San Miguel River Potential Conservation Area (identified by Colorado Natural Heritage Program) and San Miguel River Conservation Site (identified by The Nature Conservancy). Both are identified due to the forested

riparian habitats. This CRA includes overall ranges for black bear, mountain lion, turkey, mule deer and elk. The area contains habitat for Mexican spotted owl. Colorado River cutthroat trout occurs in Red Canyon and in Clear Creek upstream of the roadless area. Bald eagle winter range extends into this area. The area is adjacent to the San Miguel BLM Area of Critical Concern. Horsefly Trail is a non-motorized trail within the unit. Fishing and hunting occur within the canyon. This CRA is within a source water assessment area. (Preservation/Conservation - #622.81.66100.002)

## **5-200 Public Concern: The Forest Service should consider the Housetop Mountain CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Housetop Mountain, upper tier recommendation: 12,900 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, rare plants, and water supply.

Housetop Mountain CRA is located at the western edge of Battlement Mesa—a dramatic, 20-mile long east/west ridge dividing Plateau Creek from the Colorado River. The Housetop Mountain CRA occupies the north slope of the western half of this divide. The terrain is very steep with many rugged peaks on the ridgeline. The area is cut deeply by numerous V-shaped drainages, including Wallace Creek, Alkali Creek, and Horsethief Creek, that flow into the Colorado River. The CRA is characterized by various plant systems, including Douglas fir, spruce-fir, spruce-fir-aspen, aspen, pinyon-juniper, oak, serviceberry, and sage. It also provides very rare habitat for the DeBeque phacelia which has been listed as a candidate species for protection under the ESA [Endangered Species Act]. Elevations range from 5,800 feet at Alkali Creek to 9,289 feet on Horse Mountain. Rugged terrain and difficult access have kept this area completely undeveloped. This may be the least-visited Area on the WRNF [White River National Forest], even during hunting season. The arid mountains within this CRA represent an unusual ecosystem on the WRNF.

Housetop Mountain supports a year-round herd of bighorn sheep that is considered imperiled. This herd exhibits distinctive characteristics. Sheep are physically smaller in size than most and they live at lower elevations than other herds in the state. Other wildlife utilizing the area include mule deer, elk, mountain lions and black bears. All of these species utilize the area year-round because of the relative isolation and the lack of human disturbance.

Oil and gas development along the edges of this CRA could potentially drive wildlife out of the CRA to less suitable habitat. [Footnote 9: See Citizens for Roadless Defense, Housetop Mountain Roadless Area, <http://www.wroadless.org/p-housetop-mtn-163.html> (accessed

7/29/10); see also Colorado Division of Wildlife (CDOW), “Recommendations to the State Inventoried Roadless Area Task Force on the White River National Forest Inventoried Roadless Areas,” June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on “White River/Manti La Sal”.] The area also has Great Basin silverspot, Rocky Mountain thistle, and DeBeque phacella. Loggerhead shrike and mountain goat habitat is also present in the area. The CRA is within a state-defined source water assessment area. (Preservation/Conservation - #622.271-272.66200.200)

## **5-201 Public Concern: The Forest Service should consider the Hunter and North Independent A CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Hunter and North Independent A, upper tier recommendations: 1,100 and 3,000 acres.

Recommended in Alternative 2. Protection in upper tier would benefit wildlife, unique plant communities, recreation, and water supply.

The Hunter and North Independent A CRAs mostly occupy the northwestern portion of the massive, hulking plateau of Smuggler Mountain. The Hunter CRA is situated on the Hunter Creek side of this

plateau and features gently rolling spruce/fir forest that drops steeply north to Hunter Creek. The North Independent A CRA is situated on the Roaring Fork side of the plateau and consists of a broad shield of gently sloping forest that plunges steeply 1,500 feet down to the Roaring Fork River. Minor creeks inhabit the surface, but do not form deep drainages. The North Independent A CRA also occupies the long strip of very steep south-facing hillside that looms above the Roaring Fork and below the Hunter-Fryingpan Wilderness boundary. These slopes feature numerous outcrops of gray granite interspersed with conifers and aspens.

The eastern half of the North Independent A CRA is largely important as a buffer that lessens the impact of heavily-developed areas upon adjacent Wilderness Areas. The very steep terrain of this area prohibits much recreation or development. The steep sections of the North Independent A unit feature numerous rock-climbing areas that receive fairly heavy use in summer.

The portions of these units that are on Smuggler Mountain are valuable as large areas of continuous forest. Wildlife are drawn to the peaty meadows of Warren Lakes, and travel through these units extensively. Big game are present in the summer. The Benedict Huts of the 10th Mountain Hut Association are at Warren Lakes, and are a popular winter destination for backcountry skiers. Warren Lakes receives most traffic during the hunting season, but is generally a very quiet place. Warren Lakes has recently been recognized for its unique peat bog ecosystem. The area hosts Atlat cotton-grass, russet cotton-grass, slender cotton-grass, and sphagnum moss. It is a catchment for Hunter Creek and important to the Colorado River cutthroat [trout] that live in that creek. The Hunter and North Independent A CRAs are two of seven that are contiguous with the Hunter-Fryingpan and Mount Massive Wilderness Areas. Together, these comprise a roadless complex of over 144,000 acres (225 square miles). Both CRAs are part of a state-defined source water assessment area. (Preservation/Conservation - #622.273-274.66100.002)

## **5-202 Public Concern: The Forest Service should consider the Huntsman Ridge area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Huntsman Ridge, upper tier recommendation: 10,600 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Part of the 2001 Drift Creek IRA, Huntsman Ridge Roadless Area is within The Nature Conservancy's McClure Pass Conservation Site. This area is year-round habitat for moose and provides calving areas and summer range for elk, as well as winter range at the lower elevations. Summer range for mule deer, black bear, and turkey also occur here. Lynx habitat has been mapped in this area. Clear Fork Muddy Creek, Second Creek, North Twin Creek, and South Twin Creek are designated native cutthroat waters. These streams contain conservation populations of Colorado River cutthroat trout. Several purple martin nesting colonies occur in this CRA. The Audubon Society has identified this area as an important bird area due to the presence of these colonies. Northern goshawk and flammulated owl also inhabit portions of the area with large diameter aspen. This CRA lies within a delineated source water assessment area (municipal water supply). Greater than 70 percent of this assessment area is managed by the FS and is recognized as having a high value for domestic water supply. (Preservation/Conservation - #622.82.66200.200)

## **5-203 Public Concern: The Forest Service should consider the Huntsman Ridge, Munsey/Erickson, and Tomahawk areas for upper tier protection.**

### **TO PROTECT WATER RESOURCES FROM THE EFFECTS OF VEHICULAR USE**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Huntsman Ridge, Munsey/ Erickson, and Tomahawk\*

These areas are a natural extension and boundary area of the Raggeds Wilderness Area. They are very important for connectivity for wildlife movement to the Grand mesa locales. Upper tier protection in this area would also avoid adverse sedimentation to area streams due to vehicular use of the area. It would also avoid causing an increase in game damage in the area caused by vehicular use on new roads pushing elk onto the adjoining private lands in the winter season. (Place-Based Group, Ridgway, CO - #533.39.66000.002)

## **5-204 Public Concern: The Forest Service should consider the Indian Peaks Adjacent area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Indian Peaks Adjacent, upper tier recommendation: 16,100 acres.

Recommended from Alternative 4. Protection in upper tier would ensure continued enjoyment of popular backcountry hunting and recreation opportunities, safeguard water sources, and benefit wildlife.

Recreational opportunities abound in the Indian Peaks Adjacent Roadless Area, which is comprised of several units that adjoin the Indian Peaks Wilderness, provides a wealth of backcountry recreational opportunities not far from the Front Range. Day hikers and campers are rewarded with quiet forests, rushing streams, and high mountain lakes. Cross-country skiing, backpacking, mountain biking, fishing, hunting, and snowmobiling are all popular uses of these lands.

Lodgepole pine is the most common tree found in the Indian Peaks Adjacent Roadless Area with some ponderosa pine at lower elevations. Barren tundra is found in the highest lands, and there are stands of bristlecone pine. Elk have calves and gather in the summer and the area includes an important migration corridor for elk. Bighorn sheep are known to use the area, along with moose, which concentrate in the winter here. The roadless lands include lynx denning habitat. Numerous sensitive birds are known to inhabit or move through the area, including the golden-crowned kinglet, warbling vireo, hairy woodpecker, bald eagle, osprey, and ptarmigan. The roadless lands include high-quality wetlands and riparian areas, and other habitats for amphibians, and for both Colorado River and greenback cutthroat trout. Boreal toads found in the area are a candidate for listing under the ESA [Endangered Species Act] and are globally critically imperiled. Several species of mollusks that are found in the roadless areas are vulnerable in Colorado, and the area contains several native grasses that are critically imperiled in Colorado, as well.

The Indian Peaks Adjacent Areas include numerous source waters for municipal water supplies. (Preservation/Conservation - #622.27-28.66200.002)

## **5-205 Public Concern: The Forest Service should consider the Indian Ridge area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Indian Ridge, upper tier recommendation: 1,600 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The Indian Ridge Roadless Area sits just below the Continental Divide of the San Juan Mountains at the headwaters of Bear Creek, a tributary to the Rio Grande. Indian Ridge is dominated by Engelmann spruce and sub-alpine forests and is cooler in temperature relative to Beartown RA, and provides cool fen wetlands and dark cool spruce/fir forests. Purple lady slipper, grouseberry, and corn husk lily are some of the plants that can be found in the area. Above timberline, you may find many kinds of buttercups, Indian paintbrush, umbrella starwort, king's crown and alpine forget-me-nots.

The Rio Grande headwaters watershed provides surface and groundwater for the communities of the Upper Rio Grande including Creede, South Fork, Del Norte, Monte Vista, Alamosa, La Jara and the communities below.

Elk and mule deer use this area when the snow begins to melt until heavy snowfall occurs. Beaver, moose, lynx, mountain lion, coyote, hairy woodpecker, pine grosbeak, red crossbills, and golden eagle are some of the wildlife that might be seen in the area. Fishing, hunting, and backpacking are the most common types of recreation. Hiking to the top of Indian Ridge provides awesome views of the San Juan Needle Range and the power of large ice sheets from past glacial era. (Preservation/Conservation - #622.148.66200.002)

## **5-206 Public Concern: The Forest Service should consider the Italian Mountain area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Italian Mountain, upper tier recommendation: 4,200 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Part of the 2001 Elk Mountain-Collegiate IRA, Italian Mountain Roadless Area provides a high dominant ridge vista as viewed from the Cottonwood Pass Road, containing the prominent peaks of Lambertson, Italian, and Tilton Peaks. The entire CRA lies within the Nature Conservancy's large Cottonwood Pass Conservation Site. Two Potential Conservation Areas (Mt. Tilton and Italian Mountain) have been identified in this area for alpine plant species. Black bear summer range covers this area, in addition to a human conflict area and a fall concentration area identified in Cement Creek. The CRA is within elk summer range, including important elk summer concentration habitat. Migration paths for both elk and mule deer pass through this area. Lynx habitat occurs within this area and several lynx locations have been recorded. The alpine areas provide white-tailed ptarmigan habitat. A Colorado River cutthroat trout population exists in an unnamed tributary to Italian Creek within this CRA. The roadless area includes source waters for municipal supplies. (Preservation/Conservation - #622.83.66200.002)

## **5-207 Public Concern: The Forest Service should consider the James Peak area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

James Peak, upper tier recommendation: 2,200 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

The James Peak Area is mostly mixed conifer and spruce-fir forests below tree line with large areas of alpine tundra above tree line. The headwaters of the Fraser River and its tributaries Flora Creek, Perry Creek, and Jim Creek are in the area. The Fraser River is a major tributary of the Colorado River and the area includes source waters for municipal supplies.

James Peak is the most prominent peak in the James Peak Roadless Area that lies directly across the Continental Divide from the James Peak Wilderness, which was designated in 2002. Opportunities for recreation in the James Peak Area include a very scenic hike along a ridge north of Berthoud Pass on the western boundary of the James Peak Area. The Rogers Pass Trail from Rollins Pass Road is between two sections of the James Peak Area. The Continental Divide National Scenic Trail follows the east boundary of the Roadless Area and accesses James Peak, which is a popular day-hike destination. Other trails include Jim Creek, Rogers Pass, Corona, and Rollins Pass. Snowmobiling, including guided tours, is popular in the northern part of the area. A limited amount of mountain biking occurs in the area.

Moose gather here, and the unit is part of an important migration corridor for Canada lynx that are listed as threatened under the ESA [Endangered Species Act] and are critically imperiled in Colorado. The polixenes arctic butterfly found in the James Peak Area is vulnerable in Colorado. Rare plants in the area include the Gray's peak witlow grass and clawless draba plant (both globally imperiled); and the Rocky

Mountain arctic jutta and low fleabane plants (imperiled in Colorado). (Preservation/Conservation - #622.29.66200.002)

## **5-208 Public Concern: The Forest Service should preserve upper tier protections in Jefferson CRA.**

### **TO PROTECT THE KENOSHA PASS PORTION OF THE COLORADO TRAIL**

[ATT 1] Pike-San Isabel National Forests:

Kenosha Pass

CRA: Jefferson CRA, 10,902 acres

Status: Upper tier under Alternative 4

The section of the Colorado Trail from the trailhead at Kenosha Pass (approximately 39.41293, -105.75876) to Georgia Pass (approximately 39.456525, -105.911374) is a popular section of trail with both hikers and mountain bikers, passing through the Jefferson CRA. While all of the Colorado Trail merits upper tier protection, this popular section in particular should be protected through upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.39.66200.510)

### **TO PROTECT WILDLIFE HABITAT, RECREATION, AND VEGETATION COMMUNITIES**

Jefferson:

WC recommends 10,200 acres for the upper tier. Jefferson extends from the top of the Continental Divide on the north down to the Colorado Trail in South Park on the south. The eastern edge is bounded by Hall Valley, and the west by Michigan Creek. The Wild Connections Conservation Plan recommends the area be designated as wilderness north of the Colorado Trail and suggest the roadless area be extended to the south to reach the Michigan Creek Road. The southern extension is designated as core reserve. The roadless area ranges from 9000 to 12,000 feet in elevation and has a cherry stem that allows access to Jefferson Lake for fishermen and boaters.

The area is mostly forest with lodgepole pine and aspen at the lower elevations and subalpine fir and Douglas fir in the upper regions. Large stands of bristle cone pine are found throughout the area. While some of the lower elevation bristle cone pines are young, 12 inches in diameter, larger ones were found in the isolated valleys that ranged from 3 to 4 feet in diameter (DBH). The area is home to elk, deer, bear and mountain lion. The area is lynx denning and winter habitat (USFS), and is boreal toad habitat (CDOW 2010). It is a watershed for cutthroat habitat (CDOW 2010) and important watershed for front range cities and the area also is home to the mountain plover (CDOW 2009) a USFS and BLM sensitive species. The lower elevations provide severe winter range for elk and deer (CDOW 2010).

This area is especially important for a variety of species and serves as a core reserve due to the undisturbed nature of the area which has very few designated trails that infringe on the roadless area itself, making the interior truly pristine. Much of the forested area west of Jefferson Lake and along the Colorado Trail fits the definition of "old growth," with jack straw downed trees and large diameter Douglas and Subalpine fir. (Preservation/Conservation, Colorado Springs, CO - #581.69.66000.300)

## **5-209 Public Concern: The Forest Service should consider the Johnson Basin area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Johnson Basin, upper tier recommendation: 8,500 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Part of the 2001 Johnson Creek IRA, Johnson Basin is among a set of proposed Colorado Roadless Areas that lie along the western edge of the Uncompahgre Plateau and the GMUG [Grand Mesa, Uncompahgre, Gunnison] National Forest. This region provides secure wildlife habitat in an area facing likely-increasing industrial activity. This area is used by elk, deer, black bears, Merriam's turkey and blue grouse throughout the summer, fall and winter. This area is also historic Columbian sharp-tailed



grouse habitat and potential lynx habitat. It also provides remarkable quiet recreational opportunities due to its remoteness and canyon lands. The roadless area includes source waters for municipal supplies. (Preservation/Conservation - #622.84.66200.002)

#### **TO PROTECT THE ATKINSON BENCH TRAIL**

[ATT 1] Grand Mesa-Uncompahgre-Gunnison National Forests:

Atkinson Bench Trail

CRA: Johnson Basin CRA, 11,943 acres

Status: Upper tier under Alternative 4

The Atkinson Bench Trail winds its way north-south from approximately 38.503037, -108.600933 to approximately 38.483946, -108.585470. The 4.4-mile long trail approximates the western boundary of the Johnson Basin CRA. Flowing through scenic groves of aspen, the trail is popular with hikers, mountain bikers, and horseback riders. (Recreation/Conservation Organization, Washington, DC - #681.33.66200.510)

### **5-210 Public Concern: The Forest Service should consider the Kannah Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT, QUIET RECREATION OPPORTUNITIES, AND THE MUNICIPAL WATERSHED FOR GRAND JUNCTION**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Kannah Creek\*

This large area occupies the western slopes of the Grand Mesa, exhibiting a vast diversity of habitat from piñon-juniper and riparian to aspen and spruce-fir. Kannah Creek is important not only for the wildlife habitat and quiet recreation it provides, but also because it serves as the municipal watershed for the City of Grand Junction. The proposed roadless area just touches the edge of the BLM's Adobe Badlands WSA. (Place-Based Group, Ridgeway, CO - #533.36.66000.002)

#### **TO PROTECT FLOWING PARK AND KANNAH CREEK TRAILS**

[ATT 1] Grand Mesa-Uncompahgre-Gunnison National Forests:

Flowing Park

Kannah Creek

CRA: Kannah Creek CRA, 34,594 acres

Status: Upper tier under Alternative 4

Flowing Park mountain bike trail begins off road A S-52 4/10 at approximately 38.955451, -108.102321. The trail heads to the southwest and makes a loop through the southern half of the Kannah Creek CRA with a western tip at approximately 38.898482, -108.180681. Because of the trail's high elevation, it offers relief from summer heat, and it is popular with cross-country skiers in winter.

Kannah Creek trail begins off G S Road at approximately 38.960921, -108.230813 and can be ridden as an out-and-back to approximately 38.944459, -108.161071. This trail offers technical single-track in a high elevation setting.

These areas are valuable components of the Fruita and Grand Junction area's world class trail network, and should be protected with upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.31.66200.510)

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Kannah Creek, upper tier recommendation: 34,600 acres.

Recommended from Alternative 4. Protection in upper tier would safeguard water sources, provide important backcountry hunting and recreation opportunities, and benefit wildlife.

This large area occupies the western slopes of the Grand Mesa, exhibiting a vast diversity of habitat from pinon-juniper and riparian to aspen and spruce-fir. Kannah Creek is popular for hiking and mountain biking, and is a municipal watershed for the city of Grand Junction, which has estimated its economic value 'conservatively' at \$184 million and urged maintaining roadless protections for the area. The area is marketed as the Grand Mesa Back Country Non-Motorized Recreation Area. Eight non-motorized recreation trails are located in the roadless area, popular with mountain bike users. The trail system receives heavy spring and fall use and moderate summer use.

Kannah Creek is important wildlife habitat. Ranging from 6,000 ft. to 10,300 ft. in elevation, the area includes mid-elevation lands and a wide variety of plant systems that vary with elevation. The area connects with the Bureau of Land Management's Adobe Badlands Wilderness Study Area, providing crucial migratory routes between summer and winter range. Kannah Creek is home to a variety of wildlife species including black bear, bobcat, elk, mountain lion, mule deer, and wild turkey. Elk use the Kannah Creek year-round, and the area is winter range and severe winter range for elk. It also provides a large elk calving area. The area is also winter and summer range for mule deer, and provides for winter deer concentrations. (Preservation/Conservation - #622.85.66200.002)

## **5-211 Public Concern: The Forest Service should ensure that the Kaufman Ridge is afforded upper tier protection.**

### **TO PROTECT NATURAL RESOURCES**

Kaufman Ridge (WC Kauffman Ridge):

WC recommends 10,200 acres for the upper tier. Kaufman Ridge follows the ridge south of Trout Creek Pass along the Chaffee and Park County line for some ten miles.

The headwaters for Trout Creek are in the center of the roadless area. Mountain parklands, wooded areas, interesting rock outcrops, and freshwater springs are all found in this roadless area. Natural caves and quarries are also found here. (Preservation/Conservation, Colorado Springs, CO - #581.72.66000.220)

## **5-212 Public Concern: The Forest Service should consider the Kelly Creek area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Kelly Creek, upper tier recommendation: 7,900 acres.

Recommended from Alternative 2. Protection in upper tier would benefit wildlife, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and safeguard water sources.

Great scenic views of forests, meadows, distant hills, and valleys are a key feature of Kelly Creek Roadless Area. Scrublands are found in the lower regions of the roadless area, which ranges in elevation from 8,500 to 10,200 feet. In the fall, aspen groves glow in the sunlight, contrasting with lodgepole pine along the ridges of the Vasequez Mountains.

The Forest Service identifies Kelly Creek as "unique as an undisturbed, lower elevation ecosystem with old growth lodgepole pine stands important aquatic, riparian and wetland area, supporting diverse wildlife habitats. The area receives minimal human use outside of hunting seasons making it a valuable refuge for wildlife."

Black bear gather in the summer and fall. Elk have calves, gather in the summer and winter, and spend severe winters in the Kelly Creek Area. Moose gather in units, as well. The roadless area includes lynx habitat, and Kelly, Cub, and Little Muddy Creeks support a population of Colorado River cutthroat trout between them. The Hot Sulphur Springs State Wildlife Area is almost adjacent to the northwest corner of the roadless area.

Opportunities for recreation in the Kelly Creek Area include hunting for black bear, deer, elk, and small game. The headwaters of both Kelly Creek and of Beaver Creek are in the roadless area. DeKoevend Lake (8,656 feet) is a small lake on the southwest boundary of the roadless area, which is a source area for municipal water supplies. (Preservation/Conservation - #622.30.66100.002)

## **5-213 Public Concern: The Forest Service should consider the Kelso Mesa area for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT AND QUIET RECREATION OPPORTUNITIES**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Kelso Mesa\*

The largest area of roadless landscape on National Forest land on the Uncompahgre Plateau, Kelso is characterized by high quality riparian habitat and stunning old-growth Ponderosa pine forests. The Kelso landscape is adjacent to the upper stretches of Dominguez Canyons and offers unique opportunities for solitude, quiet-use recreation, and horse pack-in hunting. The area is bounded on the east by public and private property. This is a very rugged and steep area. This is a great overall range for deer and elk, from calving and fawning to winter range. Much of this country has been known to hold large numbers of both. This area is inhabited by turkey, mountain lion, black bear, chukar, blue grouse, various raptors, desert bighorn, the occasional lynx and now potentially moose. This area is also known to be historic Columbian sharp-tail grouse habitat and Gunnison's sage grouse. (Place-Based Group, Ridgeway, CO - #533.34.66000.330)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Kelso Mesa, upper tier recommendation: 13,400 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The largest area of roadless landscape on National Forest land on the Uncompahgre Plateau, Kelso is characterized by high quality riparian habitat and stunning old-growth Ponderosa pine forests. The Kelso Roadless Area includes the upper reaches of the Escalante canyon system, part of the newly designated Dominguez/Escalante National Conservation Area. The roadless area is part of The Nature Conservancy's Escalante River Conservation Site and the Escalante Creek Potential Conservation Area in recognition of riparian forest and shrubland types.

This is a great overall range for deer and elk, from calving and fawning to winter range, with elevations ranging from 6,600 ft. to 9,200 ft. on the forest, and down into desert riparian areas in the Dominguez and Escalante Canyons. Much of this country has been known to hold large numbers of both. This area is inhabited by turkey, mountain lion, black bear, chukar, blue grouse, various raptors, desert bighorn, the occasional lynx and now potentially moose. This area is also known to be historic Columbian sharp-tail grouse habitat and Gunnison sage grouse. Bald eagle winter range extends into the area.

Riparian habitats occur along the drainages of North Fork Escalante Creek, Kelso Creek, and Middle Fork Escalante Creek, and the area includes source waters for municipal supplies. The area sees most of its use during the fall big game season, and offers unique opportunities for solitude, quiet-use recreation, and horse pack-in hunting for much of the year. (Preservation/Conservation - #622.86.66200.002)

## **5-214 Public Concern: The Forest Service should consider the Kettle Lakes area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Kettle Lakes, upper tier recommendation: 9,200 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

Contiguous with the Mount Zirkel Wilderness, with elevations ranging from 5,575 to 14,410 feet, the Kettle Lakes Roadless Area is extensively used for a variety of recreational activities. Trails access the adjacent Mount Zirkel Wilderness. The Grizzly Helena Trail, which is open to OHVs, runs through portions of the Kettle Lakes Roadless Area. Another motorized trail bisects the area north to south, and is a featured trail on the state OHV map. Big Lake Campground, which is large and receives heavy use,

is just outside the boundary. The spring water system for the campground is located within the CRA. The CRA has a unique glacial pothole region and two large natural lakes (Upper and Lower Big Creek Lakes). The glacial pothole area is designated as the Kettle Lakes Research Natural Area and has high scenic values. This CRA provides potential habitat for lynx, and essential habitat for bighorn sheep, black bear, bufflehead, elk, mule deer, moose, mountain lion, osprey, white-tailed deer, and many passerine bird, small mammal, and raptor species. (Preservation/Conservation - #622.182.66200.002)

### **5-215 Public Concern: The Forest Service should consider the Kitty Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Kitty Creek, upper tier recommendation: 1,500 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.149.66200.002)

### **5-216 Public Concern: The Forest Service should consider the Kreutzer-Princeton area for upper tier protection.**

Kreutzer-Princeton (WC Kreutzer-Princeton):

WC recommends 10,200 acres for upper tier. The Kreutzer-Princeton is shaped like a horseshoe running from Gladstone Ridge on the north, across the crest of the range along the Continental Divide, including Mount Kreutzer, to Mt. Princeton and its western ridges. Between these high alpine ridges, South Cottonwood Creek forms a deep forested basin in the center.

Seven PCAs [Potential Conservation Area] intersect or are contained within Kreutzer-Princeton, an indication of the area's biological diversity: Middle/South Cottonwood Creeks and Mount Princeton PCAs are rated as of high significance, with Chalk Creeks, Cottonwood Pass, Maxwell Creek, Sprout Lake and Upper Morgans Gulch at lower significance. (Preservation/Conservation, Colorado Springs, CO - #581.78.66000.310)

### **5-217 Public Concern: The Forest Service should consider the Lake Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT**

Sangre de Cristo: Lake Creek to Hermit Creek:

WC recommends 8500 acres for the upper tier. This area is listed in the WCCP as Lake Creek/Greenleaf Creek. It is recommended by Wild Connections [WC] for Wilderness designation.

Lake Creek:

The Lake Creek roadless area is on the east side of the Sangre de Cristo range at the northern end of the Wet Mountain Valley approximately four miles west of Hillside, and directly adjacent on the north, west, and south to the Sangre de Cristo Wilderness.

The area is predominantly alpine tundra, barren ground, and Engelmann spruce/subalpine fir forest, with Douglas-fir and lodgepole pine in the lower elevations. Rare plants found in the area include dwarf hawksbeard and grassyslope sedge.

On the eastern edge there is high summer bear activity, and mountain lions are found. Elk and mule deer use summer range across the area, with a sizeable calving area to the north along the National Forest front. An elk migration corridor extends from the Lake Creek area into the Wet Mountain Valley. There is little lynx habitat in Lake Creek area itself, but it adjoins a large area of suitable habitat within the designated Wilderness to the north.

The South Lake Creek drainage is without trails and leads to a rocky, seldom-visited valley below Eagle Peak, perhaps the least human-impacted of the drainages excluded from the 1993 Wilderness designation. The North Lake Creek drainage contains a large cherry stem road corridor extending to past

Balman Reservoir, an area heavily used by anglers and campers, to Rainbow Lake and a number of smaller glacial lakes, and then on up the valley to the Cloverdale Mine.

The Nature Conservancy's Conservation Portfolio has a very large unit of moderately high conservation value which spans the Sangre de Cristo Mountains, and overlaps all but the eastern side of Lake Creek. (Preservation/Conservation, Colorado Springs, CO - #581.143.66000.300)

## **5-218 Public Concern: The Forest Service should consider the Lake Fork area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Lake Fork, upper tier recommendation: 4,100 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

Lake Fork Roadless Area, on the western side of the Rio Grande National Forest, is near Cochetopa Pass and the northern boundary of La Garita Wilderness. Lake Fork RA resides in the Saguache Creek watershed, which provides surface and groundwater for the communities of Saguache, Moffat, Hopper, Mosca and the surrounding ranches and farms in the closed basin. This roadless area occupies the northern sub-alpine slopes of the La Garita caldera, which was created by a massive super volcano some 28 million years ago. Bristlecone and limber pine trees can be found on exposed windblown rock ridges. Engelmann spruce, sub-alpine and aspen trees can be found throughout the area. Some large expansive grassland mountain parks of fescue and sedges can be found on more level ground. The Saguache State Park is located on the east boundary of this RA, and provides excellent trout fishing. Table Mountain is a large 2,000-acre-plus expansive mesa above 11,000 feet with excellent sub-alpine and alpine plants, which include many kinds of buttercups, umbrella starwort, king's crown and alpine forget-me-nots.

The Colorado Natural Heritage Program has proposed the North Fork of Saguache Creek as a unique mix of cespitosa community with a global and state rank likely restricted to only a portion of Colorado and not susceptible to immediate threats. However, the North Fork west of Chimney Rock has a vulnerable plant community of *Salix geyeriana*/mesic forbs and may be susceptible to large-scale disturbances, and has a "High Biodiversity Significance".

The headwaters of Lake Fork RA provides important elk production habitat. Mule deer can be found during late spring through early fall months. Six air miles west on the slopes of the San Luis Peak, a large productive bighorn sheep herd can be found. Ruby crowned kinglets, yellow-romped warblers, black bears and coyote are some of the wildlife that might be seen. An unknown drainage near the Lake Fork drainage contains a core population of Rio Grande cutthroat [trout] according to the 2004 Colorado Division of Wildlife Conservation Plan for Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*), while Saguache State Park provides excellent trout fishing of native and nonnative trout. (Preservation/Conservation - #622.150-151.66200.002)

## **5-219 Public Concern: The Forest Service should consider the Last Dollar-Sheep Creek area for upper tier protection.**

### **TO PROTECT ITS WILDERNESS CHARACTERISTICS AND WILDLIFE HABITAT**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Last Dollar-Sheep Creek\*

This 6,400-acre area contains all of the wilderness qualities of the Sneffels Wilderness. The area is characterized by diverse vegetative types and provides excellent elk habitat and wildlife linkages. (Place-Based Group, Ridgeway, CO - #533.31.66000.002)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Last Dollar/Sheep Creek, upper tier recommendation: 4,000 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

This 6,400-acre area contains all of the wilderness qualities of the Sneffels Wilderness. The area is characterized by diverse vegetative types and provides excellent elk habitat and wildlife linkages. The Roadless Area includes source waters for municipal supplies. (Preservation/Conservation - #622.87.66100.200)

## **5-220 Public Concern: The Forest Service should consider the Lion Gulch area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Lion Gulch, upper tier recommendation: 1,200 acres.

Recommended from Alternative 4. Protection in upper tier would ensure continued enjoyment of popular backcountry hunting and recreation opportunities, safeguard water sources, and benefit wildlife.

At elevations ranging from 6,800 to 9,290 feet, the Lion Gulch Area is one of the lowest-elevation roadless areas in Colorado, providing a wealth of habitat value. Elk have calves, gather in the winter, spend severe winters, and migrate across the Lion Gulch Area. Black bears gather in the summer and fall, and deer migrate to and from the Lion Gulch Area. Habitat for numerous sensitive, endangered, and threatened species is found here including the lynx, greenback trout, Northern goshawk, Townsend's big-eared bat, flammulated owl, Lewis' woodpecker, boreal toad, Northern leopard frog, wood frog, three-toed woodpecker, pygmy shrew, marten, boreal owl, peregrine falcon, and olive-sided flycatcher. The Preble's meadow jumping mouse, found in the Lion Gulch Area, is listed as threatened under the ESA [Endangered Species Act] and is critically imperiled in Colorado.

The creeks through the Lion Gulch Area flow into the Little Thompson River, part of the South Platte River system and the area is a source water area for municipal water supplies.

The Lion Gulch Roadless Area also contains the Homestead Meadows National Historic District, where you can find remains of eight historical homesteads built in the late 1800s-early 1900s. The Lion Gulch Trail, which crosses the area, receives a lot of recreational use near the Historical District, including use by hunters and wildlife watchers. Hiking, horseback riding, hunting, and viewing historical structures are popular recreation activities. Elsewhere in the roadless area, however, solitude is plentiful. The Colorado Division of Wildlife considers the area an important elk harvesting unit. (Preservation/Conservation - #622.31.66200.002)

## **5-221 Public Concern: The Forest Service should consider the Little Cimarron area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Little Cimarron, upper tier recommendation: 4,200 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Part of the 2001 Uncompahgre IRA, the Little Cimarron Roadless Area rises above both the Big Cimarron and Little Cimarron drainages, popular recreation destinations. Within the core of the roadless area, the rugged landscape and dense vegetation offers opportunities for solitude and a sense of remoteness. Little Cimarron Potential Conservation Area extends into the CRA, designated for montane riparian habitats types. The area provides summer habitat for black bear, turkey, mule deer, and elk. Moose are also likely to inhabit this area. This area has been identified as potential lynx habitat. It includes the watershed around East Fork of the Cimarron River which contains Colorado River cutthroat trout. White-tailed ptarmigan habitat exists within the alpine habitats. This area is mapped as bighorn sheep overall range with some summer and winter range areas. The roadless lands include source areas for municipal supplies. (Preservation/Conservation - #622.88.66100.002)

## **5-222 Public Concern: The Forest Service should consider Little Fountain Creek for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT, VEGETATION COMMUNITIES, AND BIODIVERSITY**

Little Fountain Creek (WC Beaver Creek):

WC recommends 7600 acres in the upper tier. The area is recommended for Wilderness, a research natural area, and as important connective habitat.

The Little Fountain Creek Roadless Area was never included in the 2001 Roadless Area Conservation Rule inventory. It was added to the inventory as part of the CRA process.

The Wild Connections Conservation Plan calls for Wilderness designation of a portion of the Forest Service roadless area as part of the greater Beaver Creek proposed Wilderness. The proposed wilderness is part of the Citizens' Wilderness Proposal for BLM Lands which was introduced as legislation by Representative Diana DeGette. Benefits considered in recommending Wilderness include: permanent protection to enhance wildlife habitat and connectivity, protect sources of domestic water, provide for native plant and animal species, and balance motorized, high impact recreation in other parts of the complex with opportunities for quiet, challenging back country recreation. The Beaver Creek Wilderness will also increase the effectiveness of wildlife connectivity, protection, and dispersal by adding Wilderness in a complex which currently does not have any existing permanent protective status designations.

The Forest Service portion is primarily Douglas-fir with some aspen in the Turkey Creek headwaters, ponderosa pine on the east and a few scattered areas of mountain shrubland near the BLM boundary. Within the proposed wilderness as a whole, the great range in elevation from 6,000 feet in the south to nearly 10,000 feet in the north, the headwaters of Rock Creek and Little Fountain Creek, and the major riparian zones of East and West Beaver Creek all contribute to the biodiversity of the area.

Natural communities of importance include three types of montane riparian forest narrowleaf cottonwood- Douglas-fir, narrowleaf cottonwood/thinleaf alder, and narrowleaf cottonwood/Rocky Mountain juniper, as well as thinleaf alder/mesic graminoid, montane riparian shrubland, water birch/mesic forb, foothills riparian shrubland, and Geyer's willow-Rocky mountain willow/mesic forb. Rare plants include birdbill day-flower, gay-feather, New Mexico cliff fern, prairie goldenrod, and yellow lady's slipper.

The area provides critical habitat for a number of species. Summer bear activity is high across the whole area, with high fall activity. Bighorn sheep have both summer and winter range across the central portion. Mule deer and elk use the entire area in summer, with concentrations of winter range. This is also mountain lion country. Mexican spotted owl and American peregrine falcon are rare birds of Beaver Creek, with the canyons providing ideal habitat. The owls frequent Phantom Canyon on the west and the general Turkey Creek canyons on the east, migrating seasonally. They are one of the few breeding populations left on the southern mountain front.

Four Potential Conservation Areas (PCAs) of CNHP are located in the area. Beaver Creek is listed as core Wilderness in SREP's [Southern Rockies Ecosystem Project] Vision. The Nature Conservancy's Aiken Canyon Preserve is adjacent to the Beaver Creek area on the northeast, providing an important area of protected land in the rapidly developing exurban area west of Highway 115. (Preservation/Conservation, Colorado Springs, CO - #581.80-81.62000.002)

## **5-223 Public Concern: The Forest Service should consider the Little Green Creek area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Little Green Creek, upper tier recommendation: 800 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit native trout and wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

Adjacent to the Sarvis Creek Wilderness, with elevations ranging from 5,575 to 14,410 feet, Little Green Creek Roadless Area includes watersheds that are critically important to populations of Colorado River

cutthroat trout [CRCT]. Five hundred indigenous adult Colorado River cutthroat trout were recorded in the two-mile-long Little Green Creek in the Little Green Creek Area. According to the CDOW, the Roadless Area provides habitat for an unaltered pure (A-strain) conservation population of CRCT while adjacent streams may provide opportunities to enhance conservation populations, maintain genetic diversity, create metapopulations, and expand existing range for their recovery. The CDOW has also determined that this CRA just east of the Sarvis Creek Wilderness Area provides habitat needs for black bear, elk, mule deer, Northern goshawk, peregrine falcon, and is suitable habitat for lynx and wolverine. This CRA is in a state-defined source water assessment area (municipal water supply). Opportunities for primitive recreation are limited, because of the slope, vegetation, and the lack of a trail system. However, recreation use includes mountain biking, hiking, and hunting. (Preservation/Conservation - #622.183.66200.355)

## **5-224 Public Concern: The Forest Service should ensure that upper tier protections are retained in the Long Canyon CRA.**

### **TO PROTECT BLUE CREEK TRAIL**

[ATT 1] Grand Mesa-Uncompahgre-Gunnison National Forests:

Blue Creek Trail

CRA: Long Canyon CRA, 17,165 acres

Status: Upper tier under Alternative 4

The Blue Creek trailhead is located off the west side of FR 402 (Divide Road), just south of FR 408 (Dominguez Road) at approximately 38.619371, -108.667270. The trail, open for hiking, horseback riding, and mountain biking, runs west for five miles, before ending at trail 643, Leonard's Ridge trail. Running through the heart of the Long Canyon CRA, this area should be protected through upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.32.66200.510)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Long Canyon, upper tier recommendation: 17,200 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Long Canyon (2001 Matchless IRA) is among a set of proposed mid-elevation Colorado Roadless Areas that lie along the western edge of the Uncompahgre Plateau and the GMUG [Grand Mesa, Uncompahgre, Gunnison] National Forest. This region provides secure wildlife habitat in an area facing likely increasing industrial activity. This area is used by elk, deer, black bears, Merriam's turkey and blue grouse throughout the summer, fall and winter. This area is also historic Columbian sharp-tailed grouse habitat and potential lynx habitat. It also provides remarkable quiet recreational opportunities due to its remoteness and canyon lands.

