

## Introduction

The letters in this volume were submitted by Federal, State and local agencies, and elected officials.<sup>1</sup> Letters from Federal agencies and federally recognized Tribes are listed first. Letters from State and local agencies and officials are organized by State as shown in the table of contents. Government agencies or elected officials in 33 States submitted comments. If we did not receive any letters from agencies or elected officials in a particular State, that State is not listed in the table of contents. Letters from members of Congress are included in their respective States. All attachments submitted with these letters are included, unless limited by format or excessive length.

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<sup>1</sup> Section 102(C) of the National Environmental Policy Act of 1969, as amended, requires that “... comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality, and to the public...” The Forest Service Environmental Policy and Procedures Handbook (FSH 1909.15, 24.1 (3)) states that “As a minimum, include in an appendix of a final EIS copies of all comments received on the draft EIS from Federal, State, and local agencies and elected officials.”





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 14 2000

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

USDA Forest Service  
Attention: CAET, Roadless Areas Proposed DEIS/Rule  
Scott Conroy, Project Director  
P.O. Box 221090  
Salt Lake City, UT 84122

Dear Mr. Conroy:

Pursuant to our responsibilities under the National Policy Act (NEPA) and section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the U.S. Department of Agriculture, Forest Service (USFS) Draft Environmental Impact Statement (DEIS) on Roadless Area Conservation and the accompanying proposed Rule at 36 CFR Part 294, Special Areas; Roadless Area Conservation. Our comments are organized to provide an overview of the issues, highlighting areas where EPA has concerns, as well as detailed information for your consideration as the USFS prepares the Final Roadless Area Conservation EIS (FEIS) and Rule.

The DEIS and proposed rulemaking are in response to the strong public sentiment voiced on protecting roadless areas and the associated benefits associated with these areas found in our National Forests. This effort was initiated by the President's October 13, 1999, memorandum to the Secretary of Agriculture directing the USFS to "...develop, and propose for public comment, regulations to provide appropriate long-term protection for most or all of these currently inventoried *roadless* areas and to determine whether such protection is warranted for smaller *roadless* areas not yet inventoried."

EPA commends the USFS for its monumental efforts to solicit input from the public and explain the impacts of this undertaking. Its efforts with outreach and supplying access to the DEIS and proposed rule, supporting documents, public meetings and outreach to the relevant federal agencies are unprecedented.

The DEIS presents four alternatives, including an agency preferred alternative, and is accompanied by a proposed rule. Alternative 1, the No Action alternative, supports current practices concerning activities in inventoried roadless areas. Alternative 2, the preferred

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alternative, prohibits road construction and reconstruction in the unroaded portions of inventoried roadless areas. Alternative 3 prohibits road construction, reconstruction, and timber harvest (except for stewardship purposes) in the unroaded portions of inventoried roadless areas and Alternative 4, the maximum protection alternative, is the same as Alternative 3, but with no exceptions for any timber harvest. In addition, four separate alternatives are presented to address the Tongass National Forest (Tongass), which may warrant other approaches. These four alternatives range from the no action alternative which supports current practices to prohibiting road construction and reconstruction in specified inventoried roadless areas in the Tongass.

The proposed rule offers a two pronged approach to conserve roadless areas. The proposed rule would prohibit new road construction and reconstruction in the unroaded portions of inventoried roadless areas and use local planning procedures to ensure consideration of roadless values and characteristics in other roadless areas not covered by the prohibitions.

EPA is especially interested in this DEIS and proposed rule because 80 percent of the nation's rivers originate in the national forests and, consequently, this rulemaking may have significant impact on water quality. This rule could greatly increase the protection to ground and surface water resources which are directly related to the status of riparian and aquatic habitats, wildlife habitat, biological diversity, forest health and other benefits derived from roadless areas found on the national forests and grasslands. EPA supports this rulemaking, one of several recent efforts the USFS has undertaken to address road management on its lands. The proposed rule intends to identify and stop activities with the greatest likelihood of degrading the desirable qualities of inventoried roadless areas at the national level and ensure that "roadless character" qualities of inventoried and other unroaded areas are identified and considered during local forest planning efforts.

Although EPA supports the proposed rulemaking effort, based on our review of it and the supporting DEIS, we wish to raise several environmental concerns. While it is important to recognize that the rule's purpose has been developed in the context of overall multiple-use objectives, the multiple use mandate does not fully justify a prohibition limited only to road building. EPA suggests that the FEIS more fully discuss the rationale for why other uses that can be expected to degrade the desirable environmental qualities of inventoried roadless areas were not included in the proposed prohibitions. For example, other uses such as recreation, timber production and mining have clearly led to significant environmental degradation in the past and should be further addressed in the FEIS.

The FEIS should also disclose to the public the uncertainty in using procedures implemented at the local level versus prohibitions issued at the national level to provide environmental protection to these areas. While the "one size does not fit all" concept has merit and local decision making is necessary to address the unique needs of local areas, EPA has concerns that some areas may not receive the environmental protection they need.

Because the determination to revise or amend a forest plan is based on a variety of factors and time lines, EPA suggests that the application of procedures as provided for in section 294.14 be revised to include a project-by-project review when the project meets a "significance criterion". EPA recognizes that a project-by-project review of all actions would be unduly burdensome;

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however, those proposed actions with the potential to have significant impacts should be reviewed.

Finally, EPA does not believe the DEIS gives adequate support for excluding coverage of the proposed rule to the Tongass and our detailed comments provide additional information on this issue.

Based on our review EPA has assigned a rating of EC-2 (Environmental Concerns, Insufficient Information) to the preferred alternative. EPA appreciates the opportunity to submit comments on the DEIS and proposed rule and commends the USFS for orchestrating extensive sessions for early interagency cooperation in the scoping and development stages of the process. EPA welcomes the chance to continue working with the USFS as it completes the FEIS and final rule. If I can provide additional explanation of our comments please contact me at (202) 564-2400 or Elaine Suriano of my staff at (202) 564-7162.

Sincerely,



Anne Norton Miller  
Acting Director  
Office of Federal Activities

Enclosure

## DETAILED COMMENTS ON THE DEIS AND PROPOSED RULE

### DEIS

#### Purpose and Need

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EPA strongly agrees with the underlying purpose and need for national direction on roadless area conservation, and we offer the following comments for your consideration. The purpose presented on page S-4 is three-fold, whereas the purpose stated on page 1-10 is only two-fold; the FEIS should reconcile this inconsistency. Second, the purpose stated on page A-26 of the proposed rule is further condensed and less specific than the purpose stated on pages 1-10 or S-4. EPA recommends that the FEIS and final rule use the same language to describe the purpose of this action, preferably the language used on page S-4.

#### Alternatives

EPA highlighted several issues related to the alternatives in our December 21, 1999, comment letter on the Notice of Intent for this DEIS and proposed rule. These included the range of alternatives and their analysis, and adequate explanation on implementing the selected alternative. While the DEIS offers a range of alternatives, EPA believes that this range should have been broader and more inclusive of other uses in an attempt to more fully comply with the direction provided in the President's October 19, 1999, memorandum.

EPA believes that Alternative 3-Procedure D (3-D) provides additional environmental advantages over the preferred alternative including: 1) providing significant protection for inventoried roadless areas while still accommodating harvest of small diameter trees where necessary to address fire and fuels issues; 2) reducing the likelihood that smaller roadless areas will be impacted pending the completion of transportation and access plans as described in the proposed USFS Transportation Policy; and 3) ensuring that appropriate protections are applied to the Tongass. In addition, we suggest that the FEIS consider confining Off Highway Vehicles (OHVs) only to roads and trails that have been specifically designated for that purpose following analysis pursuant to NEPA.

EPA has environmental concerns with the range of Tongass alternatives presented and offers the following modification based on alternatives considered in the DEIS. We view this as a "win-win" alternative, achieved by adding several mitigation measures.

EPA recommends that the FEIS consider in detail an alternative that: 1) applies the national prohibitions (Alternative 2, 3 or 4) and national procedures (Alternative B, C or D) to the Tongass; and 2) mitigates the social and economic impacts on the communities in Southeast Alaska pursuant to 40 CFR 1502.14(f). We believe that this latter objective can be accomplished through a combination of adjustments to the Tongass Land Management Plan (TLMP) and a financial and technical assistance package for the affected communities (e.g., under the auspices of the Southeast Alaska Community Economic Revitalization Team).