Existing vegetation includes pinyon-juniper at the lower elevations, mixed with Gambel oak into aspen and ponderosa pine mixed forests at the higher elevations. This area includes some winter range for the bald eagle.

The area is bordered by a series of roads, providing access, and several recreation trails (mechanized, motorized and non-motorized) are within the roadless area. The BLM lands below the Forest are heavily-roaded due to uranium exploration. The presence of this dense road system makes the protection of these natural lands all the more important. Two motorized single-tracks are a component of a larger motorized recreation system, providing north-south travel through the area. This CRA is within a source area for municipal water supplies. (Preservation/Conservation - #622.89.66200.002)



**5-225 Public Concern: The Forest Service should consider the Long Canyon, Johnson Basin, and Windy Point areas for upper tier protection.****TO PROTECT WILDLIFE HABITAT FROM INDUSTRIAL ACTIVITY**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Long Canyon, Johnson Basin and Windy Point\*

Forming an important series of areas on the western boundary of the GMUG Grand Mesa Uncompahgre Gunnison National Forest on the Uncompahgre Plateau, this region should provide a barrier of protection for wildlife from the probable neighborhood of industrial activity that could occur west of the area. This area is used by elk, deer, black bears, Merriams turkey and blue grouse throughout the summer, fall and winter. This area is also historic Columbian sharp-tailed grouse habitat and potential lynx habitat. It also provides remarkable quiet recreational opportunities due to its remoteness and canyon lands. (Place-Based Group, Ridgway, CO - #533.41.66000.002)

**5-226 Public Concern: The Forest Service should consider the Long Park area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Long Park, upper tier recommendation: 24,500 acres.

Recommended from Alternative 4. Protection in upper tier would ensure continued opportunities for outstanding backcountry hunting and recreation opportunities, safeguard water sources, and benefit wildlife.

The Long Park Roadless Area receives heavy recreational use because of the variety of opportunities offered near to the town of Steamboat Springs. The Steamboat Springs watershed supply is also in this CRA. The internationally popular Fish Creek Falls Trail is a designated National Recreation Trail. All trails in the area are open to bicycles and several receive heavy use. Mountain View Trail connects Long Lake and Mount Werner and is designed specifically for mountain bikes. Snowfall accumulations are among the highest in the state, attracting winter recreationalists including snowshoers and backcountry skiers. Much of the roadless area is open to winter motorized use, and a system of snowmobile trails runs through the area. Use also takes place off trail, especially in the eastern portion. With elevations ranging from 5,575 to 14,410 feet, the roadless area offers tremendous habitat values as well. Cover and habitat type range from scrub oak and aspen at lower elevations, to spruce/fir forests, and eventually small areas of tundra, at higher elevations. The area includes numerous willow-dominated parks, riparian areas, and lakes. The CDOW has determined the area provides essential habitat needs for black bear, elk, mule deer, Northern goshawk, and cutthroat trout. (Preservation/Conservation - #622.184.66200.002)

**5-227 Public Concern: The Forest Service should consider the Lost Creek area for upper tier protection.****TO PROTECT WILDLIFE HABITAT AND PLANT COMMUNITIES**

Lost Creek: East, South, and West:

All three areas are adjacent to the Lost Creek Wilderness on the north and west sides. The rule does not recommend any Alternative 4 acres, however WC recommends: 3500 acres in Lost Creek East, 100 acres in Lost Creek South, and 10,800 acres in Lost Creek West for the upper tier.

The McCurdy Mountain proposed RNA [Research Natural Area], some 13,600 acres, lies within the existing Lost Creek Wilderness, and in a portion of Lost Creek South. Peregrine falcons are documented in McCurdy Mountain together with a rare Colorado blue spruce/water birch plant community. McCurdy Mountain has high-quality subalpine carrs and fens, excellent representation of upland, wetland ecosystems, and old-growth Engelmann spruce and bristlecone pine. The Center for Native Ecosystems lists the proposed RNA as an area of high conservation significance.

In all three areas the management objective is to provide high quality, all-season habitat, forage, cover, escape terrain, solitude breeding habitat, and protection for a variety of wildlife species and associated plant communities. The National Forest lands on the western slopes of the Tarryall Mountains (Tarryall Creek), in the central Puma Hills (Tarryall), and along the northern (Buffalo Creek and Hall Valley) and southern (Thirtynine-Thirtyone) boundaries of the complex are included in this theme. These lands connect the Lost Creek Wilderness, North Tarryall Creek, Farnum, and Puma Hills Roadless Areas to South Park on the west and the South Platte Canyons to the east. (Preservation/Conservation, Colorado Springs, CO - #581.84.66200.330)

## **5-228 Public Concern: The Forest Service should consider the Lower Piney CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Lower Piney, upper tier recommendation: 13,500 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreation, and water supply.

The Lower Piney CRA occupies a large portion of the Piney River drainage. This River begins at Piney Lake, north of Vail, and flows into the Colorado River. The north portion of the unit is on Piney Ridge, which separates Piney River from Sheephorn Creek. Many wooded tributary drainages dissect the landscape, which ranges in elevation from 7,800 feet on the Piney River to 11,107 feet at Chimney Rock. Spruce/fir forests dominate the hills, with lodgepole pine and aspen in the drainages.

The area supports a large herd of elk, as well as many deer, and provides an important corridor between the Eagles Nest Wilderness and lower-elevation BLM and state-owned rangelands in the Kremmling area, and to the northern Gore Range. The area acts as a buffer to private lands and wilderness. It is used by hunters in the fall and snowmobilers in the winter. Piney River supports an impressive diversity of native plants, and provides wonderful fishing opportunities. The area offers high quality habitat for deer and elk, as well as Colorado River cutthroat trout, Canada lynx, moose, snowshoe hare, and a number of Forest Service sensitive species.

Lower Piney is the largest of 12 roadless areas that are contiguous with the Eagles Nest Wilderness Area, which together form a roadless complex of over 168,000 acres (262 square miles). It is adjacent to a mandatory Class I airshed, the Eagles Nest Wilderness, and it is within a state-designated source water assessment area. (Preservation/Conservation - #622.275.66200.002)

## **5-229 Public Concern: The Forest Service should consider the Mad Creek area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Mad Creek, upper tier recommendation: 24,300 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife especially big game, provide backcountry hunting and recreation opportunities, and safeguard water sources.

The Mad Creek Roadless Area shares more than twenty miles of boundary with the Mount Zirkel Wilderness. Elevations range from 7,200 to 10,000 feet. Key elk winter range is on the lower elevation, oak-covered hillsides. According to the CDOW, the lower elevations of this CRA have more than 6,000 acres of big game winter range that are essential to the elk herd in Game Management Unit 14. There are outstanding views of the Yampa Valley and the Elk River Valley. All trails are open to bicycle travel; at least three routes get heavy use. Most of the area is open to snowmobilers. Part of the Soda Creek headwaters is in this CRA. Mad Creek and Big Creek cross the CRA from their headwaters in the Mount Zirkel Wilderness. All of these creeks flow to the Yampa River. This CRA is in a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.185.66200.002)

## **5-230 Public Concern: The Forest Service should remove upper tier protections from the Mad Creek Basin.**

### **TO PROTECT HYDRO-ELECTRIC POWER OPPORTUNITIES**

We [Phil and Sally Buckland] obtain our domestic, irrigation and hydro-electric power from the Mad Creek Basin which has always had roads in the basin. The roads have always been used for watershed and hydro management. The proposed Colorado Roadless Areas would preclude forest health management involving tree-cutting and may lead to larger areas of dead trees and potentially larger and more damaging wildfires. These restrictions will result in a greater risk of severe events and increased costs to us and entire Town of Empire.

Watershed protection ordinances [boundaries shown on map [see ATT1]] are already in place for municipalities authorized under Colorado law. The Town of Empire under Colorado is empowered to protect their and our water source.

We request that the upper tier designations be removed from the Colorado Roadless Rule. (Private Land Inholding Owner, Empire, CO - #752.2.66000.240)

## **5-231 Public Concern: The Forest Service should expand the upper tier protections in the Mad Creek, Long Park, and Walton Peak CRAs.**

### **TO INCLUDE RABBIT EARS PASS, RABBIT EARS PEAK, FISH CREEK, NORTH FORK FISH CREEK, AND BUFFALO PASS**

[ATT 1] Routt National Forest:

Rabbit Ears Pass

Rabbit Ears Peak

Fish Creek

North Fork Fish Creek

Buffalo Pass

CRA: Mad Creek CRA, 24,305 acres; Long Park CRA, 42,111 acres; Walton Peak CRA, 5,258 acres

Status: Partially protected under Alternative 4; new proposed upper tier area

The Rabbit Ears Pass area, to the north of Highway 40 and to the west of Rabbit Ears Pass (40.384520, -106.611888) offers many opportunities for cross-country skiing and snowshoeing in a quiet winter landscape within the Long Park CRA. The area includes wintertime routes like Bruce's Trail, Fox Curve Loop, Hogan Park Trail, West Summit Loop 1A, and West Summit Loop 1B. Rabbit Ears Peak offers spectacular views from atop its visually compelling volcanic tower.

To the south of Highway 40, popular wintertime routes exist in the Walton Peak CRA, including the North Walton Peak Loop, Par-a-lel Route, and the South Summit Loop. Walton Peak itself (40.35440, -106.6992) and the surrounding area is popular for hiking, skiing, and snowshoeing for Steamboat Springs area residents and visitors.

Fish Creek and the North Fork of Fish Creek are two steep-creek whitewater runs flowing west into Steamboat Springs from the northern part of the Long Park CRA. While the most commonly boated section of Fish Creek—from Fish Creek Falls (approximately 40.481777, -106.772260) to Steamboat Springs—is outside the boundaries of the CRA, upper tier designation would help to protect water quality in this outstanding small stream. The North Fork of Fish Creek is an outstanding steep creek run within the CRA itself for the approximately one-mile section above the confluence with Fish Creek.

Buffalo Pass (summit at approximately 40.532440, -106.667331) and CR 38 divide the Long Park CRA to the south and Mad Creek CRA to the north. Both areas are popular destinations for backcountry skiing, particularly in the areas surrounding Soda Mountain and Buffalo Mountain.

In addition to its other many recreation opportunities, portions of the Colorado Trail and the Continental Divide Trail pass through the Long Park CRA. These valuable outdoor recreation resources should be protected through upper tier designation for the Mad Creek, Long Park, and Walton Peak CRAs. (Recreation/Conservation Organization, Washington, DC - #681.44-45.66000.510)

## **5-232 Public Concern: The Forest Service should consider the Mamm Peak CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Mamm Peak, upper tier recommendation: 25,300 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supply, and help to ensure habitat connectivity on a landscape scale.

Mamm Peak CRA is surrounded by relatively high disturbance, including motorized use, timber harvesting, and oil and gas development. These intense activities make continued and high-level protection of the area more important.

The area has prodigious wildlife, including CRCT [Colorado River cutthroat trout] in the Battlement Reservoirs, Battlement Creek and Mamm Creek. This is a fall concentration Area for black bears and is known as the best black bear core habitat in the entire state. Although difficult access minimizes public recreation in the unit, outfitters have guided hunters and horseback riders through the area for a long time. [Footnote 10: Unfortunately though, the East Mamm Creek portion of the unit was despoiled in the summer of 2005 by a 1.5 mile long road and 6 acre well pad for two exploration wells. A second generation outfitter, whose clients had a long record of successful hunts and several state records, was permanently displaced from this area. Should these initial exploratory wells prove productive, dozens more may follow and the required road, well pad, and pipeline construction on steep and unstable slopes could cause mass land wasting and certainly destroy the areas wildlife habitat values. Citizens for Roadless Defense, Mamm Peak Roadless Area, <http://www.wroadless.org/p-mamm-peak-164.html> (accessed 7/29/10).]

The CRA is mapped as potential lynx habitat and overlaps with the Mamm Creek Lynx Analysis Unit (LAU). Importantly the WRNF [White River National Forest] Forest Plan was amended in 2008 to ensure adequate protection of the federally-listed Canada lynx. [Footnote 11: USDA Forest Service, Rocky Mountain Region, Southern Rockies Lynx Management Direction: Record of Decision (“Lynx ROD”) (signed Oct. 28, 2008), [http://www.fs.fed.us/r2/projects/lynx/documents/record\\_of\\_decision.pdf](http://www.fs.fed.us/r2/projects/lynx/documents/record_of_decision.pdf) (accessed 7/29/10).] Under the alternative adopted, the FS must “assure that all management projects in lynx habitat will consider the need to maintain habitat connectivity within and between LAUs and in linkage areas.” [Footnote 12: Id. at 17.] The USFS also noted that “[c]oordination among different land management agencies and landowners is important to the recovery of lynx, because lynx have large home ranges and may move long distances. . . . This objective is the same among all alternatives.” [Footnote 13: Id.] DOW records indicate that the area has been utilized by lynx. [Footnote 14: See Colorado Division of Wildlife (CDOW), “Recommendations to the State Inventoried Roadless Area Task Force on the White River National forest Inventoried Roadless Areas,” June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on “White River/Manti La Sal”.]

DOW also notes of the surrounding landscape: “both public and private [[lands]] are experiencing tremendous amounts of natural gas development, and without the roadless characteristics of this IRA, impacts could be detrimental to many wildlife species.” [Footnote 15: Id.] The important habitat this area provides, combined with encroaching development, make it about the most important puzzle piece to protect in the long-term if we intend to maintain any connectivity between Battlement Mesa and points east. This area is also within a state-defined source water assessment area. (Preservation/Conservation - #622.276-278.66200.002)

## **5-233 Public Concern: The Forest Service should consider the Maryland Creek CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Maryland Creek, upper tier recommendation: 800 acres.

Recommended in Alternative 4. Upper tier protection would benefit wildlife, backcountry recreation, and water supply.

The area around Silverthorne has grown rapidly, and many subdivisions and developed ranches lie in close proximity to the Eagle Nest Wilderness Area. Small roadless areas such as the Maryland Creek CRA provide a much-needed buffer between these developments and the Wilderness boundary. They limit incidences of motorized trespassing from private property, and help to reduce the impacts of urbanization upon the Wilderness.

The terrain consists of mellow east-facing slopes, becoming flatter toward the valley floor. The vegetation consists of stands of lodgepole pines and aspens, interspersed with mountain shrublands.

The riparian corridors along the many creeks in the area provide excellent wildlife habitat. The Rock Creek drainage has a unique diversity of song birds and neo-tropical migratory birds. The area has lynx habitat and lynx presence has been documented in this CRA. The area also provides habitat for a number of FS sensitive species.

The CRA is heavily used for hiking, cross-country skiing, camping, and horseback riding.

This CRA is one of twelve Roadless Areas that are contiguous with the Eagles Nest Wilderness. Together, these form a roadless complex of over 168,000 acres (262 square miles). It is within a state-defined source water assessment area and adjacent to a mandatory Class I airshed. (Preservation/Conservation - #622.279.66200.002)

## **5-234 Public Concern: The Forest Service should consider the Matchless Mountain area for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT, AND RECREATIONAL AND VISUAL RESOURCES**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Matchless Mountain\*

The south side of the Matchless Mountain area contains the steep north canyon wall of Taylor Canyon, an important Big Horn Sheep production area. These rocky spires give way to conifered upper slopes, providing good lynx denning habitat, and mid-elevational forest habitat for goshawk, pine marten and elk. The area offers hiking and peak climbing opportunities to 12,000-plus foot Matchless, South Matchless, and Baldy Mountains, which all afford grand views across Taylor Park to the Collegiate Range, and the Three Apostles. This is valuable, mid-elevation interior forest habitat. (Place-Based Group, Ridgeway, CO - #533.24.66000.330)

### **TO PROTECT THE DOCTOR PARK TRAIL**

[ATT 1] Grand Mesa-Uncompahgre-Gunnison National Forests:

Doctor Park

CRA: Matchless Mountain CRA, 26,999 acres

Status: Upper tier under Alternative 4

Doctor Park is a third classic Crested Butte area mountain bike ride. The trail can be ridden as a loop, beginning with an approximately 8 mile ride from the North Bank Campground up Spring Hill Road (CO Road 744), or as a shuttle, eliminating the road portion of the ride. The off-road portion of the ride begins on trail 554 at approximately 38.825250, -106.727410 and heads south through the Matchless Mountain CRA to finish back at North Bank Campground (approximately 38.730317, -106.757728). This scenic, classic, and accessible resource deserves upper tier protection. (Recreation/Conservation Organization, Washington, DC - #681.30.66200.510)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Matchless Mountain, upper tier recommendation: 27,000 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

The south side of the Matchless Mountain Roadless Area contains the steep wall of Taylor Canyon, an important bighorn sheep lambing area. The protection of the area's production areas may be critical for herd survival. Rocky spires give way to conifer forest on upper slopes, providing good lynx denning habitat, and mid-elevation forest habitat for goshawk, pine marten and elk. This CRA provides summer habitat for mule deer and elk production areas, summer concentration habitat, and winter range. It is a major complex of migration routes for both elk and mule deer. The southern boundary of the area is a fall concentration area for black bear. The unit is also bald eagle winter range. White-tail ptarmigan habitat occurs in the alpine areas.

The area offers hiking and peak climbing opportunities to 12,000-plus foot Matchless, South Matchless, and Baldy Mountains, which all afford grand views across Taylor Park to the Collegiate Range, and the Three Apostles. This is valuable, mid-elevation interior forest habitat. The area has a high degree of naturalness. There are three single-track motorized trails within the area. One of these trails being the Gunnison Spur of the Colorado Trail which is considered a premier mountain bike route. Although the unit has rugged terrain and dense vegetation, it is just above developments, roads, and traffic along Taylor Canyon Road. Sights and sounds from Taylor Park are evident from within the area. Motorized trails run throughout the area and motorized recreation occurs on the reservoir. The area provides a low opportunity for remoteness and solitude. This CRA lies within a source water assessment area (municipal water supply). Over 70 percent of this assessment area is managed by the FS and is recognized as having a high value for domestic water supply. (Preservation/Conservation - #622.90-91.66200.002)

### **5-235 Public Concern: The Forest Service should consider the Matterhorn area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Matterhorn, upper tier recommendation: 3,500 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources. (Preservation/Conservation - #622.92.66100.002)

### **5-236 Public Concern: The Forest Service should consider the May Creek Roadless Area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT AND PLANT COMMUNITIES**

Sangre de Cristo: Medano Pass to Carbonate Mountain

The Wild Connections Conservation Plan shows the area as: Carbonate Mountain/May Creek. Both areas are recommended for Wilderness designation. WC recommends 6900 acres for the upper tier.

The May Creek roadless area is predominantly aspen forest, with some Douglas-fir, ponderosa pine and Engelmann spruce-subalpine fir, merging with foothills and montane grassland along its eastern boundary, thereby representing lower elevation plant communities.

On the eastern edge of the area there is high summer bear activity, and mountain lions are found. There is a large area of winter range for pronghorn just to the east of May Creek. Elk and deer use summer range across the area, with CDOW designated severe winter range for both. There are elk calving areas on the north side. Lynx denning and winter habitat is found across the area.

Because of the relatively low elevation of the Sangre de Cristo crest in this area, it forms the lower portion of a natural migration corridor over the range and into the Great Sand Dunes National Park and Preserve, on the west side of the range, and on into the San Luis Valley.

The Nature Conservancy's Conservation Portfolio moderately high conservation value Sangre de Cristo Mountains unit covers all of May Creek. (Preservation/Conservation, Colorado Springs, CO - #581.146.66000.300)

**5-237 Public Concern: The Forest Service should consider the McClure Pass CRA for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

McClure Pass, upper tier recommendation: 2,200 acres.

Recommended in Alternative 4. Upper tier protection would benefit wildlife, backcountry recreation, and water supply.

The McClure Pass CRA is perched on the northeast slopes of Chair Mountain, and includes the steep hillsides above Colorado Highway 133. The area is an extension of the Raggeds. The terrain consists of the jagged Chair Mountain peaks that drain steeply to the Crystal River via Chair Creek. The hillside is forested with aspens along the Crystal and at McClure Pass, and spruce/fir higher up. This unit features massive avalanche paths that have scoured trees from their drainages. The elevation range from 7,700 feet at the Crystal River to 11,885 north of Chair Mountain represents over 4,000 feet of vertical relief in just 2 miles.

The McClure Pass Area is important as an extension to the protected Raggeds Wilderness Area to the south. Wildlife move between the Raggeds and the Huntsman Ridge/Thompson Creek and on over to the Battlement Mesa area via McClure Pass. The area is important to landowners on the southwest boundary of the unit for accessing the Raggeds Wilderness. The area has potential and occupied habitat for Canada lynx, FS listed sensitive species, and mountain goats. There is a nesting site of purple martins within this CRA. The area is used for skiing, hiking and hunting. It is within a state-defined source water assessment area. (Preservation/Conservation - #622.280.66200.002)

**5-238 Public Concern: The Forest Service should consider the McFarlane CRA for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

McFarlane, upper tier recommendation: 400 acres.

Recommended in Alternative 4. Upper tier protection would benefit wildlife, backcountry recreation, and water supply.

The McFarlane CRA occupies very steep and densely-timbered east-facing slopes. It is situated on east side of Aspen Mountain at the northern end of Richmond Ridge. A few avalanche paths cut through the spruce/fir forest, which gives way to aspens along the Roaring Fork River. Elevations in the unit range from 8,000 feet along the river, to 10,600 feet at its southern end. The McFarlane Roadless Area is largely important as a buffer that lessens the impact of heavily-developed areas upon adjacent Wilderness Areas. The very steep terrain of this area prohibits serious recreation or development, so they act as de facto wilderness areas. The McFarlane unit receives winter use as a backcountry skiing area accessible from Aspen Mountain Ski Area, but few people go all the way to the road. It is also used for hunting during fall months.

The area contains occupied and potential habitat for Canada lynx and numerous FS listed sensitive species. There are also boreal toads (just petitioned for listing under the ESA [Endangered Species Act]) in the area.

The McFarlane Roadless Area is one of several that are contiguous with the 168,000-acre Collegiate Peaks Wilderness Area, which together form another huge roadless complex. The CRA is also within a state-defined source water assessment area. (Preservation/Conservation - #622.281.66200.002)

**5-239 Public Concern: The Forest Service should consider the Meadow Mountain A CRA for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Meadow Mountain A, upper tier recommendation: 900 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreation, and water supply.

The Meadow Mountain A CRA occupies fairly steep and heavily-forested north-facing slopes at the extreme north end of the Sawatch Range. McCoy, West Grouse, and Grouse Creeks flow through the unit into the Eagle River. The CRA acts as a buffer between the heavily-developed Beaver Creek area and the Holy Cross Wilderness. Along with Meadow Mountain B, it helps to dilute the impact of constant construction and loud human traffic upon the Wilderness.

The area includes open meadows and undisturbed riparian areas. It is an important elk calving area and provides some transitional habitat. The CRA provides occupied and potential habitat for Canada lynx and numerous FS listed sensitive species. The area is used extensively for recreational use by hikers, runners, and bikers. It is also a popular hunting Area. This Roadless Area is adjacent to the Beaver Creek Ski Area. And it is within a state-defined source water assessment area. (Preservation/Conservation - #622.282.66200.002)

## **5-240 Public Concern: The Forest Service should consider the Meadow Mountain B CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Meadow Mountain B, upper tier recommendation: 100 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreation, and water supply.

This CRA occupies fairly steep and heavily-forested north-facing slopes at the extreme north end of the Sawatch Range. McCoy, West Grouse, and Grouse Creeks flow through these units into the Eagle River. Meadow Mountain B features a vast sloping shield blanketed in spruce/fir forest. This gives way to huge sloped meadows above Minturn.

The area acts as a buffer between heavily-developed Beaver Creek and the Holy Cross Wilderness. Together with Meadow Mountain A, this CRA dilutes the impact of constant construction and loud human traffic upon the Wilderness. Meadow Mountain B has importance as a recreational hiking Area for the residents of Minturn. Stone Creek, on the western edge of Meadow Mountain B RA, is critical elk calving habitat. This Roadless Area is adjacent to the Beaver Creek Ski Area. It is also within a state-defined source water assessment area. (Preservation/Conservation - #622.283.66200.002)

## **5-241 Public Concern: The Forest Service should consider the Mendicant area for upper tier protection.**

### **TO PROTECT ELK AND BROOK TROUT HABITAT FROM EFFECTS OF ROADS AND VEHICLES**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Mendicant\*

There is a lot of pressure from ATV traffic on the lower end of this unit. There have been many user created ATV trails that have diminished the pristine quality and hunting experience in this area. The upper part of North Dyer Creek serves as an elk calf nursery which indicates that the area also serves as an elk calving ground in the lower aspen grooves. In mild winters, the lower end of the unit serves as winter range, thus keeping elk off of even lower private ranches. Dyer Creek and its several branches sustain a brook trout fishery that would be impacted negatively by silt and sedimentation from roads and trails crossing the Dyers (West, North, South and main). The remoteness of current access assures a solitude type fishing experience. (Place-Based Group, Ridgeway, CO - #533.43.66000.002)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Mendicant, upper tier recommendation: 19,100 acres.



Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

The Mendicant Roadless Area (part of the 2001 West Elks IRA) provides a critical range in habitat and migratory routes between winter and summer range. Black bear use the area for summer range with fall concentration occurring in Virginia Creek. Turkey, mule deer, and elk use the area for summer range. The upper part of North Dyer Creek serves as an elk calf nursery which indicates that the area also serves as an elk calving ground in the lower aspen groves. In mild winters, the lower end of the unit serves as winter range, thus keeping elk off private ranches. Dyer Creek and its several branches sustain a brook trout fishery which would be impacted negatively by silt and sedimentation from roads. This area is within The Nature Conservancy's Crested Butte Conservation Site. A portion of the Upper Smith Fork Drainage PCA extends into this area. Lynx habitat is mapped in this area. Colorado River cutthroat trout occurs in South Smith Fork in the roadless area.

Adjacent to the West Elk Wilderness, this area is heavily used during the fall hunting season. The remoteness of current access assures a solitude-type fishing experience. Despite heavy ATV use in some areas, opportunities for a sense of solitude and remoteness are vast. This CRA is within a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.93.66200.002)

### **5-242 Public Concern: The Forest Service should consider the Methodist Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT**

Methodist Mountain:

WC recommends 6500 acres for the upper tier. The Methodist Mountain Roadless Area is the complex's northernmost roadless area, lying at the extreme northern end of the Sangre de Cristo Wilderness.

The area is predominantly Engelmann spruce/subalpine fir forest and Douglas-fir, with some aspen lodgepole pine and bristlecone/limber pine areas. The area includes summer and winter range for both mule deer and elk. There are winter elk concentrations and an elk calving area on the north side, and an elk migration corridor passes just to the south of the area. Mountain lion and black bear can be found in appropriate habitats. In addition to lynx denning and winter habitat for lynx it is part of the larger Monarch Pass to Poncha Pass high priority linkage identified by both the Forest Service and The Southern Rockies Ecosystem Project. This linkage provides a key migration corridor for lynx and other wildlife, connecting large areas of suitable habitat along the east slope of the Sangre de Cristo with even larger areas in the Sawatch/Cochetopa Hills nexus west of Poncha Pass. (Preservation/Conservation, Colorado Springs, CO - #581.86.66000.300)

### **5-243 Public Concern: The Forest Service should consider the Middle Alder area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Middle Alder, upper tier recommendation: 2,400 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.152.66200.002)

### **5-244 Public Concern: The Forest Service should consider the Miller Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Miller Creek, upper tier recommendation: 1,000 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.153.66200.002)

### **5-245 Public Concern: The Forest Service should consider the Mineral Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT, RECREATION OPPORTUNITIES, AND DOMESTIC WATER SUPPLIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Mineral Mountain, upper tier recommendation: 1,600 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

The Mineral Mountain Roadless Area is directly adjacent to the La Garita Wilderness and includes the gentle slopes below Mineral Mountain and the steeply sloping canyon sides above Sheep Creek. This roadless area includes good lynx and goshawk habitat. Bringing the boundary down closer to Sheep Creek makes the boundary more defensible. (Preservation/Conservation - #622.94.66100.200)

### **5-246 Public Concern: The Forest Service should consider the Mirror Lake area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT, QUIET RECREATION, AND DOMESTIC WATER SUPPLIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Mirror Lake, upper tier recommendation: 2,800 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Mountain goat summer range occurs in the alpine areas, as does elk summer concentrations. Summer habitat for black bear and mule deer also exists in this area. Forested habitats have been mapped as lynx habitat. Suitable habitat for Uncompahgre fritillary butterfly occurs in and adjacent to this area on the Pike/San Isabel NF. White-tailed ptarmigan habitat exists in the alpine areas. The Alpine Tunnel Historic District is directly south of this unit. The rugged terrain is mostly above timberline. Once away from Mirror Lake and associated roads, the land provides a sense of solitude. This CRA lies within a source water assessment area (municipal water supply). Over 70 percent of this assessment area is managed by the FS and is recognized as having a high value for domestic water supply. (Preservation/Conservation - #622.95.66200.002)

### **5-247 Public Concern: The Forest Service should consider the Morapos A and Morapos B CRAs for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Morapos A and Morapos B, upper tier recommendations: 13,600 and 12,300 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, hunting and backcountry recreation, local economies, and water supply.

These CRAs have similarly spectacular values. They provide essential habitat for elk, mule deer, black bear, Colorado River cutthroat trout, bald eagles, as well as various other species of birds and varieties of wildlife. These areas together represent prime habitat and a critical migration corridor for the world's largest herd of elk, with an estimated population of 37,900 animals.

[Footnote 16: See Colorado Division of Wildlife (CDOW), "Recommendations to the State Inventoried Roadless Area Task Force on the White River National forest Inventoried Roadless Areas," June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on "White River/Manti La Sal".] DOW estimates that the herd provides hunting opportunities for more than 30,000 hunters. [Footnote 17: Id.] Any industrial

development within or on the fringes of these CRAs has the potential to impact aquatic habitats relied upon by Colorado River cutthroat trout and a monumental herd of elk. The area is also great habitat for a number of Forest Service-listed sensitive species, like the Columbian sharp-tailed grouse, purple martin, and flammulated owl. It goes without saying that any development affecting these forest resources would have significant economic impacts on northwestern Colorado communities—the sportsman’s paradise. [Footnote 18: Id.] These CRAs are also within a state-defined source water assessment area. (Preservation/Conservation - #622.284.66200.002)

## **5-248 Public Concern: The Forest Service should consider the Mormon Creek CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Mormon Creek, upper tier recommendation: 3,000 acres.

Recommended in Alternatives 2 and 4. Protection in upper tier would benefit wildlife, rare plants, important fisheries, and water supply.

The Mormon Creek CRA is adjacent to the Holy Cross Wilderness. It consists of a heavily-wooded mountain that divides Cunningham Creek from the North Fork Fryingpan River. Lodgepole pine dominates the lower reaches with aspen and spruce/fir forests up higher. The elevation ranges from 9300 feet near Henderson Park to 11,800 feet on the Mormon/Cunningham Divide. The terrain is generally steep and there are no developed trails in the CRA.

Mormon Creek CRA, being a steep and heavily-wooded arm of the Sawatch Range, has retained a wild, primitive quality. In addition to being summer range for deer and elk, this unit is part of the Colorado Natural Heritage Program’s North Fork Fryingpan Potential Conservation Area. There are riparian areas and wetland plant communities of high biodiversity significance, and the southern half of the unit has been identified as high-priority habitat by the Colorado Division of Wildlife. Cunningham Creek on the southern boundary is a fishery for the imperiled Colorado cutthroat trout. The Fryingpan River Headwaters Area is considered prime lynx habitat because of places like the Mormon Creek CRA.

Fishing, hiking and hunting occur in this CRA and it is within a state-defined source water assessment area. (Preservation/Conservation - #622.285.66000.200)

## **5-249 Public Concern: The Forest Service should consider the Morrison Creek area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Morrison Creek, upper tier recommendation: 600 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.186.66200.002)

## **5-250 Public Concern: The Forest Service should consider Mount Antero for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT**

Mount Antero:

WC recommends 58,300 acres for the upper tier. Mount Antero is the center of this roadless area that is bordered by Chalk Creek on the north, Angel of Shavano road on the South, the Colorado Trail on the East and the Continental Divide on the West.

The area is designated habitat for: cutthroat trout (COGCC [Colorado Oil and Gas Conservation Commission] 2008); includes boreal toad breeding sites (CDOW), Mountain Plover habitat (CDOW 2009), and lynx denning and winter habitat (USFS). It also includes big horn sheep winter range,

summer concentration areas, and migration and production areas (CDOW 2010). About a quarter of the roadless area is boreal toad range (CDOW 2010); and the area is lynx and potential habitat (USFS; CDOW 2006). The area is also elk production, severe winter range, and a winter concentration area (CDOW 2010). The same is true for mule deer. (Preservation/Conservation, Colorado Springs, CO - #581.90.66000.340)

## **5-251 Public Concern: The Forest Service should consider Mount Elbert for upper tier protection.**

### **TO PROTECT ITS VISUAL AND RECREATIONAL VALUES**

[ATT 1] Pike-San Isabel National Forests:

Mount Elbert

CRA: Mount Elbert CRA, 22,090 acres

Status: New proposed upper tier area

Mount Elbert, at 14,440, is the highest mountain in Colorado and the second highest point in the Lower 48. The summit is accessible via a number of straightforward and popular routes. This iconic and significant attraction should be protected by upper tier designation for the Mount Elbert CRA. (Recreation/Conservation Organization, Washington, DC - #681.35.66000.510)

### **TO PROTECT WILDLIFE AND FISH HABITAT AND RECREATION OPPORTUNITIES**

Mount Elbert:

WC recommends 20,900 acres for the upper tier. Dominated by Mount Elbert at 14,433, this area extends from FR 110 on the north to Colorado Highway 82 on the south and west. The east boundary is the Colorado Trail and private property.

This roadless area is critical habitat for lynx, boreal toad, elk, deer, big horn sheep, mountain goat, and mountain plover. The very diversity of the area makes it home to so many sensitive species. The area is lynx denning winter habitat (USFS) as well as habitat for the boreal toad (CDOW 2010) and mountain plover (CDOW 2009). It is a watershed for cutthroat habitat (CDOW 2010) and important watershed for Front Range cities and the area also is home to the mountain plover (CDOW 2009) a USFS and BLM sensitive species. The area is also elk production, severe winter range, and a winter concentration areas, as well as elk migration corridors (CDOW 2010). The same is true for mule deer and big horn sheep.

The importance of this area for such a variety of species as well as for its beauty and the recreation it provides, make Mount Elbert an especially important area for upper tier status. (Preservation/Conservation, Colorado Springs, CO - #581.94.66000.300)

## **5-252 Public Concern: The Forest Service should retain the upper tier areas to the north of the Mt. Evans Wilderness Area.**

### **BECAUSE THEY PROVIDE VIEWSHED PROTECTIONS**

The Upper Tier Areas to the north of the Mt Evans Wilderness Area afford important viewshed protections to the Wilderness Area. (Regional other governmental agency (multi-jurisdictional), Georgetown, CO - #682.4.66100.550)

## **5-253 Public Concern: The Forest Service should include the Mt. Evans area in upper tier areas.**

### **TO PROTECT WILDLIFE HABITAT**

Mount Evans (WC Elk Creek):

WC recommends 15,100 acres to the upper tier. The Mount Evans roadless area is located on the south and eastern edges of the Mount Evans Wilderness and the areas have been proposed as wilderness in the Wild Connections Conservation Plan. Wild Connections has proposed the roadless areas be enlarged on

the South almost to the PSI [Pike-San Isabel National Forest] forest boundary and include an area on the west side of the Wilderness to reach the Guanella Pass road.

The areas on the south are mostly lower elevation that includes ponderosa pine forests, aspen and lodgepole pine forests. The Mount Evans roadless areas are home to big horn sheep, elk, mule deer, boreal toad and lynx, as well as, black bear and mountain lion habitat. (Preservation/Conservation, Colorado Springs, CO - #581.95.66000.330)

## **5-254 Public Concern: The Forest Service should include the Mt. Evans Adjacent area in upper tier areas.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Mt. Evans Adjacent, upper tier recommendation: 5,200 acres.

Recommended from Alternative 2. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

The Mount Evans Adjacent Roadless Area is a set of lands adjacent to the Mount Evans Wilderness. Large areas of aspen contrast with the surrounding lodgepole pine and spruce-fir forests found in the Roadless Area, and mountain scrubland and alpine tundra are also found here. An outstanding stand of old-growth Englemann spruce sits above Beaver Meadow and the area includes stands of bristlecone pines. Gray's peak witlow grass and the clawless draba plant found in the roadless area are globally imperiled, as is the upper montane woodlands natural communities found in the unit.