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For example, the Record of Decision (ROD) could include the Tongass in the roadless area conservation rule and direct the Alaska Regional Forester or the Tongass Forest Supervisor to amend or revise the TLMP to offset some of the effects of the final rule on the Tongass timber program. Specifically, the ROD could direct the responsible official to consider the following adjustments to the TLMP:

1. Seek to maintain the total land suitable for timber production at 576,000 acres as set forth in the April 1999 TLMP ROD. To the extent practical and appropriate, reallocate those suitable acres by changing Land Use Designations (LUDs) in inventoried roadless areas from timber to non-timber LUDs, and in roaded areas from non-timber to timber LUDs.
2. Where necessary to meet the objective of #1 above, and where appropriate and consistent with other management objectives, recapture some of the young growth that was removed from the suitable timber base in the revised forest plan. The Tongass harvested roughly 400,000 acres of timber from 1954 to 1999. Approximately 140,000 acres of young growth remain in the suitable timber base; the other roughly 260,000 acres of young growth were removed from the timber base due to riparian buffers, beach and estuary buffers, old growth reserves, etc. It would certainly be inappropriate to place all of these acres back in the timber base (e.g., riparian buffers). However, if the Tongass is included in the Roadless Area Conservation Rule, it may be appropriate to recapture some of those acres (e.g., young growth within beach buffers and old growth reserves) in order to maintain the current suitable timber base. While this would have no effect on the timber volume harvested in the short term, in the long term it would expedite the transition from harvesting old growth to harvesting young growth. It would also enable the Tongass to use "timber dollars" to thin these young growth stands, which in the absence of an alternative funding source will continue to suffer from neglect.
3. Where necessary to meet the market demand for timber from the Tongass, consistent with the Tongass Timber Reform Act, adjust certain standards and guidelines that restrict timber harvest. For example, consider adjusting the 200-year rotation that was adopted in the 1999 TLMP ROD. The intent of the 200-year rotation is to reduce impacts to deer winter range and deer habitat capability by reducing the rate of timber harvest in developed areas (1999 TLMP ROD, page 29). Unfortunately, one of the unintended consequences of the 200-year rotation is that, in order to meet market demand and the ASQ, it increases the rate of entry into undeveloped areas (i.e., inventoried roadless areas and other unroaded areas). This explains, in part, why under the no action alternative (T1), roughly 90% of the total timber-related road construction on the Tongass National Forest, and roughly two thirds of the total 5-year timber volume offered by the Tongass National Forest is projected to come from inventoried roadless areas (DEIS, Tables S-3, and page 3-232). However, if the Tongass is included in the roadless rule, then the prohibitions and procedures may substantially reduce, if not eliminate, the need for the 200-year rotation.
4. Adjust the Allowable Sale Quantity (ASQ), including the Non-Interchangeable Components (NIC I and NIC II), in response to #1 through #3 above and to better reflect projected market demand over the planning cycle.

EPA believes an alternative based on the above proposal is more environmentally protective,

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more socially desirable and more economically efficient than the proposed action and preferred alternative presented in the DEIS. In the absence of developing or selecting such an alternative, EPA recommends selecting alternative 3D, without exempting the Tongass.

Should the USFS select the preferred alternative as presented, EPA believes the FEIS should address the following issues. The proposed rule would establish protection of "unroaded areas in inventoried roadless areas" on all National Forests except the Tongass. The protections sought by the President for roadless areas on the Tongass would rely on the Forest Service's planning process exclusively. It should be noted the USFS proposed rules to revise the existing planning process are currently under review and it is uncertain when and what the Forest Service planning process will be once finalized. Because the rulemaking process and the USFS planning process are distinctively different, particularly in their final products, EPA suggests that the FEIS include a discussion of protecting roadless areas on the Tongass by rule versus by the revisions to the forest plans via the planning process. It should be disclosed to the public that the rule has a certain degree of "permanence" that is not the same as a forest plan. Forest plans are currently required to be reviewed and revised every 10 years, and the proposed revisions to the Forest Service planning regulations indicate that forest planning will be less structured in the future. Because of the present and proposed nature of forest planning, issues regarding protecting roadless areas can be revisited as part of a forest plan amendment or revision. Although rules can be revised, there is no requirement to do so periodically; therefore, the protection they offer is more predictable over a long time period. Consequently, areas protected by the prohibitions have a more certain likelihood of receiving the long-term protection that the President expressed, while there is no mechanism to ensure long-term protection of roadless areas on the Tongass. EPA suggests that the FEIS address the potentially different levels of long-term protection that would be applied to the Tongass and the rest of the National Forest System under the preferred alternative.

Page S-7 lists four exceptions from prohibitions. As they are stated in very broad terms EPA suggests that the FEIS cite a few examples, especially for exemptions three and four. These are intended to provide specific examples of actual situations and disclose the potential scope of such actions.

#### **Proposed Rule**

##### **294.10 Purpose**

EPA suggests that the final rule include language clarifying the intent and purpose statement to help guide the implementation of the rule. As currently worded, the proposed purpose statement is less specific than the purpose stated on page S-4 of the DEIS. EPA recommends that the FEIS and final rule include the same language to describe the purpose of this action, preferably the language used on page S-4.

##### **294.11 Definitions**

##### **Inventoried roadless areas**

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The proposed definition of inventoried roadless areas is confusing. The first sentence implies that inventoried roadless areas may include designated areas such as Wilderness. However, the second sentence refers to the maps contained in Volume 2 of the DEIS, which display inventoried roadless areas and designated areas (such as Wilderness, Wilderness Study Areas, Wild and Scenic Rivers, National Recreation Areas, National Monuments, and other special designations) as mutually exclusive categories of National Forest System lands. Adding to this confusion, Volume 2 shows recommended Wilderness as inventoried roadless areas but places Wilderness Study Areas in with designated areas. This approach is counterintuitive and may result in situations where administratively designated inventoried roadless areas are subject to a higher level of protection than some Congressionally designated areas.

For example, Wilderness Study Areas that are not recommended in the future for Wilderness designation but are instead allocated to a prescription that allows roads would not benefit from the prohibitions under the roadless area conservation rule. Yet these areas that may otherwise "fall through the cracks" represent some of the best opportunities to respond to the underlying purpose and need of this action.

Therefore, EPA recommends: 1) clarifying the definition of inventoried roadless areas to explicitly include designated areas (or at a minimum, roadless designated areas of 5,000 acres or more); and 2) adding "inventoried roadless areas" in front of "Designated Areas" in each legend of every map in Volume 2. Alternatively, we recommend the following:

1. define *designated areas* in Section 294.11;
2. add *designated areas* to the title of Section 294.12 and add a new paragraph to this section to clarify that the prohibitions also apply to *designated areas*; and
3. add new paragraph to Section 294.13 to clarify that the procedures also apply to *designated areas*.

A third option, in the interest of plain English and practicality, would be to replace *inventoried roadless areas* and *unroaded area* with *large roadless area* and *small roadless area*, respectively (with the threshold between the two set at 5,000 acres or 1,000 acres, as appropriate). Subsequent decisions would be based on actual on-the-ground conditions instead of on whether an area is inventoried or designated as roadless.

#### Road maintenance.

Consider adding "...or to prevent or correct environmental problems" to the end of the proposed definition.

#### Road reconstruction.

Consider adding "...or to prevent or correct environmental problems" to the proposed definitions of *realignment*, *improvement* and *rebuilding*.

#### Unroaded area.

Insert "(other than an inventoried roadless area)" between "Any area" and "... without...

The final rule should include definitions for *trails*, *primitive and semi-primitive non-motorized*, and *semi-primitive motorized* classes of dispersed recreation.

#### 294.12 - Exemptions

It is not explicitly stated in the rule that once an emergency that created the need for building a road is over the road should be closed and the area restored to the previous condition. EPA suggests including an additional provision - "(e) - roads constructed for an emergency purpose under b(1), (2), and (3) are to be removed once they are no longer needed for the initial emergency purpose and the area will be restored to the natural condition."