Opportunities for recreation include the popular Chief Mountain Trail, which provides easy access to the 11,709-foot peak, with alpine forget-me-nots peeking through the snow in the spring and a 360-degree view. Hunting for bighorn sheep, deer, elk, and mountain goat is another recreational opportunity in the roadless area and adjacent Mount Evans State Wildlife Area. Fishing is popular in the Clear Creek Reservoir. Bird watchers report sightings of Northern goshawk and of Townsend's warbler, which is an uncommon migrant to the area. There are always good mushrooms in this area in the fall. Elk have calves and spend severe winters here, wild turkeys nest and roost, and mountain goats have kids in the units. The roadless area is part of an important migration corridor. The polixenes arctic butterfly found in the roadless area is vulnerable in Colorado. Source waters for municipal water supplies head in the roadless area. (Preservation/Conservation - #622.32.66100.002)

## **5-255 Public Concern: The Forest Service should include the Mt. Lamborn area in upper tier areas.**

### **TO PROTECT VISUAL RESOURCES, WILDLIFE HABITAT, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Mt. Lamborn, upper tier recommendation: 22,600 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Part of the 2001 West Elks IRA, Mt. Lamborn Roadless Area frames the skyline of Colorado's North Fork Valley, and includes Mt. Lamborn, Landsend Peak, and Coal Mountain. The roadless area provides critical wildlife habitat, includes popular hiking trails and outstanding backcountry hunting opportunities, and headwaters for springs and creeks that provide water to the Town of Paonia and residents of the North Fork. Bighorn production areas occur in the south near Cow Creek, and Sand Mountain has been identified as a transplant site. Cottonwood riparian forests support several populations of Northern leopard frog, and montane forests support northern goshawk, lynx, and cutthroat. The Mt. Lamborn Roadless Area is an important wintering area for elk and deer and the area contains two critical elk migration corridors. Little Coal Creek provides a bear concentration area, while bear from all over the West Elk Wilderness move into Cow Creek in the fall to feed. Lynx habitat is mapped in the area. The upper end of Second Creek has a historic population of Colorado River native cutthroat trout [CRCT] which has been designated as a brood trout population, and the South Fork of Minnesota Creek has CRCT occurrence. This area is also used by turkey for summer range, while bald

eagle winter range extends into this area. The southern portion of the roadless area is within The Nature Conservancy's Little Coal Creek Conservation Site and two CNHP areas are present. The Upper Smith Fork Drainage PCA [Potential Conservation Area] in the south and the South Fork of Beaver Reservoir PCA in the north. This rugged area has a high degree of naturalness, and provides opportunities for remoteness and solitude. It is heavily used in hunting season. A non-motorized route runs through the area and connects to a larger system that accesses the Wilderness. This roadless area provides a source area for municipal water supplies. (Preservation/Conservation - #622.96-97.66200.002)

#### **TO PROTECT WILDLIFE HABITAT AND HUNTING OPPORTUNITIES**

[ATT 4] Key features of the Colorado Roadless Area recommended for inclusion in the Alternative 2 upper tier category. Mount Lamborn- Elk winter range, winter concentration area and severe winter range, mule deer winter range, winter concentration area, severe winter range and critical winter range, black bear fall concentration area and cutthroat trout habitat. Elk and mule deer use it as a migration corridor. The gold medal portion of the Gunnison River flows through the same water district as Mount Lamborn. Identified by local sportsmen as a high value area. Cutthroat trout habitat. Very high hunter participation in 2009 for elk, mule deer and black bear. (Preservation/Conservation, Denver, CO - #620.19.66100.002)

### **5-256 Public Concern: The Forest Service should include the Mount Massive area in upper tier areas.**

#### **TO PROTECT WILDLIFE HABITAT AND PLANT COMMUNITIES**

Mount Massive (WC Hagerman Pass):

WC recommends 1400 acres for upper tier inclusion as important wildlife connectivity habitat. The area bridges the land from Holy Cross Wilderness to Mount Massive Wildernesses. Management emphasis is recommended to facilitate daily, seasonal, and natal dispersal movements of native wildlife between larger blocks of suitable habitat.

The area contains important elk and mule deer migration corridors, and has been evaluated as potential lynx habitat by CDOW and as winter and denning habitat by the Forest Service. It is also Colorado River cutthroat trout watershed and is in the range of the boreal toad.

CNHP lists the area as important occurrence area for reflected moonwort, Mingan's moonwort, and pale moonwort. (Preservation/Conservation, Colorado Springs, CO - #581.98.66000.300)

### **5-257 Public Concern: The Forest Service should expand the upper tier areas in the Mount Sniktau CRA.**

#### **TO INCLUDE GRAYS AND TORREYS PEAKS**

[ATT 1] Arapaho-Roosevelt National Forest:

Grays and Torreys Peaks

CRA: Mount Sniktau CRA, 7771 acres; Porcupine Peak CRA, 7640 acres (White River National Forest)

Status: Partially protected under Alternative 4; new proposed upper tier area

Located at the junction of the Mount Sniktau and Porcupine Peak CRAs, Grays and Torreys Peaks (39.633507, -105.816933 and 39.642532, -105.820870 respectively) are an extraordinarily popular hiking destination. Grays Peak is the highest point on the Continental Divide in the United States. These areas should be protected through upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.27.66200.510)

#### **TO PROTECT VISUAL RESOURCES, WILDLIFE HABITAT, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Mt. Sniktau, upper tier recommendation: 5,100 acres.

Recommended from Alternative 2. Protection in upper tier would ensure continued enjoyment of popular backcountry hunting and recreation opportunities, safeguard water sources, and benefit wildlife.

Two of Colorado's most visited 14ers are among the summits along the Continental Divide of the Mt. Sniktau Roadless Area. The area includes the popular Gray's Peak Trail that provides access to both Gray's (14,267 feet) and Torrey's (14,270 feet). The Porcupine Peak Roadless Area is directly adjacent to the Mt. Sniktau Area across the Divide, creating a larger roadless complex. The creeks in Kearney Gulch, Grizzly Gulch, and Stevens Gulch have their headwaters in the area, and are tributaries of Clear Creek, which provides water for Golden, Westminster, and other Front Range communities.

Elk gather in the summer and winter in the Mt. Sniktau Area. An important migration corridor for lynx crosses the area north across Interstate 70. Boreal toads found in the area are a candidate for listing under the ESA [Endangered Species Act] and are globally critically imperiled. Peregrine falcons are found in the unit. The polixenes arctic butterfly found here is vulnerable in Colorado. Gray's peak witlow grass and the clawless draba plant found in the Mt. Sniktau Area are globally imperiled. The common moonwort plant (*botrychium lunaria*) found in the area is imperiled in Colorado. (Preservation/Conservation - #622.33.66100.002)

### **5-258 Public Concern: The Forest Service should include the Munsey/Erickson area in the upper tier areas.**

#### **TO PROTECT RECREATION OPPORTUNITIES, WILDLIFE HABITAT, AND MUNICIPAL WATER SUPPLIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Munsey/Erickson, upper tier recommendation: 3,100 acres.

Recommended from Alternative 4. Protection in upper tier would ensure continued backcountry recreation, hunting and fishing opportunities, benefit wildlife, and safeguard water sources.

Munsey/Erickson—two relatively small roadless tracts adjacent to the Raggeds Wilderness (and part of the 2001 Raggeds IRA)—provides a wealth of roadless values, from popular recreation trails to critical winter range, calving areas, and summer range for elk. All within a compact area, [Munsey/Erickson] includes forested riparian areas with great casting, off-trail trekking and isolated peaks. The area is popular during the fall hunting season, and the Dark Canyon Trail along Anthracite Creek is used year-round, for hiking and backpacking in the summer, and for snowshoeing in the winter.

Habitat in this area is dominated by aspen and aspen mixed with spruce/fir. Riparian and mixed forest habitats, including isolated ponderosa and cottonwoods occur along Anthracite Creek, and the Colorado Natural Heritage Program has identified the Dark Canyon PCA [Potential Conservation Area] for its montane riparian forest. Bald eagle winter range occurs along Anthracite Creek. Colorado River cutthroat trout appear in tributaries upstream from this area. Lynx habitat has been mapped in the roadless area, which provides winter range for elk and summer range for elk and mule deer. Turkey habitat is also provided within this CRA.

This CRA lies within a source area for municipal water supplies. (Preservation/Conservation - #622.98.66200.002)

### **5-259 Public Concern: The Forest Service should include the Naturita Canyon in the upper tier areas.**

I support the inclusion of Naturita Canyon in the updated roadless inventory (USFS CO Roadless Area) and agree with the proposed rule that these lands belong in the upper tier category. (San Miguel County Board of Commissioners, Telluride, CO - #676.4.66000.620)

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Naturita Canyon, upper tier recommendation: 4,600 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

This roadless area is a refuge among a network of roads and associated impacts. The rugged core of the canyon provides important habitat in a drier, lower-elevation section of the Uncompahgre National Forest. Naturita Canyon includes ponderosa pine and piñon-juniper forest, habitat for a diverse range of

wildlife, such as chickadees, marmots, mountain lion, and bear. (Preservation/Conservation - #622.99.66100.330)

### **5-260 Public Concern: The Forest Service should consider the Neota Adjacent area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Neota Adjacent, upper tier recommendation: 800 acres.

Recommended from Alternatives 2 and 4. Protection in upper tier would ensure continued enjoyment of popular backcountry hunting and recreation opportunities, safeguard water sources, and benefit wildlife.

Nestled in the high valley between the Never Summer Mountains and the Mummy Range, the Neota Adjacent Roadless Area provides for solitude near many more frequently visited areas of the state. The roadless area is part of a large expanse of backcountry including the Comanche Peak, Neota, and Rawah Wilderness Areas, Colorado State Forest, and Rocky Mountain National Park. Opportunities for recreation include trails which cross the unit and provide access to the Neota Wilderness, where few trails exist. Fishing, hunting, cross-country skiing, snowmobiling, hiking and mountain biking all occur here.

The roadless area includes lynx habitat, which are known to utilize nearby lands and there are recorded occurrences of boreal owl, boreal toad, pygmy shrew, wolverine, and wood frog. Along the riparian areas, and in the high meadows, willows and sedges grow thick, and occasionally provide cover and food for moose. Elk have calves and gather in the area. (Preservation/Conservation - #622.34.66000.002)

### **5-261 Public Concern: The Forest Service should consider the Never Summer North area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Never Summer North, upper tier recommendation: 500 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.187.66200.002)

### **5-262 Public Concern: The Forest Service should consider the Never Summer South area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Never Summer South, upper tier recommendation: 800 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.188.66100.002)

### **5-263 Public Concern: The Forest Service should consider the Never Summer Adjacent area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Never Summer Adjacent, upper tier recommendation: 1,600 acres.

Recommended from Alternative 4. Protection in upper tier would ensure continued enjoyment of popular backcountry hunting and recreation opportunities, benefit wildlife, and safeguard water sources.



The Never Summer Adjacent Roadless Area abuts the Never Summer Wilderness and includes portions of the Bowen Gulch Protection Area, which preserves one of Colorado's best spruce-fir old-growth forests. Within the Protection Area is the Bowen Gulch RNA [Research Natural Area], which includes the largest contiguous area of old-growth Engelmann spruce-subalpine fir forest in Colorado. The Never Summer Adjacent Area provides access to the Bowen Gulch Interpretive Trail, a mile-long self-guided trail through old-growth forest; and the Wolverine Trail, which provides access to the Never Summer Wilderness across the Blue Ridge. Bill Creek Trail, Gilsonite Trail, Supply Creek Trail, and Willow Pass Trail also pass through the Never Summer Adjacent Area.

Black bears gather in the fall in the Never Summer Adjacent Area, and elk calve and gather in the summer, as well. Moose also gather in the unit. Lodgepole pine, subalpine meadows, spruce-fir forest, and alpine tundra are all found in the Never [Summer Adjacent] Area and a number of creeks head here including Trout Creek and Supply Creek; and the roadless lands provide source waters for municipal supplies. (Preservation/Conservation - #622.35.66200.002)

## **5-264 Public Concern: The Forest Service should consider the Nipple Peak North and South areas for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Nipple Peak North and South, upper tier recommendations: 6,300 and 11,900 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

Elevations range from 7,000 to 10,428 feet in the Nipple Peak North Roadless Area, and from 5,600 to 12,000 feet in the Nipple Peak South area. These CRAs provides potential habitat for the federally-listed Canada lynx (threatened). The roadless areas provide habitat needs for bald eagle, black bear, elk (summer range; migration corridors; summer concentration; production area), great blue heron (nesting, overall range), mountain lion, mule deer (migration; overall and summer range), osprey (nesting, foraging), Columbian sharp-tailed grouse, and greater sandhill crane. The Nipple Peak South area has a conservation population of Colorado River cutthroat trout and this area also supports a summer elk population of 1,400 and is part of an elk migration corridor. Both areas are within source water assessment areas (municipal water supply). Prominent peaks of high scenic quality provide panoramic views of the surrounding area. The lack of maintained trails and limited access makes recreational use of these areas moderate during the summer and high during the fall hunting season. Limited hiking, horseback riding, hunting, and primitive camping are the key activities. The CRAs are managed primarily for non-motorized, semi-primitive recreation but are open to snowmobilers. Otherwise, winter recreation is limited to occasional cross-country skiing. (Preservation/Conservation - #622.189.66200.002)

## **5-265 Public Concern: The Forest Service should consider the North Elk CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

North Elk, upper tier recommendation: 9,900 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreation, and water supply.

North Elk CRA sits on the north side of the giant plateau that lies between the White River and the Colorado River. The high plateau is broad and gently rolling. The Roadless Area occupies the West, Middle, and East Forks of North Elk Creek, which steeply drain the plateau into a deep valley that feeds the White River. The divides between creeks are rounded and forested. Engelmann spruce and subalpine fir dominate the highlands and give way to Douglas fir and ponderosa pine at lower elevations, and with signature riparian zone blue spruce along the creeks. The entire Area features scattered stands of aspen and scenic alpine meadows. The area receives heavy snowfall. Elevations range from 7,100 feet along

North Elk Creek to 10,000 feet in the upper Middle Fork. Large areas of mid-elevation forest are becoming increasingly rare and are alarmingly unprotected throughout the National Forest System, this despite the important role they play in preserving biological diversity.

The area gets some recreational use from snowmobilers, hikers, fisherman, and wildlife viewers, but most visitors to the area are hunters in the fall. The fishing is excellent too. Elk and other big game are abundant in the lush meadows, gorgeous aspen forests, and verdant streams. This is excellent summer range for game. Three forks of North Elk Creek have Colorado River cutthroat trout. Native American Utes found the same to be true long before white settlement and there is ample evidence of their use of the area. (Preservation/Conservation - #622.286.66200.002)

## **5-266 Public Concern: The Forest Service should consider the North Lone Pine area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

North Lone Pine, upper tier recommendation: 5,100 acres.

Recommended from Alternative 2. Protection in upper tier would ensure continued enjoyment of popular backcountry hunting and recreation opportunities, safeguard water sources, and benefit wildlife.

The North Lone Pine Roadless Area remains largely undisturbed by human activity, and its inaccessibility provides excellent wildlife habitat. The elevation ranges from 6,500 to 8,050 feet, making it one of the lowest-elevation Roadless Areas in the state. The headwaters for the Middle Fork of Rabbit Creek and several tributaries of North Lone Pine Creek are also in the unit. These creeks flow into the North Fork of the Cache La Poudre River, part of the South Platte River system. Opportunities for recreation in the North Lone Pine Area include hunting for deer, elk, small game, and upland birds, both in the roadless area and in the adjacent Cherokee Park State Wildlife Area. Elk gather in the winter and moose gather in the unit. Mule deer also spend severe winters in the area. The montane riparian forest natural communities found in the North Lone Pine Area are globally imperiled. (Preservation/Conservation - #622.36.66100.002)

## **5-267 Public Concern: The Forest Service should retain upper tier protections for the North Saint Vrain area.**

### **TO PRESERVE RECREATIONAL AND VISUAL RESOURCES**

[ATT 1] Arapaho-Roosevelt National Forest:

North Saint Vrain

CRA: North Saint Vrain CRA, 11,203 acres (6540 designated upper tier under Alternative 2)

Status: Upper tier under Alternative 2

The North Saint Vrain (from approximately 40.217400, -105.523000 to just downstream of the Buttonrock Reservoir) is a Front Range classic for whitewater kayakers. The run offers long, challenging rapids through the run's 9.5 miles, culminating in a spectacular granite canyon for the second half of the river. The run's granite boulder-garden character is rare in Colorado and makes this section of river a uniquely valuable recreational resource. (Recreation/Conservation Organization, Washington, DC - #681.25.66100.510)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

North St. Vrain, upper tier recommendation: 5,100 acres.

Recommended from Alternative 2. Protection in upper tier would ensure continued enjoyment of popular backcountry hunting and recreation opportunities, safeguard water sources, and benefit wildlife.

North St. Vrain Roadless Area lies along its namesake creek between Rocky Mountain National Park and the city of Lyons. The area includes a large intact montane forest and wetland ecosystems and North St. Vrain Creek—part of the South Platte River system—is one of the last major roadless and free-

flowing streams on the Front Range, and the best remaining example of a large, relatively undisturbed foothills watershed. The roadless area provides source waters for municipal supplies.

The canyon along the creek is steep and rugged. Several stands of old-growth ponderosa pine are found within this area. Many trees in these stands are over 200 years old, with some approaching 300-400 years. The North St. Vrain Research Natural Area (RNA) is located primarily in the roadless area, and includes approximately six unroaded miles of the North St. Vrain River, a major Front Range drainage, as well as south-facing slopes of grassland, shrubland, and ponderosa pine woodland. North-facing slopes are primarily Douglas fir forest. The old-growth ponderosa pine and rare plant species in this area inspired its designation as a research natural area. The foothills ponderosa pine savannas, lower montane forest, and montane riparian forest natural communities found in the North St. Vrain Area are vulnerable in Colorado. Opportunities for recreation in the North St. Vrain Roadless Area include Bright Trail and North Sheep Mountain Trail. The Colorado Division of Wildlife manages North St. Vrain Creek as wild trout waters, providing anglers the opportunity to experience the challenge of catching totally wild trout.

North St. Vrain Creek provides a riparian corridor as well as a migration corridor for several wildlife species. The bighorn sheep herd in the area numbers around 150 individuals, and the North St. Vrain provides an important lambing Area. Black bear gather here in the summer. Elk gather in the winter, spend severe winters, and migrate to and from the North St. Vrain Area. The Preble's meadow jumping mouse found in the area is listed as threatened under the ESA [Endangered Species Act] and is critically imperiled in Colorado. Several marshes and ponds within the area are potential habitat for boreal toad and the entire roadless area is designated as a foraging area for peregrine falcon. (Preservation/Conservation - #622.37-38.66100.002)

### **5-268 Public Concern: The Forest Service should add the Ophir Needles, Wilson Mesa, and Iron Mountain IRAs to the upper tier category.**

In San Miguel County specifically, we [San Miguel County Board of Commissioners] support adding The Ophir Needles, Wilson Mesa, and Iron Mountain (USFS IRA names) into the 'upper tier' category. (San Miguel County Board of Commissioners, Telluride, CO - #675.2.66000.620)

### **5-269 Public Concern: The Forest Service should consider the Pagoda Peak CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES IN THE ROUTT NF**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Pagoda Peak, upper tier recommendation: 57,700 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife especially elk and native trout, provide continued outstanding opportunities for backcountry hunting and recreation opportunities, and safeguard water supplies.

At 57,700 acres Pagoda Peak is the Routt's National Forest largest roadless area, and part of a nearly pristine complex that also includes the Pagoda Peak Roadless Area on the White River and other roadless lands. This large complex is separated from the Flattops Wilderness and its adjacent roadless areas by a single road, putting Pagoda Peak at the heart of wild Colorado. Pagoda Peak Roadless Area provides a critical wildlife link between lower elevation winter, and secure summer range in the Flattops and includes critically important elk production areas. Three drainages in the Pagoda Peak Roadless Area contribute over 20 percent of the overall elk reproduction for the White River elk herd (the largest elk herd in the world), and the roadless area is the primary production area for Game Management Unit 12. Colorado River cutthroat trout are naturally reproducing on a large scale throughout this CRA. This CRA provides habitat for federally-listed species such as Canada lynx (threatened), and habitat is also available for Forest Service sensitive species such as the flammulated owl, northern goshawk, boreal toad, greater sage grouse, Columbian sharp-tailed grouse, and wolverine. The CDOW has determined that this CRA also provides habitat needs for black bear, mountain lion, and mule deer.

Recreational opportunities in the Pagoda Peak area include hiking on an extensive network of trails distributed widely across this large area. Pagoda Peak is incredibly scenic and hard to beat for

backpacking, hiking, horseback riding, fishing, wildlife viewing, and especially big game hunting. Dispersed recreation is the primary use, with that use heavy during big game hunting seasons. The CRA is so large and receives so little use, outside of the hunting seasons, that it offers an exceptional sense of isolation and solitude. Cyclone Park, located in the eastern portion of the CRA, is one of a few large, subalpine meadow areas accessible only by foot or horseback on the west side of the Routt National Forest. There is a unique island fault near Pagoda Creek. In the spring, summer, and fall many hiking and horseback enthusiasts visit the CRA. Two trails are open to motorized travel for part of the year and the roadless area is open to snowmobilers. A portion of this CRA is within a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.190-191.66200.002)

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES IN THE WHITE RIVER NF**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Pagoda Peak, upper tier recommendation: 8,400 acres.

Recommended in Alternative 4. Upper tier protection would benefit wildlife, backcountry recreation, and water supply.

Pagoda Peak CRA provides essential habitat for elk, mule deer, black bear, Colorado River cutthroat trout, bald eagles, as well as various birds and small mammals. The area's prime habitat is also part of a critical migration corridor for the world's largest herd of elk, with an estimated population of 37,900 animals.[Footnote 19: See Colorado Division of Wildlife (CDOW), "Recommendations to the State Inventoried Roadless Area Task Force on the White River National forest Inventoried Roadless Areas," June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on "White River/Manti La Sal".] DOW [Colorado Department of Wildlife] estimates that the herd provides hunting opportunities for more than 30,000 hunters. [Footnote 20: Id.] Any industrial development inside or on the fringes of this CRA has the potential to impact aquatic habitats relied upon by Colorado River cutthroat trout and a monumental herd of elk.

This area is very pristine and undisturbed, and provides some of the best primitive recreation opportunities on the White River National Forest [WRNF]. The landscape is incredibly scenic, and the unit is part of huge Roadless Areas that span both the WRNF and the Routt National Forest to the north. Pagoda Peak is part of one of the largest non-wilderness roadless areas in Colorado. The area is hard to beat for backpacking, hiking, horseback riding, fishing, wildlife viewing, and especially big game hunting.

The Colorado Division of Wildlife has identified Snell Creek as an area of extremely high priority habitat. It is a designated recovery stream for the imperiled Colorado River cutthroat trout. The entire Area is important summer range for big game.

It goes without saying that any development affecting these forest resources would have significant economic impacts on northwestern Colorado communities—the sportsman's paradise. [Footnote 21: Id.] The area is heavily used for hunting and moderately used for recreation during other parts of the year. The CRA is within a state-defined water assessment area. The probability of cultural resource sites and isolated finds in the area is high. (Preservation/Conservation - #622.287-288.66200.002)

#### **5-270 Public Concern: The Forest Service should ensure that the Pikes Peak East area is afforded upper tier protection.**

Pikes Peak East:

Wild Connections recommends 10,800 acres of the area for the upper tier. The area is also recommended for a Research Natural Area.

Virtually all of the roadless area is part of the watershed of Colorado Springs or Manitou Springs. (Preservation/Conservation, Colorado Springs, CO - #581.104.66000.240)

#### **5-271 Public Concern: The Forest Service should ensure that the Pikes Peak West area is afforded upper tier protection.**

Pikes Peak West:

Wild Connections recommends the entire area for inclusion in the upper tier.

Much of the northern portion of the roadless area is within the watersheds of reservoirs serving Colorado Springs, while a significant part of the southern portion is in the watersheds of reservoirs serving either Colorado Springs or Cripple Creek. (Preservation/Conservation, Colorado Springs, CO - #581.109.66000.240)

### **5-272 Public Concern: The Forest Service should manage the Pikes Peak (East and West) area as top tier.**

#### **TO PERSERVE THE QUIET AND TRANQUILITY**

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

Please consider more protection for Pikes Peak (East and West) to preserve the legacy of “America the Beautiful” and keep these areas pristine for the benefit of residents and many visitors each year. (Individual, Manitou Springs, CO - #728.2.54000.200)

### **5-273 Public Concern: The Forest Service should consider the Piedra Area Adjacent CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the San Juan National Forest:

Piedra Area Adjacent, upper tier recommendation: 30,300 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

The Piedra Area Adjacent Roadless Area is part of what is probably the largest expanse of contiguous, undeveloped forest remaining in Colorado. Only the nearby Hermosa Roadless Area may compare to Piedra. The 1993 Colorado Wilderness Act designated a 60,000-acre portion of the 114,000-acre Piedra Roadless Area as a special management area equivalent to wilderness in all respects other than reservation of wilderness water rights. Approximately 10,000 acres of the RARE II [Roadless Area Review and Evaluation] roadless area have been modified by timber harvest and road construction in the last twenty years. This leaves over 40,000 acres of undisturbed roadless lands contiguous to the existing Piedra special management area.

The Piedra Area Adjacent Roadless Area consists primarily of the mid-elevation stretches of the Piedra River and half-dozen major tributaries. The area includes a large amount of the remaining old-growth ponderosa pine in the San Juan [Mountains]. Some significant stands of old-growth ponderosa pine occur outside of the protected area in the Piedra watershed. An additional large block old-growth ponderosa is found in the Devil Creek watershed. The Piedra Adjacent Area also includes significant stands of aspen, mixed-conifer, and spruce-fir.

The spectacular and pristine forests and streams of Piedra offer refuge for numerous wildlife species. The area contains the endangered peregrine falcon and is home to a thriving population of reintroduced river otters. Piedra is considered suitable habitat for the Mexican spotted owl and goshawk. The forests of Piedra comprise an important elk migration corridor between winter range in oak and pinyon-juniper woodlands along the lower Piedra and summer range in the adjacent Weminuche Wilderness and in the headwaters of Piedra River tributaries. A Colorado Division of Wildlife survey identified the Piedra’s western forests as some of the best available habitat for lynx based on snowshoe hare populations.

Significant primitive recreation opportunities exist in the Piedra Area Adjacent Roadless Area. The upper end of the First Fork Trail beginning at Beaver Meadows is included within one large adjacent roadless addition to the west. This trail is popular with backcountry horsemen and during hunting season. The East and West Devil Creek trails in the southeast addition are rugged and relatively unused. The upper Piedra River Trail is popular with anglers downstream of the Piedra picnic ground in the eastern roadless addition. The area’s dense forests combine with this trail system to provide outstanding opportunities for primitive and unconfined types of recreation.

Portions of the Piedra Area Adjacent Roadless Area previously entered for timber harvest have been excluded from the area. The remaining areas are generally free from noticeable human imprints. A dilapidated line cabin for livestock permittees is located along the First Fork in the western roadless addition, along with several livestock fences and an improved pond, but these impacts are insignificant given the large unmodified forest surrounding the cabin. An old roadbed provides a faint reminder of one-time human activity in the Indian Creek area on the southwest boundary of Piedra. There are no significant human imprints other than evidence of hunting camps and similar recreational activities in the other roadless additions around Devil Creek and the upper Piedra. (Preservation/Conservation - #622.208-210.66200.002)

**5-274 Public Concern: The Forest Service should ensure that Piedra River is afforded upper tier protection.**

**TO PROTECT VISUAL RESOURCES**

[ATT 1] San Juan National Forest:

Piedra River

CRA: Piedra Area Adjacent CRA, 40,841 acres

Status: Partially protected under Alternative 2; proposed new upper tier area

The Piedra River (from approximately 37.426800, -107.193000 to just north of Highway 160) offers a scenic intermediate to advanced level whitewater trip through a pristine backcountry area, including portions of the Piedra Area Adjacent CRA. While a small riverside area is proposed for inclusion in the upper tier under Alternative 2, the entire portion of the CRA, or at minimum, those areas closely following the river, deserve protection in the upper tier to protect the scenic characteristics and water quality of this run. (Recreation/Conservation Organization, Washington, DC - #681.50.66100.510)

**5-275 Public Concern: The Forest Service should ensure that the Pilot Knob area is afforded upper tier protection.**

**TO PROTECT WILDLIFE HABITAT, HUNTING AND OTHER RECREATION OPPORTUNITIES, AND RIPARIAN HABITATS**

Colorado Roadless Area recommended for upper tier on the GMUG:

Pilot Knob, upper tier recommendation: 700 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Pilot Knob (2001 Springhouse IRA) sits between 6,700 ft. to 9,800 ft. in elevation, providing important mid-elevation lands on the flanks of the Grand Mesa. Aspen forests dominate the roadless area. Gambel oak occurs at the lower elevations and snowberry occurs in the species mix at higher elevations. Spruce is mixed with aspen on the north-facing higher elevation slopes. Riparian habitats occur in Springhouse Park and around scattered ponds and lakes. This area provides summer range for mule deer, black bear, mountain lion, and elk. It also provides calving areas and winter range for elk. Moose overall habitat also exists in this area. Lynx habitat has been mapped in this area. Bald eagle winter range extends into this area from the North Fork of the Gunnison River drainage. The roadless area provides valuable backcountry hunting opportunities, and includes source areas for municipal water supplies. (Preservation/Conservation - #622.100.66200.002)

**5-276 Public Concern: The Forest Service should consider the Piney Lake CRA for upper tier protection.**

**TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Piney Lake, upper tier recommendation: 900 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreation, local economies, wetland plant communities, and water supply.

This CRA is an extension of the Eagles Nest Wilderness Area along Piney River. Piney River is the primary drainage from the high Gore Range into the Colorado River. The CRA is timbered mostly with lodgepole pine, although Engelmann spruce, subalpine fir, and aspen may be found as well. Freeman Creek features some large wet meadows. Lost Lake is a natural lake in the eastern portion of the Piney Lake CRA. The elevations range from 9,000 feet at Freeman Creek to 10,200 feet near Lost Lake.

Piney Lake is a scenic natural lake that is a very popular summer and fall destination. The area has extensive opportunities for camping, hiking, fishing, mountain biking, horseback riding, and big game hunting. As such, it is a vital recreational resource for the Vail Area. The CRA and areas immediately adjacent offer the most popular dispersed camping in the Vail Area.

This CRA includes are summer range for elk and deer. Moose are known to frequent in the wet meadows around Freeman Creek. Freeman Creek also contains a well-preserved lower-montane willow carr (wet shrub community). Lost Lake is an unusual feature as it sits on a ridgetop. The CRA contains occupied and potential habitat for Canada lynx and various Forest Service-listed sensitive species. The CRA is within a state-defined source water assessment area and adjacent to a Class I airshed. (Preservation/Conservation - #622.289.66200.002)

## **5-277 Public Concern: The Forest Service should ensure that the Piney River is afforded upper tier protection.**

### **TO PROTECT THE RECREATIONAL RESOURCE**

[ATT 1] White River National Forest:

Piney River

CRA: Freeman Creek CRA, 967 acres; Lower Piney CRA, 13,545 acres

Status: Partially protected under Alternative 2; fully protected under Alternative 4

The Piney River, flowing through the Freeman Creek, and Lower Piney CRAs (from approximately 39.710000, -106.423000 northwest to State Bridge on highway 131), is a long and remote-feeling whitewater run offering a high degree of adventure. To protect this whitewater gem, Freeman Creek CRA and Lower Piney CRA should be designated upper tier. (Recreation/Conservation Organization, Washington, DC - #681.59.66000.510)

## **5-278 Public Concern: The Forest Service should consider the Pole Mountain/Finger Mesa area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Pole Mountain/Finger Mesa, upper tier recommendation: 43,900 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife including federally-listed species, provide backcountry hunting and recreation opportunities, and safeguard water sources.

The Pole Mountain/Ringer Mesa Roadless Area lies adjacent to the Cataract Roadless Area on the Gunnison National Forest, which itself is adjacent to the Handies Peak Wilderness Study Area on BLM lands, forming a large roadless complex on the eastern reaches of the San Juan Mountains. This area is characterized by alpine slopes, to very steep alpine ridges, talus slopes, and glacial basins, gentle to steep mountain slopes to floodplain, toe slopes and fans in canyon and valley bottom.

This large CRA adjacent to the Continental Divide is noted by the USFS for its "long term, intact functioning ecological processes." The roadless area provides habitat and has documented colonies of the federally-listed (endangered) Uncompahgre fritillary butterfly. This CRA receives high-use by lynx and is key to lynx movement between the Rio Grande, Gunnison and San Juan National Forests. A den site has been documented near this CRA. The CRA provides potential habitat for the southwest willow flycatcher (endangered). This CRA provides elk and mule deer summer concentration habitat, elk

production habitat, and bighorn sheep summer, winter and production habitat. Lost Trail Creek provides priority habitat for moose. The CRA also provides habitat for other USFS sensitive species including American marten (documented) and wolverine. Possible wolverine tracks have been noted nearby along the Divide. Other species known to be present include: black bear, beaver, and ptarmigan. Peregrine falcons forage in the area and there is high quality nest habitat available.

There are approximately 20 miles of motorized trails (including the CDNST [Continental Divide National Scenic Trail]) and 16 miles of non-motorized trails in the roadless area. This CRA is within a state-identified source water assessment area (municipal water supply). Traditional and cultural sites are found here and throughout the Rio Grande National Forest. (Preservation/Conservation - #622.154-155.66200.002)

## **5-279 Public Concern: The Forest Service should preserve the upper tier areas in Porcupine Peak CRA.**

### **TO PERSEVERE WINTER RECREATION OPPORTUNITIES**

[ATT 1]White River National Forest:

Porcupine Peak Area

CRA: Porcupine Peak CRA, 7,640 acres

Status: Upper tier under Alternative 4

The Porcupine Peak area, particularly its higher elevation areas, is a popular area for backcountry skiers. This valuable resource should be protected through upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.56.66200.510)

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Porcupine Peak, upper tier recommendation: 7,600 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, unique plant communities, recreation, and local economies.

The Porcupine Peak CRA sits along a very rugged section of the Continental Divide, and covers a ridgeline that separates the North Fork of Snake River from Peru Creek and the Snake River. The Roadless Area surrounds Arapaho Basin Ski Area, and features many high peaks, including Grays (14,270 feet), Torreys (14,267 feet), Grizzly (13,427 feet), Ruby (13,277 feet), Copper (12,792 feet), Lenawee (12,029 feet), and Porcupine (11,803 feet). The Ruby/Chihuahua Gulch drains the high basin west of Grays and Torreys Peaks into Peru Creek, and is the primary creek within the area.

The subalpine portions of this CRA are forested in Engelmann spruce/subalpine fir and dense stands of lodgepole pine. There are riparian plant communities along the creeks at the borders of this unit. The area provides excellent habitat for mountain goats and bighorn. Lynx presence has been documented in the area. There are numerous Forest Service sensitive species, including white-tailed ptarmigan, clawless draba, Gray's Peak whitlow-grass, and ice cold buttercup. There are also boreal toads in the area (recently petitioned for listing) and many other varieties of wildlife.

The Porcupine Peak CRA has good access, contains two 14,000-foot peaks, and surrounds a ski Area. Therefore, it is a well-used recreational destination. The dramatic uplift of the Continental Divide here, with the exposed cores of mountains towering over meadow-filled basins, makes for outstanding alpine scenery. This unit provides fantastic hiking, camping, fishing, peak climbing, and backcountry skiing. There is also a rock climbing area along the Snake River.

The 9,400-acre Mount Sniktau Roadless Area on the Arapaho National Forest is contiguous with the Porcupine Peak CRA, and together they form a single roadless area of over 18,000 acres (28 square miles). (Preservation/Conservation - #622.290-291.66200.002)



**5-280 Public Concern: The Forest Service should consider the Porphyry area for upper tier protection.****TO PROTECT WILDLIFE HABITAT AND VEGETATION COMMUNITIES**

Porphyry:

WC recommends the 3,500-acre Porphyry roadless area. It lies along the boundary of the San Isabel and Rio Grande National Forests, which forms its southeastern boundary. The northwestern boundary follows the motorized Rainbow Trail (1336), and the western boundary is along the 4WD road 869.2 in Toll Road Gulch.

Vegetation in the Porphyry roadless area is primarily lodgepole pine with significant amounts of Douglas-fir, spruce-fir, and bristlecone/limber pine and aspen. Because of its relatively low elevation, there is only a small amount of barren rock and alpine vegetation in the vicinity of Porphyry Peak (11,583). Silver Creek is an extensive riparian zone on the north boundary, and there are examples of bristlecone pine/Thurber's fescue lower montane woodlands.

There is summer range for bighorn sheep and mule deer across the Porphyry roadless area. CDOW designates the area as critical winter range for mule deer. Elk summer range is spread across the area, with winter range in the lower eastern side. Mountain lion and black bear are found here. Radio-collared lynx have been recorded by the Colorado Division of Wildlife in the vicinity. Lynx habitat, including winter and denning habitat is found across the area, and the Monarch Pass to Poncha Pass, lynx linkage identified by the Forest Service and SREP [Southern Rockies Ecosystem Project] is located along the north side.

The Porphyry Peak proposed RNA [Research Natural Area] covers nearly the entire roadless area. SREP's [Southern Rockies Ecosystem Project's] Vision shows a small part of the roadless area on the west as core wilderness, but most of the area is a wildlife linkage. (Preservation/Conservation, Colorado Springs, CO - #581.110.66000.300)

**5-281 Public Concern: The Forest Service should ensure that the Poverty Gulch CRA is afforded upper tier protection.****TO PROTECT RECREATION OPPORTUNITIES AND WILDLIFE HABITAT**

Colorado Roadless Area recommended for upper tier on the GMUG:

Poverty Gulch, upper tier recommendation: 5,500 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Poverty Gulch CRA is adjacent to the Raggeds Wilderness Area and is in very close proximity to the Gothic and Treasure Mountain CRAs. This area is highly popular for summer and winter recreation activities. This area also provides an important corridor for wildlife between the Raggeds Wilderness and the Upper East River Valley floor. The Slate River Potential Conservation Area extends into this area along the Slate River and Poverty Gulch drainages. Mountain goat summer range extends into the CRA around Purple Mountain. Summer range is available for most other big game species, with a summer concentration for elk occurring as well. Lynx habitat has been mapped in the forested areas of this CRA. White-tailed ptarmigan habitat is found in the alpine areas. (Preservation/Conservation - #622.101.66100.002)

**5-282 Public Concern: The Forest Service should ensure that the Priest Mountain IRA is afforded upper tier protection.****TO PROTECT WILDLIFE VALUES**

One area that should be placed in the upper tier is the former Priest Mountain Inventoried Roadless Area (as proposed). The proposed rule is correct to remove the Currant Creek portion of this IRA from the North Fork coal mining area. Now the Agency should protect the important wildlife values of the entirety of the Currant Creek and Flattops/Elk Park Colorado Roadless Areas with this top level of protection. (Preservation/Conservation, Denver, CO - #684.36.66000.350)

## **5-283 Public Concern: The Forest Service should ensure that the Ptarmigan A, B, and C CRAs are afforded upper tier protection.**

### **TO PROTECT RECREATION OPPORTUNITIES AND WILDLIFE HABITAT**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Ptarmigan A, B, and C, upper tier recommendations: 2,700, 1,800, and 900 acres.