EPA appreciates the change made from scoping comments in paragraph (a) that the prohibition applies to both classified and unclassified roads, including temporary roads.

Delete paragraph (c), application to the Tongass.

#### 294.13 - Consideration of Roadless Area Conservation During Plan Revision

EPA has environmental concerns with leaving the choice of method of selection or delineation of unroaded areas for evaluation under 294.13(b)(2) entirely to the responsible official. The final rule should provide a list of methods that are accepted nationally to promote consistency.

Delete paragraph (e), related to the Tongass.



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U.S. DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT  
ROCKY MOUNTAIN, DENVER  
633 17TH ST.  
DENVER, COLORADO 80202-3690

May 15, 2000

USDA Forest Service-CAET  
Post Office Box 221090  
Attention: Roadless Areas Proposed Rule  
Salt Lake City, UT 84122

Dear Sirs:

The Department of Housing and Urban Development (HUD) has reviewed the Draft Environmental Impact Statement (DEIS) for the Roadless Area Conservation Proposed Rule with consideration of the areas of responsibility assigned to HUD.

This review considered the impact of the proposed rule on housing and community development within the states of Montana, Utah and Wyoming that are part of our office's area of responsibility. We find your transmittal adequate for our purposes since there is no significant adverse impact on HUD assisted housing and community development activities in proximity to the areas covered by the proposed rule.

If I may be of further assistance to you, please contact me at (303) 672-5285, extension 1305.

Sincerely,

Howard S. Kutzer  
Regional Environmental Officer  
Office of the Secretary's Representative

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MWTC SUPPLY

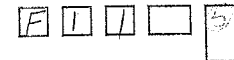
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UNITED STATES MARINE CORPS  
MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER  
BRIDGEPORT GA 30517-5001

IN REPLY REFER TO:  
5090  
ENV/04  
14 Jul 00



USDA Forest Service - CAET  
Attention: Roadless Area Conservation Proposed Rule  
P.O. Box 221090  
Salt Lake City, UT 84122

Gentlemen:

Thank you for the opportunity to provide written comments on the Forest Service's proposed Roadless Area Conservation rule. As a long-time user of the Humboldt-Toiyabe National Forest, the Marine Corps Mountain Warfare Training Center (MWTC) has several concerns with the proposed rule.

First, the web based maps of inventoried roadless areas you provided lack sufficient detail to conclusively compare them to roads and trails MWTC uses. We request a more detailed map be provided as well as sufficient time to review it. From the available map, we have determined that some roads are missing from your inventory. Please add the following former roads as shown on the attached map:

1. From Summit Meadows to Lost Cannon Creek.
2. From Grouse Meadows to Mill Canyon Road.
3. From Grouse Meadows to Chris Flat.
4. From the Grouse Meadow Road to the gaging station on HWY 395.

The MWTC requires continued access to this area of forest to conduct training per public law 100-693 of November 18, 1988. We recommend that District Rangers retain the authority to authorize or prohibit specific roads for the proper management and use of National Forest System lands. These decisions are based on appropriate environmental documentation and public participation. Local control is needed to fairly address existing uses of existing roads, whether classified or unclassified.

My point of contact for this matter is Mr. Kendall Yargus at 760-932-7761 ext. 332.

Sincerely,

  
J. H. NEAL  
Lieutenant, CEC, USN  
By direction

Encl: Annotated Forest Visitor/Travel Map, Toiyabe National Forest, Bridgeport Ranger District, California, 1994

Copy to:  
MCB Camp Pendleton AC/S ES  
Bridgeport Ranger District

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MAY 17 2000



United States  
Department of  
Agriculture

Natural  
Resources  
Conservation  
Service

Caribbean Area  
PO Box 364868  
San Juan, PR  
00936-4868

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June 28, 2000

USDA Forest Service-CAET  
P. O. Box 221090  
Salt Lake City, Utah 84122

Dear Sir or Madam:

SUBJECT: Roadless Areas Proposed Rules

After an extensive review of the Draft Environmental Impact Statement (DEIS) for the proposed rules to conserve roadless areas within the national forests, we do not have any comments to make, since the proposed rules are for the benefit of the ecosystems of such areas.

Should you have any questions, please contact Felix A. Latorre, Water Resources Planning Specialist at (787) 766-5206, Ext. 234.

Sincerely,

JUANA A. MARTINEZ  
Director

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From: FOREST SERVICE, Roadless Team

T-204 P.002/002 F-382



U.S. SMALL BUSINESS ADMINISTRATION  
WASHINGTON, D.C. 20416

OFFICE OF CHIEF COUNSEL FOR ADVOCACY

JUL 17 2000

VIA ELECTRONIC &  
REGULAR MAIL

Hilda Diaz-Soltero  
Associate Chief  
United States Department of Agriculture  
Forest Service  
Washington, DC  
Email: roadlessdeis@fs.fed.us

Dear Ms. Diaz-Soltero:

As stated in previous correspondence on this issue, the Office of Advocacy of the U.S. Small Business Administration (SBA) was established by Congress under Pub. L. No. 94-305 to represent the views of small business before federal agencies and Congress. Advocacy is also required by §612(a) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) to monitor agency compliance with the RFA. In that Advocacy is an independent office within SBA, the comments provided are solely those of the Office of Advocacy and do not necessarily reflect the views of SBA.

#### A Brief Review of RFA Compliance Requirements

##### Initial Regulatory Flexibility Analysis

The RFA requires agencies to consider the impact that a proposed rulemaking will have on small entities. If the proposal is expected to have a significant impact on a substantial number of small entities, the agency is required to prepare an initial regulatory flexibility analysis (IRFA) describing the reasons the action is being considered; a succinct statement of the objectives of, and legal basis for the proposal; the estimated number and types of small entities to which the proposed rule will apply; the projected reporting, recordkeeping, and other compliance requirements, including an estimate of the small



entities subject to the requirements and the professional skills necessary to comply; all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule; and the significant alternatives that accomplish the stated objectives of the of the statutes and that minimize any significant economic impact of the proposed rule on small entities. 5 U.S.C § 603. The analysis or a summary of the analysis must be published with the proposal for public comment.

#### *Final Regulatory Flexibility Analysis*

When an agency issues any final rule, it must prepare a final regulatory flexibility analysis (FRFA) when a rule will have a significant economic impact on a substantial number of small entities. The FRFA must discuss the comments received, the alternatives considered and the rationale for the final rule. Specifically, each FRFA must contain a succinct statement of the need for and objectives of the rule; a summary of the significant issues raised by public comments in response to the IRFA; a summary of the agency's assessment of such issues and a statement of any changes made in the proposed rule as a result of such comments; a description and an estimate of the number of small businesses to which the rule will apply or an explanation of why no such estimate is available; a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities that will be subject to the requirement and the types of professional skills necessary for the preparation of the report or record; and a description of the steps the agency has taken to minimize the significant economic impacts on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy and legal reasons for selecting the alternative adopted in the final rule, and the reasons for rejecting each of the other significant alternatives. In complying with the provisions of section 603 and 604 of the RFA, an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule, or more general descriptive statements if quantification is not practicable or reliable. 5 U.S.C. § 607.

#### *Certification in Lieu of a Regulatory Flexibility Analysis*

If the proposed or final rulemaking is not expected to have a significant economic impact on a substantial number of small entities, 5 USC §605 of the RFA allows an agency to certify a rule, in lieu of preparing an IRFA or FRFA. If the head of the agency makes such a certification, the agency shall publish such a certification in the Federal Register at the time of the publication of the general notice of proposed or final rulemaking for the rule along with a statement providing the factual basis for the certification. See 5 U.S.C. §605(b).

#### **The Proposed Rulemaking**

Because of the nature of this rule, the Office of Advocacy consistently maintained in its pre-proposal comments to the Forest Service (FS) that certification was inappropriate from a public policy standpoint. On May 10, 2000, FS published a proposed rule in the *Federal Register*, Vol. 65, No. 91, p.30276 on *Special Areas; Roadless Area Conservation*. The purpose of the proposal is to protect the environmental resources in

national forests by prohibiting road construction and reconstruction in most inventoried roadless areas of the National Forest System and require the evaluation of roadless area characteristics in the context of overall multiple-use objectives during land and resource management plan revisions. The intent of the rulemaking is to provide lasting protection in the context of multiple use management for inventoried roadless areas and other unroaded areas within the National Forest System. Id.