Recommended in Alternatives 2 and 4. Protection in upper tier would benefit wildlife, unique plant communities, recreation, and local economies.

These CRAs are adjacent to the Ptarmigan Peak Wilderness Area and occupy the steep slopes between Silverthorne and the Wilderness boundary. The elevation ranges from 9,300 feet to 11,500 feet and is forested with aspens.

The CRAs provides a buffer zone between the heavily developed Silverthorne/I-70 Area and the designated wilderness. They provide quick access for homeowners in Silverthorne to a wild and natural place. Ptarmigan CRAs are part of a major big game migration corridor that crosses I-70 where it passes through Eisenhower Tunnel. Deer and elk use this area in the winter. The Colorado Division of Wildlife has identified the Ptarmigan A CRA as an area of high habitat priority.

This unit is part of a 50,114-acre (78.2 square mile) roadless complex that consists of the Ptarmigan Peak Wilderness Area, the Williams Fork Roadless Area (on the Routt National Forest), the Ute Pass/Acorn Creek and Ptarmigan A Roadless Areas.

The area provides habitat for Canada lynx. Lynx presence is documented in the CRA. There are numerous other FS sensitive species in these CRAs including: badger, blue grouse, bobcat, long-tailed weasel, white-tailed jackrabbit, Northern goshawk, boreal owl, pygmy shrew, marten, and Harrington's beardtongue, among others.

The areas are well-used for recreation including hiking, horseback riding, camping, hunting, mountain biking, fishing, and cross country skiing. The CRAs are also within a state-defined source water assessment area. (Preservation/Conservation - #622.292.66000.002)

## **5-284 Public Concern: The Forest Service should ensure that the Ptarmigan A and B CRAs are afforded upper tier protection.**

### **TO PROTECT RECREATION OPPORTUNITIES AND WILDLIFE HABITAT**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Ptarmigan Hill A and B, upper tier recommendations: 300 and 6,900 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, wildlife movement, recreation, and water supplies.

Ptarmigan Hill A and B CRAs occupy much of the Elk Ridge, which divides the Eagle River from Tenmile Creek. This is a major part of the Gore Range. Much of this ridge is above the treeline (12,000+ feet) and is covered in a vast expanse of tundra and its associated alpine plant communities, as well as steep talus slopes. Several creeks descend steeply from the ridge in deep drainages that are densely forested with spruce and fir. As seen from Copper Mountain Ski Area, these CRAs exhibit numerous snowy bowls and cirques. The area around Shrine Pass is a rolling forest that features large open parks.

These CRAs are part of an extremely important high-elevation migration corridor for wildlife, probably the most important in the entire Southern Rockies Ecosystem. Animals traveling north from the Continental Divide in the Chicago Ridge Area must use this unit to access the Eagle's Nest Wilderness Area north of I-70. A planned "wildlife bridge" will span the interstate near Vail Pass to facilitate this movement.

This migration corridor is particularly important for the lynx, which move through this area frequently, but heightened protection of this corridor would serve a large variety of wildlife species in addition. Increasing development on each side of the RA, at Vail and Copper Mountain Ski Areas, acts to funnel wildlife through this corridor. This unit is truly an island of habitat surrounded by development nearly on all sides. Wildlife movement to the area is already challenged by high speed/volume roads, ski Area development, private resort/residential development, and a huge industrial mining operation at Climax

— all underscoring the need to maintain what remains of the area's ecological integrity and roadless values. The area is also pristine summer habitat for deer and elk. The Colorado Division of Wildlife had identified the eastern half of the unit as an area of high-priority habitat.

These CRAs are very important as a winter recreation Area. Two 10th Mountain ski huts, the Shrine Mountain Inn and Jackal Hut are within the units. They provide popular access to backcountry skiing. The area also receives heavy skiing use from Vail Pass via snowmobiles, and also from the adjacent Copper Mountain Ski Area. Several miles of the scenic Colorado Trail pass through the SE [southeastern] portion of the unit, providing a valuable summer hiking resource. The west-facing cliffs above Camp Hale are a developed rock climbing area.

These CRAs are part of a state-defined water assessment area. (Preservation/Conservation - #622.293-294.66200.002)

### **5-285 Public Concern: The Forest Service should increase the setbacks for the upper tier areas in Ptarmigan B and C.**

#### **TO PROTECT PRIVATE LAND AND ALLOW FOR FIRE FIGHTING EFFORTS**

Summit County supports an upper tier designation for the majority of the Ptarmigan B and Ptarmigan C Roadless Areas. However, for the Ptarmigan B Roadless Area, it is recommended that the boundary of the upper tier land designation be adjusted to provide a 200 foot setback from all private land, and for the Ptarmigan C Roadless Area, it is recommended that the boundary of the upper tier land designation be adjusted to maintain a 600 foot setback from all private properties along the southern and western edges of this CRA. The purpose of the recommended standard tier buffer areas is to accommodate respective wildfire mitigation/firefighting needs within these areas, which have been identified by the Summit County Wildfire Council. (Summit County Board of Commissioners, Breckenridge, CO - #679.3.66100.262)

### **5-286 Public Concern: The Forest Service should ensure that the Puma Hills area is afforded upper tier protection.**

Puma Hills:

WC recommends 8500 acres for the upper tier. The 9,700 acre Puma Hills roadless area includes Pulver Mountain at 10,538 feet and Stoll Mountain at 10,863 feet and National Forest land from Wilkerson Pass south to County Road 92.

The Puma Hills roadless area boundaries are similar to the Roadless Area Conservation Rule Inventoried Roadless Area boundaries, expanded out to private inholdings on the northeast. The western boundary of the roadless area corresponds to the National Forest boundary.

Boyer Gulch and Caylor Gulch both originate in this area and drain to Elevenmile Canyon Reservoir. (Preservation/Conservation, Colorado Springs, CO - #581.113.66000.240)

### **5-287 Public Concern: The Forest Service should ensure that the Purgatoire area is afforded upper tier protection.**

Purgatoire (WC Purgatoire):

WC recommends 16,800 acres for the upper tier. The Purgatoire Roadless Area is the most wild of those on the Culebra Range with the headwaters of the North and West Forks of the Purgatoire River rising on the high alpine slopes of Trinchera and Cuatro Peaks. The southern extent lies along the Beaubien and Miranda Maxwell Land Grant. (Preservation/Conservation, Colorado Springs, CO - #581.116.66000.206)

## **5-288 Public Concern: The Forest Service should grant all areas in Rampart East Roadless Area that are not part of a Community Wildfire Protection Zone upper tier protection.**

### **EXCEPT FOR AREAS RELATED TO MAINTENANCE OF THE AT&T CABLE**

We [Colorado Mountain Club] ask that all areas in the Rampart East Roadless Area that are not also part of a Community Protection Zone, except for areas where maintenance of the AT&T cable along FR327 is required, should be designated as upper-tier, to ensure the continued protection of this unique area. (Preservation/Conservation, Colorado Springs, CO - #589.24.66000.263)

## **5-289 Public Concern: The Forest Service should grant most of the Rampart East Roadless Area upper tier protections.**

### **TO PROTECT WILDLIFE HABITAT**

Rampart East serves as a critical core area for wildlife. It is a key part of a wildlife corridor running eastward through the Douglas County Greenland Ranch Open Space and into the Black Forest region.

This roadless area contains a variety of habitats. It is primarily Douglas fir and ponderosa pine forest, with sizable areas of aspen and very scattered areas of Engelmann spruce/subalpine fir. Riparian species are found in several large drainages: Bear Creek, Dry Creek, Plum Creek, East Plum Creek, Cook Creek, Ice Cave Creek, and North Monument Creek. These habitat types are notably underrepresented in Colorado's existing wilderness system, which tends to focus on higher-elevation regions.

The area has many important wildlife values. Several threatened species are present or have suitable habitat in the Rampart East Roadless Area. Its riparian corridors contain habitat for the Prebles meadow jumping mouse. The area includes designated Mexican spotted owl critical habitat. Peregrine falcons have been documented in the area with recent active nesting documented in 2008 and 2010. The entire roadless area is identified by the Colorado Division of Wildlife as elk summer range and as including valuable winter range on the northeast side and out into Perry Park. Mule deer have winter range and winter concentration areas in the foothills and northeast side of the area and in the Bear Creek drainage. The Division of Wildlife recognizes the area as a black bear concentration area and has identified it as including both turkey production and turkey winter range areas.

The area is rated "most sensitive" by the Center for Native Ecosystems for Comanche mountain plover, Mexican spotted owl, Prebles meadow jumping mouse, peregrine falcon, and the montane willow carr plant community. It is rated "sensitive" for black bear, elk, mule deer, and turkey.

The entire area is recommended as wilderness in the Wild Connections Conservation Plan, and Wild Connections shares our recommendation that most of the Rampart East Roadless Area be designated as Upper Tier. (Preservation/Conservation, Colorado Springs, CO - #589.22-23.66000.300)

### **BECAUSE IT IS A UNIQUE LOW-ELEVATION AREA THAT FACES SUBSTANTIAL PRESSURE FROM MOTORIZED RECREATION AND URBANIZATION**

It appears that most of the upper tier designation is in high-altitude areas, where road-building and tree removal are in any case less likely. This greater level protection is appropriate at lower altitudes as well, and the best such location is Rampart East. Rampart East is one of the largest areas in Colorado south of Denver and east of the Continental Divide/Poncha Pass/Sangre de Cristo line that lacks any formal protection-and if any of the above boundary adjustments are made, it will be the largest such area. It is a unique large low-altitude area, part of the urban backdrop and adjacent to protected open space in Douglas County. Given its location, it also faces substantial pressure from other forest users. The Devils Head motorized recreation area is nearby to the north, and Rainbow Falls is even closer to the west. East of the Rampart Range, the foothills outside the boundaries are becoming filled with homes, while there is increasing damage being done to the forest along Mount Herman Road and Rampart Range Road to the south (see <http://www.outtherecolorado.com/blogs/illegal-shooters-leave-the-forest-a-battlefield-of-splintered-trees.html>).

In short, Rampart East is an island of wildness in a sea of motorized traffic, providing opportunities for solitude in a part of the state where such opportunities are rare. Let's protect it. (Preservation/Conservation, Colorado Springs, CO - #589.21.66000.570)

**5-290 Public Concern: The Forest Service should consider the Rawah Adjacent area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Rawah Adjacent, upper tier recommendation: 600 acres.

Recommended from Alternative 4. Protection in upper tier would benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Rawah Adjacent is one of the most isolated Roadless Areas in the state and is part of a huge expanse of mostly roadless country including the Comanche Peak, Neota, and Rawah Wilderness Areas, Colorado National Forest, and Rocky Mountain National Park. The roadless area includes year-round habitat for elk, deer and moose. Mule deer migrate across the area, and pronghorn antelope are sometimes found here. Rawah Adjacent is part of an important migration corridor for wolverine, which are critically imperiled in Colorado. Horse riding, hiking, and cross country skiing are recreational uses occurring in this area, along with some hunting and fishing. The area includes source waters for municipal supplies. (Preservation/Conservation - #622.39.66200.002)

**5-291 Public Concern: The Forest Service should consider the Red Dirt A CRA for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Red Dirt A, upper tier recommendation: 6,700 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, fisheries, backcountry recreation, and water supplies.

This CRA occupies parts of the Red Dirt Creek drainage that originates in the Flat Tops and flows into the Colorado River. The Flat Tops occupy a broad, uplifted volcanic plateau covered in rolling hills and dome-like mountains. Red Dirt A sits on a mid-elevation plateau forested mostly with aspens, and features big views. Dead Engelmann spruce skeletons, killed by spruce beetles in the 1950s, are abundant. The creeks contain riparian vegetation (cottonwoods, alders, and willows). The elevation ranges from 7,500 feet at East Fork Red Dirt Creek to 11,411 feet at Star Mountain on the Flat Tops rim.

In addition to the sweeping views of the Flat Tops, this area provides a mid-elevation transitional zone between the high Flat Tops and the Colorado River. It also provides a buffer around the Wilderness that limits motorized vehicle incursions. This is an undeveloped Area, with few major recreation destinations, and there is a high potential to experience solitude. Crescent and Mackinaw Lakes lure some hikers and horsepackers, but most of the traffic is hunting- and fishing-related.

The area is very important among hunters, who use it heavily in the fall, and is popular for horse packing as well. The Red Dirt Basin is critical winter habitat for deer and elk, and has been identified by the Colorado Natural Heritage Program (CNHP) as principal bird habitat. Much of the area is within CNHP's Red Dirt Creek Potential Conservation Area to protect underrepresented biodiversity. A native population of Colorado River cutthroat trout occurs in the CRA.

The CRA is adjacent to a Class I airshed and within a state-defined source water assessment area. (Preservation/Conservation - #622.295.66200.002)

**5-292 Public Concern: The Forest Service should consider the Red Mountain CRA for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES IN THE RIO GRANDE NF**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Red Mountain, upper tier recommendation: 800 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.156.66200.002)

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES IN THE WHITE RIVER NF**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Red Mountain, upper tier recommendation: 2,500 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreation, water supplies, and local economies.

The Red Mountain CRA occupies much of the Hunter Creek/Woody Creek divide. Red Mountain is the west end of this divide, and it falls away steeply to Woody Creek on the north, the Roaring Fork River on the west, and Hunter Creek on the south. The divide itself has gentle, rolling terrain that features large open parks on its eastern side. The southwestern-southeastern aspects are sunny and covered in Gambel oak, shrubs, and red dirt. The divide and the north-facing slopes above Woody Creek are forested with Engelmann spruce/subalpine fir. Elevations in the unit range from 7,800 feet at lower Woody Creek to 11,092 feet on Bald Knob.

The Red Mountain CRA is a very significant recreational resource for the city of Aspen. The area receives heavy year-round use. The Hunter Valley is a heavily-used day-hiking destination. The Hunter Valley/Four Corners/Sunnyside trail system is the most popular mountain biking area in the vicinity of Aspen. Skiers regularly use the area in winter to reach the McNamara Hut and Bald Knob. The area is a deer/elk hunting destination in the fall, when the Hunter Creek Road is open to motorized traffic.

This unit is adjacent to the Hunter-Fryingpan Wilderness Area. Although the Roadless Area is heavily-used, visitors rarely enter the Wilderness from here, and it acts as a very effective buffer between the built-up Area of Aspen and the pristine land in the Hunter-Fryingpan Area. Big game species use the area as a mid-elevation transitional zone.

The Red Mountain RA is one of seven Roadless Areas that are contiguous with the Hunter-Fryingpan and Mount Massive Wilderness Areas. Together, these comprise a roadless complex of over 144,000 acres (225 square miles). The CRA is also within a state-defined water source assessment area. (Preservation/Conservation - #622.296-297.66200.002)

### **5-293 Public Concern: The Forest Service should consider the Red Table CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Red Table, upper tier recommendation: 30,900 acres.

Recommended in Alternative 2. Protection in upper tier would benefit wildlife, landscape connectivity, paleontological resources, sensitive plants, recreation, scenery, and water supplies.

The Red Table Mountain CRA (also known as Red Table) is largely occupied by Red Table Mountain, an enormous 18-mile long sandstone massif that divides the Eagle Creek watershed from the Fryingpan River. It is separated from the Basalt Mountain CRAs by the 4WD [four-wheel drive] Taylor Creek Road (FS 510).

The elevation ranges from 7,200 feet near the Fryingpan River to 12,000 feet at the top of Red Table Mountain. The terrain consists of vast areas of steeply rolling mountainsides covered with mixed conifer forests (Engelmann spruce/subalpine fir/lodgepole pine), interspersed with areas of sagebrush, pinyon/juniper, Gambel oak, and aspen forests. The ridge itself is above timberline and supports an extensive alpine corridor. The north side of the massif contains many cliffed cirques and several small alpine lakes. Red Table Mountain is essentially a long ridge with no distinct peaks.

From a volume standpoint, Red Table Mountain is surely among the largest massifs in Colorado. It runs east/west, providing a unique mid- and high-elevation corridor from the Colorado/Roaring Fork Valleys to the Sawatch Range and Continental Divide, and its vertical relief provides a variety of habitat types. It

is a massive sandstone deposit of the Maroon formation. Very rare paleontological evidence of an early reptile has been discovered here.

This large CRA has had little historical disturbance and retains an excellent remote and primitive character. At least forty separate drainages radiate from the crest of Red Table, providing outstanding topographical diversity. Red Table contains important habitat for bighorn sheep, lynx, and peregrine falcons, and is a deer and elk calving area. The northwest portion of the CRA has been identified by the Colorado Department of Wildlife as one of ten trophy big game areas in the state. A sensitive plant species also occurs in the unit.

Because it lacks any large lakes or 14,000-foot peaks, there has been relatively little recreational tourism in the Red Table CRA. This has allowed it to retain great capability for solitude and challenge. The gently rolling terrain on its 18-mile ridge makes Red Table Mountain one of the greatest moderate ridge hikes in the Rocky Mountains, with excellent 180-degree views of five Wilderness Areas. Ski touring along the ridge is phenomenal and relatively safe. The unit is popular with hunters in the fall, and some outfitters run operations there, especially on the east side. There is no other area like this on the White River National Forest. (Preservation/Conservation - #622.298-299.66100.002)

## **5-294 Public Concern: The Forest Service should consider the Reno Mountain CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Reno Mountain, upper tier recommendation: 9,400 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, biological diversity, recreation, and water supplies.

Reno Mountain CRA has critical ecological significance. It is in the center of wildland corridors that stretch from the Thompson Creek area to Battlement Mesa and to Grand Mesa. The area has the best representation of the aspen/shrub plant community on the WRNF [White River National Forest]. This makes for some of the best black bear habitat in the state of Colorado, and it is the only place for animals to migrate between the WRNF and Grand Mesa without crossing settled areas. The unit supports large herds of elk and deer year-round, represents a vital elk calving zone, and includes potential lynx habitat. In fact, DOW confirmed a lynx sighting just north of the CRA boundary in the area several years ago. [Footnote 22: See Colorado Division of Wildlife (CDOW), "Recommendations to the State Inventoried Roadless Area Task Force on the White River National forest Inventoried Roadless Areas," June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on "White River/Manti La Sal".] This area is very important for hunters who currently represent the bulk of human traffic. The area receives little visitation the rest of the year. [Footnote 23: See Citizens for Roadless Defense, Reno Mountain Roadless Area, <http://www.wroadless.org/p-reno-mountain-165.html> (accessed

7/29/10); see also Colorado Division of Wildlife (CDOW), "Recommendations to the State Inventoried Roadless Area Task Force on the White River National forest Inventoried Roadless Areas," June 8, 2006, available here: <http://wildlife.state.co.us/LandWater/roadless/Roadless2.htm> (accessed 7/29/10) by scrolling down the page and clicking on "White River/Manti La Sal".] The area is also within a state-defined source water assessment area. (Preservation/Conservation - #622.300-301.66200.002)

## **5-295 Public Concern: The Forest Service should ensure that the Reveille Canyon is afforded upper tier protection.**

Reveille Canyon (WC Pole Creek):

WC recommends 6300 acres for the upper tier. The Pole Creek roadless area of 8,800 acres is south-southwest of St. Charles Peak, bounded on the east and south by forest roads 369 and 637 respectively, on the west by trail 1397 and the National Forest boundary, and on the north by forest road 402.

All of Pole Creek is included in TNC's [The Nature Conservancy] large Wet Mountain area, which is of moderate conservation value. SREP's [Southern Rockies Ecosystem Project] Vision lists the roadless area as core wilderness. (Preservation/Conservation, Colorado Springs, CO - #581.129.66000.206)

## **5-296 Public Concern: The Forest Service should consider the Ripple Creek Pass/Trappers Lake CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Ripple Creek Pass/Trappers Lake, upper tier recommendation: 600 acres.

Recommended in Alternatives 2 and 4. Protection in upper tier would benefit wildlife, heritage resources, backcountry recreation, and water supplies.

This CRA is remarkable for its immense stands of aspen, interspersed with a multitude of open park-like meadows that feature subalpine grasslands. Stands of Engelmann spruce occur at higher elevations, but many were killed during the 1950s spruce beetle infestation. As they topple over, they recycle nutrients back into the soil, fulfilling their very important role in nutrient cycling. The area receives heavy snowfall, and its clay loam soils tend to become saturated, causing them to slump and slip on the shale bedrock underneath.

This area is very pristine and undisturbed, and provides some of the best primitive recreation opportunities on the White River National Forest [WRNF]. The landscape is incredibly scenic, and the unit is part of huge Roadless Areas that span both the WRNF and the Routt National Forest to the north. The area is hard to beat for backpacking, hiking, horseback riding, fishing, wildlife viewing, and especially big game hunting.

The area provides potential habitat for Canada lynx and occupied habitat for numerous Forest Service sensitive species. There is a “genetic purity natural production stream of Colorado River cutthroat trout.” The CRA also provides high quality elk habitat including production areas and an important migration route for the White River herd. The CRA is adjacent to the Flat Tops Wilderness Area and occupies the small drainage of the West Fork of Ripple Creek. It is adjacent to a Class I airshed and within a defined source water assessment area. There are also known heritage resources in the area. (Preservation/Conservation - #622.302.66000.002)

## **5-297 Public Concern: The Forest Service should consider the Roc Creek area for upper tier protection.**

### **TO PROTECT HUNTING AND RECREATION, WILDLIFE HABITAT, AND WATER SOURCES**

Colorado Roadless Area recommended for upper tier on the Manti La Sal National Forest:

Roc Creek, upper tier recommendation: 7,700 acres.

Recommended from Alternative 4. Protection in upper tier would ensure continued enjoyment of outstanding backcountry hunting and recreation opportunities, benefit wildlife, and safeguard water sources.

Roc Creek and Sinbad Ridge dominate the roadless area. Few places offer more exhilarating solitude. In contrast to the mesa’s towering heights, Roc Creek plummets straight down, forming the largest canyon draining east from the La Sal Mountains. The massive sandstone cliffs vary from 1,500 to 1,800 feet in height and the canyon’s brilliant red walls are framed by green forests along the rims. Sinbad Ridge contains pristine areas of old-growth ponderosa pine.

Other special features include a small waterfall and stunning vistas that range from high mountain peaks, canyons and mesas, to open lands, like the Sinbad Valley, below. Ledges, benches and spires mark the cliff areas and along Sinbad Ridge. Hiking, hunting, fishing, backcountry camping, and opportunities for trekking abound.

The roadless area supports a diversity of native reptile and amphibian species and the area includes habitat for the midget faded rattlesnake, longnose leopard lizard and northern leopard frog, all Colorado state species of special concern. The area supports several bird species of concern from Colorado’s Comprehensive Wildlife Conservation Strategy, including pinyon jay, gray vireo, juniper titmouse and black-throated gray warbler.

The canyon area and benches are critical winter range for elk and the roadless area includes an important migration route for deer and elk as they move between summer and winter range. The canyon is a



summer concentration area for wild turkeys and provides year-round habitat for black bears. There is nesting habitat for peregrine falcons and golden eagles. Roc Creek is classified as an eligible Wild and Scenic River based on its scenic and geologic/hydrologic values (USDA Forest Service 2003). Roc Creek Roadless Area is within a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.121-122.66200.002)

### **5-298 Public Concern: The Forest Service should consider Ruby Fork Anthracite and Anthracite Creeks for upper tier protection.**

#### **TO PRESERVE THEIR RECREATIONAL VALUES**

[ATT 1] Grand Mesa-Uncompahgre-Gunnison National Forests:

Ruby Fork Anthracite Creek

Anthracite Creek

CRA: Horse Ranch Park CRA, 3,880 acres; Munsey/Erickson CRA, 3,511 acres (2,632 acres designated upper tier under Alternative 2)

Status: Partially protected under Alternative 4; new proposed upper tier area

Ruby Anthracite and Anthracite Creek are small streams flowing off the west side of Kebler Pass, offering opportunities for steep-creek whitewater kayaking. The upper section of the Ruby Fork begins off CR 12 (Kebler Pass Road) at approximately 38.862800, -107.163000. The creek from there runs to the north-northwest through the Horse Ranch Park CRA before joining Anthracite Creek on the northeast side of Marcellina Mountain and turning west into Anthracite's Dark Canyon. The Dark Canyon section passes through the Munsey/Erickson CRA, and often begins with a hike in on FT 836, beginning just off Kebler Pass Road at approximately 38.911454, -107.232498. The section ends at Erickson Campground (approximately 38.954404, -107.271062). These areas should be preserved through upper tier designation for the Horse Ranch Park and Munsey/Erickson CRAs. (Recreation/Conservation Organization, Washington, DC - #681.34.66000.510)

### **5-299 Public Concern: The Forest Service should consider the Ruby Lake area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Ruby Lake, upper tier recommendation: 100 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.157.66200.002)

### **5-300 Public Concern: The Forest Service should consider the Ryan Gulch CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Ryan Gulch, upper tier recommendation: 100 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreation, and water supplies.

The area around Silverthorne has grown rapidly, and many subdivisions and developed ranches lie in close proximity to the Eagle Nest Wilderness Area. Small roadless areas such as the Ryan Gulch CRA provide a much-needed buffer between these developments and the Wilderness boundary. They limit incidents of motorized trespassing from private property, and help to reduce the impacts of urbanization upon the Wilderness.

The terrain consists of mellow east-facing slopes, becoming flatter toward the valley floor. The vegetation consists of stands of lodgepole pines and aspens, interspersed with mountain shrublands. The

riparian corridors along the many creeks in the area provide excellent wildlife habitat. The Rock Creek drainage has a unique diversity of song birds and neo-tropical migratory birds. Salt Gulch in the Ryan Gulch CRA is critical winter range for a large herd of elk and a smaller herd of deer. There is lynx presence documented in the area as well as habitat for many Forest Service-sensitive species.

Ryan Gulch is also a popular recreational access into the Eagles Nest Wilderness. There are five trailheads in the CRA and many walking and biking trails. People use it for hiking, horseback riding, cross-country skiing, snowshoeing, and biking.

This CRA is one of twelve roadless areas that are contiguous with the Eagles Nest Wilderness. Together, these form a roadless complex of over 168,000 acres (262 square miles). It is adjacent to a Class I airshed and within a state-defined source water assessment area. (Preservation/Conservation - #622.303.66200.002)

### **5-301 Public Concern: The Forest Service should consider the Ryman area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the San Juan National Forest:

Ryman, upper tier recommendation: 7,300 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Ryman is a key element of contiguous wildlife habitat in a thickly forested north-facing watershed that connects to the state's largest roadless area, the Hermosa. A favorite of horseback riders, Ryman receives few human visitors but represents key habitat for forest and aquatic species. With the exception of the "break" by the ridge top Colorado Trail, Ryman provides a Dolores River watershed to Animas River watershed connection via the Hermosa IRA. (Preservation/Conservation - #622.211.66200.002)

### **5-302 Public Concern: The Forest Service should ensure that Ryman and Blackhawk Mountain Roadless Areas are designated as upper tier.**

#### **BECAUSE THEY ARE CONTIGUOUS WITH THE HERMOSA ROADLESS AREA**

The Ryman and Blackhawk Mountain Roadless Areas would be contiguous with the Hermosa except for one motorized route between them and the Hermosa. Designating these areas as upper tier areas would substantially enhance the roadless characteristics of this area. (Individual, Mancos, CO - #226.6.66000.621)

### **5-303 Public Concern: The Forest Service should ensure that Ryman, Storm Peak, San Miguel, Fish Creek, Blackhawk Mountain, and Lizard Head Adjacent CRAs are afforded upper tier protection.**

#### **BECAUSE THE FOREST PLAN UPON WHICH DESIGNATIONS WERE BASED IS OUT OF DATE AND INACCURATE**

For the roadless areas in the western part of the San Juan National Forest (that I know extremely well), I would like to provide information on why the following listed areas should have been included as upper tier areas in the second Alternative (preferred alternative). The areas are (listed in order of priority):

Colorado Roadless Area Acres in Alt 4

Upper Tier Hermosa	48,100
Ryman	7,300
Storm Peak	44,000
San Miguel	64,000
Fish Creek	13,500
Blackhawk Mountain	15,500

## Lizard Head Adjacent 2,400

The areas listed here have the same characteristics as the areas included as upper tier in Alternative 2. A feet-on-the-ground analysis of these areas indicates that the terrain is rugged, steep and quite inaccessible. They have not been lumbered because of these characteristics and have not been considered for fire prevention thinning because there is no need to do this. Also, there is no need for roads for the reasons that differentiate upper tier from other roadless areas. A review of the information presented for these roadless areas in Appendix C of the Draft EIS for the Draft Forest Plan affirms that they meet the characteristics that were set for upper tier roadless areas. The predominate use of these roadless areas is hunting.

The Proposed Colorado Roadless Rule describes upper tier areas as areas identified in Forest Plans, or during Forest plan revision processes, as areas where tree-cutting and road building restrictions would be appropriate. It appears that the Draft Forest Plan for the San Juan National Forest (SJNF) was used to determine that the above listed areas did not merit inclusion in Alternative 2 as upper tier areas. However, if the Forest Plan now in effect had been used (1992 Amended LRMP), the conclusion would have been different. The current/existing Forest Plan identifies these areas as areas where tree-cutting and road-building restrictions are appropriate. The baseline condition in the EIS for the Draft Forest plan for areas in the Rico-West Dolores drainage does not agree with the existing Forest Plan - this fault is currently being pursued by Colorado Backcountry Hunters and Anglers and a number of other groups. It appears that this fault will have to be corrected. Either way, the use of the Draft Forest plan for the Rico-West Dolores drainage presents an incorrect view of the suitability of these areas as upper tier areas. Therefore, the 1992 Amended LRMP should have been used to determine the upper tier status of the seven Roadless Areas listed above - and the conclusion would be that these areas should have upper tier protection! (Individual, Mancos, CO - #226.3-4.66000.621)

### **5-304 Public Concern: The Forest Service should consider the Saint Charles Peak area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND WETLANDS**

Saint Charles Peak (WC Saint Charles/Williams Creek East):

WC recommends 8400 acres for the upper tier.

The St. Charles Peak Roadless Area of 16,900 acres is located west of Colorado Highway 165 from Bishops Castle to just south of Lake San Isabel. St. Charles Peak at 11,784 feet dominates the northern end of the area, where tributaries flow off the peak to form the St. Charles River that flows into Lake San Isabel. To the east, outside the roadless area, the St. Charles River cuts a major canyon that is one of the few remaining Mexican spotted owl locations in central Colorado. Lake San Isabel, a popular recreation area, is excluded from the roadless area. UASPP's [Upper Arkansas South Platte Project] boundary is larger than the Roadless Area Conservation Rule Inventoried Roadless Area on the west and south sides.

The vegetation in the St. Charles Peak Roadless Area is predominantly Engelmann spruce subalpine fir. St. Charles Peak also has Douglas-fir interspersed with aspen on the east 33 side, especially in the St. Charles River drainage across the south central part of the roadless areas.

A large, relatively undisturbed, steep-sloped area of spruce-fir and Douglas-fir is located in the east central portion of the area. St. Charles Peak is included in the TNC [The Nature Conservancy] Blueprint Wet Mountain area of moderate conservation value. SREP's [Southern Rockies Ecosystem Project] Vision lists the roadless area as low use.

There are extensive wetlands on the west central side of the area. Rare species include reflected moonwort and historical records of wolverine. Mountain lion and black bear are found across the area, and there are areas of high bear summer and winter activities on the east side, extending westward in the St. Charles drainage. Bighorn sheep summer on the south side.

Deer and elk have summer range across the area with deer winter range on the east and elk winter range on the north side. There are several elk calving areas in St. Charles Peak. The large calving area that extends from Antelope Mountain southeast into the Greenhorn Mountain Wilderness overlaps into the west side of the St. Charles Peak area. Another calving area is located in the Amethyst Creek area and a

third large calving area extends from the eastern edge of the roadless area along the St. Charles Creek drainage. Lynx general habitat with both winter and denning habitat, spreads across the area. The FWS has designated critical habitat in the area for Mexican spotted owl. (Preservation/Conservation, Colorado Springs, CO - #581.133-134.66000.300)

### **5-305 Public Concern: The Forest Service should consider the Salt Creek CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, HUNTING, AND WATER SOURCES IN THE GMUG NFS**

Colorado Roadless Area recommended for upper tier on the GMUG:

Salt Creek, upper tier recommendation: 7,600 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources. (Preservation/Conservation - #622.102.66200.002)

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES IN THE WHITE RIVER NF**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Salt Creek, upper tier recommendation: 5,600 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreation, and water supply.

The Salt Creek CRA occupies the upper Salt Creek drainage on the west side of Bellyache Mountain, in the northern foothills of the Sawatch Range. Bellyache Mountain is a broad flat-topped ridge with large open parks on its top. The creeks cut steeply into its flanks. The area is forested by Engelmann spruce and subalpine fir, interspersed with large stands of aspen. Elevations range from 8,000 feet at Squaw Creek to 10,460 feet above upper Salt Creek.

Mid-elevation areas such as these provide critical wildlife habitat, healthy forest, and a buffer between urban areas and protected wilderness. These areas are important summer range for deer and elk, and they receive moderate hunting traffic in the fall. Squaw Creek is a popular day-hiking area. The area retains good lynx habitat and lynx presence is documented within the CRA. The area provides important habitat for Forest Service-listed sensitive species and other wildlife. It is also within a state-defined source water assessment area. (Preservation/Conservation - #622.304.66200.002)

### **5-306 Public Concern: The Forest Service should consider the Sanford Basin Roadless Area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT AND WATER SOURCES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Sanford Basin, upper tier recommendation: 6,500 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Sanford Basin Roadless Area (2001 Kreutzer-Princeton West IRA) joins with the much larger Kreutzer-Princeton Roadless Area on the east side of the Divide on the Pike-San Isabel Forest. This area, including Cottonwood Pass Area and Sanford Basin, provide good lynx habitat. Because of its location along the Continental Divide, this area provides general ecological connectivity and migration pathways for many species, including lynx, bear and elk. Barren lands and alpine tundra are found at the highest elevations with riparian (wetland) areas, spruce-fir, and aspen found as the elevation decreases. The headwaters for many streams are found in this area. Most flow into Taylor Park Reservoir, known for great fishing.

Most of this CRA lies within the large Cottonwood Pass Conservation Site identified by The Nature Conservancy. The Pass Creek Potential Conservation Area, identified for subalpine shrub riparian habitat, is located on the northern edge of this area. Mountain goat summer range occurs within this area, with summer concentration and production areas on the adjacent Pike/San Isabel NF. Sanford Basin provides summer range for mule deer and elk, and elk migration routes. Suitable lynx habitat has been

mapped in the area, and the northern half lies within the Cottonwood/Tincup lynx linkage area. Suitable habitat for the Uncompahgre fritillary butterfly occurs in this area. The sensitive plant species *Braya glabella* can be found here. White-tailed ptarmigan habitat also occurs in alpine areas. Bighorn sheep may use this area during summer. (Preservation/Conservation - #622.103.66200.002)

## **5-307 Public Concern: The Forest Service should expand the upper tier protections in the San Miguel CRA.**

### **TO INCLUDE SOUTH MINERAL CREEK AND THE MOLAS PASS AREA**

[ATT 1] San Juan National Forest:

South Mineral Creek

Molas Pass Area

CRA: San Miguel CRA, 64,047 acres (26,242 acres designated upper tier under Alternative 2)

Status: Upper tier under Alternative 4

South Mineral Creek immediately upstream from South Mineral Campground (approximately 37.81, -107.7) is a short but classic advanced to expert level whitewater run surrounded by spectacular high mountain scenery, but relatively accessible to visitors coming from Silverton and Durango. The Molas Pass Area on the west side of Highway 550 from Molas Pass (approximately 37.737276, -107.697959) offers excellent opportunities for backcountry skiing. While much of the area surrounding Engineer Mountain to the south is designated upper tier under Alternative 2, the area should be expanded to include, at a minimum, the areas around South Mineral Creek, the Colorado Trail, and Molas Pass. (Recreation/Conservation Organization, Washington, DC - #681.49.66000.510)

### **TO PROTECT WILDLIFE HABITAT AND WATER SOURCES**

Colorado Roadless Area recommended for upper tier on the San Juan National Forest:

San Miguel, upper tier recommendation: 64,000 acres.

Recommended from Alternative 4. Protection in upper tier would provide backcountry hunting and recreation opportunities, benefit wildlife, and safeguard water sources.

Ice Lake Basin, Engineer Mountain, and Grizzly Peak are just some of the scenic features of the San Miguel Roadless Area, which is adjacent to roadless lands on the GMUG [Grand Mesa, Uncompahgre and Gunnison] National Forest, creating a large expanse of roadless backcountry on the spine of the San Juan Mountains. There are numerous peaks over 12,000 feet and three peaks over 13,000 feet, with many alpine lakes in between the cliffs. Because of its large size and spectacular scenery, the area provides a variety of recreation including hiking and dirt biking. A 20-mile segment of the Colorado Trail crosses the roadless area providing outstanding opportunities for backpacking, mountain biking, and horseback riding. Snowmobiling occurs near Bolam Pass and around Little Molas Lake. Commercial recreation is also a popular use of this roadless area: hunting outfitters and guides use the area. Sno-Cat and heli-skiing also occurs in the area. The trail up Engineer Mountain is one of the busiest in the region.