Prior to the proposal, the Office of Advocacy worked with FS in an effort to assist FS with RFA compliance. Throughout the process, FS has maintained that it believed that the proposed rulemaking would not have a significant economic impact on a substantial number of small businesses. FS has also contended that the proposed rule does not directly regulate small entities and, therefore, an IRFA was not necessary. Nevertheless, FS prepared an Initial Regulatory Flexibility Analysis (IRFA) at Advocacy's request. Because FS did not have sufficient economic information to prepare a complete IRFA, Advocacy advised FS to include a list of questions in the IRFA to solicit from the public information on the economic impacts of the proposal. FS complied with this request also.<sup>1</sup> See, Fed. Reg. at 30285-30286.

#### **FS Should Abandon Its Assertion that the Rule Does Have a Direct Impact on Small Entities**

As stated above, FS has consistently asserted that a regulatory flexibility analysis is not required since the proposal does not have a direct impact on small entities. It is Advocacy's understanding that the basis of the assertion is that the proposal establishes procedures, and nothing more, to be followed in local forest planning processes. Local FS offices will maintain the authority to determine the actual forest plan; hence national FS is not directly regulating small entities. Consequently, a regulatory flexibility analysis is not required.

Advocacy acknowledges that there is case law that states that the RFA only requires an agency to perform a regulatory flexibility analysis of small entity impacts when a rule directly regulates them. However, Advocacy asserts that the cases are inapplicable to FS' proposal. If anything, the case law and the facts support a finding that the impact of the proposal is indeed direct, not indirect.

The primary case on the consideration of direct versus indirect impacts for RFA purposes in promulgating regulations is Mid-Tex Electric Co-op Inc. v. FERC, 249 U.S. App. D.C. 64, 773 F.2d 327 (1985). In Mid-Tex Electric Co-op Inc. v. FERC, FERC ruled that electric utility companies could include in their rate bases amounts equal to 50% of their investments in construction work in progress (CWIP). In promulgating the rule, FERC certified that the rule would not have a significant economic impact on a substantial number of small entities. The basis of the certification was that virtually all of the utilities did not

<sup>1</sup> Usually, the Office of Advocacy does not publicize its interaction with an agency during the prior to the proposal of a rule. However, since Forest Service has agreed to release communications that it had with the Office of Advocacy to House Committee on Small Business, Subcommittee on Rural Enterprises, Business Opportunities, and Special Programs, the communications are now part of the public record.

fall within the meaning of the term small entities as defined by the RFA. Plaintiffs argued that FERC's certification was insufficient because it should have considered the impact on wholesale customers of the utilities as well as the regulated utilities. The court dismissed the plaintiffs' argument and concluded that an agency may certify that no RFA analysis is necessary when it determines that the rule will not have a significant economic impact on a substantial number of small entities that are not subject to the requirements of the rule. *Id.* at 64.

The US Court of Appeals for the District of Columbia applied the holding of the *Mid-Tex* case in *American Trucking Associations, Inc. v. U.S. E.P.A.*, 175 F.3d 1027, 336 U.S.App.D.C. 16 (D.C.Cir., May 14, 1999) (hereinafter ATA). In the ATA case, EPA established a primary national ambient air quality standards (NAAQS) for ozone and particulate matter. At the time of the rulemaking, EPA certified the rule pursuant to 5 USC § 605(h). The basis of the certification was that EPA had concluded that small entities were not subject to the rule because the NAAQS regulated small entities indirectly through the state implementation plans (SIPs). *Id.* Although the Court remanded the rule to the agency, the Court found that EPA had complied with the requirements of the RFA. Specifically, the Court found that since the States, not EPA, had the direct authority to impose the burden on small entities, EPA's regulation did not directly impact small entities. The Court also found that since the states would have broad discretion in obtaining compliance with the NAAQS, small entities were only indirectly affected by the standards. *Id.*

In *Mid-Tex*, compliance with FERC's regulation by the utilities would have a ripple effect on customers of the small utilities. There were several unknown factors in the decisionmaking process that were beyond FERC's control like whether utility companies had investments, the number of investments, costs of the investments, the decision of what would be recouped, who would the utilities pass the investment costs onto, etc. In this instance, FS is the ultimate decision-maker and its decisions will have a direct effect on known small entities that have profited from multiple use of FS' lands in the past or which planned to profit from the resources in the future.

Likewise, this matter is distinguishable from the ATA case. Unlike the ATA case, where EPA was setting standards for the States to implement under state regulatory authority, FS is developing a framework for the local/regional FS offices to use in adopting multiple use plans for national forests. The fact that it is a local office of FS versus the national office of FS is inconsequential. In either event, FS will implement the rule, not a third party entity. Regardless of where the office is located, FS is making the ultimate decision of whether a road will or will not be constructed. The proposed rule clearly states that roads may not be constructed or reconstructed in the unroaded portions of inventoried areas of the National Forest System unless the road is needed for public safety, for environmental response or restoration, for outstanding rights or interests protected by statute or treaty, or to prevent irreparable resource damage. See, Section 294.12, *Fed. Reg.*, p. 30288.

#### *Direct Impacts on Small Entities*

Moreover, small entities will be directly affected as a result of FS' decisions. The word "direct" is defined as "to regulate the activities or course of action thereof; stemming immediately from a source, cause, or reason; operating without agency or step..."<sup>2</sup> Small entities that already operate in national forests will have their operations seriously curtailed. (FS recognizes that the majority of these entities are small.) These and others, like the construction companies that build the roads, may have developed their business plans based on expectations of continued access and as a result of previously published FS plans. These impacts need to be evaluated. FS has some data already that would allow it to do so. For example, according to Tables 4 and 6 of the IRFA, the proposal estimates that there will be a 45% reduction in forest harvest in the Manti-Lasal National Forest alone in Utah. Other forests, such as Dixie (Utah) and Shoshone (Wyoming) will experience reductions in harvest that exceed 20%. In Montana, the Helena Forest will experience a reduction in total harvest volume of 12%. In those same areas of the country, FS controls more than 50% of the forested land base.<sup>3</sup> For example, FS controls 52.3% of forested land in Montana; 66.6% of the land in Wyoming; and 68.5% of the forested land in Utah.<sup>4</sup> Considering the vast amount of area owned by the FS, moving to or procuring from another location to harvest or process natural resources may be unrealistic or a short term solution. The end result of this proposal may be the ultimate demise of small businesses and small governmental jurisdictions that rely on the resources.

Advocacy recognizes that there is a substantial public policy interest in maintaining the natural beauty of the national forests and protecting the environmental resources found in the national forests. However, just these few examples indicate that the overall impact of this initiative could be economically devastating to many small businesses. The high percentage of reduction, combined with the fact that FS owns such a high percentage of the land in some areas, indicates that this rule may have a direct economic effect that cannot be recouped at other locations by the small entities that rely on them. Since the FS has some data, and will receive additional data from the comment period, it is not plausible for FS to continue to maintain that the proposal will not have a direct effect on small entities.<sup>5</sup>

<sup>2</sup> The Merriam Webster Dictionary.

<sup>3</sup> Testimony of Mr. Frank Giatics, President of Independent Forest Product Association, before The House of Representatives Subcommittee on Rural Enterprises, Business Opportunities, and Special Business Programs, Tuesday, July 11, 2000. pp. 9-10.

<sup>4</sup> *Id.*

<sup>5</sup> Advocacy notes that FS may be arguing that the RFA does not apply because the use of FS property for harvesting natural resources is a future activity that may or may not occur, depending on the decision of the forest planners. While this argument may have some validity, it is not necessarily convincing. Some of the land that is being placed off limits by the initiative was originally targeted for resource harvesting. As a result of this rule, forest planners will not be able to allow the original tentative multiple use plans to be implemented. Small entities may have relied on the original plans in making business decisions. This issue should be addressed.