The forests and mountain meadows provide important habitat for numerous wildlife species. The area is calving, summer, and transitional habitat for elk. Mule deer use the area as summer range. The area is important mountain lion habitat and provides habitat for the Canada lynx. Pine marten have been found in the area, a USFS sensitive species. Two wild Colorado cutthroat trout populations live in waters within the roadless area—Deep Creek and Elk Creek. The San Miguel Roadless Area includes the potential Grizzly Peak RNA [Research Natural Area] proposed for its tufted hairgrass, wet spruce-fir forest and alpine vegetation on large areas of shale geology. This roadless area is within a source water area for municipal supplies. (Preservation/Conservation - #622.212-213.66200.002)

## **5-308 Public Concern: The Forest Service should consider the Sawlog area for upper tier protection.**

### **TO PROTECT HUNTING AND RECREATION, WILDLIFE HABITAT, AND WATER SOURCES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Sawlog, upper tier recommendation: 8,600 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

Sawlog RA occupies the eastern foothills of the La Garita Mountains, which are part of the larger volcanic range of the San Juan Mountains. The North Fork of Carnero Creek and Sawlog Creek are the primary creeks of this RA. The primary watershed of the Sawlog RA drains into Carnero Creek, which helps provide surface and groundwater for the communities of La Garita, Moffat, Center, Hooper and Mosca and surrounding ranches.

Bristlecone and limber pine trees can be found on exposed windblown rock ridges. Engelmann spruce and some sub-alpine trees can be found on the cooler northern aspects. Large ponderosa pine can be found tucked along large boulders and cliff bands with open short grassland parks. The Middle Fork of Carnero Creek is considered an Area of "High Biological Significance" and has been proposed as a Potential Conservation Area (PCA) by the Colorado Natural Heritage Program because of its unique alder (*Alnus incana*) riparian habitat. The areas of Sawlog Creek and the North Fork of Carnero Creek provide important production habitat for the local bighorn sheep herd. Elk and deer winter on the southern aspects and will move up and down in elevations depending on the winter and are often discovered during the remainder of the year. Carnero Creek, Middle Fork and South Fork of Carnero Creek have been listed as conservation populations for Rio Grande Cutthroat, and the North Fork of Carnero Creek has been listed as a core population by the 2004 Colorado Division of Wildlife Conservation Plan for Rio Grande cutthroat trout, making this an important watershed for the present and future health of the native fisheries. (Preservation/Conservation - #622.158.66200.200)

## **5-309 Public Concern: The Forest Service should consider the Sawtooth area for upper tier protection.**

### **TO PROTECT HIGH-QUALITY HABITAT FOR ELK, CANADA LYNX, AND GUNNISON SAGE GROUSE**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Sawtooth\*

Sawtooth area, at 22,800 acres, is an important cross-basin connector within the eastern portion of the Gunnison Basin. Well-known for its excellent elk hunting and pristine quality habitat, Sawtooth, if protected, would initiate a north-south network of protected lands west of Gunnison, north to Curecanti National Recreation Area, and the West Elk Wilderness. The area is important transitional range for both the Gunnison sage grouse and Canada lynx. (Place-Based Group, Ridgway, CO - #533.25.66000.002)

### **TO PROTECT WILDLIFE HABITAT, HUNTING OPPORTUNITIES, AND WATER RESOURCES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Sawtooth, upper tier recommendation: 22,800 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Sawtooth Mountain is an important cross-basin connector within the eastern portion of the Gunnison Basin. Well-known for its excellent elk hunting and pristine quality habitat, Sawtooth Mountain, if protected, would initiate a north-south network of protected lands west of Gunnison, north to Curecanti National Recreation Area, and the West Elk Wilderness. The area is important transitional range for both the Gunnison sage grouse and Canada lynx.

The Sawtooth CRA is situated in the southernmost extent of the Gunnison Ranger District to the east of the Cochetopa Hills. The area provides summer range for bear, mule deer, elk and moose, and is a calving area for elk. Lynx habitat is mapped in this CRA. East Fork South Beaver Creek is designated a

native cutthroat water and contains a conservation population of Colorado River cutthroat trout. Winter range for bald eagle extends into the eastern edges of this CRA. Motorized and mechanized travel opportunities have been limited by the closures. The decommissioning of roads within the area has been largely successful and previously roaded lands are reverting to a natural-appearing landscape. Rugged terrain, dense vegetation, distance from sights and sounds of development, and lack of trails within the unit provide opportunities for remoteness and solitude. Recreation activities are generally non-motorized hunting and horseback riding. This CRA is within a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.104.66100.002)

### **5-310 Public Concern: The Forest Service should expand the upper tier areas in the Schofield Pass CRA.**

#### **TO INCLUDE TRAIL 401**

[ATT 1] Grand Mesa-Uncompahgre-Gunnison National Forests:

Trail 401

CRA: Schofield Pass CRA, 875 acres

Status: New proposed upper tier area

This 14-mile loop mountain bike ride through the heart of the Schofield Pass CRA is often described as the best ride in Colorado. From the Judd Falls trailhead (approximately 38.965970, -106.993920), the ride follows Gothic Road towards Schofield Pass for approximately 4.5 miles before turning east into the CRA for a long single-track descent through fields of wildflowers and aspen groves. This world-famous outdoor recreation resource should be given upper tier protection. (Recreation/Conservation Organization, Washington, DC - #681.29.66000.510)

### **5-311 Public Concern: The Forest Service should consider Scraggy Peaks, Babcock Hole, Hardscrabble, Highline, Greenhorn Mountain, and St. Charles Peak areas for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT, ECOSYSTEM DIVERSITY, AND OUTDOOR EDUCATION OPPORTUNITIES**

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 \$1.7 million 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. (Individual, Beulah, CO - #475.8.66000.002)

### **5-312 Public Concern: The Forest Service consider the Scraggy Peaks area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT**

Scraggy Peaks:

WC recommends all 16,700 acres of roadless area for the upper tier.

The Scraggy Peaks area is bounded on the east by the National Forest boundary and Pueblo Mountain Park; the south boundary follows the National Forest boundary and natural features west. The western boundary follows Trails 3121, 1384, 1322, 1388, 1323, Forest Road 383, and the National Forest

boundary from near Bigelow Divide north to Forest Road 386 and South Hardscrabble Creek. The northern boundary is along Forest Road 386 and South Hardscrabble Creek.

The area is cut by a number of creeks creating very rugged topography with canyons and ridges. Round Top Mountain (10,180 feet), Scraggy Peaks (9,198 feet), and Potato Mountain (8,872 feet) are notable peaks in the area. CDOW has designated the area as watershed for the greenback cutthroat trout.

The forests are primarily Douglas-fir with some mountain shrublands, aspen and ponderosa pine. Prairie violet, white fir-Colorado blue spruce-narrowleaf cottonwood/Rocky Mountain maple, montane riparian forests are recorded here.

Bear, mountain lion, elk and mule deer find year-round habitat here, especially in the lower areas. A large elk calving area is located just south of the roadless area. There is patchy lynx habitat, including both winter and denning habitat, across the whole area. The area also contains roosting and production areas for wild turkey. Mexican spotted owls have also been recorded and the area is designated critical habitat by FWS [Fish and Wildlife Service].

Scraggy Peaks is part of the larger TNC [The Nature Conservancy] Blueprint area of moderate conservation value. SREP's [Southern Rockies Ecosystem Project] Vision shows the roadless area as core Wilderness. (Preservation/Conservation, Colorado Springs, CO - #581.149.66000.300)

### **5-313 Public Concern: The Forest Service should consider the Sheep Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Sheep Mountain, upper tier recommendation: 2,400 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

Sheep Mountain RA occupies the northern sub-alpine slopes of the La Garita caldera, which was created by a massive super volcano some 28 million years ago, and provides important summer and fall habitat for big game such as elk and deer and to the north large herds of pronghorn can be found in Saguache Park. During the late spring, summer and fall months both mule deer and elk will move into this region and then move out and down in elevations during the colder snowy months. Gray fox, mountain lion, bighorn sheep, three-toed woodpecker, and white-tailed ptarmigan are some of the wildlife that might be seen throughout this RA.

Bristlecone and limber pine trees can be found on exposed windblown rock ridges. Large continuous stands of Engelmann spruce, sub-alpine and aspen can be found throughout the area. Some mountain parks of mountain fescue grasslands can also be found on more level ground. The riparian systems of North Fork, Middle Fork, and South Fork of Saguache Creek are given a "High Biological Significance" ranking and have been proposed as a "Potential Conservation Area" by the CNHP because of common perennial sedge *Carex cespitosa* plant community found along the stream banks.

Tuttle Creek above the confluence of Whale and Wannamaker Creek has been designated as a core population for the Rio Grande cutthroat [trout] according to the 2004 Colorado Division of Wildlife Conservation Plan for Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*), while Whale and Wannamaker Creeks have conservation populations. Saguache State Park provides excellent trout fishing of native and nonnative trout, which is just on the northern boundary of Sheep Mountain RA. Hunting, fishing and horseback riding are the common recreational activities. (Preservation/Conservation - #622.159-160.66200.002)

### **5-314 Public Concern: The Forest Service should expand the upper tier areas of the Sheep Rock CRA.**

#### **TO INCLUDE THE SOUTH PLATTE RIVER AND BIG ROCK CANDY MOUNTAIN**

[ATT 1] Pike-San Isabel National Forests:

South Platte River



**Big Rock Candy Mountain**

CRA: Sheep Rock CRA, 8013 acres

Status: New proposed upper tier area

Big Rock Candy Mountain (39.131375, -105.322308), at approximately 1,000 feet high, may be the largest rock formation in the Platte drainage. Big Rock Candy Mountain offers climbers a number of challenging multi-pitch routes in a relatively remote setting.

The South Platte River, through the Sheep Rock CRA to Cheeseman Reservoir, is the scenic runout for the Cheeseman Canyon section of the South Platte, an adventurous and pristine canyon enjoyed by experienced whitewater boaters. To protect these outstanding recreational resources, the Sheep Rock CRA should be afforded upper tier protection. (Recreation/Conservation Organization, Washington, DC - #681.41.66000.510)

**TO PROTECT PLANT COMMUNITIES**

Sheep Rock (WC Sheeprock):

Sheep Rock is located west and south of Cheesman Reservoir and is distinguished by the huge granite outcroppings of Sheep rock itself and the granite monoliths on the South Platte River near Corral Creek. WC recommends 7800 acres for the upper tier protection.

The land is rolling forest or open areas with a precipitous drop into the river canyon which runs through the roadless area. All of the Sheeprock Roadless Area is within the Hayman burn perimeter; most of the burn was of high severity with some areas of low to moderate severity. Subsequently there was substantial erosion affecting water quality in both the South Platte River and Cheesman Reservoir. Forbs and grasses have reestablished themselves, aspen has regenerated quite vigorously, but pines are slow to recover. Pre-fire, the area was primarily ponderosa pine and Douglas-fir, with some open meadows and aspen stands. Wildcat Creek and Goose Creek on the west side and Northrup Gulch on the east side drain the uplands into the South Platte. Approximately 12 percent of the area is riparian. (Preservation/Conservation, Colorado Springs, CO - #581.150.66000.333)

**5-315 Public Concern: The Forest Service should consider the Shield Mountain area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Shield Mountain, upper tier recommendation: 9,400 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.192.66200.002)

**5-316 Public Concern: The Forest Service should consider the Silver Lakes/Stunner area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Silver Lakes/Stunner, upper tier recommendation: 2,300 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.161.66200.002)

**5-317 Public Concern: The Forest Service should consider the Silverheels area for upper tier protection.****TO PROTECT WATER RESOURCES AND PLANT COMMUNITIES**

Silverheels (WC Silverheels):

Near Fairplay, the Silverheels Roadless Area is located in the “Y” formed by the junction of US Highway 285 and Colorado Highway 9. Mount Silverheels and Palmer Peak are distinctive landmarks rising above South Park lower elevations. WC recommends 8200 acres for the upper tier.

Mount Silverheels is alpine tundra or rock, with Engelmann spruce-subalpine fir and lodgepole pine, some bristlecone/limber pine, and wetlands across the more moderate elevations. Headwaters and tributaries of Trout Creek, Tarryall Creek and Beaver Creek are located here. Approximately 8 percent of the area is riparian and the Subalpine Riparian/Wetland Carr plant community, as well as occurrences of Porter feathergrass, are found in the area. (Preservation/Conservation, Colorado Springs, CO - #581.153.66000.300)

## **5-318 Public Concern: The Forest Service should consider the Slide Mountain CRA for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT**

Sangre de Cristo: Blanca Peak to Slide Mountain

This area is listed in the WCCP as: Carbonate Mountain/Blanca Peak/Slide Mountain and Wild Connections has recommended all three for Wilderness designation. Wild Connections recommends 4100 acres for the upper tier.

Slide Mountain:

The Slide Mountain roadless area lies at the headwaters of the Huerfano River east of the Blanca Peak massif, and was part of the original Blanca Peak Roadless Area Conservation Rule Inventoried Roadless Area. Public access is possible only through the Wilderness area to the west.

The area is predominantly Engelmann spruce/subalpine fir forest, interspersed with substantial areas of subalpine and montane grassland, aspen, and Douglas-fir forest.

There is high summer bear activity area on the northeast side of the area, and suitable mountain lion habitat. Deer have summer range. Bighorn sheep are found in the eastern part, and in the winter they concentrate in the Huerfano valley. Lynx habitat is scattered across the area. The Slide Mountain roadless area includes a part of the large elk production area that extends across the Huerfano River drainage. Elk winter range is also found here. The area and the Sangre de Cristo Wilderness encompass the headwaters of the Huerfano River, including the upper reaches of Cascade Creek, with a high-quality population of greenback cutthroat trout. Rio Grande Cutthroat Trout Watershed is also found here.

Some 300 acres of the Strawberry Creek proposed RNA [Research Natural Area] are within the area, while the remainder is within the existing Sangre de Cristo Wilderness. The Nature Conservancy's Conservation Portfolio moderately high conservation value Sangre de Cristo Mountains unit encompasses all of Slide Mountain. (Preservation/Conservation, Colorado Springs, CO - #581.141.66000.300)

## **5-319 Public Concern: The Forest Service should consider the Sloan Peak CRA for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, unique plant communities, backcountry recreation, and local economies.

Sloan Peak CRA is located on the divide between the lower Fryingpan and Roaring Fork Rivers. The divide itself is a rolling ridge with very steep slopes fall away to the rivers on either side. These slopes are highly dissected by numerous minor creeks. In the eastern portion of the unit, Rocky Fork Creek carves a spectacular 1,500 foot-deep canyon through the sandstone bedrock.

The area has a wide diversity of vegetation from Engelmann spruce/subalpine fir forest on the divide, Douglas fir in the draws, aspen stands in between, to Gambel oak and sagebrush on the steep hillsides. The elevations range from 7,200 feet near the Roaring Fork River, to 10,700 feet in the Kobey Park area.

The Sloan Peak CRA has great topographical diversity and a wide range of habitat types. This large Area is a continuous midelevation corridor from the Hunter-Fryingpan Wilderness to the confluence of

the Roaring Fork and Fryingpan Rivers. While the gentle terrain to the south of the unit has been heavily logged, the steep slopes of this unit have discouraged human intrusion and development, leaving the area quite wild. The Arbaney-Kittle Trail along the divide, and the Rocky Fork Trail both receive regular use, including from mountain-bikers, but the rest of the area is undisturbed. The CRA is a popular place for hunting and fishing.

Rocky Fork provides habitat for native cutthroat populations. The CRA includes important winter range. There is extensive habitat for Forest Service-sensitive species. Cerise Gulch, in the western portion of the Roadless Area, is being studied by the Colorado Natural Heritage Program as a potential 2,400-acre Research Natural Area. This is primarily due to its excellent representation of lower-elevation plant communities. The area contains valuable winter range for big game. The deep and narrow canyon of Rocky Fork Creek is a natural spectacle unlike anything else in the Fryingpan or Roaring Fork watersheds.

The area is also within a state-defined source water assessment area. (Preservation/Conservation - #622.305-306.66200.002)

### **5-320 Public Concern: The Forest Service should consider the Snowshoe Mountain CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Snowshoe Mountain, upper tier recommendation: 3,800 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.162.66200.002)

### **5-321 Public Concern: The Forest Service should expand upper tier protections in the Soap Creek Roadless Area.**

#### **TO PROTECT VEGETATION COMMUNITIES, WILDLIFE HABITAT, RECREATION OPPORTUNITIES, AND MUNICIPAL WATER SUPPLIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Soap Creek, upper tier recommendation: 6,000 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Soap Creek Roadless Area (part of the 2001 West Elks IRA) contains a diversity of forest types, from scrub oak, serviceberry, and sagebrush lower in the unit, to mixed aspen and Douglas fir, with spruce increasing at higher elevations. Soap Creek contains high-quality critical habitat for bighorn sheep. Most of the roadless area is elk and deer winter range and severe winter range with some winter concentration areas. The area provides summer range for mountain lion and black bear. Potential Gunnison sage grouse habitat extends into the Soap Creek drainage and peregrine falcon nesting areas occur in the roadless area. Much of the area is within bald eagle winter range, with several roost site locations occurring along Soap Creek. Portions of two PCAs [Potential Conservation Areas] identified by Colorado Natural Heritage Program occur in the roadless area, Coal Creek PCA, located at the southern end; and, Soap Creek PCA at the north end.

The roadless area is adjacent to the West Elk Wilderness, and provides opportunities for remote adventure, being especially popular during hunting season. Soap Creek Road, a lightly-traveled high clearance four-wheel drive road with some dispersed camping, provides access to the roadless area but there are no Forest Service System Trails within the area. The southern boundary of the roadless area provides a very scenic backdrop to the Blue Mesa Reservoir, characterized by cliff outcrops of eroded West Elk Breccia. The roadless area is within a source area for municipal water supplies. (Preservation/Conservation - #622.105.66100.002)

## **5-322 Public Concern: The Forest Service should consider the Spraddle Creek A and B CRAs for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Spraddle Creek A and B, upper tier recommendations: 900 and 6,500 acres.

Recommended in Alternatives 2 and 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supplies.

The Spraddle Creek A and B CRAs occupy half of Bald Mountain and both creeks that drain its western slopes spill into Gore Creek at Vail. These are Middle Creek and Spraddle Creek. The elevation ranges from 8,300 feet near Vail to 12,136 feet on Bald Mountain. Bald Mountain is part of the Gore Range and is a significant landform that is highly visible from Vail Ski Area. The terrain here mostly consists of large moderately-steep hillsides heavily-forested with Engelmann spruce and subalpine fir. Lodgepole pines and aspens are also present in the lower elevations.

This area is important as a buffer between urban development in Vail and the Eagles Nest Wilderness Area. Wildlife uses the area as a mid-elevation transitional zone between the high peaks of the Gore Range and the Gore Creek Valley. Deer and elk are abundant in the summer, and the ridge along the unit's eastern boundary is Canada lynx habitat, as well as home to bighorn sheep, mountain goats, and moose.

The proximity of this area to Vail makes it extremely valuable for recreational uses. It is a popular hunting and horseback riding destination. The Middle Creek and Son of Middle Creek Trails through the roadless area are very popular mountain bike trails, as they are easily accessible from town. The Eiseman Hut is along the north edge of the unit, and the high ridge is excellent backcountry skiing terrain. Spraddle Creek provides relatively easily-accessed quiet use recreational opportunities, opportunities that are increasingly rare and important as growth in the Vail Valley further erodes quiet opportunities there.

The area is adjacent to a mandatory Class I airshed and within a state-defined source water assessment area. (Preservation/Conservation - #622.307-308.66000.002)

## **5-323 Public Concern: The Forest Service should consider the Spanish Peaks area for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT AND PLANT COMMUNITIES**

Spanish Peaks (WC Spanish Peaks Adjacent):

WC recommends 7400 acres for the upper tier. The Spanish Peaks Wilderness anchors the complex, and its twin cones can be seen from as far as 100 miles away, making it a landmark for travelers. Elevations range from about 10,500 feet in Wahatoya Creek to 13,626 feet on West Spanish Peak.

The Spanish Peaks Adjacent lands around the Spanish Peaks Wilderness, not included in other management themes are recommended for active wildlife management. While they are rather fragmented in terms of land ownership and include various 4WD roads, they provide additional habitat and serve to connect the lower elevations out into the plains with the higher elevations of the Wilderness. This will be helpful for mule deer and elk that have extensive winter range, concentration areas, and elk calving grounds in the lower elevations outside the forest.

There are large areas of Douglas-fir, with some aspen and ponderosa pine intermixed, as well as some very small areas of Gambel oak shrubland along the north boundary of the Wilderness.

The management objective is to provide high quality, all-season habitat, forage, cover, escape terrain, solitude breeding habitat, and protection for a variety of wildlife species and associated plant communities. (Preservation/Conservation, Colorado Springs, CO - #581.157.66000.330)

**5-324 Public Concern: The Forest Service should consider the Spruce Hole/Sheep Creek area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Spruce Hole/Sheep Creek, upper tier recommendation: 2,400 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.163.66200.002)

**5-325 Public Concern: The Forest Service should consider the South Fork area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

South Fork, upper tier recommendation: 2,000 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.193.66100.002)

**5-326 Public Concern: The Forest Service should consider the South San Juan Wilderness Adjacent area for upper tier protection.****TO PROTECT WILDLIFE HABITAT AND FOR HUNTING**

[ATT 4] Key features of the Colorado Roadless Area recommended for inclusion in the Alternative 2 upper tier category. All South San Juan Wilderness Adjacent- Elk winter range and summer concentration area, bighorn sheep summer range, mule deer winter range and concentration area, black bear summer concentration area and cutthroat trout habitat. Migration route for elk and mule deer. Key habitat for elk reproduction. Very little motorized use. Identified by local sportsmen as a high value area. Very high hunter participation in 2009 for elk, mule deer and black bear. (Preservation/Conservation, Denver, CO - #620.18.66100.002)

**5-327 Public Concern: The Forest Service should consider the Square Top Mountain area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Square Top Mountain, upper tier recommendation: 600 acres.

Recommended from Alternative 2. Protection in upper tier would safeguard critical water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

Square Top North is directly adjacent to the Square Top IRA across the ridge in the Pike National Forest, creating a large combined roadless area of over 17,000 acres with numerous peaks topping 12,000 and even 13,000 feet. Great scenery is visible as you approach Square Top Mountain from Guanella Pass. Opportunities for recreation in the Square Top Roadless Area include the trail to Square Top and the Silver Dollar Lake Trail that leads to a series of high alpine lakes.

The trailhead is easily accessible but not nearly as heavily used as the trail to Mount Bierstadt, a 14er, to the east. Silver Dollar Lake and Murray Lake are pristine mountain lakes surrounded by steep mountainsides. They can be visited on foot in the summer or by snowshoe or skiing in the winter.

The high alpine areas north and west of Square Top Mountain are surprisingly full of natural wetlands. South Clear Creek, a tributary of Clear Creek, has its headwaters in the Square Top North Area. Clear Creek provides water for the cities of Golden, Westminster, and other suburbs north and west of Denver

and Clear Creek is part of the South Platte River system. Elk gather in the summer here, and the area is an important migration corridor for lynx. The peregrine falcon found here is a state species of special concern. The polixenes arctic butterfly found in the area is vulnerable in Colorado. Gray's peak witlow grass and the clawless draba plant found in the unit are globally imperiled, the common moonwort plant (botrychium lunaria) found in here is imperiled in Colorado, and the iron fen natural communities found in the area are globally imperiled. (Preservation/Conservation - #622.40.66100.002)

### **5-328 Public Concern: The Forest Service should consider the Starvation Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT AND RIPARIAN AREAS**

Starvation Creek:

The Starvation Creek Roadless Area lies between Marshall Pass and the Antora Peak roadless area to the south. WC recommends 7500 acres for upper tier inclusion. The area contains a recommended Research Natural Area and is also recommended for Wilderness designation.

The east-west trending long ridges of the area separate the Poncha, Starvation and Silver Creek drainages, north to south respectively. The upper portions of the area have experienced some past logging using heavy machinery. A road leading to a fairly recent logging area near the Continental Divide between Silver Creek and Starvation Creek and a road near the Divide north of Starvation Creek have been cherry stemmed out of the roadless area.

Vegetation within the roadless area is primarily Engelmann spruce-subalpine fir on the west with lodgepole pine, and substantial areas of aspen and Douglas-fir in the rest of the area. The area has excellent riparian habitat, with numerous beaver ponds and wetlands along various streams, which is valuable both for wildlife and recreation. (Preservation/Conservation, Colorado Springs, CO - #581.160.66000.330)

### **5-329 Public Concern: The Forest Service should provide upper tier protection for the Steuban area.**

#### **TO PROTECT WILDLIFE HABITAT, AIR QUALITY, AND QUIET RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Steuban, upper tier recommendation: 100 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Part of the 2001 Beaver Castle Inventoried Roadless Area, this roadless area forms a southern extension of the West Elks Wilderness and provides critical connectivity for wildlife from low to higher elevation lands. According to the Colorado Division of Wildlife, the roadless area has critical wildlife values for elk, deer, bighorn sheep, lynx and Gunnison sage grouse.

This area lies within two very large Nature Conservancy sites. The lower, southern portion of this CRA is identified as elk and mule deer winter range. Several elk migration corridors cross this area. Much of this area has been mapped as lynx habitat. Bald eagle winter foraging habitat occurs along the lower end of Steuben Creek; Gunnison sage grouse winter range also occurs in the southern area of this CRA.

This CRA is adjacent to the West Elk Wilderness, a mandatory Class I airshed as designated by Congress and listed in the Clean Air Act. The unit is long and narrow. Quality opportunities for solitude and sense of remoteness exist below the canyon rim. Above the canyon rims the unit is bounded by roads. This CRA is within a state-defined source area. (Preservation/Conservation - #622.106.66200.002)

### **5-330 Public Concern: The Forest Service should consider the Storm Peak area for upper tier protection.**

#### **TO PROTECT HUNTING AND RECREATION, WILDLIFE HABITAT, AND WATER SOURCES**

Colorado Roadless Area recommended for upper tier on the San Juan National Forest:

Storm Peak, upper tier recommendation: 44,000 acres.

Recommended from Alternative 4. Protection in upper tier would provide backcountry hunting and recreation opportunities, benefit wildlife, and safeguard water sources.

Storm Peak Roadless Area in the Rico Mountains surrounds 12,133-foot Eagle Mountain. The area straddles the watersheds of the East and West Dolores Rivers. Storm Peak contains extensive stands of spruce-fir and mixed conifer forest. Much of this forest is located on the gentle slopes of Truby Creek north of Calico Peak. A large percentage of the remaining old-growth spruce-fir in the Dolores River drainage occurs in Storm Peak, including the expansive old-growth stands of Truby Creek. The Truby Creek old-growth spruce forest is extremely uncommon on the San Juan National Forest because it is located on gentle slopes, almost all of which have been extensively clearcut elsewhere on the SJNF [San Juan National Forest].

The Rico Mountains are a colorful and overlooked segment of the San Juan Mountains, dwarfed by the nearby 14,000-foot peaks of the Lizard Head Wilderness to the north. A well-developed trail system winds through Storm Peak. The Calico National Recreation Trail follows the ridgeline from the Dolores River to Storm Peak and continues to Morrison Creek. Popular activities in the area include: hiking, backpacking, horse packing, hunting, and fishing. The area is used for backcountry skiing and the northern portion is used by snowmobiles. Recreation outfitters use the area for big-game hunting and packing services, horseback-riding, and fishing. The many cultural resource surveys in or about the area have located and identified numerous sites consisting of isolated lithics, lithic scatters, some ground stones, historic aspen art, and habitation structures. Many of these sites are likely to be eligible to be listed in the National Register of Historic Places.

Wildlife species found in this area are typical of those found in the Southern Rocky Mountains. The large number of vegetative types has created an extremely diverse habitat. Mountain lions, black bears, elk, and mule deer utilize the CRA. This CRA provides habitat for the federally-listed Canada lynx (threatened). Radio telemetry data shows that Canada lynx also occupy the Storm Peak area. The CDOW is evaluating Storm Peak as a potential release sight for Rocky Mountain bighorn sheep as it provides necessary habitat requirements. Elk use the area during the spring, summer, and fall. In winter their use is restricted to south facing slopes and is dependent upon winter snow depths. Given the size of the Storm Peak CRA and the number of south facing slopes, even winter use can be significant. A wild population of pure native Colorado River cutthroat trout exists in the lower end of Little Taylor Creek.

This CRA is within a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.214-216.66200.002)

### **5-331 Public Concern: The Forest Service should consider the Stunner Pass/Dolores Canyon area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Stunner Pass/Dolores Canyon, upper tier recommendation: 1,300 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.164.66200.002)

### **5-332 Public Concern: The Forest Service should consider the Sugarloaf North and South area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Sugarloaf North and South, upper tier recommendations: 15,000 and 23,200 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

Sugarloaf North Roadless Area encompasses a wide range of elevations, from 5,575 to 14,410 feet. The CRA provides habitat for a variety of wildlife species including black bear, Columbian sharp-tailed grouse, elk, and mule deer. It includes nesting habitat for greater sandhill crane and waters that provide for conservation populations of Colorado River cutthroat trout.

Recreation use is generally low, but high during big game hunting seasons. There are some excellent opportunities for backpacking, big game hunting, camping, fishing, hiking, and horseback riding. The portion of NFST [National Forest Service Trail] 1144 that crosses the CRA is open to motorized travel. The trail receives low use during the summer but used extensively by ATVs during the big game hunting seasons. The CRA is open to snowmobilers and use appears to be increasing in the area. One trail in the Sugarloaf North Area is open to bicycle travel; currently use is low.

Sugarloaf South Roadless Area, with elevations range from 7,000 to 10,000 feet, includes more open parks of sagebrush and rabbit brush interspersed with aspen and small pockets of spruce, than its counterpart. Streams, small lakes, and beaver ponds dot the area. The mixture of forests and cover provides habitat for a variety of wildlife species including black bear, boreal toad, conservation populations of Colorado River cutthroat trout, Columbian sharp-tailed grouse, elk, greater sage grouse, greater sandhill crane, and mule deer. Due to the remoteness of the area, large herds of elk use the area for calving and summer range.

Bears Ears Peaks is a twin-peaked mountain of volcanic origin; it rises to 10,000 feet above the surrounding parks and forests. Access is by horseback or hiking. A scramble trail leads to the top of Bears Ears Peaks. Primary uses are hiking, horseback riding, hunting, and remote camping. Seasonal hikers use two hiking trails that traverse the CRA. The heaviest use is by hunters seeking a remote hunting experience. There is no winter access.

Both CRAs include source areas for municipal water supplies. (Preservation/Conservation - #622.194-195.66200.002)

### **5-333 Public Concern: The Forest Service should provide upper tier protection for the Sunnyside area.**

#### **TO PROTECT WILDLIFE HABITAT, VEGETATION COMMUNITIES, QUIET RECREATION, AND MUNICIPAL WATER SUPPLIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Sunnyside, upper tier recommendation: 10,700 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Among a set of roadless areas on the northernmost edge of the GMUG [Grand Mesa, Uncompahgre, Gunnison National Forests], and part of the 2001 Battlement Mesa IRA, Sunnyside Roadless Area is at high risk of expansion of oil and gas and timber cutting. With elevations ranging from 6,000 ft. to 9,200 ft. these are remarkably important mid-elevation core backcountry areas, increasingly surrounded by industrial activity. The lower elevations are dominated by pinyon-juniper with Douglas fir increasing in the species mix as elevation increases. Gambel oak, serviceberry, and snowberry shrubs species are intermixed in the understories at the upper elevations and provide sustenance for a range of wildlife species and the predators that depend upon them. Mule deer and elk are known to concentrate in the winter at the lower elevations and summer at the higher elevations of the roadless area. The Sunnyside area has some of the highest densities of wintering deer in the state of Colorado. Black bear fall concentration areas occur in the oak habitat found in the eastern half of the area. The Battlement Mesa Rocky Mountain bighorn sheep herd overwhelmingly resides here. This herd is small, small in stature, and lives at relatively low elevations which makes it unique from other herds. The western half of this area is within The Nature Conservancy's Debeque South Conservation Site. Portions of four PCAs [Potential Conservation Areas] extend into the roadless area and the western half is proposed as a research natural area. There are limited trails and access into the area. This isolation along with the ruggedness of the landscape and distance from the sights and sounds of developments provides an opportunity for solitude and a sense of remoteness. This CRA is within a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.107-108.66200.002)



**5-334 Public Concern: The Forest Service should consider the Sweetwater A area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Sweetwater A, upper tier recommendation: 800 acres.

Recommended in Alternative 2. Protection in upper tier would benefit wildlife, unique plant communities, fishing and hunting, and water supplies.

The Sweetwater A CRA is on the eastern side of the White River Plateau and south of the Flat Tops Wilderness Area. The volcanic plateau is high and broad, has gentle topography on its top, and is rimmed with steep, cliffy walls. This unit occupies much of the Sweetwater drainage, including Sweetwater Creek and its tributary Lake Creek. These drain the massive plateau eastward into the Colorado River. The terrain is lightly forested with islands of spruce and fir, Douglas fir, aspen, and Gambel oak, in order of descending elevation. However, much of the area is covered with vast alpine meadow systems, and grass shrub-steppe. The elevation ranges from 7,700 feet at Sweetwater Lake to 10,800 feet above Cross Creek.

The remote location of this area, and its proximity to the Flat Tops Wilderness, have limited significant alterations to the landscape. The area is incredibly scenic, and has a unique open view in all directions. This unit acts as a buffer to motorized trespassing into the Flat Tops Wilderness from private lands to the east. Hunting is quite popular here in the fall, but the area sees little traffic in the rest of the year, providing good opportunities to experience solitude.

The Colorado Division of Wildlife has identified the Sweetwater Area as critical big game winter range, in addition to supporting a large elk herd in summer. Sweetwater Lake is a popular fishing area as well. This unit is of economic importance to the many outfitters that operate here. The CRA has documented breeding habitat for boreal toads (recently petitioned for listing under the ESA [Endangered Species Act]). It also provides habitat for native populations of Colorado River cutthroat trout, known nesting sites for osprey, occurrences of lesser panicled sedge, and occupied habitat for numerous Forest Service sensitive species.

The Sweetwater CRA is adjacent to a mandatory Class I airshed and within a state-defined source water assessment area. (Preservation/Conservation - #622.309-310.66100.002)

**5-335 Public Concern: The Forest Service should retain upper tier protections in the Tanner Peak CRA.****TO PROTECT GRAPE CREEK AND THE TANNER PEAK TRAIL**

[ATT 1] Pike-San Isabel National Forests:

Grape Creek

Tanner Peak Trail

CRA: Tanner Peak CRA, 17,729 acres

Status: Upper tier under Alternative 4

Grape Creek, from approximately 38.320400, -105.347000 north to Cañon City, offers low-volume paddling through a scenic setting, including the west side of the Tanner Peak CRA.

Tanner Peak Trail (FT 1333) offers exhilarating views of the Royal Gorge, Pikes Peak, and the Sangre de Cristo Range and passes through five of Colorado's nine major ecosystems, from semi-desert to subalpine forest.

To protect these valuable recreational resources, the Tanner Peak CRA should be protected by upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.40.66200.510)

**TO PROTECT PLANT COMMUNITIES AND WILDLIFE HABITAT**

Tanner Peak:

Wild Connections [WC] lists the area as Grape Creek/Tanner Peak. The Wild Connections Conservation Plan calls for Wilderness of the Tanner Peak part of the larger proposed Grape Creek Wilderness. WC

endorses the Alternative 4 recommendation of 17,700 acres. The Grape Creek roadless area is located southwest of Cañon City and south of the Royal Gorge. Grape Creek traverses the Grape Creek BLM Wilderness Study Area. Tanner Peak lies east of the creek.

The Tanner Peak proposed RNA [Research Natural Area], some 3,600 acres, lies within the Forest Service portion of the proposed Grape Creek Wilderness Area. It contains intact plant communities and a good representation of lower montane habitats, including ponderosa pine forests in climax stage, as well as high-quality, relatively old piñon-juniper woodlands. Peregrine falcons have been documented in the area. Degener beardtongue, one of the rarest and least-known penstemons in Colorado, has also been reported in the area.

The overall area has severe winter range for elk (CDOW) and is designated as critical habitat for the Mexican spotted owl (FWS [Fish and Wildlife Service]). (Preservation/Conservation, Colorado Springs, CO - #581.161.66000.300)

## **5-336 Public Concern: The Forest Service should preserve the upper tier areas of the Tenderfoot Mountain CRA.**

### **TO PROTECT WINTER RECREATION OPPORTUNITIES**

[ATT 1]White River National Forest:

Tenderfoot Mountain Area

CRA: Tenderfoot Mountain CRA, 8,389 acres

Status: upper tier under Alternative 4

The Tenderfoot Mountain CRA, particularly the higher, west-facing aspects, are a popular local backcountry skiing destination. To protect this valuable recreational resource, the Tenderfoot Mountain CRA should be given upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.55.66200.510)

### **TO PROTECT WILDLIFE, PLANT COMMUNITIES, AND WATER SOURCES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Tenderfoot Mountain, upper tier recommendation: 8,400 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, unique plant communities, and water supply.

The Tenderfoot Mountain CRA sits between Loveland Pass and Eisenhower Tunnel, and covers an arm of the Divide that separates the North Fork of the Snake River from Straight Creek. This arm is a rolling alpine tundra-covered ridge with slopes that drop steeply on the north and south sides. Porcupine Gulch is the primary drainage from the ridge, and flows into the North Fork of Snake River. The western end of this ridge is less steep, and was excluded from the Roadless Area because of logging activity.

The subalpine portions of this CRA are forested in Engelmann spruce/subalpine fir and dense stands of lodgepole pine. There are riparian plant communities along the creeks at the borders of these units.

The Tenderfoot Mountain CRA has limited access, no maintained trails, little recreational visitation, and is relatively undisturbed. The area has a high opportunity for solitude in a scenic alpine environment.

This unit contains part of the Colorado Natural Heritage Program's proposed Porcupine Research Natural Area which contains many species of rare plants. Tenderfoot Mountain, west of the Roadless Area is critical winter range for big game, which move into the Roadless Area for summer. This unit is particularly critical as a lynx and boreal toad movement corridor because the Eisenhower Tunnel of I-70 is on its north side. This is the land bridge across I-70 where wildlife may move freely across this very imposing wildlife movement barrier without fear of collision. As such these approaches to the land bridge must be kept ecologically whole so as not to sever access to this singular land bridge across what is known as the Berlin Wall for wildlife, I-70.

Lynx presence in the area is documented. There is habitat for numerous Forest Service sensitive species including, but not limited to: boreal toad (recently petitioned for protection under the ESA [Endangered Species Act]), clawless draba, Gray's Peak whitlow-grass, and ice cold buttercup. The area is important for a wealth of other wildlife including deer and elk, ermine, ptarmigan, bear, and various owls.

The CRA is within a state-defined water source assessment area. (Preservation/Conservation - #622.311-312.66200.002)

### **5-337 Public Concern: The Forest Service should expand upper tier areas in the Tenmile Creek CRA.**

#### **TO PROTECT THE TENMILE BACKCOUNTRY SKIING AREA, THE WATER RESOURCES OF TENMILE CREEK, AND THE COLORADO TRAIL**

[ATT 1] White River National Forest:

Tenmile Area

Tenmile Creek

CRA: Tenmile CRA, 6,265 acres

Status: Partially protected under Alternative 4; new proposed upper tier area

The Tenmile area is a classic backcountry skiing destination, including the popular Sky Chutes and the Knarly Chute on the northeast side of Peak 1.

Tenmile Creek, from just off I-70 to Dillon Reservoir, flows briefly through the northernmost portion of the CRA. This is the most popular after-work whitewater run for the Summit County area. Though mostly outside the CRA, upper tier designation would help to protect water quality in this outstanding resource.

Tenmile CRA also is bisected by a section of the Colorado Trail and the Continental Divide Trail. To protect all of these invaluable recreational resources, the Tenmile CRA should be given upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.57.66200.510)

#### **TO PROTECT WILDLIFE, PLANT COMMUNITIES, AND WATER SOURCES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Tenmile, upper tier recommendation: 4,400 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, unique plant communities, recreation, water supply, and local economies.

The Tenmile Range CRA is a high, narrow, peak-studded divide that separates Tenmile Creek from Blue River. The Tenmile Roadless Area occupies most of the crest and western slopes of the range. These slopes plunge dramatically to Tenmile Creek and make a spectacular scenic view from the Copper Mountain Ski Area. The Tenmile divide is an outstanding alpine landmark that features Tenmile Peak (12,933 feet), Peaks 3 through 10 (12,438 to 13,633 feet), Crystal Peak (13,852 feet), and Pacific Peak (13,950 feet). The terrain consists of very steep west-facing slopes divided by numerous glacial cirques that funnel into narrow avalanche paths through the timbered lower slopes. The forest is mostly comprised of Engelmann spruce and subalpine fir. Much of the area is above the tree line, and supports an alpine environment dominated by tundra and scree. Elevations in the unit range from 9,700 feet along Tenmile Creek to 13,950 feet on Pacific Peak.

The awesome alpine terrain of this area has limited development and it retains a wild and natural character despite the many roads and mines around it. The incredible scenery and close proximity to Copper Mountain, Breckenridge, and Frisco make this a very popular recreational destination in the summer and winter. The famous Colorado Trail runs across the area. The Vail Pass-Tenmile National Recreational Trail skirts the northwestern boundary. As seen from Copper Mountain, the backcountry skiing potential is impressive. Unlike most roadless areas, this one receives little hunting traffic in the fall. It is, however, a popular fishing area.

The forested portions of the unit support elk, deer, and bear during the summer. Bighorn sheep and mountain goats live along the Tenmile ridge. The unit is also prime habitat for the endangered Canada lynx, which often cross I-70 from here to reach the Eagles Nest Wilderness Area. Lynx presence in the area is documented.

The CRA is within a state-defined source water assessment area. (Preservation/Conservation - #622.313-314.66200.002)

### **5-338 Public Concern: The Forest Service should grant the Texas Creek area upper tier protection.**

#### **TO PROTECT WILDLIFE, QUIET RECREATION, AND DOMESTIC WATER SUPPLIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Texas Creek, upper tier recommendation: 100 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Part of the 2001 Elk Mountains-Collegiate IRA, Texas Creek Roadless Area provides summer range for mule deer, black bear, and elk. Lynx habitat has been mapped in this area. Bighorn sheep use the higher elevations, adjacent to the Collegiate Peaks Wilderness. Sensitive species that use high elevation conifer, like the Northern goshawk, American marten, and the American three-toed woodpecker, have potential habitat in this area. The area has a high degree of naturalness, particularly closer to the boundary of the Collegiate Peaks Wilderness. However, because the unit is small, and in close proximity to the sights and sounds of motorized routes, developments on private in-holdings, and adjacent harvest activities, the sense of remoteness and opportunities for solitude are diminished. This CRA lies within a source water assessment area (municipal water supply). Over 70 percent of this assessment area is managed by the FS and is recognized as having a high value for domestic water supply. (Preservation/Conservation - #622.109.66200.002)

### **5-339 Public Concern: The Forest Service should consider the Thirtynine Mile Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT**

Thirtynine Mile Mountain:

Wild Connections [WC] recommends 11,700 acres as upper tier.

The extreme western portion of Thirtynine Mile Mountain is overall range for pronghorn and most of the roadless area is a high fall activity area for bear. The entire area is summer habitat for mule deer and the lower elevations are mule deer winter range, with critical and severe winter range and winter concentration areas on the north side. Much of the area is an elk calving ground, as well as elk summer and winter range. The entire area has been identified by the Division of Wildlife as Comanche mountain plover nesting habitat. (Preservation/Conservation, Colorado Springs, CO - #581.163.66000.351)

### **5-340 Public Concern: The Forest Service should consider the Thompson Creek CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Thompson Creek, upper tier recommendation: 18,500 acres.

Recommended in Alternative 4. Upper tier protection would benefit wildlife, backcountry recreation, and water supply.

Thompson Creek CRA contains the largest stands of old-growth spruce/fir forest on the WRNF [White River National Forest] and what is thought to be the largest aspen forest in the world. The area has been recognized by DOW as high priority habitat for a variety of species. The unit contains the Middle Thompson Creek Potential Conversation Area, proposed by the Colorado Natural Heritage Program, because of its significantly high biodiversity. This unit has some of the most important lynx habitat on the WRNF. The threatened Colorado River cutthroat trout is found in two forks of Thompson Creek. The streams also support rare wetland shrub communities, and the old-growth forest is habitat for the boreal owl and Northern goshawk. The entire Area is important elk calving habitat and summer range for big game, and is thus important for hunters. And there are fens throughout the CRA. [Footnote 24: Citizens for Roadless Defense, "Thompson Creek Roadless Area", <http://www.wroadless.org/p-thompson-creek-171.html> (accessed 7/29/10)].

The area is an important recreational destination close to Carbondale. Uses of the CRA include: hunting, hiking, horseback riding, mountain biking, and some snowmobiling. The CRA is within a state-defined source water assessment area.

Thompson Creek CRA is an important piece of a complex of roadless areas connecting the Grand and Battlement Mesas with the main stem of the Rocky Mountains. These areas should be considered and protected in the collective to ensure roadless values are retained on a landscape scale and to ensure that wildlife and plant communities have large swaths of unfragmented lands into the future. (Preservation/Conservation - #622.315.66200.002)

## **5-341 Public Concern: The Forest Service should grant the Thompson Divide area upper tier protection.**

### **BECAUSE IT IS ONE OF THE LARGEST REMAINING COMPLEXES OF NON-WILDERNESS ROADLESS LANDS**

“Upper Tier” Designation for Thompson Divide Area: As a means of maintaining one of the largest remaining complexes of non-wilderness roadless lands left in the State, Pitkin County has consistently supported the efforts of the Thompson Divide Coalition to protect roughly 220,000 acres, including the East Divide/Four Mile Park, East Willow, Turner Creek, Clear Creek, Huntsman Ridge, Tomahawk, McClure Pass, Assignment Ridge, and the Thompson Creek Colorado Roadless areas from the detrimental impacts of oil and gas development. To help achieve this end, we recommend that these areas be designated as “Upper Tier” Roadless Areas.

At a minimum, these areas should be withdrawn from availability for oil and gas leasing, “to ensure protection of surface values, watershed health, agricultural and domestic water supplies, as well as connectivity with adjacent habitats ... and functionality of the area as wildlife habitat and an important (wildlife) movement corridor.” [Footnote 1: July 6, 2011 Thompson Divide Coalition Letter to Land Managers re: 2011 Colorado Roadless Rule RDEIS.] (Pitkin County Board of Commissioners, Aspen, CO - #587.6.66000.421)

### **BECAUSE THE AREA IS IMPORTANT TO THE REGIONAL ECONOMY, FOR ITS RECREATIONAL OPPORTUNITIES, AND AS WILDLIFE HABITAT**

CRAs in the Thompson Divide deserve the highest level of protection and should be designated as Upper Tier Roadless Areas. These CRAs include: East Divide/Four Mile Park, East Willow, Turner Creek, Clear Creek, Hunstmans Ridge, Tomahawk, McClure Pass, Assignment Ridge, and the Thompson Creek CRAs.

The Thompson Divide is an area of extraordinary value to local people and communities, to regional residents and the regional economy, and to people across the country. The area encompasses about 220,000 acres, including the East Divide/Four Mile Park, East Willow, Turner Creek, Clear Creek, Hunstman Ridge, Tomahawk, McClure Pass, Assignment Ridge, and the Thompson Creek Colorado Roadless Areas (CRAs). This area, combined with adjacent and nearby roadless lands, is likely the largest complex of non-wilderness roadless lands left in the State. It represents one of the most valuable and diverse mid-elevation forested landscapes we have left in Colorado.

The Thompson Divide is a recreational Mecca with opportunities for skiing, snowmobiling, climbing, mountain biking, and hiking, birding, hunting, and fishing. The area is important habitat for wildlife ranging from deer, elk, and moose, to bears, mountain lions, and lynx, as well as genetically pure populations of Colorado River cutthroat trout. It comprises two of the best hunting units in Colorado and serves as a huge revenue generator for local and state economies. TDA also provides summer range for livestock operators-ensuring working ranches aren’t subdivided and that the historical fabric of local communities continues to thrive. Perhaps most importantly, the area provides clean water for domestic and agricultural users.

The Thompson Divide retains these values because there are few roads, the rivers run pure, and animals retain large, unfragmented swaths of land. If you zoom out from the Divide, you’ll see dozens of CRAs connecting the Grand and Battlement Mesas with the main stem of the Rocky Mountains. Thompson Divide is the piece that holds it all together. It is an area that should be given the highest protection for

existing values and for the values that this intact landscape may provide in future years-in the face of ceaseless development pressures and a changing climate, among other threats.

We hope that the Final Rule will be much stronger than the recent proposal and we urge you to protect the Thompson Divide with the highest possible protections. (Preservation/Conservation, Carbondale, CO - #406.1-2.66000.002)

### **5-342 Public Concern: The Forest Service should consider the Thunder Butte area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT AND PLANT COMMUNITIES**

Thunder Butte:

The WC recommendation is for 7300 acres of upper tier area. Located between State Highway 67 and Cheesman Reservoir, the Thunder Butte Roadless Area is dominated by its namesake - 9,836 foot Thunder Butte. Going north on Colorado Highway 67 toward Deckers, Thunder Butte is prominent above the West Creek Canyon. The area as inventoried by UASPP [Upper Arkansas South Platte Project] is larger than the Forest Service's Roadless Area Conservation Rule Inventoried Roadless Area. Wild Connections recommends the area for Wilderness designation.

The Thunder Butte proposed RNA [Research Natural Area] of some 3,900 acres is in the center of the Thunder Butte proposed Wilderness. The proposed RNA has Pawnee montane skipper, Mexican spotted owl, and a natural community of note - thinleaf alder/mesic forb. Mexican spotted owl nested in the area in the mid-1990s and a Protected Activity Center is located here. It is included in The Nature Conservancy's large Cheesman area of moderate significance, and a PCA [Potential Conservation Area] of moderate significance overlaps the proposed RNA.

The Thunder Butte area is primarily Douglas-fir and ponderosa pine, with a few areas of aspen, as well as unforested rocky slopes. Somewhat less than half of the area on the northwest side was in the Hayman fire severe burn area, with pockets of moderate burn severity. The rest is a mixture of various burn severities including moderate, low, and unburned areas. Significant parts on the north and east slopes of Thunder Butte were not burned. A very small area in Shrewsbury Gulch is part of the Hayman Salvage Logging Project.

Bear and mountain lion are found here. Elk have both summer and winter range and mule deer have summer range across the area. There is Preble's meadow jumping mouse habitat in the West Creek/Horse Creek area. The area is also nesting area for Peregrine falcons.

Thunder Butte is indicated to be of moderate conservation value in the TNC [The Nature Conservancy] Blueprint. The SREP [Southern Rockies Ecosystem Project] Vision lists the roadless area as core Wilderness. (Preservation/Conservation, Colorado Springs, CO - #581.165-166.66000.300)

### **5-343 Public Concern: The Forest Service should consider the Tobacco Lakes area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Tobacco Lakes, upper tier recommendation: 100 acres.

Recommended from Alternatives 2 and 4 Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.165.66000.002)

### **5-344 Public Concern: The Forest Service should consider the Tomahawk area for upper tier protections.**

#### **TO PROTECT WILDLIFE HABITAT, RARE PLANTS, FISHERIES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Tomahawk, upper tier recommendation: 7,000 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Part of the 2001 Raggeds IRA, this area is mostly within The Nature Conservancy's McClure Pass Conservation Site, and the CNHP McClure Pass PCA [Potential Conservation Area] occurs mostly within the Roadless Area, identified for several species of rare endemic plants. Elevations range from 6,800 ft. to 13,000 ft. and the roadless area provides critical winter range, calving areas and summer range for elk. Summer range is provided for mule deer, black bear, and mountain lion. It is likely moose move through this area. The McClure Pass lynx linkage area also occurs here, and lynx habitat has been mapped in the Tomahawk Roadless Area. This linkage area is also used by other animals requiring large home ranges, such as wolverine, which have historically been seen in the roadless area. Deep Creek is designated a native cutthroat water, and contains a conservation population of Colorado River cutthroat trout. This species is also identified in Chair Creek on the north end of the roadless area. The popular Raggeds Trail accesses this area and is popular with mountain bikers, hikers, snowshoers, and cross-country and backcountry skiers. Summer and fall motorized use also occurs on the Raggeds Trail. Tomahawk lies within a source water assessment area. (Preservation/Conservation - #622.110.66200.002)

### **5-345 Public Concern: The Forest Service should consider the Treasure Mountain CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES IN THE SAN JUAN NF**

Colorado Roadless Area recommended for upper tier on the San Juan National Forest:

Treasure Mountain, upper tier recommendation: 22,500 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Treasure Mountain IRA plugs the high-elevation gap between the South San Juan Wilderness and the Weminuche Wilderness on Wolf Creek Pass' west side. The 21,806-acre roadless area includes the site of the one-time proposed Wolf Creek Valley ski area. Ski area development would forever destroy the natural character of the West Fork Valley and forever sever the landscape link between the Wilderness Areas. This link provides a relatively continuous spruce-fir canopy between the two Wilderness Areas and consequently serves as an obvious corridor for interior-type forest species. The IRA is now further buffered to the southside as all of the private land in the East Fork Valley is within conservation easements. Strong protections of the Treasure Mountain/Turkey Creek IRAs in connection with the existing South San Juan and Weminuche Wildernesses offers hope for a sizeable habitat for many species with only the Highway 160 disrupting the intactness of this diverse area with elevations ranging from 8,000 to 13,000 feet. (Preservation/Conservation - #622.217.66200.002)

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES IN THE WHITE RIVER NF**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Treasure Mountain, upper tier recommendation: 1,500 acres.

Recommended in Alternative 2. Protection in upper tier would benefit wildlife, backcountry recreation, scenery, and water supplies.

The Treasure Mountain CRA occupies several enormous steep cirques and bowls that plunge from the crest of Treasure Mountain into the Crystal River. Treasure Mountain is a massive feature that dominates the region between Marble and Schofield Pass. It is a five-mile long, 13,000 foot-high massif that divides Yule Creek from the Crystal River.

This unit covers parts of four huge basins separated by cliffs and towers that drain the north side of the mountain. Aspens grow on these slopes below 10,000 feet, Engelmann spruce and subalpine fir to about 12,000 feet, and only alpine vegetation above that. The elevation ranges from about 9,500 feet at the corner of the unit, to 13,500 feet at the high point of Treasure Mountain.

The extremely steep and rugged topography of this area have precluded any human developments. The area has every quality of wilderness, is adjacent to the Raggeds Wilderness Area, and creates an

important linkage between the Raggeds and the Maroon Bells/Snowmass Wilderness. You will experience complete solitude and challenging travel here. Mountain goats and ptarmigans thrive on the high ridge top.

Treasure Mountain makes Mount Sopris look small! The main recreation here is awesome, but difficult, backcountry skiing. There is limited hunting.

The Treasure Mountain CRA is one of several roadless areas that abut the 65,400-acre Raggeds Wilderness. Together they form a roadless complex of over 99,000 acres (154 square miles).

The area provides important high-elevation habitat for elk, mountain goats, deer, and ptarmigan. There is also potential habitat for wolverine and bighorn sheep.

The area is within a state-defined source water assessment area. (Preservation/Conservation - #622.316.66100.002)

### **5-346 Public Concern: The Forest Service should consider the Troublesome CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Troublesome, upper tier recommendation: 11,500 acres.

Recommended from Alternative 2. Protection in upper tier would benefit wildlife, safeguard water sources, and ensure continued enjoyment of popular backcountry hunting and recreation opportunities.

The Troublesome Roadless Area, on the southeastern end of the Rabbit Ears Range, is lightly traveled. It is directly adjacent to the even larger Troublesome South Roadless Area in the Routt National Forest, which itself is joined to the Troublesome Wilderness Study Area (BLM) and that to the Troublesome North Roadless Area (also in the Routt). All told, the Troublesome roadless complex totals over 90,000 acres. Troublesome is a favorite of the state's moose population. Black bears frequent the area in the summer. The roadless area includes important migratory routes for deer and especially elk. The CNHP database has recorded occurrences of wolverine in this roadless area which also provides denning and other habitat for lynx. A CNHP report recommends the parts of the roadless area as a resource natural area for plants and habitat associations.

Willow Creek, along the eastern boundary of the Troublesome Area, is an important component of the Northern Colorado Water Conservancy District's West Slope collection system, and source water from the Troublesome Area is part of the supply that is collected and sent to the eastern slope via a system of canals and tunnels.

A hiking trail through the Troublesome Area provides access to the East Fork of Troublesome Creek. The Continental Divide National Scenic Trail borders the area at the northern end. The primary recreation attraction in the area is hunting. Snowmobiling is very popular in this area. The existing trail system is minimally developed. Two motorized trails provide also hiking and mountain biking opportunities. (Preservation/Conservation - #622.41.66100.002)

### **5-347 Public Concern: The Forest Service should consider the Troublesome North and South area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Troublesome North and South, upper tier recommendation: 31,700 and 47,400 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The Troublesome North and South Roadless Areas are separated by BLM's Troublesome Wilderness Study Area, creating a block of roadless lands that extend eastward onto the Arapaho-Roosevelt National Forest and totals over 90,000 acres; making it one of the largest chunks of roadless, non-Wilderness land in Colorado. The roadless lands are unique as a contiguous area, which goes from lower



elevation sagebrush land to above timberline ranging from around 5,300 ft. on the BLM lands to over 12,000' on Parkview Mountain.

The Troublesome North and South Roadless Areas harbor dense stands of lodgepole pine and Englemann spruce, aspen groves, grassy meadows, ample water, and otherwise undisturbed conditions that provide excellent habitat for a wide variety of wildlife. Mule deer, elk, bobcat, bear, golden eagles, and prairie falcons are among the most notable inhabitants. Bald eagles summer in the area, and peregrine falcons have been sighted here also. Middle and North Parks' largest deer and elk herds calve in summer and winter in the proposed wilderness. There is potential for moose to move into the area from the recent North Park transplants. The Colorado Division of Wildlife [CDOW] believes that the area must remain in its undeveloped state to maintain the existing elk populations in Middle Park. The CDOW has confirmed the presence of lynx through radio telemetry data.

Troublesome South includes large riparian areas dominated by willow and beaver colonies. Moose are common year-round residents; this is a core area for the Unit 18 population. All of the creeks and streams have fisheries including populations of brook, rainbow, and German brown trout.

The Troublesome area contains the few relatively undisturbed valleys of the Colorado's Middle Park region, including one of the lowest elevation portions of the Continental Divide in Colorado. Over 50 miles of trails, including the Continental Divide National Scenic Trail, bisect the area and provide for a variety of dispersed recreational activities, including hiking, horseback riding, backpacking, ski touring, fishing, hunting, mountain biking and nature study. Hunting is the primary recreational activity at this time. Troublesome also contains the headwaters of numerous creeks, the two largest being Rabbit Ears and Troublesome. The healthy riparian ecosystems and extensive wetlands associated with these streams provide clean and pure water for Middle and North Parks.

Troublesome North includes much of Arapaho Ridge, an imposing ridge that juts out from the Continental Divide into North Park, and the Rabbit Ears Range and has distinctive landscapes that offer spectacular views of the surrounding area from the high points. The Arapaho Ridge Trail (1135) is open to mountain bikes, but use is low. The distinctive landscapes and spectacular views of the surrounding area make the Troublesome South area popular for dispersed recreation. Use is heaviest during the big game hunting seasons, but there are also opportunities for hiking, horseback riding, fishing, and mountain biking. Although the roadless areas are open to snowmobiles, use is light and mainly along Road #104 corridor. (Preservation/Conservation - #622.196-197.66200.002)

### **5-348 Public Concern: The Forest Service should consider the Trout Mountain/Elk Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Trout Mountain/Elk Mountain, upper tier recommendation: 33,100 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities.

The Trout Mountain/Elk Mountain unit is a large roadless area separated from the Weminuche Wilderness by a single forest service road running the length of the western boundary between the CRA and the Wilderness Area. This large roadless area in proximity to an even larger Wilderness is probably most important for big game species. The Roadless Area also provides habitat for the federally-listed Canada lynx. It is considered a high-use area with documented presence in the area. The north half of the CRA is part of Wolf Creek Lynx Linkage. The roadless area also provides habitat and/or potential habitat for the following USFS sensitive species: goshawk (known nesting), American marten, wolverine and American three-toed woodpeckers (high densities in the spruce-fir zones). The following species are also known to use the roadless area: moose, elk (migration corridor, summer/winter range), mule deer (summer/winter range), black bear, mountain lion, peregrine falcon, and bald eagle (winter concentration area). It is an overall habitat and production area for Merriam's turkey.

There are numerous non-motorized trails and one motorized trail within the area, with approximately 11 miles of motorized trails and 18 miles of non-motorized trails within the CRA. Traditional and cultural

sites are found here and throughout the Rio Grande National Forest. This CRA is within a source water assessment area. (Preservation/Conservation - #622.166.66200.002)

### **5-349 Public Concern: The Forest Service should consider the Turkey Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT AND PLANT COMMUNITIES**

Colorado Roadless Area recommended for upper tier on the San Juan National Forest:

Turkey Creek, upper tier recommendation: 25,300 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Turkey Creek IRA is the most important low elevation landscape corridor in the San Juan Mountains. Low elevation forests of the greater Weminuche Wilderness/Roadless Area abut similar unroaded low elevation forests of the greater South San Juan Wilderness/Roadless Area, split only by Highway 160 at the San Juan River. This is the only location where the Weminuche and South San Juan connect, and it occurs in a forested corridor suitable for movement by species such as lynx and wolverine that prefer forested movement routes. This landscape connection also occurs at the confluence of several major elk migration corridors, and private lands adjacent to the northeast of the corridor are already protected in part by conservation easements. Turkey Creek also adds lower elevation ponderosa pine and aspen ecosystem types lacking within designated Wilderness according to the Region 2 Regional Wilderness Needs Assessment. This unique convergence of critical habitat type, existing migration corridor, compatible private land management, and adjacent large roadless units cries out for permanent recognition and protection as wilderness. Native Colorado cutthroat trout have been identified in this IRA. (Preservation/Conservation - #622.218.66200.300)

### **5-350 Public Concern: The Forest Service should consider the Turner Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT, RECREATION, AND WATER SUPPLIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Turner Creek, upper tier recommendation: 12,900 acres.

Recommended from Alternative 4. Upper tier would benefit wildlife, backcountry recreation, and water supplies.

Comprised of mostly mid-elevation, montane and sub-alpine lands, elevations ranging from 7,600 ft. to 11,800 ft., Turner Creek Roadless Area is part of the 2001 Clear Creek IRA. Moose inhabit that area throughout the year. This area provides summer range for mule, deer, black bear, turkey, with summer concentration and calving areas for elk. Lynx habitat is mapped throughout the roadless area. One trail is located along the western boundary of the unit, with travel restricted to ATV, foot, horse, and bicycle. A designated motorized trail system is located along the western half of Turner Creek. The roadless area is a popular big game hunting area. This CRA is within a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.111.66200.002)

### **5-351 Public Concern: The Forest Service should consider the Turret Ridge area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT, HUNTING AND RECREATION, AND WATER SOURCES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Turret Ridge, upper tier recommendation: 5,200 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Turret Ridge Roadless Area (part of the 2001 Uncompahgre IRA) joins the Uncompahgre Wilderness to the south. The area is characterized by unique scenic pinnacles. This area provides summer range for

black bear, mountain lion, turkey, mule deer and elk. Moose may also use this area, particularly in aspen habitats. Lynx habitat is mapped within the area and the watershed around West Fork and Middle Fork of Cimarron River contain Colorado River cutthroat trout. This area is mapped as bighorn sheep overall range with some summer and winter range areas. Other sensitive species, including boreal owl, Northern goshawk and American three-toed woodpecker, also inhabit the area. There is a potential for wolverine habitat in the area as well. There are no developed trails within this unit. Two forest roads follow boundaries of the unit. Once away from the roads, opportunity to find remoteness and solitude is high. Turret Creek is within a source water assessment area. (Preservation/Conservation - #622.112.66100.002)

### **5-352 Public Concern: The Forest Service should consider the UnawEEP area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT, HUNTING AND RECREATION, AND WATER SOURCES**

Colorado Roadless Area recommended for upper tier on the GMUG:

UnawEEP, upper tier recommendation: 9,300 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

With expansive views of the La Sal Mountains and Dolores River Valley, UnawEEP and the Calamity Basin (both part of the 2001 Ute Creek IRA) encompass an inspiring corner of the Uncompahgre Plateau. This mid-elevation roadless area is important as year-round wildlife habitat, with elevations ranging from 6,500 ft. to 9,100 ft. Portions of the UnawEEP Seep PCA [Potential Conservation Area], identified by the CNHP, lie within the Roadless Area, which is also within The Nature Conservancy's UnawEEP Conservation Site. Both are identified for the Nokomis fritillary butterfly. Bald eagle winter range extends into the roadless area, which also used by black bear as a fall concentration area, mule deer (summer range and migration paths), elk (severe winter range, summer range, summer concentration area and calving areas), and Merriam's turkey (winter, summer and production areas).

Access is via the motorized trails and roads that comprise much of the roadless area's boundary. Two non-motorized trails are within the area. The landscape offers rugged terrain as it drops off the edge of the Plateau. The area offers spectacular scenery. Away from roads and trails, the area retains a high degree of naturalness. Winter snowmobiling occurs over much of the area. This CRA is within a state-defined source water assessment area (municipal water supply). (Preservation/Conservation - #622.113.66100.002)

### **5-353 Public Concern: The Forest Service should consider the UnawEEP-Calamity Basin area for upper tier protection.**

#### **TO PROTECT VISUAL RESOURCES AND WILDLIFE HABITAT**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

UnawEEP- Calamity Basin\*

With expansive views of the La Sal Mountains, Dolores River Valley, and Divide Creek area, UnawEEP and the Calamity Basin encompass an inspiring corner of the Uncompahgre Plateau. The area is important as year-round wildlife habitat, including elk calving grounds. (Place-Based Group, Ridgeway, CO - #533.35.66000.330)

### **5-354 Public Concern: The Forest Service should consider the Union area for upper tier protection.**

#### **TO PROTECT WILDLIFE, HUNTING AND RECREATION, AND WATER SOURCES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Union, upper tier recommendation: 1,600 acres.

Recommended from Alternatives 2, 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources. (Preservation/Conservation - #622.114.66000.002)

### **5-355 Public Concern: The Forest Service should consider the Upper Grape Creek area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT AND VEGETATION COMMUNITIES**

Sangre de Cristo: Alvarado Campground to Music Pass (WC Horn Creek-Crystal Falls-Upper Grape Creek):

Wild Connections recommends 7,900 acres for upper tier. All acres are also recommended by WC for designation as Wilderness.

Upper Grape Creek:

The Upper Grape Creek roadless area is approximately 15 miles south of Westcliffe. The area, adjacent to the Sangre de Cristo Wilderness, lies south of the Music Pass Road, but the road does not significantly impact the Grape Creek riparian area. The area includes gentler sloped, lower elevation forest between the existing Sangre de Cristo Wilderness boundary and the Rainbow Trail southward as far as North Muddy Creek in Huerfano County.

The Upper Grape Creek roadless area is predominantly Engelmann spruce/subalpine fir forest, with some smaller areas of Douglas-fir and aspen. Rare plants include Smith's whitlow-grass.

On the eastern edge of the area there is high summer bear activity, and mountain lions can be found. Mule deer and elk use summer range across the area, with elk winter range on the extreme northeast. Lynx denning and winter habitat is found across the area, and a priority linkage identified by the Forest Service connects this general area across the Wet Mountain Valley to the Wet Mountain range. There is record of wolverine. (Preservation/Conservation, Colorado Springs, CO - #581.139.66000.300)

### **5-356 Public Concern: The Forest Service should consider the Vail Pass area for upper tier protection.**

#### **TO PRESERVE WINTER RECREATION OPPORTUNITIES**

[ATT 1] White River National Forest:

Vail Pass

CRA: Ptarmigan Hill A CRA, 13,072 acres; Ptarmigan Hill B CRA, 6,983 acres; Ryan Gulch CRA, 630 acres; Coral Creek CRA, 3,252 acres

Status: Partially protected under Alternative 4; new proposed upper tier area

Ptarmigan Hill A and B CRAs off the west side of Vail Pass are among the most popular backcountry winter destinations in the world. This extraordinarily popular area for backcountry skiing, cross-country skiing, and snowshoeing should be protected through upper tier designation.

Ptarmigan A, known locally as Ptarmigan or Acorn Creek, is a popular Nordic skiing and snowshoeing area.

Ptarmigan Hill B, known locally as Ute Pass, is largely comprised of terrain between 10,500 and 12,000 feet and offers great skiing. Its proximity to Ute Pass Road makes the area highly accessible.

Ryan Gulch, on the east side of Vail Pass and to the west of Silverthorne, is a popular local area for snowshoeing and Nordic skiing.

Coral Creek, to the north of I-70, is an exceedingly popular area for backcountry skiers that also features outstanding Nordic ski trails.

These outstanding backcountry winter recreation destinations should be protected through upper tier designation. (Recreation/Conservation Organization, Washington, DC - #681.53.66200.510)

**5-357 Public Concern: The Forest Service should consider the Vasquez Adjacent area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Vasquez Adjacent, upper tier recommendation: 6,400 acres.

Recommended from Alternatives 2 and 4. Protection in upper tier would safeguard water sources, ensure continued enjoyment of popular backcountry hunting and recreation opportunities, and benefit wildlife.

The Vasquez Adjacent Roadless Area is directly adjacent to the Vasquez Peak Wilderness, and along with the Vasquez, Byers Peak, Ptarmigan Peak, and Eagles Nest Wildernesses forms part of a large, mostly roadless region.

Although it is on the west side of the Continental Divide, the proximity of the Vasquez Adjacent Area to the Moffat Tunnel makes the streams in the area important water sources for Denver and the Front Range.

Recreational use in the in the Vasquez Adjacent Roadless Area includes a system of trails that provide access to one of the least crowded wilderness areas in Colorado. This area is also popular for backcountry skiing, camping, hiking, cross-country skiing/snowshoeing, and mountain biking. Some snowmobiling occurs in the area. The Continental Divide National Scenic Trail provides access to the area.

According to the USFS, this roadless area provides critical habitat connectivity between the Vasquez Area and Berthoud Pass. Moose gather here. The roadless area also provides summer range for elk, deer, and black bear. The CNHP documents occurrences of the boreal owl and the boreal toad, and there are historical accounts of wolverine in the area. Parts of the roadless area are winter concentration areas for the white-tailed ptarmigan. (Preservation/Conservation - #622.42.66000.002)

**5-358 Public Concern: The Forest Service should consider the Walton Peak area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Routt National Forest:

Walton Peak, upper tier recommendation: 1,700 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.198.66200.002)

**5-359 Public Concern: The Forest Service should consider the Wason Peak area for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Wason Peak, upper tier recommendation: 20,500 acres.

Recommended from Alternative 4. Protection in upper tier would benefit wildlife (primarily bighorn sheep and other big game), safeguard water sources, and provide backcountry hunting and recreation opportunities.

The Wason Peak Roadless Area forms a critical connection between designated Wilderness lands that surround it, creating a large expanse of relatively unfragmented and undisturbed habitats for a variety of wildlife species. It is most unique for bighorn sheep and big game species, providing a migration route for bighorn sheep from the Bellows Creek herd to the San Luis Peak and Bristol Head herds, and elk and mule deer summer-, production-, and winter- concentration habitat. It is in close proximity to a high-use lynx area. The CRA also provides habitat for American marten, wolverine, and American three-toed woodpeckers. This CRA is adjacent to priority habitat for moose in West Willow Creek. There are

approximately ten miles of non-motorized trails and three miles of motorized trails. This CRA is within a municipal source water assessment area. (Preservation/Conservation - #622.167.66200.002)

### **5-360 Public Concern: The Forest Service should consider the West Brush Creek CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

West Brush Creek, upper tier recommendation: 5,900 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, backcountry recreation, and water supplies.

The West Brush Creek CRA is situated on the eastern slopes of broad Hardscrabble Mountain, where it descends to West Brush Creek. The gentle, forested terrain on top of Hardscrabble has been affected by logging, and was not included in the CRA. The terrain is made up of many steep-sided drainages with round, forested divides between each. Engelmann spruce and subalpine fir cover the north- and east-facing slopes in these drainages, with aspen and Douglas fir on the south- and west-facing slopes. Stands of lodgepole pine grow on some of the flatter areas. The evergreen basin of McKenzie Gulch, and the broad-topped, steep-sided landmark of Coffin Mountain are the most prominent topographical features here. Elevations range from 7,600 feet near West Brush Creek to 11,000 feet at the head of McKenzie Gulch.

West Brush Creek CRA is part of a large network of unprotected roadless areas, separated only by a few roads, that covers much of the region between the Fryingpan and Eagle Rivers. It is another piece of a puzzle that, when put together, reveals a highly connected landscape, and a relatively healthy ecosystem. This unit has limited access and no recreational developments, and receives little human traffic. As a result, it is attractive for wildlife trying to get away from noise and traffic, particularly elk and bear.

The area provides important habitat for lynx as well as Forest Service-listed sensitive species and other wildlife species. Uses of the area include: hunting, fishing, hiking, horseback riding, and cross country skiing.

The CRA is within a state-defined water source assessment area. (Preservation/Conservation - #622.317.66200.002)

### **5-361 Public Concern: The Forest Service should consider the West Elk Additions–Mount Lamborn, Beckwiths, East Elk, and Beaver areas for upper tier protection.**

#### **TO PROTECT CRITICAL BIG GAME WINTER AND SUMMER RANGE HABITAT**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

West Elk Additions-Mount Lamborn, Beckwiths, East Elk, Beaver\*

These areas are lower-elevation additions to the west side of the West Elk Wilderness Area. Covering more than 70,000 acres, the West Elk Additions provide critical big game winter and summer range for a wide variety of wildlife species. Bighorn production areas occur in the south near Cow Creek, cottonwood riparian forests support several populations of Northern leopard frog, and montane forests support northern goshawk, lynx, and cutthroat. The area contains two critical elk migration corridors: one north around local landmarks Mount Lamborn and Beckwiths the other through East Elk, Currecanti and Soap Creek to the south. This IRA has critical wildlife values for elk, deer, bighorn sheep, lynx and Gunnison's sage grouse. This area provides calving areas and summer for elk. The area provides valuable backcountry hunting experience on public lands prior to elk moving to lower private lands. There is also a population of Colorado River Native Cutthroat trout in the streams. Second Creek is designated a native cutthroat water in Mt Lamborn Roadless Area. This stream contains a conservation population of Colorado River cutthroat trout. (Place-Based Group, Ridgway, CO - #533.27.66000.002)

**5-362 Public Concern: The Forest Service should consider the West Creek to Big Cottonwood area for upper tier protection.****TO PROTECT WILDLIFE HABITAT**

Sangre de Cristo: West Creek to Big Cottonwood:

The area lies southwest of Cotopaxi, immediately adjacent to the Sangre de Cristo Wilderness. Wild Connections endorses the Rule recommendation of 4800 acres for upper tier inclusion.

A number of notable rare species are found in the Wilderness, including greenback cutthroat trout in Cottonwood Creek, and historical records of wolverine. Rare plants include pale blue-eyed grass, canyon bog-orchid, autumn willow, altai chickweed, arctic draba, and Smith whitlow grass. Two rare montane woodlands plant communities, bristlecone pine/alpine clover and bristlecone pine/Thurber fescue are found here.

Turkey roost and winter concentration sites are in the area as well as severe winter range for Mule deer and elk. The area has been analyzed for lynx and provides suitable habitat. (Preservation/Conservation, Colorado Springs, CO - #581.148.66000.300)

**5-363 Public Concern: The Forest Service should ensure upper tier protections for the West Fork San Juan River.****TO PROTECT RECREATIONAL RESOURCES**

[ATT 1] San Juan National Forest:

West Fork San Juan River

CRA: Turkey Creek CRA, 25,303 acres (6814 Alternative 2 upper tier)

Status: Partially protected under Alternative 2; fully protected under Alternative 4

The West Fork San Juan River (from approximately 37.471800, -106.929000 to 37.450241, -106.910774) flows through the Turkey Creek CRA. This is the best small-creek run in the Pagosa Springs area. While portions are designated upper tier in Alternative 2, the designation should be expanded to include, at minimum, the areas immediately surrounding this outstanding whitewater resource. (Recreation/Conservation Organization, Washington, DC - #681.52.66000.510)

**5-364 Public Concern: The Forest Service should consider the West Lake Creek CRA for upper tier protection.****TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

West Lake Creek, upper tier recommendation: 3,300 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreation, and water supply.