### Information Provided By the Public Must Be Addressed in the FRFA

At the time of the proposal, FS asserted that they could not perform a complete IRFA because it lacked sufficient economic information about the economic impacts on the industry. Because its information was insufficient, FS provided a list of questions in an attempt to obtain the necessary information from the public. In reviewing the comments from the public, Advocacy hopes that FS will give full consideration to the information provided by the industry in response to FS' solicitation for additional information and perform an analysis that reflects 1) the impact on small entities that had access to resources that will have limited or no access after the rulemaking; 2) the impact of the regulation on small entities that were relying on future activities that will not occur as a result of the regulation; and 3) the impact of the regulation on activities outside of the FS lands (i.e. small communities).

Since our comments are being submitted prior to the close of the comment period, we cannot comment on the full scope of the information that FS may receive from the public regarding the economic impacts of this rule. However, we have received some information from the industry about potential impacts. The early information received indicates that the impact may in fact be significant. For example, representatives of the timber industry, which FS acknowledges is primarily dominated by small businesses, assert that FS controls 73.3% of the saw timber in Montana; 80.8% of the saw timber in Wyoming; and 85.4% of the timber volume in Utah.<sup>6</sup> In the IRFA, FS asserts that the reduction in harvest as a result of this rule could range from 1 to 8% depending on the location.<sup>7</sup> Fed. Reg. at 30286. Considering the high dependence on FS timber in certain areas, a 1 to 8% reduction could be economically significant. If not, FS needs to provide data showing why it is not economically significant to support its conclusion in the FRFA.

Moreover, the mining industry has indicated that the proposal disallows mining on 43 million acres of federal land. It asserts that more than \$7 trillion dollars of coal and metal resources will be placed off limits by the proposed rule.<sup>8</sup> If this is not correct, then FS must explain why these resources will still be available and the approximate costs of obtaining access to the resources in areas where road construction and reconstruction is prohibited.

Economic effects such as these cannot be ignored. These early numbers indicate that the impact may indeed be significant. FS needs to explain why they are not significant and provide this information to the public. On the other hand, if the analysis indicates that the impact is indeed significant, Advocacy asserts that FS must fully address this in the FRFA and possibly repropose the rule.

<sup>6</sup> *Id.*

<sup>7</sup> On the surface, the percentages in the IRFA summary appear to be inconsistent with the tables found in the IRFA. FS needs to explain the inconsistencies found in the documents.

<sup>8</sup> Testimony of Laura Skutter, Northwest mining Association

### Alternatives Provided By Public Must be Given Full Consideration

The RFA requires an agency to consider alternatives to the proposal and provide a statement of the factual, policy and legal reasons for selecting the alternative adopted. 5 USC §605. If a reasonable alternative is provided from a member of the public, the agency must give it its full consideration. In its testimony before the House Subcommittee on Rural Enterprises, Business Opportunities, and Special Small Business Problems, the Northwest Mining Association suggested the alternative of allowing temporary roads, on an as needed basis, with either natural or affirmative reclamation. While Advocacy acknowledges that it is not an expert in forest planning, this seems like an alternative in allows harvesting of natural resources while assuring that the forests are not permanently damaged or irreparably harmed. At least the mitigating impacts of this alternative should be carefully analyzed.

Northwest Mining's suggestion is only one of what may be several strong alternatives offered by the public as a less burdensome solution to the problem. Failure to fully address alternatives that may provide a workable solution to the problem may violate the RFA and raise questions as to whether the agency actions were arbitrary and capricious. If challenged, a court may find that FS' treatment of alternatives was insufficient.

In addition, Advocacy believes that FS should require local FS planners to require local FS planners to perform an RFA analysis in drafting future forest plans that implement this rulemaking to assure that the implementation minimizes the economic impact while achieving the goal of preserving the environment. RFA compliance will provide the public with information necessary to participate fully in the rulemaking process and possibly provide suggestions as to ways that may make implementation less costly.

### Conclusion

The Office of Advocacy recognizes the importance of protecting the environment, conserving our national forests, and preserving the natural beauty of the area. However, there is also a significant public interest in allowing access to natural resources in order to preserve our economic base. The potential economic impact of this proposal on small businesses and small communities could be devastating. Prior to implementing such a rule, FS should make every attempt to understand fully the economic impact of its actions and to find less burdensome or mitigating alternatives. In the alternative, it should explain fully why these alternatives will not help FS achieve its environmental objectives. As Advocacy has stated on several occasions, the requirements of the RFA are not intended to prevent an agency from fulfilling its statutory mandate. Rather, it is intended to assure that the economic impacts are fairly weighed and considered in the regulatory decision making process.

The public has an interest in knowing the potential economic impact of a particular proposed regulation. As the court stated when remanding a rule to the agency in *Northwest Mining v. Babbitt*, "While recognizing the public interest in preserving the environment, the Court also recognizes the public interest in preserving the rights of parties which are

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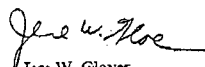
From-FOREST SERVICE--Roadless Team

T-201 P.040/040 F-379

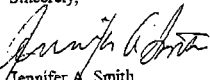
affected by government regulation to be adequately informed when their interests are at stake and to participate in the regulatory process as directed by Congress." *Supra* at 13. Providing the public with a complete economic analysis that fully discloses the potential impact of the action and considers less burdensome alternatives not only complies with the requirements of the RFA, it also complies with the basic tenets of sound public policy that balance conflicting interests.

Thank you for the opportunity to comment on this proposal. If you have any questions, please feel free to contact us. Please place a copy of these comments in the record.

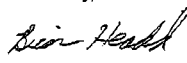
Sincerely,

  
Jere W. Glover  
Chief Counsel  
Office of Advocacy

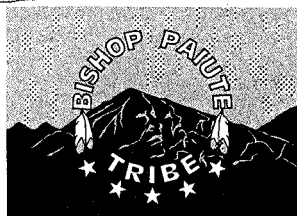
Sincerely,

  
Jennifer A. Smith  
Assistant Chief Counsel  
for Economic Regulation &  
International Trade

Sincerely,

  
Brian Headd  
Economist

Cc: Charles Rawls



## BISHOP TRIBAL COUNCIL



CAET RECEIVED  
JUL 13 2000

March 15, 2000

Jeff Bailey, Supervisor  
Inyo National Forest  
Bishop, CA 93514

Dear Jeff:

The Bishop Tribal Council appreciates the opportunity to respond to the Notice of Intent to prepare an EIS protecting roadless areas.

The Bishop Tribal Council appreciates the efforts of the US Forest Service to protect and manage and the natural resources and cultural sites now under their management. These resources and sites remain intrinsic to our people's cultural and religious beliefs and customs. We believe that the unique trust responsibility the Forest Service has to the Indian people unquestionably includes providing access at any time to areas and sites that are of cultural and religious significance to us. As you know, the remains of our ancestors and the evidence of their existence are sacred to us, as are the natural resources that to this day provide for our sustenance and cultural and spiritual needs. So, while we offer our comments on protecting roadless areas, we do so with the understanding that the Forest Service will continue to work with our Tribe to ensure our unrestricted access to and use of the natural resources and sites throughout our ancestral homelands.

The Bishop Tribal Council believes that it is extremely important that the US Forest Service live up to its trust responsibility to protect tribes' rights regarding freedom of religion. This trust responsibility cannot be separated from issues of access.

We support a plan throughout the forest (not just in roadless areas) that includes no new road construction anywhere in the Inyo National forest. Most importantly, we believe there should be no new roads within a perimeter of three to five miles of known cultural sites. If road construction must occur, it should occur only in areas that are already highly impacted by unregulated human encroachment. In addition, existing roads should be closed where there is evidence of environmental and / or cultural site degradation has occurred or is occurring.

Our specific concerns regarding the EIS protecting roadless areas relate primarily to the large number of acres involved and our desire to maintain access for our Elders so that we may preserve our cultural and spiritual traditions.

In California, a vast acreage is considered roadless. Any of these areas may include important cultural and spiritual areas. The Bishop Paiute Tribal Council is concerned that access to these cultural and spiritual areas be maintained for our people. Our Elders are the keepers of our

PAIUTE PROFESSIONAL BUILDING • 50 TU SU LANE • BISHOP, CA 93514  
PHONE (760) 873-3584 • FAX (760) 873-4143

E-Mail [mervin@telis.org](mailto:mervin@telis.org)

traditions. Many are unable to walk long distances. The only way we can continue our traditions and teach our young people about them is by having our Elders take us to these important places. Our most knowledgeable Elders are frail and are not able to travel long distances by foot. Any plan governing the management of roadless areas must maintain access to spiritual and cultural sites for traditional purposes.