The West Lake Creek CRA is adjacent to Bellyache Mountain, in the northern foothills of the Sawatch Range. It occupies parts of the Squaw Creek, Casteel Creek, and Card Creek drainages on its east side. Bellyache Mountain is a broad flat-topped ridge with large open parks on its top. The creeks cut steeply into its flanks. The area is forested by Engelmann spruce and subalpine fir, interspersed with large stands of aspen. Elevations range from 8,000 feet at Squaw Creek to 10,460 feet above upper Salt Creek.

Mid-elevation areas such as this provide critical wildlife habitat, healthy forest, and a buffer between urban areas and protected wilderness. The area is important summer range for deer and elk, and it receives moderate hunting traffic in the fall. Squaw Creek is a popular day-hiking area. Elk utilize south-facing slopes during winter months. There is also habitat for lynx and Forest Service-sensitive species.

The CRA is within a state-defined source water assessment area. (Preservation/Conservation - #622.318.66200.002)

## **5-365 Public Concern: The Forest Service should consider the Weston Peak area for upper tier protection.**

### **TO PROTECT WILDLIFE HABITAT AND PLANT COMMUNITIES**

Weston Peak:

Wild Connections [WC] recommends 16,900 acres for inclusion in the upper tier. Vegetation in Weston Peak ranges from mid-level lodgepole pine, with large areas of aspen, to high-altitude tundra and wetlands. Extremely rich fens of several types provide an extremely diverse wetland community. Rare plants include alpine and arctic braya, altai cotton grass, Avery Peak twinpod, Canadian single-spike sedge, wood and clawless draba, Yellowstone, Grays' Peak and Colorado divide whitlow-grasses, Colorado tansy-aster, common and pale moonwort, globe gilia, Kotzebue grass-of-Parnassus, Leadville milkvetch, lime-loving willow, Penland alpine fen mustardy, Rothrock Townsend-daisy, snow grass, and Weber saussurea.

Lower elevation areas offer lynx habitat on the east side. The area contains elk summer range and a large calving area, and both summer and winter range for mule deer. Most of the area is bighorn summer range and there is a substantial amount of winter range in the central portion. The entire area has been identified by the Division of Wildlife as Comanche mountain plover nesting habitat and approximately a quarter of its acreage as lynx denning and winter habitat. Approximately half the acreage is boreal toad current range. The area also includes a greenback cutthroat trout watershed.

Weston Peak Roadless Area is separated from the Buffalo Peaks Roadless Areas and Wilderness by only a narrow graded road. The area contains two proposed Research Natural Areas, Weston Peak and Weston Peak North, which are highly recommended by the Nature Conservancy for the excellent alpine tundra and wetlands. Most of the roadless area is in the Mosquito Range PCA [Potential Conservation Area] of outstanding biodiversity significance and the Nature Conservancy's Mosquito Range conservation portfolio of moderately high conservation value. The area is also recommended as Wilderness by WC. (Preservation/Conservation, Colorado Springs, CO - #581.167.66000.300)

## **5-366 Public Concern: The Forest Service should consider the Whetstone area for upper tier protection.**

### **TO PROTECT HUNTING AND RECREATION AND WATER SUPPLIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Whetstone, upper tier recommendation: 12,800 acres.

Recommended from Alternative 4. Upper tier protection would ensure continued enjoyment of outstanding backcountry hunting and recreation opportunities, benefit wildlife, and safeguard water sources.

The Whetstone CRA is one of the premier remaining roadless areas in the Upper East River Valley region. With elevations ranging from 8,900 ft. to 12,000 ft., Whetstone is a local favorite in the Crested Butte and Gunnison Area. This standalone roadless area is over 15,000 acres in size and contains the headwaters of several area creeks. The protection of this area is of paramount concern for local residents.

The Baxter Gulch Trail and Green Lake Trail are within the area, which includes three peaks above 12,000 ft. The Green Lake Trail, which has moderate to high use and is favored by hikers and mountain bikers, is especially popular. Winter recreational snowmobiling occurs and has been encouraged in the Wildcat drainage and along the flanks of Mt. Axtell.

The entire CRA is within the very large Crested Butte Conservation Site identified by The Nature Conservancy. This CRA contains elk production (calving area) and summer concentration area which is contiguous with summer concentration areas to the west and south in the West Elk Wilderness. A major migration corridor also crosses this area which currently allows migration to winter ranges south and west. CRA provides important summer habitat for mule deer. This CRA contains lynx habitat and is adjacent to home ranges for several lynx. Other sensitive species dependent on high elevation conifer habitats could potentially occur in this area. This CRA lies within a source water assessment area (municipal water supply). Over 70 percent of this assessment area is managed by the FS and is



recognized as having a high value for domestic water supply. (Preservation/Conservation - #622.115.66200.002)

### **5-367 Public Concern: The Forest Service should consider the Whitehouse area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT, RECREATIONAL AND VISUAL RESOURCES, AND THE HEADWATERS OF MAJOR STREAMS**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Whitehouse\*

This region is adjacent to the existing Mt. Sneffels Wilderness. It spans high rocky peaks of 13 to 14,000 feet with alpine tundra that supports bighorn sheep, elk and deer in the summer. This region's forested slopes may provide habitat for lynx (sporadic unconfirmed sightings), black bear, possibly wolverine (unconfirmed sightings), mountain lion, bobcat, fox, martin, an occasional moose, and the usual alpine wildlife. It may have been habitat for the last of the grizzly bears documented in this area circa the 1930's. Bighorn sheep are utilizing this area more, especially in the south and east sections of the area. This area is mapped as Bighorn sheep overall range, summer range and a migration area, black bear concentration area, elk summer range and concentration area, potential lynx habitat, mule deer summer range and overall range for Merriam turkey.

This area offers challenging climbing and hiking opportunities, sweeping vistas, mixed geology, untrammeled areas, and an opportunity for remote escape while still reasonably accessible from roads, trails and communities such as Ouray, Telluride, Ridgeway, etc. With permanent snowfields on the north face of Mt. Sneffels, rock glaciers and perennial streams, this area is the headwaters of major streams (the Dallas drainages) and tributaries to the Uncompahgre River. The area is a key component of the recently introduced North San Juan Congressional Wilderness proposal. (Place-Based Group, Ridgeway, CO - #533.32.66000.002)

### **5-368 Public Concern: The Forest Service should consider the Whitehouse Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE HABITAT, HUNTING AND RECREATION, AND WATER RESOURCES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Whitehouse Mountain, upper tier recommendation: 10,300 acres.

Recommended from Alternative 2. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

An expansion from the 2001 Beaver Creek IRA, the Whitehouse Mountain Roadless Area includes significant additions of roadless lands that were not part of the RARE2 [Roadless Area Review and Evaluation] inventories that identified the 2001 IRAs.

This region is adjacent to the existing Mt. Sneffels Wilderness. It spans high rocky peaks of 13- to 14-thousand feet with alpine tundra that supports bighorn sheep, elk and deer in the summer. This region's forested slopes may provide habitat for lynx (sporadic unconfirmed sightings), black bear, possibly wolverine (unconfirmed sightings), mountain lion, bobcat, fox, martin, an occasional moose, and the usual alpine wildlife.

The Whitehouse Mountain Roadless Area may have been habitat for the last of the grizzly bears documented in this area circa the 1930s. Bighorn sheep are utilizing this area more especially in the south and east sections of the area. This area is mapped as bighorn sheep overall range, summer range and a migration area, black bear concentration area, elk summer range and concentration area, potential lynx habitat, mule deer summer range and overall range for Merriam's turkey. White-tailed ptarmigan habitat exists in the alpine areas of the unit.

This area offers challenging climbing and hiking opportunities, sweeping vistas, mixed geology, untrammeled areas, and an opportunity for remote escape while still reasonably accessible from roads, trails and communities such as Ouray, Telluride, Ridgeway, etc. With permanent snowfields on the north

face of Mt. Sneffels, rock glaciers and perennial streams, this area is the headwaters of major streams (the Dallas drainages) and tributaries to the Uncompahgre River. The area is a key component of the recently-introduced North San Juan Congressional Wilderness proposal. The roadless area is within a municipal water source area. (Preservation/Conservation - #622.116-117.66100.002)

### **5-369 Public Concern: The Forest Service should consider the White Pine Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

White Pine Mountain, upper tier recommendation: 10,400 acres.

Recommended from Alternative 4. Protection in upper tier would ensure continued enjoyment of popular backcountry hunting and recreation opportunities, safeguard water sources, and benefit wildlife.

The White Pine Mountain Roadless Area is dominated by the twin peaks of West and East White Pine Mountain, which summits provide a sweeping panorama of the high plains to the east and Rocky Mountains to the west.

The unit includes headwaters of several creeks, including Pendergrass Creek and those flowing through Poverty Gulch and Twin Cabin Gulch. All of the creeks in the area are part of the South Platte River system with those on the north flowing into the Cache La Poudre River and those on the south flowing to the Big Thompson River. The roadless area includes source waters for municipal water supplies.

The roadless area provides essential habitat needs for black bear, elk, mountain lion, and mule deer, including deer and elk winter concentration areas, winter and summer range, production areas, as well as serving as a migration corridor. Wild turkeys nest in the area, as well. (Preservation/Conservation - #622.43.66200.002)

### **5-370 Public Concern: The Forest Service should consider the Wightman Fork/Upper Burro area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Wightman Fork/Upper Burro, upper tier recommendation: 700 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.168.66200.002)

### **5-371 Public Concern: The Forest Service should consider the Wightman Fork to Lookout area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Wightman Fork to Lookout, upper tier recommendation: 5,700 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.169.66200.002)

### **5-372 Public Concern: The Forest Service should consider the Wildcat Mountain CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Wildcat Mountain, upper tier recommendation: 100 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreation, and water supplies.

Wildcat Mountain CRA occupies lands in the upper Fryingpan River drainage on the northern border of the Hunter-Fryingpan Wilderness Area. This area contains land that fills in corridors around roads that follow Chapman Gulch, South Fork of the Fryingpan River, and the Fryingpan River. These areas occupy strips of riparian vegetation with small meadows.

In addition to the narrow riparian areas, the area has several wider sections. The eastern section occupies steep, timbered, northeast-facing slopes above the confluence of the North Fork of the Fryingpan, and the main Fryingpan River. The central Area occupies the flat valley bottom of the Chapman area, and features lakes and wetland meadows. The western part occupies Wildcat Mountain, a granite-topped ridge that divides Ivanhoe Creek from the Fryingpan River. Each section features large areas of Engelmann spruce/subalpine fir forest and scattered aspen stands. Elevations in the units range from about 8,000 feet near Thomasville, to 12,094 feet on Wildcat Mountain.

The CRA provides habitat for federally-listed lynx, as well as for the endangered Uncompahgre fritillary butterfly. The areas also provide habitat for numerous Forest Service-sensitive species, including but not limited to: alpine cotton-grass, russet cotton-grass, slender cotton-grass, sphagnum moss, and Northern goshawk. It is also summer range for deer and elk.

The Fryingpan River corridor is lined with public and private recreational developments, including Thomasville, Diamond Joy Ranch, Norrie colony, Chapman Campground, Nast, and Ivanhoe Reservoir. This Roadless Area provides a buffer between these developments and the pristine Hunter-Fryingpan Wilderness. These units provide people with hiking, camping, fishing, hunting, biking, and skiing opportunities in a relatively wild area. They contain all of the access points to the north side of the Wilderness Area. The Betty Bear Hut, cherry-stemmed into Wildcat Mountain C, is a popular backcountry ski destination.

The Wildcat Mountain Roadless Area is one of several that are contiguous with the Hunter-Fryingpan and Mount Massive Wilderness Areas. Together, these comprise a roadless complex of over 144,000 acres (225 square miles). The CRA is also a state-defined water assessment area. (Preservation/Conservation - #622.319-320.66200.002)

## **5-373 Public Concern: The Forest Service should consider the Williams Fork area for upper tier protection.**

### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES IN THE ARAPAHO-ROOSEVELT NF**

Colorado Roadless Area recommended for upper tier on the Arapaho-Roosevelt NF:

Williams Fork, upper tier recommendation: 30,800 acres.

Recommended from Alternatives 2 and 4. Protection in upper tier would ensure continued enjoyment of popular backcountry hunting and recreation opportunities, safeguard water sources, and benefit wildlife.

Although portions of the Williams Fork Area are less than five miles away from Interstate 70, the area is one of the most remote places in the Arapaho-Roosevelt National Forest. A twenty-three mile pack trail loop through the area follows the South Fork of Williams Creek, crosses a ridge to Bobcat Creek and follows that to the main branch of Williams Fork and back to the confluence with the South Fork. This trail would make a spectacular multi-day backpack trip. The Williams Fork Roadless Area along with Ptarmigan Peak, Byers Peak, Vasquez, and Eagle's Nest Wilderness Areas and other adjacent roadless areas, form part of a vast, largely roadless region.

Williams Fork Roadless Area is adjacent to the Ptarmigan Peak Wilderness in the White River National Forest. Hagar Mountain (13,195 feet), Old Baldy (11,809 feet), Pettingell Peak (13,553 feet), Ptarmigan Peak (12,498 feet), Sugarloaf (9,971 feet) and Ute Peak (12,298 feet) are all in the roadless area. The headwaters of the Williams Fork River are located here, as well.

Opportunities for recreation in the Williams Fork Area include the Ute Pass Trail on the western boundary of Williams Fork that follows the ridgeline boundary from Ptarmigan Pass north to Ute Peak (12,303 feet) and on to Ute Pass, a total distance of about 10 miles. The South Fork Trail is also in the Williams Fork Area.

Aspen contrast with the lodgepole pine and spruce-fir forests found in the northern portion of the Williams Fork Area. Alpine tundra is found in the highest lands east and south towards the Continental Divide. Moose gather here, and elk frequent the area in the summer. Boreal toads, found in the Williams Fork Area, are a candidate for listing under the Endangered Species Act and are globally critically imperiled. The Mingan's moonwort plants found in the unit are critically imperiled in Colorado.

Williams Fork is directly adjacent to the Bard Creek Roadless Area across the Continental Divide in the Canyon Lakes Ranger District creating a combined roadless area of over 66,000 acres. Williams Fork is directly east and north of the Ptarmigan Peak Wilderness, southeast of Ute Pass (crossed by Summit County 15 east from Colorado Highway 9), just west of the Continental Divide (southwest of Jones Pass) and directly south of a forest route north of the Williams Fork River. (Preservation/Conservation - #622.44-45.66000.002)

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES IN THE WHITE RIVER NF**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Williams Fork, upper tier recommendation: 6,600 acres.

Not recommended in any alternative. Upper tier protection would benefit big game herds and regional biodiversity, backcountry hunting, and water supply.

The Williams Fork CRA sits on the western flanks of the Williams Fork Mountains above the Blue River. The area is divided by at least fifteen small drainages that descend steeply from the ridge crest to Blue River. The elevation ranges from 8000 feet near Green Mountain Reservoir to 11,200 near Williams Peak. The lower elevations are covered in aspen and grass shrub steppe with lodgepole pines up higher. The ridge crest contains alpine tundra and even some bristlecone pines, one of the oldest living organisms on the planet.

The rugged, undeveloped nature of this roadless area provides a fine opportunity to find solitude. The ridge provides excellent views of the Eagle's Nest Wilderness, as well as a wildlife corridor from the higher Ptarmigan Peak Wilderness to lower BLM lands near Kremmling. The Williams Fork ridge is a dramatic uplift with an exposed core of Precambrian granites and gneisses, Cretaceous shales, and sandstone, and it therefore provides outstanding geological scenery along the lower Blue River Valley.

This area has been designated by the USFS as critical big game winter range and supports a large elk herd, as well as a moderately-sized deer herd. The northern portion of the CRA borders the Colorado Natural Heritage Program's Horse Creek Potential Conservation Area, and has a high degree of biodiversity. The unit is heavily used in the fall by hunters, as it is easily accessible, and teeming with wildlife. The CRA is within a state-defined source water assessment area. (Preservation/Conservation - #622.321.66000.002)

### **5-374 Public Concern: The Forest Service should consider the Willow CRA for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Willow, upper tier recommendation: 600 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreation, and water supplies.

The area around Silverthorne has grown rapidly, and many subdivisions and developed ranches lie in close proximity to the Eagle Nest Wilderness Area. Small roadless areas such as the Willow CRA provide a much-needed buffer between these developments and the Wilderness boundary. They limit incidences of motorized trespassing from private property, and help to reduce the impacts of urbanization upon the Wilderness.

The terrain consists of mellow east-facing slopes, becoming flatter toward the valley floor. The vegetation consists of stands of lodgepole pines and aspens, interspersed with mountain shrublands.

The riparian corridors along the many creeks in the area provide excellent wildlife habitat. The Rock Creek drainage has a unique diversity of song birds and neo-tropical migratory birds. The area is used for cross country skiing, hiking, mountain biking, and horseback riding.

This CRA is one of twelve roadless areas that are contiguous with the Eagles Nest Wilderness. Together, these form a roadless complex of over 168,000 acres (262 square miles). This CRA is also within a state-defined source water assessment area and it is adjacent to a mandatory Class I airshed. (Preservation/Conservation - #622.322.66200.002)

### **5-375 Public Concern: The Forest Service should consider the Willow Mountain area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the Rio Grande National Forest:

Willow Mountain, upper tier recommendation: 7,300 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, safeguard water sources, and provide backcountry hunting and recreation opportunities. (Preservation/Conservation - #622.170.66200.002)

### **5-376 Public Concern: The Forest Service should consider the Wilson area for upper tier protections.**

#### **TO PROTECT WILDLIFE HABITAT, HUNTING AND RECREATION, AND WATER RESOURCES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Wilson, upper tier recommendation: 1,100 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

The Wilson Roadless Area (2001 Sunshine and Wilson IRAs, plus additional roadless lands) is comprised of four individual segments, all of which adjoin the Lizard Head Wilderness. Elevations range from 8,900 ft.-13,700 ft.

This area is roadless and a natural extension of the Lizard Head Wilderness Area. It contains intact conifer, fir and spruce stands, plus open meadows on south-facing slopes, which are habitats suitable for elk, snowshoe hares, weasels, chipmunks, voles, etc. All segments provide elk summer range, with summer concentration areas in two segments, and a calving Area in another. Overall range is provided for mule deer, mountain lion, and black bear. A portion of two PCAs [Potential Conservation Areas], identified by the Colorado Natural Heritage Program, extend into different segments of the roadless area, while The Nature Conservancy's [TNC's] Lizard Head conservation site overlaps two segments as well. One segment abuts the San Miguel River PCA and TNC's San Miguel River Conservation Site. Lynx habitat occurs in all forested areas of all segments. Alpine habitat is used by white-tailed ptarmigan. Wolverines have been recorded in this area in the past.

The Galloping Goose Trail is open to mountain bikes and is located along the eastern boundary and Sunshine Mesa Road is managed as a mountain bike trail at its western terminus. Wilson Mesa Trail, a single-track motorized trail, separates the north and middle segment from the Wilderness. This CRA is within a source water assessment area (municipal water supply). (Preservation/Conservation - #622.118.66200.002)

### **5-377 Public Concern: The Forest Service should consider the Wilson, Lizard Head Adjacent area for upper tier protection.**

#### **TO PROTECT ELK, SNOWSHOE HARE, WEASEL, CHIPMUNK, AND VOLE HABITATS FROM WINTER MOTORIZED TRAVEL**

[ATT 1] Ridgeway-Ouray Community Council requests that you will consider this area for upper tier protection.

Wilson, Lizard Head Adjacent\*

This area is roadless and a natural extension of the Lizard Head Wilderness area. It contains intact conifer, fir and spruce stands, plus open meadows on south-facing slopes, which are habitats suitable for

elk, snowshoe hares, weasels, chipmunks, voles, etc. The area recommended should be protected from future motorized recreational vehicle use in winter. (Place-Based Group, Ridgway, CO - #533.29.66000.002)

### **5-378 Public Concern: The Forest Service should consider the Windy Point area for upper tier protection.**

#### **TO PROTECT WILDLIFE, WATER SOURCES, AND HUNTING AND RECREATION OPPORTUNITIES**

Colorado Roadless Area recommended for upper tier on the GMUG:

Windy Point, upper tier recommendation: 4,800 acres.

Recommended from Alternative 4. Protection in upper tier would primarily benefit wildlife, provide backcountry hunting and recreation opportunities, and safeguard water sources.

Part of the 2001 Johnson Creek IRA, elevations ranging from 6,500 ft. to 9,000 ft. Existing vegetation is dominated by Gambel oak, with pinyon-juniper at lower elevations, and aspen stands mixed with Douglas fir at higher elevations. The vegetation provides diversity in habitats used by black bear, turkey, mule deer and elk. Black bear fall concentration areas occur in the lower elevations, as bears feed on the plentiful acorns. Elk habitats in the area include a winter concentration area, summer concentration area, and calving areas. Bald eagle winter range extends into the area from the Dolores River canyon. Sensitive species that rely on pinyon-juniper, oak mixed with mountain shrub, ponderosa pine, and aspen have potential habitat in this area, including the spotted bat, fringed myotis, Lewis' woodpecker, and the flammulated owl. (Preservation/Conservation - #622.119.66200.300)

### **5-379 Public Concern: The Forest Service should consider the Woods Lake area for upper tier protection.**

#### **TO PROTECT RIPARIAN AREAS, MEADOWS, AND WILDLIFE HABITAT**

Colorado Roadless Area recommended for upper tier on the White River National Forest:

Woods Lake, upper tier recommendation: 9,500 acres.

Recommended in Alternative 4. Protection in upper tier would benefit wildlife, recreation, and water supplies.

The Woods Lake CRA is a westward extension of the Holy Cross Wilderness Area reaching from the Wilderness boundary to existing roads. It includes parts of Lime Creek, Little Lime Creek, Last Chance Creek, and all of Middle Creek, which support riparian willow ecosystems. Woods Lake itself is a large natural lake. The terrain consists of gently rolling hillsides covered in aspen, lodgepole, and spruce/fir forests. There are two major peaks on the boundary of the unit (Charles Peak and Burnt Mountain), both of which have alpine characteristics. The unit contains the northeast portion of Lime Park, which is the most extensive meadow system in the Fryingpan drainage. The elevation ranges from 8,800 feet at the North Fork Fryingpan River to 12,050 feet at Charles Peak.

Because Woods Lake CRA is adjacent to existing wilderness, it has retained significant wilderness quality. It provides a critical mid-elevation buffer to the high peaks of the Holy Cross region from the recreational activities occurring around the huts, private lands, and road network over Crooked Creek Pass. It is also an obvious wildlife movement corridor between the Red Table/Gypsum Creek/Basalt Mountain areas and the Holy X Wilderness via Crooked Creek Pass. There is a large, ecologically-valuable beaver pond complex on Little Lime Creek. The southern portion of the unit is in the Colorado Natural Heritage Program's North Fork Fryingpan River Potential Conservation Area.

The area has unique karst hydrology, in which large volumes of water flow underground through limestone caverns and discharge from springs. This has led to the development of many caves, which in turn provide rare habitat for sensitive bat species. In a meadow northwest of Tellurium Park, at the junction of the Woods Lake and Tellurium Lake trails, there is an unnamed stream that plunges hundreds of feet into a narrow sinkhole, where the stream continues underground. Drop a stone down there and listen for the splash about four seconds later.

There is Colorado River cutthroat trout habitat in Hat Creek, as well as historic nesting sites for peregrine falcon. This unit contains the Peter Estin and Harry Gates Huts in the 10th Mountain hut

system, and is a popular backcountry skiing destination. It also provides excellent opportunities for hunting, fishing, hiking, horseback riding, mountain biking, and cave exploration.

The Woods Lake CRA is the largest of ten roadless areas that adjoin with the Holy Cross Wilderness Area, to form a roadless complex of over 165,000 acres (257 square miles). It is also within a state-defined source water assessment area. (Preservation/Conservation - #622.323-324.66200.002)

## Chapter 6. Social and Economic Concerns

### 6-1 Public Concern: The Forest Service should protect public lands.

#### FOR HUNTING, ANGLING, AND WILDLIFE VIEWING AND THEIR ECONOMIC BENEFITS

Protect our hunting and angling heritage and the economic opportunities they create. The importance of the outdoor economy and the reliance of local communities on hunting, fishing, and wildlife-viewing dollars wouldn't be possible without pristine public lands. Hunting, fishing, and wildlife viewing contribute nearly \$2 billion and over 20,000 jobs annually to Colorado's economy. Additionally, nearly 60 percent of all native coldwater fisheries habitat in Colorado is in roadless areas, and the 15 most hunted game management units are all over 50 percent roadless. (Individual, Durango, CO - #40.5.72000.500)

Colorado is Colorado because of its wild areas—its roadless wilderness areas. It's hard to quantify the value of wilderness areas, but in terms of tourism, quality of life, ecosystem services, fish and game, and others, I suspect the value is in the billions. "Multi-use" is a nice concept, and one that people agree with, but the balance of environment and progress is tipped far in favor of progress, especially in National Forests. (Individual, Denver, CO - #521.2.71000.134)

### 6-2 Public Concern: The Forest Service should manage public lands for the greatest economic benefit.

The economic loss to the state of Colorado for eliminating all forms of resource development, including oil, gas, all mining, timber harvesting, personal-use lumber cutting, grazing, recreation, hunting, and fishing, is insurmountable. (Individual - #181.2.70000.800)

The Rule [Proposed Action] will cause economic loss to the state of Colorado and local communities. It will stop future access to resources, including mining, timber harvesting for commercial and personal use, and oil and gas exploration and production. The Rule leaves little or no access for recreation and multiple uses by the citizens. (Individual, Cortez, CO - #586.3.72000.002)

#### WHILE STILL PROVIDING FOR RECREATIONAL ACCESS

Areas that are of particular or unique scenic beauty should be made state or Federal parks to protect them for equal enjoyment of future generations, but otherwise the public lands should be managed for their most economical use, provided that economic development does not unduly restrict the general public from the recreational use that is also a public good. Additional roadless areas in non-park settings are not consistent with proper management of public lands. (Individual, Montrose, CO - #167.2.70000.127)

### 6-3 Public Concern: The Forest Service should avoid managing national lands for Colorado's economic interests.

#### BECAUSE THEY BELONG TO THE PEOPLE OF THIS NATION

Colorado's National Forests are "National," not state forests to be managed primarily for Colorado's economic interests. Please consider that millions of citizens nationwide overwhelmingly support the original 2001 National Roadless Rule. That includes Colorado. Please discard the proposed Colorado Roadless Rule and keep our National Forests truly national for all the people in this country who own them. Don't give them away to Colorado loggers. (Individual, Penn Valley, CA - #305.3.70000.125)



**6-4 Public Concern: The Forest Service should avoid limiting small rural communities' access to natural resources.****TO PROTECT LOCAL ECONOMIES**

Designation [of roadless areas] is not consistent with local Comprehensive Land Use Plans. The Montezuma County Comprehensive Land Use Plan is grounded in the concepts of multiple use and sustained yield. The very purpose of the Rule is to limit access to natural resources. Small rural communities depend on access to natural resources to sustain their economies and way of life. New technologies are always emerging that provide low-impact means of realizing economic potential from natural resources in these areas. Even if this is done on a small scale, it is very significant to local economies. (Montezuma County Board of Commissioners, Cortez, CO - #707.7.72000.134)

Montezuma and Dolores Counties are surrounded by public land. Sixty-eight percent of Montezuma County consists of public land. We depend on public land for jobs in the oil and gas industry, timber and logging industry, and the mining industry to support our families and our counties' coffers through mineral extraction taxes. These industries will not be allowed to operate in these proposed roadless areas.

This [Proposed Action] would create a loss of jobs now and in the future of our area. Montezuma and Dolores Counties have some of the highest unemployment in the state and, with the current lack of good jobs available in our country, this would create more economic impact on our citizens. (Individual, Cortez, CO - #704.3.72000.800)

**6-5 Public Concern: The Forest Service should collaborate with local residents and industries to generate more income from public lands.**

Proper land management would be busy taking advantage of the resources available and actually generating revenue from the sale of resources and working hand in hand with local industries and local residents to make these truly public lands. Proper land management would not be antagonizing the very people that you are supposed to be co-existing with. Instead, you would be developing more cooperative programs so that land users and land managers could work side by side to build these public lands into even more valuable resources for all users. (Individual, Cortez, CO - #725.5.70000.134)

**6-6 Public Concern: The Forest Service should acknowledge that the Rule would interfere with multiple use and local economies.**

The Colorado Roadless Rule would block access to thousands of acres of public land, which would have a tremendous negative impact on local and state economies. The land could not be used for its intended multiple use.

The land could not be accessed for exploration and extraction of our natural resources, such as mining, timber, wood cutting, grazing, recreational purposes, hunting, and camping, which is a big part of Colorado economies. (Individual, Pleasant View, CO - #706.2.72000.134)

The proposed rule violates the mission and direction of the Forest Service, as directed by several Congressional mandates for protection and development, timber production, water production, and economic benefit, under multiple use principles. Under the Multiple Use Sustained Yield Act, the economies of local communities were of major concern. The development and use of timber, forage, minerals, wildlife, water, and recreation was the mainstay of the local economy. This new rule would severely damage local economies.

The proposed new rule, by closing existing roads and limiting all access and resource use, would restrict oil and gas and mineral exploration and extraction, timber management and development, fire and insect protection and treatment, grazing management, and a majority of recreational uses. Fuel wood gathering, which is beneficial to forest management and protection, would be unavailable to the many locals that are dependent upon it for their sole heating source. (Individual, Lewis, CO - #858.2.72000.134)

## **6-7 Public Concern: The Forest Service should avoid giving priority to natural resource industries over the public interest.**

I am completely opposed to the government protecting the extractive interests of private companies in Colorado, and this proposed watered-down rule is exactly that. The government should be protecting the interests of the citizens and the heritage of wild areas, not selling off access to them to the industries meaning to make a short-term profit from them! (Individual, Manhattan Beach, CA - #273.4.70000.002)

I urge the Forest Service to remember that it is in the service of all the citizens of the United States, not primarily that of the oil and gas industry and of the logging industry. Wise use of resources means maximizing utility to the most, not maximizing profit for the few. (Individual, Potosi, WI - #103.8.70000.127)

You are charged with being good stewards of these precious lands. Continuing plunder for the benefit of multinational corporations is an affront to the American people and to generations yet unborn. Straighten your spines and do the right thing for once. (Individual, Ithaca, NY - #261.6.70000.200)

It's time we quit being railroaded by the greedy in this country. Let's all do what's right and be responsible so coming generations can enjoy what we have. And please do not cave to the "but it's jobs" mantra. This isn't the way out of our economic mess. Truth in Washington, responsibility by corporate America, and a strong sense of stewardship among all Americans is the way out. (Individual, Saint Louis, MO - #572.4.70000.740)

### **INCLUDING PROTECTING NATURAL RESOURCES FOR FUTURE GENERATIONS**

Please stop allowing our sacred earth and precious animals to be destroyed in the name of greed and so-called 'progress.' How will we be able to progress once our earth becomes completely poisoned with toxins! How foolish is the human race to be so short-sighted and shoot ourselves in the foot! How heartless is humanity to not have any consideration about any other species but their own! Please sustain our earth for future generations and for the animals! Please have respect for our amazing planet, and be grateful for the air we breathe, the water we drink, the soil we use to grow food, our beautiful planet that sustains us!

"Aside from being beautiful, trees have always been the central critical element of our life-support system on earth. Trees literally make life possible; by producing oxygen, capturing water, preventing floods, building and feeding soil, providing habitat for bugs, birds, fish, and billions of other species, and converting the sun's energy to food...the list goes on.

As humans have done throughout the ages, we have forgotten these facts and think of trees only as decorations. As documented in Jared Diamond's book *Collapse*, every civilization that forgot its trees began a cascade of life-support failures and ultimately disappeared. Those who remembered and cherished their trees and reversed the trend, saved themselves." Taken from Seeding News, by TreePeople, <http://www.treepeople.org/>. (Individual, Ventura, CA - #275.3.70000.201)

### **BECAUSE ROADLESS AREAS ARE BECOMING SCARCE**

Roadless areas are becoming more and more scarce, and so even more valuable. Although it is tempting in tough economic times to dip into our "reserves" and develop what some regard as "wasteland," we should apply the same logic that we use for managing our own personal resources. Most financial advisors suggest staying in the stock market even in these tough economic times, not selling at a loss and moving to bonds, which don't have the same recovery potential. Selling our natural reserves at this time would be equally senseless. (Individual, Milwaukee, WI - #113.8.70000.200)

## **6-8 Public Concern: The Forest Service should protect roadless areas from natural resource industries and development.**

Any rule that would allow roads, logging, or energy and mineral extraction in any roadless areas is very short-sighted and will harm the state's economy and residents in the long run. (Individual - #496.3.72000.002)

### **TO PROTECT THE OUTDOOR-RECREATION ECONOMY**

I live in Salida and use many roadless areas (Monarch Crest, 401 in Crested Butte, etc.), and I understand their value to this community and to other small, outdoor-recreation-based communities. I also understand the sensitivity of this value: it can too easily be destroyed.

Outdoor recreation is the only viable economy for Salida and many other similarly situated communities throughout Colorado and the United States.

Roadless areas make up an important part of our outdoor experience, especially the areas that attract recreation tourists. Once an area has been logged or extracted, or cut for a corridor, it loses all its value to everyone.

If these areas are not protected, a few large corporations will profit from logging or mining on a short-term basis, but our communities will suffer in the long term. It should be your agency's primary goal to protect roadless areas from extraction and development. Logging, mining, and transmission/pipeline corridors are simply not compatible with our outdoor-recreation economies. (Individual, Salida, CO - #253.5.72000.800)

It's inexcusable to allow this proposal to go through to benefit a few at the cost of the many. It harms jobs in the tourist and recreational industries that are a key part of Colorado's economy. Isn't it jobs that's all the rage? So we're going to kill many of them now and curb future job growth in the state just to benefit the extracting industries? Unbelievable! (Individual, Minneapolis, MN - #284.3.72000.800)

### **TO PROVIDE A WILDERNESS EXPERIENCE THAT REFLECTS THE AMERICAN SPIRIT**

After college my wife and I hiked along the Colorado Trail, which runs through many of these areas under consideration. Now my wife, daughter, son, and I enjoy hiking and fishing in these same areas. The memories and experience that we have gained and will gain in the future are priceless. In many regards, they offer true wilderness experiences of the caliber that Theodore Roosevelt sought to protect. These places are not just important to my family and community; they are national treasures that are essential to protecting the American spirit. (Individual, Durango, CO - #40.1.71000.500)

### **TO SUPPORT LOCAL TOURISM AND ECONOMIES**

Roadless areas represent our last stand to protect this treasure. Our town and many others in our area rely on the scenic and sporting assets for economic survival from tourism and growth associated with tourism, hunting, and fishing. (Individual, Lake City, CO - #155.4.72000.500)

Protect our hunting and angling heritage and the economic opportunities they create. The outdoor economy is extremely important to rural communities, and local communities rely on hunting, fishing, and wildlife-viewing dollars that wouldn't be possible without pristine public lands. Hunting, fishing, and wildlife viewing contribute nearly \$2 billion and over 20,000 jobs annually to Colorado's economy. (Individual, Mancos, CO - #226.9.72000.510)

Hunting and fishing contribute more than \$1.8 billion annually to Colorado's economy and often form the backbone of our state's rural economies. Without strong safeguards that conserve public-lands backcountry, hunting and fishing opportunities could diminish and, likewise, the economic vitality of the businesses and communities that rely on them could decline. Conserving our valued roadless areas can sustain our economy and Western way of life. (Recreation/Conservation Organization, Denver, CO - #538.3.72000.560)

### **TO ENHANCE LOCAL ECONOMIES AND QUALITY OF LIFE**

Our county (Chaffee County, Colorado) is 80 percent Federal and state land. Tourism/recreation is our largest economic sector. Protecting roadless lands will enhance our economy, as well as our quality of life. (Individual, Buena Vista, CO - #23.1.72000.870)

## **6-9 Public Concern: The Forest Service should avoid limiting roadless-area access to mineral and oil and gas development.**

### **BECAUSE THEY CAN EMPLOY LOW-IMPACT TECHNIQUES AND CONTRIBUTE TO LOCAL ECONOMIES**

One-size-fits-all rules usually come with unintended consequences and the proposed Roadless Rule is no exception. If implemented, the proposed rule will certainly carry negative impacts on local economies. Fluid and solid mineral extraction would be prohibited by the plan, with no flexibility to consider low-impact recovery techniques that may exist or may soon be developed. Our nation needs to be cognizant of the need for these resources and have the flexibility to implement their recovery when sensible methods can be used. (Montezuma County Board of Commissioners, Cortez, CO - #707.9.72000.400)

## **6-10 Public Concern: The Forest Service should avoid limiting access to Colorado Roadless Areas for timber harvest.**

### **TO SUPPORT FOREST HEALTH AND LOCAL ECONOMIES**

One-size-fits-all rules usually come with unintended consequences and the proposed Roadless Rule is no exception. If implemented, the proposed rule will certainly carry negative impacts on local economies. The Rule clearly aims to eliminate timber harvest of any kind. The option of limited timber harvest is essential for maintaining forest health and can provide economic opportunity for small-scale timber operators who are adapting to an ever-changing economic landscape. (County Montezuma County Board of Commissioners, Cortez, CO - #707.8.72000.830)

## **6-11 Public Concern: The Forest Service should select Alternative 2.**

### **TO BENEFIT LOCAL TOURISM AND RECREATION**

We would like to see maximum protection of roadless National Forest land. We support Alternative 2, which includes strong protection for 562,000 acres of upper-tier land. We live in a county that is 80 percent Federal and state land. We think this protection will enhance our main economic sector, tourism, and recreation, as well as enhance our quality of life.