Thank you for your consideration of these issues. We hope to discuss them with you at our next regularly scheduled meeting.

Sincerely,

*Monty Bengochia*  
Monty Bengochia, Chair  
Bishop Tribal Council

Confederated Tribes of Grand Ronde  
Natural Resources Department  
P.O. Box 10  
Grand Ronde, Oregon 97347  
Contact: Cliff Adams (503) 879-2375

USDA Forest Service - CAET

The Fish and Wildlife Committee and the Timber Committee of the Confederated Tribes of Grand Ronde are offering comments regarding the "Roadless Area Conservation Proposed Rule".

The Tribal Committees are requesting that the following items be considered when adopting the Rule:

1. Recreation within the Roadless areas continue to be allowed
2. The existing roads be maintained and not closed to allow public access
1. Rules and policies regarding management and any restrictions in the Roadless Area be decided at the local level
2. Continue to acknowledge the rights and historical uses of The Native American Tribes in the proposed Roadless Areas
1. Continue to consult with The Native American Tribes regarding any future proposals or decisions other than what has been proposed as the preferred alternative for the "Roadless Area Conservation Proposed Rule".

*Ketchikan Indian Corporation*

2960 Tongass Avenue  
Ketchikan, Alaska 99901  
(907) 225-5158  
Fax (907) 247-0429

July 14, 2000

USDA Forest Service - CAET  
Attn: Roadless Area Conservation Proposed Rule  
P.O. Box 221090  
Salt Lake City, UT 84122

**PAID RECEIVED**

**JUL 17 2000**

Dear Sirs:

At a duly convened meeting on July 10, 2000, Ketchikan Indian Corporation Tribal Council authorized the submission of the attached Position Statement regarding the roadless.

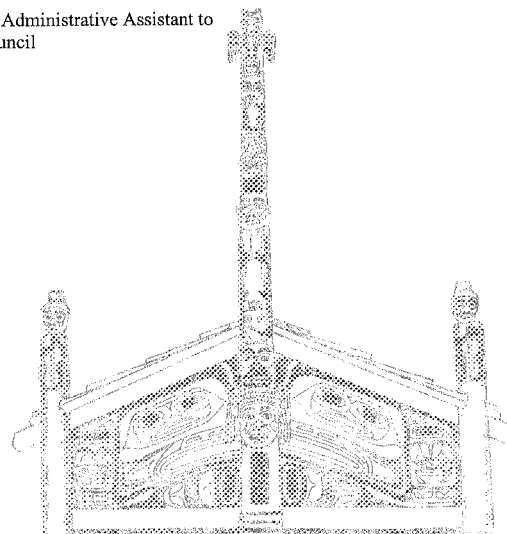
If you have any questions, please feel free to contact me at: (907) 225-5158.

Sincerely,

*Cheryl Haven*

Cheryl Haven, Administrative Assistant to  
KIC Tribal Council

Enclosure



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13987

KIC

*Ketchikan Indian Corporation*

2960 Tongass Avenue  
Ketchikan, Alaska 99901  
(907) 225-5158  
Fax (907) 247-0429

*Testimony for the Roadless issue*  
*Discovery Center*  
6:00 p.m.

## Position Statement

submitted by Merle Hawkins, Tribal Council and Subsistence Committee Chair

KIC Tribal Council would like to see Gravina Island remain a roadless area for the following reasons:

- ◆ Historically, and currently it is still is used by Alaska Native people from the Ketchikan area for subsistence fishing, gathering and hunting.
- ◆ The Saxman people use it and they have Rural status.
- ◆ This is traditional land of the Tongass Tribe, and although they are not federally recognized IRA Tribe, I represent them as an IRA Tribal Council. A respected Tongass Tribal leader, Esther Shea, said during the March 2000 Traditional Ecological Knowledge Conference, Co-hosted by Ketchikan Indian Corporation and the U.S. Forest Service: "We may not own the land anymore, but in our hearts it's ours." Her words are etched in our hearts.

The Forest Service is proposing a timber sale on Gravina Island with a proposal for road building in several alternatives. KIC opposes **any** road building on Gravina Islands public lands.

I recently met with other land holders of Gravina - DNR, Forest Service, Ketchikan Gateway Borough, Fish and Wildlife etc., for discussions of the following concerns:

- ◆ We are concerned that if roads are built on Gravina that the State DNR will again reopen the roads and clear cut all of their land on Gravina.
- ◆ The Forest Service would like to open the lands up for recreational use also. They cannot afford to maintain the roads they have now, let alone assume the maintenance burden on additional roads.
- ◆ All of the proposed or possible activities would jeopardize the subsistence areas on Gravina, especially Bostwick inlet.
- ◆ Gravina Island is a pristine environment and needs to be protected from road building, timber harvesting, recreation or other activities that would alter its current roadless characteristics.
- ◆ Gravina Island has been used by many generations of Alaska Natives-Tlingit, Haida and Tsimshian, for traditional hunting, fishing and food gathering. KIC would like to see that this area is available for future generations.
- ◆ These subsistence gathering activities provide significant social and ecological values. There is a lot of archeological evidence on Gravina Island which shows how important this area was and still is. Any road construction would jeopardize these values.

The Forest Service proposed action, under the roadless alternatives, would be to evaluate the quality and importance of roadless characteristics. KIC does not feel that the Forest Service is qualified to do this. A conflict of inherent extent as they have the responsibility to provide a certain amount of timber for market demand within the Tongass National Forest. The same circumstance exists with recreational areas; the pressure for people in Ketchikan to provide more recreational areas, but Alaska is special because of its historical access by canoe or boat, and unique due to all the islands.

- ◆ The Forest Service protects public lands on Gravina with multiple use objectives.
- ◆ If Gravina is opened up for recreation, you cannot protect the island's public land.
- ◆ Multiple use objectives would not work.
- ◆ Leaving that decision up to a local Tongass Ranger does not make sense as we get a new one about every three to five years and they do not know the local people.
- ◆ By the time they (new Rangers) acquire some of this knowledge they get transferred and the people suffer from their decision. Building roads on Gravina to Boswick would be mismanagement, timber harvest, road building and recreational use are not compatible with subsistence.
- ◆ KIC's position is that any timber harvest, road access, or recreational use on Gravina would have a detrimental environmental impact on the subsistence resources of the Island and waters.
- ◆ KIC opposes any timber harvest and/or any recreational use or development on Gravina Island.
- ◆ KIC supports Alternative # 4, 4D with full Tongass inclusion, **no road building on the**

Tongass.

*Merle Hawkins*

Signed: Merle Hawkins, KIC Tribal Council

and Subsistence Committee Chair

*July 13, 2000*

Date

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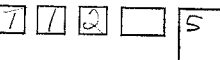
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JELD-WEN



## The Klamath Tribes

P.O. Box 436  
Chiloquin, Oregon 97624  
Telephone (541) 783-2219  
Fax (541) 783-2029  
800-524-9787



CAET RECEIVED

JUN 29 2000

June 19, 2000

The Honorable Dan Glickman  
Secretary of Agriculture  
United States Department of Agriculture, Room 213-A  
14<sup>th</sup> Street and Independence Avenue, SW  
Washington, D.C. 20250

Dear Secretary Glickman:

As Chairman of the Klamath Tribes, an organization within Klamath County that has a major concern with establishing and maintaining a diversified and viable economic base within the Klamath Basin, I have been asked to comment upon the impact of the President's Roadless Plan (64 Federal Register 56306, October 19, 1999), particularly as it may impact the Pelican Butte Ski project under consideration in the Winema National Forest and, ultimately, the Klamath Tribes Economic self Sufficiency Plan, currently in the final stages of preparation for the Secretary of the Interior and the Congress. Without the benefit of having all the data needed yet, it does appear that this project, if successfully implemented, will have a significant positive financial impact on the Tribes' Economic Self Sufficiency Plan.

Without being able at this time, due in large part to the unavailability of the final EIS and other economic data, to address whether the Tribes will ultimately support or not support the project based upon its environmental, Tribal cultural and economic impacts, we strongly feel that, given the potential impacts to the entire community, this project should be provided a "grandfather" clause exemption to complete its EIS process and presentation to the Basin community for their consideration.

Several factors argue strongly for this exemption. First, this project has been under review and development by the Forest Service, the City of Klamath Falls, and private developers for over thirty years. It has always been a part of the regional economic development industrial diversification plan of a devastated timber dependent community. It needs resolution.

Second, the developer undertook the project at the invitation of the Forest Service under its Winema National Forest Plan, agreeing to prepare and write an Environmental Impact Statement under NEPA requirements. Given the years and \$3.75 million spent in good faith on a project under the previous rules, we feel that the research, feasibility and environmental impact analysis should be completed and placed before the public for their information. We also feel that the public is entitled to, after thirty years to render their position on the project.



D. Glickman, U.S. Sec of Ag., June 16, 2000  
Page 2

Finally, the Tribes and I, personally, have spent a great amount of time and energy participating in six different community committees evaluating this project. We feel that there is a responsibility to the great number of hours and effort that many of our community leaders have put into this project over the years.

No organization or peoples in the Klamath Basin is more concerned with the environment and the protection of the forest that the Klamath Tribes and we are committed to the restoration and preservation of all lands and resources that are currently or will ever be under our jurisdiction. This position does include the recognition of the need for the Tribes and the general community to have a protected, multi-use forest for the benefit of all. In order to be able to determine which projects are beneficial and needed or not, we do need to have these project processes completed.

Sincerely,

Allen Foreman  
Tribal Chairman  
The Klamath Tribes

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D. Glickman, U.S. Sec. of Ag., June 16, 2000  
Page 2

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Sincerely,



Allen Foreman  
Tribal Chairman  
The Klamath Tribes



*Nez Perce*

TRIBAL EXECUTIVE COMMITTEE  
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

July 14, 2000

USDA Forest Service - CAET  
P.O. Box 221090  
Attention: Roadless Areas Proposed Rule  
Salt Lake City, Utah 84122

RE: Roadless Areas Proposed Rules

Dear Madam or Sir:

The Nez Perce Tribe appreciates the opportunity to comment on the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS). The Tribe recognizes and appreciates the enormous effort put forth by the Forest Service in developing these important protection measures for the Nation's valuable roadless areas.

The Nez Perce Tribe strongly supports the Roadless Area Conservation Proposed Rule. We believe that this rule represents a positive step forward to protect the lands the Forest Service has been assigned to protect and manage.

By virtue of the Treaty of 1855, the Nez Perce Tribe maintains treaty-reserved rights to hunt, fish, gather, and pasture cattle and horses within "open and unclaimed lands." These treaty lands include vast areas encompassed in the National Forests of northeastern Oregon, southwestern Washington, and Idaho. The Tribe believes that the protections provided for by this rule would be consistent with the treaty and trust responsibilities of the United States to preserve, protect, and enhance tribal treaty rights and treaty-reserved resources.

Further, this rule appears to be consistent with the salmon recovery plan adopted by four of the Columbia River treaty Tribes, including the Nez Perce Tribe. *Wy-Kan-Ush-Mt Wa-Kish-Wit: Spirit of the Salmon* calls for, amongst other actions, a decrease in roaded miles in managed watersheds, as well as improved drainage and decreased sediment delivery from roads that will not be obliterated or relocated.

It is critical that the Forest Service recognize and consider how this proposed rule would integrate with the federal government's salmon and steelhead recovery efforts for the Columbia River basin. The Conservation of Columbia Basin Fish or "All-H Paper" produced by a number

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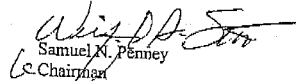
of federal agencies, including the Forest Service, calls for a number of habitat measures to restore imperiled fisheries. The Forest Service and other federal agencies must recognize the importance of the measures called for in the proposed rule to these efforts, especially if the federal government fails to take decisive action to restore salmon and steelhead such as Snake River dam drawdown.

In addition to these general comments, the Tribe has the following specific comments:

1. The proposed rule provides that roads may be constructed or reconstructed if "[a] road is necessary pursuant to reserved or outstanding rights as provided for by statute or treaty." This exception should be revised to explicitly state that road construction and reconstruction may occur to ensure exercise of tribal treaty-reserved rights.
2. The proposed rule provides that roads may be constructed or reconstructed if "[a] road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, section 311 of the Clean Water Act, or the Oil Pollution Act." In addition, roads may be constructed or reconstructed if "needed to protect public health and safety ... that, without intervention, would cause the loss of life or property." These sections should be revised, expanded, or clarified to allow road construction and reconstruction to protect the habitat of endangered or threatened species from an imminent threat of flood, fire, or other catastrophic event that would cause the destruction of the species or of critical habitat.
3. Pages 4-2 and 4-3 of the Draft Environmental Impact Statement (Volume 1) describes tribal consultation. This section describes how "Forest Service field line officers were directed to personally initiate contact with all potentially impacted tribal leaders." While such contacts were made and detailed presentations were made about the proposed rule, the local Forest Service staff had no authority to conduct a meaningful consultation on the rule or its impacts to the Tribe. Executive Order 13084 provides that each "agency shall have an effective process to permit elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." According to the President's April 29, 1994 memorandum regarding Government-to-Government Relations with Native American Tribal Governments, federal agencies "shall assess the impacts of Federal Government plans, projects, programs, and activities on tribal trust resources and assure that Tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities." Consultation is the formal process of negotiation, cooperation, and mutual decision-making that ultimately leads to the development of a decision, not just a process or a means to an end. Consultation does not mean notifying the Tribe that an action will occur, requesting comments on that prospective action, and then proceeding with the action. In this scenario the decision is not affected. As such, the Tribe requests that appropriate staff be directed to conduct meaningful consultation with the Tribe on the further development of the proposed rule.

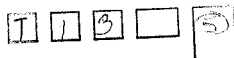
The Tribe appreciates the opportunity to comment on the proposed rule. We look forward to conducting formal consultation on the rule as the process goes forward to address the concerns discussed above. If you have any questions regarding these comments, please feel free to contact Rick Eichstaedt in the Office of Legal Counsel (208-843-7355). Thank you.

Sincerely,

  
Samuel M. Penney  
Chairman

43977

43977



DATE: July 17, 2000

TO: USDA Forest Service

FROM: Sally Nickelson  
Wildlife Program Coordinator  
Point No Point Treaty Tribes

RE: DEIS Roadless Areas Proposal

I am the Wildlife Program Coordinator for the four Point No Point Treaty Tribes (which include the Skokomish, Port Gamble S'Klallam, Jamestown S'Klallam and Lower Elwha Klallam Tribes) located on the Olympic Peninsula in Washington State. These four tribes strongly support the proposal in the DEIS to maintain current roadless areas in perpetuity. We support protecting all roadless areas, regardless of size and/or whether they have been inventoried. Even small patches of the late-successional habitat found in roadless areas can provide essential habitat and refugia for many species.

Our four tribes retained off-reservation fishing, hunting and gathering rights when they signed their treaty in 1855. Tribal members use Forest Service land for hunting, gathering and spiritual purposes. In addition, upstream land use practices on Forest Service ownership greatly influence fish habitat downstream. High road density, and concomitant road failure, has been a primary cause of fish habitat destruction and decline in salmon populations on the Olympic Peninsula.

Elk is a species of great cultural importance to these four tribes. Unfortunately, during the past 10 years, elk populations on the Olympic Peninsula have declined rapidly, in part due to overharvest because of easy access on the extremely dense road network on both Forest Service and private industrial timberland. In many areas on the Peninsula, road density is 6 miles of road for every square mile of habitat. This high road density increases the vulnerability of wildlife species to both legal and illegal hunting to a point where many local populations can no longer maintain themselves. The Point No Point Tribes closed two Game Management Units to tribal elk hunting in the past decade because of population declines. One of these, the Skokomish Game Management Unit, contains a culturally important herd that ranges along the South Fork Skokomish River. The upper reaches of this river contains one of the proposed roadless areas, which can serve as a refuge for the elk during hunting season, when seasons are reopened.