Thank you for increasing the amount of protected land! (Individual, Buena Vista, CO - #11.1.72000.002)

## **6-12 Public Concern: The Forest Service should support the conservation community's efforts to strengthen the Rule.**

### **TO PROTECT LOCAL ECONOMIES AND QUALITY OF LIFE FROM INCREASING MECHANIZED PRESSURE**

As 25-year residents living within the San Isabel National Forest in Chalk Creek Canyon and being fully aware of the dramatic increase in negative pressure of all kinds on our USFS (U.S. Forest Service) public lands, we strongly urge the Forest Service to support the conservation community's efforts to strengthen the Colorado Roadless Rule.

We have owned and operated Streamside Bed & Breakfast in the San Isabel for 23 years, and during this time period we have witnessed incredible mechanized pressure multiplying almost exponentially in our area of the forest. It has negatively impacted our business and quality of life while putting the intrinsic value of the forest at grave risk. To have any hope at all of reigning in this growth, and protecting this priceless backcountry resource, a strengthened roadless rule for Colorado is a must. (Individual, Nathrop, CO - #641.1.70000.002)

## **6-13 Public Concern: The Forest Service should avoid compromising forest health.**

### **TO PROTECT MUNICIPAL WATER SUPPLIES**

Colorado Springs Utilities serves a population of approximately 480,000 people and relies on water from the South Platte, Colorado, and Arkansas River basins to meet nearly 99 percent of its community's water needs. Accordingly, Colorado Springs Utilities is extremely interested in watershed management

and forest health throughout these basins to protect its water supplies and infrastructure. As an example of this, Colorado Springs Utilities is investing significant funds in partnership with the U.S. Forest Service to assess and manage forest health and watershed issues across the Pike, San Isabel, and White River National Forests. The restrictions created by the proposed rule would impede many of these efforts and further complicate this already massive challenge. (Utility Group, Colorado Springs, CO - #701.1.70000.242)

#### **6-14 Public Concern: The Forest Service should give higher levels of protection to the Cochetopa Hills, Whetstone Mountain, Currant Creek, and Cannibal Plateau areas.**

##### **BECAUSE THEY ARE A FOUNDATION OF THE LOCAL GUNNISON COUNTY ECONOMY**

Colorado deserves the best protection of our environment that we can give. The Gunnison National Forest is the foundation of the local Gunnison County economy. Based on tourism, as are the economies of many other areas of the state, we depend on the existence of roadless areas and all that they offer. Fulfilling people's needs in terms of physical and mental well-being, for residents and visitors alike, is ever more important in our fast-paced world.

In particular, Cochetopa Hills, Whetstone Mountain, Currant Creek, and the Cannibal Plateau need to be given higher levels of protection than are currently proposed. (Individual, Crested Butte, CO - #730.2.72000.500)

#### **6-15 Public Concern: The Forest Service should support energy development.**

##### **TO REDUCE ENERGY COSTS**

The enviro groups have already about ruined this country with the billions they have cost us all in court costs, fees, time, and jobs. They have seriously slowed energy development to the point of high prices for oil and gasoline. It is time to stop this type of hype in its tracks. (Individual, Grand Junction, CO - #194.2.70000.050)

#### **6-16 Public Concern: The Forest Service should provide for Payment In Lieu of Taxes (PILT) and Small, Rural School Achievement (SRSA) funding needed to offset the loss of revenue caused by the rulemaking.**

Proposed Consideration of Small Entities:

The assertion put forth in this section, stating that there are "six energy-producing counties" (Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin), is erroneous. Dolores, San Miguel, and Montezuma Counties are areas of significant natural gas and CO<sub>2</sub> production.

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

This proposed rulemaking document is biased as to the outcome the USFS desires, and therefore is disingenuous on many levels. (Town of Dove Creek, Dove Creek, CO - #709.1.72000.421)

#### **6-17 Public Concern: The Forest Service should avoid effects on people who depend on firewood gathering.**

##### **TO PROTECT LOCAL ECONOMIES**

The Roadless Rule will hurt game and fish and the local economy. It will inhibit people that depend on wood for heat, and add to the fire hazard. (Individual, Dolores, CO - #634.3.72000.060)

## **6-18 Public Concern: The Forest Service should support access for hunting, fishing, and off-road vehicle use.**

### **BECAUSE THESE ACTIVITIES CONTRIBUTE SIGNIFICANTLY TO LOCAL ECONOMIES**

Grand County's economy, as are many other communities located near USFS lands, is heavily dependent on the tourism industry. A large portion of these tourism dollars revolve around hunting, fishing, and off-highway vehicles (OHV). The amount of recreational users of our forest lands is ever increasing, and restricting access to significant areas within our public lands not only hurts the overall experience of all users, but it hurts the surrounding local businesses and reduces associated jobs that depend on this market. Federal lands are owned by every American. Closing off access to greater areas to the majority of users discriminates against a population that contributes the most to the local economy. (Grand County Board of Commissioners, Hot Sulphur Springs, CO - #177.4.72000.500)

## **6-19 Public Concern: The Forest Service should reject a roadless rule that increases emergency response times.**

### **BECAUSE OF POTENTIAL LOSS OF LIFE**

Response time to emergencies, involving law enforcement, fire fighters, EMS (emergency medical service) personnel:

Horseback riders, hunters, hikers, oil and gas production, pipelines and power lines, and other activities will be adversely affected if this rule is enacted. Anyone approving this rule should be held personally responsible for any loss of life that could have been prevented by a more timely response. (Individual, Cortez, CO - #694.2.74000.002)

## **6-20 Public Concern: The Forest Service should avoid spending money to decommission roads.**

### **BECAUSE IT ADDS TO THE FEDERAL DEFICIT**

We live in a time when our nation is seriously challenged with a growing deficit, and it seems counter-intuitive to spend money to tear up our infrastructure. We are likely the only country in the world that is increasing deficits in order to tear up roads. The roads currently in the forest were put there for a reason, and at considerable time and expense. To "decommission" these roads will add to congestion and a waste of taxpayer's money. (Individual, Dolores, CO - #634.4.70000.680)

# **Socioeconomic Effects Analysis**

## **6-21 Public Concern: The Forest Service should revise the Statement of Energy Effects of the proposed rule.**

### **BECAUSE IT MUST ADDRESS THE RULE'S EFFECT ON OIL AND GAS DISTRIBUTION VIA PIPELINES**

The proposed rule's Statement of Energy Effects pursuant to E.O. (Executive Order) 13211 is inadequate. It lacks any discussion of the proposed rule's effects on oil and gas distribution via pipelines. (Oil, Natural Gas, Coal, or Pipeline Industry - #616.37.70000.850)

## **6-22 Public Concern: The Forest Service should recognize that a socioeconomic analysis is required.**

### **TO ENSURE THAT THE RULE WILL NOT VIOLATE EXECUTIVE ORDER 12866**

Executive Order 12866 signed October 14, 1993 states that any government agency cannot have an annual effect of \$100 million or more on, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety of, State, Local or Tribal Governments or communities. This rule will have an immediate adverse affect on the local economy, productivity, competition, jobs, the environment, and public health and safety. None of us

know what the adverse effect will be in the future at state, local and tribal levels. (Individual, Cortez, CO - #694.3.72000.171)

## **6-23 Public Concern: The Forest Service should conduct an environmental justice assessment.**

### **TO EVALUATE SOCIOECONOMIC EFFECTS ON LOCAL COMMUNITIES**

To ensure a robust analysis, we [EPA] encourage the USFS to consult the Council on Environmental Quality's new posting of resources on NEPA (National Environmental Policy Act) and environmental justice at [http://ceq.hss.doe.gov/nepa\\_information/agency\\_resources.html](http://ceq.hss.doe.gov/nepa_information/agency_resources.html).

There may be water quality and/or air quality impacts of particular concern to local residents; therefore, EPA recommends the following:

- Disclosure of whether and where environmental justice communities are located in the analysis area, including a description of the methodology and criteria utilized to identify low-income and minority communities, the sources of data used for these analyses, and references for establishing the criteria.
- To the extent such communities are identified, a discussion of the potential direct, indirect, and cumulative environmental impacts of roadless activities on these communities.
- An evaluation of socio-economic impacts on the local communities, including any additional loading that would be placed on local communities' abilities to provide necessary public services and amenities associated with development resulting from changes in roadless area boundaries, the various exceptions to road construction and tree-cutting activities, and/or future coal-mining development and ski area expansion. Such impacts may include better or worse access for subsistence hunting and gathering of fuel wood; increased housing development to meet the needs of project workers and families; burdening water, waste, and wastewater handling facilities; and increased road traffic with associated dust and hazardous material spill potential. We recommend that methods to avoid or minimize such impacts be discussed in the FEIS (Final Environmental Impact Report). (U.S. Environmental Protection Agency, Washington, DC - #685.27.75000.200)

## **6-24 Public Concern: The Forest Service should revise the economic effects analysis in the Environmental Impact Statement.**

### **TO BETTER REPRESENT THE RULE'S EFFECTS ON OIL AND GAS DEVELOPMENT**

The socio-economic analysis in the RDEIS (Revised Draft Environmental Impact Statement) is wholly inadequate because it fails to thoroughly analyze the Rule's economic impacts on oil and gas development and product transportation in Colorado. While the RDEIS provides a brief section on the importance of oil and gas and other energy development in the state, it does not properly analyze the impact of adding major constraints to development on existing leases inside CRAs (Colorado Roadless Areas) or the impact of preventing future leasing on more than 4 million acres of land in Colorado. In addition, the socio-economic analysis does not provide a thorough analysis of how the proposed action will impact transportation of the product to end-users of oil and natural gas resources and the associated impacts on the users themselves. (Oil, Natural Gas, Coal, or Pipeline Industry, Durango, CO - #616.34.70000.850)

The socio-economic impacts should be quantified in terms of revenue and jobs for coal and oil and gas by alternatives (similar to Tables 3-17 and 3-18 where acreage and tonnage, etc., are quantified). (U.S. Department of the Interior, Office of Environmental Compliance, Washington, DC - #829.3.70000.420)

[DEIS (Draft Environmental Impact Statement)] Page 147: There is insufficient analysis in the Affected Environment section, especially the Proposed Action Alternative, to make the statement that there is "no sufficient cumulative effect to the development of oil and gas...." There is no analysis of the effect that no new road construction, and subsequently no leasing, would impede full field development of potential new oil and gas plays. Cumulative impacts should include calculations of resource forgone and employment forsaken due to the diminution of access. These calculations could be available from

industry. (U.S. Department of the Interior, Office of Environmental Compliance, Washington, DC - #829.12.70000.421)

#### **TO CONSIDER THE ECONOMIC AND ENVIRONMENTAL VALUES OF CRAS UNRELATED TO THE NATURAL RESOURCE INDUSTRIES**

In its Economics Section, the RDEIS (pp. 287 et seq.) fails to consider the non-extractive and environmental values of Colorado's roadless areas. These include, but are not limited to: hunting, fishing, other recreation, and ecosystem services. The latter include the values of: intact watersheds, undisturbed soils, good air quality, good water quality, and carbon sequestration. The FEIS for the Colorado Roadless Rule must analyze the non-extractive economic values of roadless areas. (Preservation/Conservation, Denver, CO - #591.73.71000.770)

#### **TO BETTER REPRESENT EFFECTS ON WATER SUPPLIERS AND WATERSHEDS**

The Draft EIS fails to analyze the economic and social impacts the prohibition or restriction of road building and timber activities will have on the citizens of Colorado. Specifically, the proposed EIS does not adequately evaluate the increased cost of providing water that may occur if water suppliers cannot build roads to construct or maintain water infrastructure or cannot conduct timber-related activities to protect watersheds. The failure to conduct such analysis appears to violate NEPA. (Utility Group, Colorado Springs, CO - #701.22.70000.242)

#### **TO BE MORE REALISTIC**

The economic losses projected in the EIS are fatally flawed and in error due to the agency's using global percentages instead of accurate cumulative impact numbers and how they relate by community, state, and nation, which is more insurmountable negative impacts from job losses, from all of the prohibitions places upon all forms of mineral extraction, road construction, livestock grazing, all forms of recreation, infrastructure access, water (pages 128, 129 of the EIS). Such plans call for the complete dismantling of Colorado's infrastructure, which would have negative impacts to this nation's infrastructure. Five counties are listed in Colorado as being impacted by this when in fact the impacts are more far-reaching and far more devastating, not just the five. The small businesses involved range from heavy equipment operators to heavy equipment haulers, pipe haulers, oil and gas suppliers, small communities, restaurants, real estate, schools, ranchers, the State of Colorado revenues, tool supplies, tourism, skiers, hotels, motels, maintenance on equipment, and the list is very extensive and none of this was considered as substantial economic loss. (Individual - #181.12.70000.860)

The five-county region that has been defined to model the economic impacts associated with energy resources (Delta, Garfield, Mesa, Montrose, and Rio Blanco Counties) is fatally flawed because it excludes several other important energy-producing counties. Archuleta, La Plata, Montezuma, and San Miguel Counties all contain significant oil and gas production and will be extensively impacted by CRA designations and their associated constraints on development. In 2010, La Plata County produced the most coalbed methane natural gas in Colorado with the least amount of wells. In 2010, Archuleta County was the third largest producing county of coalbed methane natural gas in the state of Colorado. In the last three years, including cities and school districts, La Plata County received \$3,072,902.00 and Archuleta County has received \$32,518.20 in direct distribution of Federal mineral lease payments. It is vital that Archuleta, La Plata, Montezuma, and San Miguel Counties be correctly identified as "energy counties" and included in a revised socio-economic analysis that must be completed prior to finalizing the proposed rule and EIS. (Oil, Natural Gas, Coal, or Pipeline Industry - #616.36.70000.030)

#### **TO ACCOUNT FOR SOCIOECONOMIC EFFECTS ON THE TOWN OF DOLORES**

Components of the Colorado Roadless Rule were discussed with representatives of the Forest Service Dolores Ranger District at the Town of Dolores workshop session held June 27, 2011. We [Town of Dolores, Mayor and Board members] were surprised to learn that the potential for negative impacts on businesses in Dolores, and therefore our sales tax collections, were not addressed by anyone. Myself and several board members were also not happy with the failure of the study to address access for elderly and handicapped. I, therefore, object to adopting any EIS until these issues have been addressed. (Town of Dolores, Dolores, CO - #746.1.72000.780)



## **6-25 Public Concern: The Forest Service should revise its estimated economic output from mineral leasing to reflect upper tier restrictions**

### **TO ACCURATELY COMPARE ALTERNATIVES 2 AND 4**

The USFS's assumption that economic output from leasable minerals in Alternative 4 would be the same as Alternative 2 is preposterous and is smoke and mirrors. Based on the additional constraints to development that go along with the "upper tier" designation, as well as the number of existing leases in "upper tier" areas identified in Alternative 4, it is utterly impossible that both alternatives would have the same level of economic output associated with the development of leasable minerals. This discrepancy must be rectified before a final rule is adopted. (Oil, Natural Gas, Coal, or Pipeline Industry, Aurora, CO - #616.35.70000.840)

## **6-26 Public Concern: The Forest Service should revise the analysis regarding the effects of the Rule on coal use in the United States.**

### **TO ACCOUNT FOR THE POTENTIAL INCENTIVES TO MOVE TO CLEANER ENERGY RESOURCES**

Reductions in Coal Supply Increase the Cost of Using Coal and Encourage Reductions in the Use of Coal and a Shift to Alternative Ways of Meeting Our Energy Needs:

Lower prices and costs, in general, encourage higher levels of consumption while higher prices and costs discourage consumption. That is why demand curves depicting how price influences the quantity demanded are drawn sloping down to the right. In that context, the upward pressure that the reduction in mining of North Fork and other Colorado coal due to the adoption of a stricter roadless rule would put on coal costs faced by existing Colorado coal customers would lead to levels of coal consumption below those that otherwise would exist.

In the past some have suggested that when it comes to energy, there is an exception to this typical response of the quantity demanded to changes in price or costs. One asserted reason for energy use not being sensitive to changes in price is that energy is a necessity for economic activity and, even, human survival, with no alternatives or substitutes available. Such objections may have some validity in the very short run but are in error when a longer time frame is considered.

The sensitivity of the level of use of a primary input to an industrial process to changes in price or cost depends on the flexibility of that production process. Consider electric generation. For any given coal-fired electric generator, coal consumption is largely proportional to electric generation. A certain amount of coal is necessary for any given level of output. Changes in the cost of the coal cannot change that physical relationship. Higher or lower coal costs would raise or lower the cost of producing electricity and that could lead to higher or lower electric prices.

Electric customers could change their electric usage in response, but electric customers might also be locked into using electricity in a particular pattern by the electric appliances they own and depend upon: cooking, water heat, clothes washing and drying, home heating, computers, entertainment, etc.

The way that energy-using technology in-place significantly dictates the level of energy consumption, making that energy use a "necessity" not easily adjusted can significantly reduce the sensitivity of energy usage to changes in price or cost. These potential short-run constraints on coal or electric use in response to price changes can be contrasted with what was once a common situation where industrial plants dependent on process heat had the capability of using anyone of several fuels, e.g., natural gas, fuel oil, residual oil, or biomass. In that setting, a change in the relative price of one of the fuels could lead to a quick substitution of one fuel for another.

[Footnote 41: For a utility with a set of electric generators, it may be possible to make rapid adjustments to relative fuel price changes. All electric generating plants are not operating at any given time except, possibly, at the times of peak demands during the year. At other times, some generators sit idle. The decision as to which generator to use at any given time is based on "economic dispatch." The generators with the lowest operating costs are used first. As load grows, the next more expensive facilities to operate are brought into production. Changes in the relative cost of fuels, e.g., coal versus natural gas, can lead to changes in which facilities are operated at any given time. Electric production could shift from one type of generator to another with no change in technology required, since many different technologies are in place at any given time. The possibility of making market purchases and sales of

electricity can expand these substitution possibilities in response to changes in fuel costs.] The fact that technology in place can often dictate energy usage because there is little flexibility other than increasing or decreasing production, does not mean that energy use, in general, is insensitive to price changes. It simply means that the impact of price changes is likely to work through the adjustment in the technology deployed and that adjustment in technology cannot take place instantaneously. In the short run, meaning until adjustments can be made in the technology deployed, energy usage may be relatively insensitive to price changes, but in the longer run the technology deployed will adjust to those changes in relative prices, and with that technology adjustment, energy usage will adjust.

Some have also expressed doubts about the sensitivity of energy use to energy prices based on a casual overview of American energy consumption habits over the last forty years when, despite ongoing increases in energy prices, Americans adopted more energy-intensive technologies, such as larger motor vehicles, and a larger number of energy-using electronic appliances. That sort of casual empiricism misunderstands what is meant by economic demand. Economic demand refers to the determinants of the level of consumption of any given product. Price is not the only determinant of our level of consumption. Price is an important determinant but just one of several. Other important determinants are the level of income, tastes and preferences, and technological developments. While higher prices depress demand, higher incomes increase demand. It is always possible that the impact of higher incomes will swamp the impact of higher prices and lead consumption to rise despite the higher prices. The important point, however, is that even when that happens, the higher price will have reduced consumption below what it would otherwise have been if price had been constant but the rise in income had been the same.

In addition, it is important to measure price changes in terms of monetary units of constant purchasing power. That is, the effect of general price inflation has to be removed. Because inflation makes the price of almost everything steadily rise as the purchasing power of the dollar shrinks, that purely inflationary trend has to be removed so that prices can be stated in terms of dollars of constant purchasing power. When that is done, the apparent trajectory of energy prices can change significantly. Rather than seeing energy prices constantly rising, we find that energy prices periodically rise steeply in real terms but then go through long periods during which they are actually declining in terms of the purchasing power we sacrifice to buy them.

If, for instance, we look at retail gasoline prices in nominal terms, with some fluctuations, gasoline prices rose significantly between 1970 and 2008. Immediately after the oil price shock of the late 1970s, Americans did turn to smaller cars to reduce fuel expenditures. Note the deployment of a different technology to allow that adjustment. But then Americans turned back to larger vehicles, beginning with the minivan and then SUVs and finally truck-like vehicles. It would be easy to argue that Americans were ignoring the price of gasoline. But between 1981 and 1998 gasoline prices in real terms fell dramatically. In 1998, real gasoline prices were lower than they had ever been in the twentieth century and 60 percent below the peak prices of 1981. Real gasoline prices remained below those peak levels until 2008. The steep rise in real gasoline prices in the 2000s renewed American's interests in more fuel efficient cars, including hybrids, diesels, and smaller conventional cars. Prices mattered, but those prices have to be expressed in terms of constant purchasing power to see that. [See ATT1].

In order to accurately observe adjustments in the use of energy to changes in energy prices, we must look beyond the very short run when technology locks in usage; we must statistically isolate the effect of price changes from the effect of changes in income, technology, tastes, etc.; and we must measure energy prices after general inflation has been removed from them. When that is done, empirical analysis of energy usage over the last four or more decades documents that energy consumption is in fact sensitive to price: higher prices or costs decrease consumption while lower prices or costs increase energy consumption.

For gasoline used to fuel automobiles, the analyses found that across 11 nations in North America and Europe a 10 percent increase in gasoline prices would result in only a 1 percent decrease in gasoline consumption the first year, but the impact rose to a 5 percent decrease by the fifth year, to 11 percent by the tenth year, and to a 13 percent decrease by the 25th year. That demonstrates the difference between the limited adjustments that can be made when the stock of energy-using equipment is fixed and the much broader adjustment that can be made as the stock of equipment is modified to reduce use of the now more costly fuel. [Footnote 45: Ibid, page 232 and Table 6.3, p. 241.]

A study focused specifically on the use of coal as an energy source in the United States was published in 1986. [Footnote 46: “Coal in Appalachia: An Economic Analysis,” Curtis E. Harvey, Lexington, KY: University Press of Kentucky, 1986.] The sensitivity of coal use by electric utilities in the U.S. to changes in price was estimated to be such that a 10 percent increase in coal costs would result in a 4 to 5 percent decline in coal use in the short run and a 6 to 9 percent decline in use in the long run. [Footnote 47: Ibid. Table 15, p.156.] These estimates were compared to earlier estimates for U.S. industrial use of coal that found the adjustment to a 10 percent increase in coal cost to range from a 6 to a 22 percent decline in coal consumption. [Footnote 48: Ibid. Table 14, p. 155.]

The U.S. Department of Energy funded a review of all of the studies that had been done of the sensitivity of American energy usage to energy prices as of 1993. That analysis was done to support the development of the National Energy Modeling System, the energy modeling system that the Energy Information Administration continues to use and develop today. For coal the conclusions of this 1993 review were similar to the 1978 and 1984 reviews: a change in the price of coal would have an impact on coal consumption in the opposite direction that would be about the same size in percentage terms, possibly a little smaller, possibly a little larger. [Footnote 49: “A Survey of Energy Demand Elasticities in Support of the Development of the NEMS,” C. Dahl, Contract No. DE-Apo1- 93E123499 (Washington, DC, October 1993), pp. 60-63.<http://mpira.ub.uni-muenchen.de/13962/>.]

In more recent years, energy research has focused on the use of petroleum products in the U.S.A study published in 2010 focused on the important role played by changes in oil prices relative to previous maximum prices as opposed to fluctuations up and down between relatively high prices. It found that a 10 percent increase in price over a previous maximum led to a 15 to 19 percent decline in petroleum consumption in the long run. [Footnote 50: “Short- and Long-run Adjustments in U.S. Petroleum Consumption,” Hillard G. Huntington, *Energy Economics* 32(2010):63-72.]

Such sensitivity in the use of energy to energy prices is not just a characteristic of the richer nations.

A recent study of the sensitivity of coal use to price changes in China estimated that a 10 percent change in coal cost resulted in a 12 percent change in coal consumption in the opposite direction. [Footnote 51: “The Structural Break and Elasticity of Coal Demand in China: Empirical Findings from 1980–2006,” Jiao, J-L, Fan, Y. and Wei, Y-M, *International Journal of Global Energy Issues* 31 (3/4):331-344, 2009, p. 340.] An earlier study of the sensitivity of Chinese coal consumption to price estimated a smaller change in coal consumption attributable to a 10 percent change in coal cost: 6 percent. [Footnote 52: “China’s Energy Economy: Technical Change, Factor Demand and Interfactor/Interfuel Substitution,” Hengyun Ma, Les Oxley, John Gibson, Bonggeun Kim, *Energy Economics* 30 (2008): 2167-2183 Table 5, p.2179.] A study of the decline in the energy intensity (or a rise in energy productivity) within the Chinese economy in the 1990s concluded that over half of the measured decline in energy intensity was a response to rising energy prices. Research and development activity, shifts in the structure of the Chinese economy towards less energy intensive sectors, and improvements in management incentives were each responsible for less than a sixth of the decline in energy intensity. [Footnote 53: “Technology Development and Energy Productivity in China,” Karen Fisher-Vanden, Gary H. Jefferson, Ma Jingkui, and Xu Jianyi, *Energy Economics*, 28 (2006): 690–705, pp. 695–696 and Table 1. It should be pointed out that after 2002, the energy intensity of the Chinese economy began to increase as production in energy-intensive industries such steel, aluminum, paper, chemicals, cement, etc. grew rapidly.] Energy prices have important economic consequences, even in a nation such as China where markets are more limited and where the government still exercises considerable control over those prices.

The important point here is that there is considerable flexibility in how utilities generate electricity in response to changes in fuel prices. Improvements in the efficiency of electric generation and electricity delivery can increase the delivered electricity without increasing fuel consumption and GHG [greenhouse gas] emissions. The same is true of improvements in the efficiency with which consumers use electricity. Substantial strides have been made in reducing the electricity consumed in lighting, heating, and cooling our homes and businesses. The efficiency of refrigerators and hot water heaters has improved. The thermal integrity of our business and residential structures has improved. Those technological improvements have not reached their limits. In addition, consumers and regulators are just beginning to focus on the energy consumption of the electronic appliances that increasingly fill our homes and businesses. The cost of electricity and other energy sources relative to the costs associated with energy-efficiency measures largely drives these improvements.

In addition, all methods of generating electricity are not equally carbon intensive. Over the last two decades, there has been a significant increase in the use of natural gas to generate electricity partially because the GHG emissions are lower as are many other important air pollution emissions. That trend is found not only in the United States but also in the developed countries of Europe and Asia. The recent decline in natural gas prices relative to coal prices has helped facilitate that shift.

[Footnote 54: This is not to say that “only price matters” when it comes to utilities choosing the fuel and technology for new or replacement electric generation. The relatively flat or declining market for coal in electric generation in the United States and other developed nations in Europe and Asia is tied at least in part to environmental concerns and uncertainty about future regulation of emissions from coal-fired plants. As the coal industry regularly asserted, if only the private costs are considered, coal remains the cheapest fuel to use to generate electricity. (Coal, however, has significant externalities and social costs in GHG and mercury pollution, the destruction of streams in Appalachia, etc.) Our primary point, however, remains: restricting coal supply tends to reduce coal use and accompanying greenhouse gas emissions. Facilitating coal production has the opposite effect.]

The costs associated with wind electric generation have also fallen considerably and solar electric costs have also been declining. These downward price trends, along with public policy mandates on utilities to include a certain percentage of renewable electric resources in their generating portfolio, have led to a substantial increase in wind electric generation and modest increases in solar electric generation, although both remain a relatively small part of total generation.

The fundamental fact is that existing technologies allow utilities and utility customers to respond to changes in relative generation costs. Higher generation costs stimulate more rapid and extensive efforts to improve efficiency or choose an alternative fuel. Lower generation costs discourage such efforts. (Preservation/Conservation, Denver, CO - #690.27-37.70000.251)

## **6-27 Public Concern: The Forest Service should recognize that they are obligated under E.O. 13514 to contribute to a reduction in GHGs.**

### **EVEN IN THE ABSENCE OF A GLOBAL AGREEMENT TO REDUCE EMISSIONS AND IN SPITE OF THE SHORT-TERM ECONOMIC COSTS**

An argument that is regularly used [to justify not addressing GHGs] is that it is not economically rational for a decision maker to take greenhouse gas impacts into account when making any particular development decision. Instead it is pointed out that if a particular local, state, or national government acts on its own to reduce its greenhouse gas emissions, the impact on global climate will be insignificantly small since it is total emissions around the world that matter. The costs associated with a government unilaterally acting to reduce its emissions, however, may well not be small, especially when projected foregone economic activity is taken into consideration. In that setting, it can be asserted that the costs vastly exceed the benefits, and the government agency should not act alone. Instead, it should recognize that the climate change effects of its relatively small reductions in greenhouse gas emissions will be trivially small given the total buildup of GHGs, and it should, therefore, wait for others to solve the problem. But even then, if others have effectively reduced greenhouse gas emissions, there would be little harm associated with any individual government deciding to enjoy the common benefits of stabilized climate while not contributing to the reduction in emissions. From a narrow economic rationality perspective, it is in any individual government agency's interest to “free ride” on the efforts of others and continue to take maximum advantage of the common property resource, the earth's atmosphere, for waste disposal purposes.

The economic incentives for individuals to maximally exploit open access common property resources is the source of the concern over the “tragedy of the commons,” the over-use and damage to common property resources. The consequences of the absence of individual property rights and a way of enforcing those property rights is regularly used in economics texts and popular discussions of natural resource and environmental problems to dramatize the role of property rights and the Rule of law in encouraging the efficient use of resources. However, the privatization of and creation of markets for scarce and valuable resources is not always possible and even where it is, that is not the only solution to the “free rider” and “tragedy of the commons” problems. For much of human history, other social arrangements have often been relied on to solve this social problem.

The likely “tragedy” associated with these open access situations is often dramatized by some version of the “prisoner’s dilemma” where implicit cooperation between the prisoners would lead to the best outcome for both of them, but, because communication between them is not allowed, each prisoner has to contemplate the outcome if the other acts in her own individual interest rather than in their joint interest. The result is that both act in their individual interests and both are much worse off than they would have been if they had implicitly cooperated. The pursuit of “rational” self-interest by each leads to a much worse outcome for both.

Although this provides a dramatic example of the failure of self-interested rationality to lead to optimal results, this is a very contrived situation that is unlike most decision making in a social setting. First, the prisoners face this decision and realize the consequences only once. There is no learning possible or communication via the choices the individuals make over time. In addition, of course, there is no direct communication allowed.

If the assumptions are changed so that there are multiple, ongoing decisions that the two parties have to make, the optimal solution for each and the likely outcomes change considerably. Each individual can signal to the other her willingness to cooperate and can use future decisions to punish the other if she defects and tries to take advantage of the situation by refusing to cooperate. In that setting, cooperation is likely to emerge and something close to a jointly optimal outcome can be achieved.

Of course, if communication is allowed, negotiations can take place, interests can be expressed, compromises reached, threats of retaliation made for defecting from agreements, etc. In such real world settings, cooperation often emerges over time through a broad range of mechanisms: the development of common ethical and cultural values, standards of social behavior, simple manners, best standards for resource use, negotiated agreements, the establishment of legal and enforceable rights, and the passage of laws prohibiting certain types of behavior.

“Rationality” does not consist of incessant selfish and exploitative behavior towards those with whom one interacts. A broader version of rationality takes into account the fact that we can learn and we can communicate and seek mutually beneficial cooperative solutions to problems. This is not simple-minded wishful thinking. It is hardnosed economic rationality in a broader business context. This broader, cooperative version of the “prisoner’s dilemma” was summarized in a recent article by a financial analyst who applied it to global warming negotiations as a strategy that involves being “nice, retaliatory, forgiving, and clear.” [Footnote 57: Michael Liebreich, Chairman and CEO of New Energy Finance, “How to Save the Planet: Be Nice, Retaliatory, Forgiving & Clear,” September 11, 2007. [http://bnef.com/Download/docs\\_Press/NEF\\_WP\\_Carbon-Garne-Theory\\_05.pdf](http://bnef.com/Download/docs_Press/NEF_WP_Carbon-Garne-Theory_05.pdf). This article was based on Robert Axelrod’s 1985 classic, *The Evolution of Cooperation* (Basic Books, New York), the latest revised edition of which was published in 2006 (Perseus Book Group, New York).]

The fundamental economic fact is that the efficient markets we trust to allocate privately owned goods and services to their highest-valued uses could not operate without shared values, socially determined standards of behavior, and trust. Things as common as commerce between strangers, open markets where customers handle and choose what they want to purchase, and our paper and electronic currency heavily rely on shared standards of behavior and trust as much as they rely on law and the threat of punishment.

Development of those shared values, reaching agreements based on them, and then using both cooperation and sanctions to enforce those agreements are crucial to our avoiding the “tragedy of the commons.”

The Forest Service as an agency and institution recognizes that just because the impacts of its actions, especially at the district or forest level, may, by themselves, have a trivially small impact on global warming, the Forest Service still has an obligation to proceed to make what contribution it can to the reduction of greenhouse gas emissions even in the absence of a global agreement among all or most governments to reduce greenhouse gas emissions. President Obama issued an Executive Order in 2009 requiring all Federal agencies, including the Forest Service, to “measure, report, and reduce their greenhouse gas emissions from direct and indirect activities.” [Footnote 58: Executive Order 13514, October 5, 2009.] Forest Service Chief Tidwell reminded all branches of the Forest Service of that order and that charge with respect to greenhouse gas emissions in March 2011, in a memo encouraging sustainable building construction and performance throughout the nation. [Footnote 59: Memo dated March 31, 2011, file code 7110, Subject: Forest Service Use of Sustainable Standards in Building

Design and Construction.] In the RDEIS, the Forest Service recognizes that the management alternatives considered for the roadless areas in Colorado could have an impact on carbon emissions by increasing or decreasing the frequency, extent, and ability to control wildfires. [Footnote 60: Pp. 114–115.] The RDEIS also points out that control of coal-mine methane emissions from the North Fork Valley mines could make an important contribution to reducing greenhouse gas emissions. Finally, the RDEIS repeatedly points out the threat that climate change poses to various forest values. [Footnote 61: See pages 91, 94, 97, 155, 164, 173, 176, and 190.]

Clearly the Forest Service recognizes that as a matter of public policy, the agency has an obligation to recognize that greenhouse gas emissions contribute to climate change and that climate change is expected to have negative impacts on forest values the agency is required by law to protect. Even though the individual steps, by themselves, that a district ranger or forest supervisor can take to reduce emissions or remove GHGs from the atmosphere will likely have small impacts, the Forest Service is committed to doing its part.

These actions by the Forest Service and other Federal, state, and local government agencies, along with similar actions by businesses, households, and non-profit organizations, are both economically rational and significant. In the context of developing a national and international consensus, it is important for governments and other institutions to act now to collectively limit their emissions so that the worst consequences of global climate change can be avoided; such individual and local policies are eminently economic. This type of unilateral action is one of the first necessary steps in developing a global agreement and the mechanisms to reward those who adequately participate and apply sanctions to those who do not. If every party waits until enough others have acted to make a significant dent in the problem, that collective action will never take place. If citizens, organizations, and governments do not act until they believe other major players have volunteered sufficient reductions to not put them at a competitive disadvantage, it may be difficult or impossible to get a serious global effort underway. [Footnote 62: Daniel H. Rosen and Trevor Houser, “China Energy: A Guide for the Perplexed,” China Strategic Advisory, May 2007, pp. 37–46.] Doing nothing will also undermine efforts undertaken by local, state, and regional governments to reduce contributions to climate change.

The actions of government agencies, business organization, NGOs (non-governmental organizations), and individual citizens can be interpreted as “signals” that they are not going to be free-riders but, to the contrary, are willing to make significant reductions in their greenhouse gas emissions. That lays the basis for the building of the institutions to reduce emissions and the development of mechanisms to support other governments to do the same thing. Ultimately, it lays the basis for mutual enforcement of appropriate reductions by all nations. In that sense, such actions by government agencies and others are not naïve or of trivial value in the efforts to stabilize climate but are necessary and crucial. Rather than being economically irrational, they reflect a broader understanding as to how human beings have always sought to solve problems that required cooperative action.

The relatively small size of any particular local policy or action on a larger environmental problem cannot be an excuse not to analyze and discuss it in an environmental impact analysis. Similarly, a narrow, free-riding, self-interested mentality does not represent hardnosed economic rationality but rather a seriously sub-optimal strategy from the point of view of protecting our mutual well-being. Neither of these “arguments” justify the Forest Service’s approach here of ignoring the impact of the roadless area management alternatives on greenhouse gas emissions associated with facilitating the combustion of Colorado coal. (Preservation/Conservation, Denver, CO - #690.44-50.71000.251)

## **6-28 Public Concern: The Forest Service should revise the economic analysis of potential effects on utilities.**

### **TO INCLUDE INCREASED OPERATIONS COSTS AND ATTENDANT RATE INCREASES**

The Revised Draft Environmental Impact Statement for the proposed Colorado Roadless Area Rule fails to adequately analyze economic impacts on utilities. It is recommended that analysis of increased operation costs to utilities and their associated rate increases should be included in the Revised Draft Environmental Impact Statement socioeconomic analysis. Rural Colorado has many areas with low income populations and depressed local economies where any electric rate increase could be detrimental. Increased costs to utilities will be due to increased:

- Permitting costs
- Construction, operation, and maintenance costs
- Risk of litigation
- Insurance costs from increased risk of fire damage (Utility Group, Westminster, CO - #677.19.65200.800).

**6-29 Public Concern: The Forest Service should revise the economic analysis of restrictions on road construction and tree cutting.**

**TO INCLUDE THE INCREASED COST OF PROVIDING WATER**

The draft EIS fails to analyze the economic and social impacts the prohibition or restriction of road building and timber activities will have on the citizens of Colorado. Specifically, the proposed EIS does not adequately evaluate the increased cost of providing water that may occur if water suppliers cannot build roads to construct or maintain water infrastructure or cannot conduct timber-related activities to protect watersheds. The failure to conduct such analysis violates NEPA. (Utility Group, Aurora, CO - #830.22.70000.242)

**6-30 Public Concern: The Forest Service should acknowledge that the Rule could result in increased operations and maintenance costs and increased utility rates.**

The Proposed Action in the Revised Draft Environmental Impact Statement could result in an increase in operation and maintenance costs because of increased permitting timelines and costs, the need for longer transmission lines or access routes to avoid CRAs, and higher maintenance costs. Tri-State strives to avoid or minimize rate increases to its member distribution systems and relating service territories in rural areas. (Utility Group, Westminster, CO - #677.20.65200.800)