In addition, roadless areas generally contain older trees, and can provide old growth habitat for species dependent on late successional forest, including the federally listed Northern Spotted Owl and Marbled Murrelet. The Tribes support completely protecting all remaining late successional habitat (not only from road building, but also from other destructive uses such as helicopter logging, grazing, mining, and ATV use). Some culturally important plant species are found primarily in old growth stands, and many of these stands have spiritual significance.

Our tribes disagree with previous federal policy of subsidizing private timber companies by building and maintaining roads so that the private companies could log public land. This was usually done at a fiscal loss

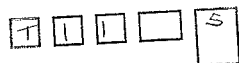
to the public (the cost of building and maintaining the road was greater than the amount received for the timber). We believe that the greater value of the land lies in its ability to provide fish and wildlife habitat.

Our tribes urge the Forest Service to completely protect the few remaining roadless areas on their ownership in perpetuity. Unfortunately, most of these roadless areas occur at high elevation in very steep terrain, which is marginal habitat for most wildlife species. In addition to protecting already roadless areas, we suggest that the Forest Service reduce road density in the more productive low elevation stands to protect both wildlife species and fish habitat. Maintaining tribal access to Forest Service land for treaty hunting and gathering is critical. However, a balance must be achieved between reasonable and dispersed access and reducing road density to decrease vulnerability of game species to hunting and poaching. We believe that scarce dollars should be spent in decommissioning many roads and upgrading the remaining ones to current standards, not in building new roads.

Thank you for the opportunity to comment on this important proposal.

Sincerely,

Sally Nickelson  
Wildlife Program Coordinator  
Point No Point Treaty Tribes  
7999 NE Salish Lane  
Kingston, WA 98346  
360-297-6540



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13 July, 2000

USDA Forest Service  
 Attention: Roadless Area NOI  
 Box 221090  
 Salt Lake City, UT 84122

Subject: Roadless Initiative --- Proposed Rule and DEIS

To Whom It May Concern:

Sealaska Corporation appreciates the opportunity to respond to the Forest Service Roadless Area Conservation Draft Environmental Impact Statement, dated May 2000. This EIS results from the proposal by the Forest Service to review the National Forest System Roadless Areas Initiative as published in Federal Register/Vol. 64, No. 201/ Tuesday, October 19, 1999 (p56306-56307).

Sealaska Corporation, the Regional Native Corporation for Southeast Alaska, was created under the Alaska Native Claims Settlement Act (ANCSA) of 1971. Sealaska represents 16,000 shareholders whose heritage derives from Tlingit, Haida and Tsimshian Native tribes of Southeast Alaska. The economy of Southeast Alaska is dominated by the Tongass National Forest, largely because it surrounds all of our towns and villages.

Sealaska has determined that the Proposed Rule is inappropriate as a National policy; and specifically, should not be applied to the Tongass and Chugach National Forests. The basis for our determination is set forth in the following sections.

JUL 17 2000

On behalf of Sealaska Corporation, thank you for the opportunity to provide our comments regarding the proposed National Forest System Roadless Areas review. Sealaska reserves the right to provide additional comments should the deadline be extended.

Sincerely yours,

SEALASKA CORPORATION

Robert W. Loescher  
 President and Chief Executive Officer

CC: The Honorable President Bill Clinton  
 Lynn Cutler, Deputy Assistant to the President  
 George Frampton, Council on Environmental Quality  
 The Honorable Governor Tony Knowles  
 The Honorable Senator Stevens  
 The Honorable Senator Murkowski  
 The Honorable Congressman Young  
 S.E. State Senators and Representatives  
 Alaska Speaker of the House  
 Alaska President of the Senate  
 SE Alaska Communities  
 SE Alaska ANCSA Village and Urban Corporations  
 ANCSA Regional Corporations  
 Alaska Municipal League  
 S.E. Conference  
 Jack Phelps, Alaska Forest Association  
 Resource Development Council  
 Alaska Miners Association  
 Rick Cables, Regional Forester  
 TNF District Rangers  
 Ed Thomas, Tlingit & Haida Central Council  
 Jacqueline Martin, ANS Grand President  
 Sam Jackson, ANB Grand President  
 Rick Harris  
 Chris McNeil  
 Ross Soboleff  
 Budd Simpson  
 Alan Mintz  
 Gregg Renkes

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## GENERAL COMMENTS

By delaying a decision on the exclusion or inclusion of the Tongass until 2004, the Forest Service will stop all investment in new manufacturing caused by uncertainty in the future timber supply. Delaying a review of the Tongass National Forest for inclusion effective 2004 is self-fulfilling in terms of assuring that demand for Forest Service timber will continue to diminish. The forest products industry is actively reconfiguring itself to utilize Forest Service timber from the Tongass National Forest at current supply levels. Active projects include veneer mills, ethanol manufacturing from wood wastes, and sawmill reconfiguration to fully utilize timber expected to be offered in stumpage sales. By placing the Tongass NF into a review category in 2004, the government is effectively closing the door on any opportunities to create a viable industry for the benefit of many communities. No company can be expected to pursue opportunities if there is a real risk that stumpage volume will not be available in as little as a few years.

If the Tongass National Forest (TNF) is included in the Proposed Rule no roadless areas should be designated without first conducting a detailed analysis of alternatives. This analysis must be very broad to identify all impacts such designations may have on the people that reside within the TNF. This analysis must go beyond the biological analysis and include analysis on subsistence, cultural, social, economic, job and family sustainability that will be affected by such designations. Further, the analysis must evaluate the result of any site specific designation on the ability of the TNF to meet other Federal obligations made to the State of Alaska and Alaska Natives through prior laws and land agreements regarding land and resource allocations from the TNF. Specific agreements, geographic areas and communities that should be included in the analysis are described in further detail in the following sections.

## DETAILED COMMENTS

1. The Proposed Rule recommends a categorical elimination of road construction in roadless areas. This proposal is contrary to Federal law and recommendations of the "Committee of Scientists" (COS). The

scope of analysis and alternatives must rectify these obvious conflicts with National forest policy and laws and recommendations of the COS.

- ♦ The Proposed Rule eliminates all road construction and designates roadless areas on the National Forests which is against the law. The National Forest Management Act (NFMA) establishes a process for forest planning, including new roadless management policy, when the agency proposes significant changes to a forest plan. Development and implementation of a new roadless management policy will constitute a significant and major plan amendment because it will affect the classification and use of resources on millions of acres of forestland.

Under NFMA, a plan amendment which results in a significant change in a plan must undergo the same land management planning process that is used for original and revised plans including, but not limited to, the preparation of an environmental impact statement (EIS) in accordance with NEPA. The proposed Roadless Initiative NEPA-EIS is not consistent with the NFMA because the changes being proposed are not being done in the same manner as the plan itself was developed. In this case, a plan is developed by the Forest Supervisors using the NEPA process as the decision making process for meeting NFMA planning requirements (36 CFR 219.1 et seq). Hence a proposed amendment must follow the same process as the original plan including plan amendment occurring at the forest level.

- ♦ The Proposed Plan does not respond to the Report of the Committee of Scientists (COS) 1999. The COS recommends that the planning process consider a broad range of values, uses, products, and services. The process should be democratic, open and accessible with a large degree of public participation representing all stakeholders. It should be oriented to local areas with the highest level of approval being the Regional Forester. It should fit the organization, communication, and decision-making styles of the community; and should work to reduce the negative economic and social impacts of land-use changes.

The procedure by which the Administration is identifying areas for roadless designation accomplishes none of these recommendations. Alternatives must be included that meet the COS recommendations as described above.

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**2. The Proposed Rule proposes to establish the criteria that must be used “through the forest planning process” to protect roadless areas. The scope of analysis overtly emphasizes biological protections and fails to consider the impacts of roadless designations on sustainability of affected communities, school funding and families that are dependent on National Forests for their livelihoods. The EIS alternatives analysis should include the following:**

- ◆ Require that forest planning, including roadless designations, be done at the forest and local (community) level.
- ◆ Include authorities such that the roadless area designations can be vacated to manage for desired habitat characteristics, and provide reasonable road access if insect, disease, and fire outbreaks pose a risk to National forest and adjoining private and non-Federal public lands.
- ◆ The report of the Committee of Scientists (COS) finds the less populated areas of the west will suffer substantial economic and social dislocations due to their low economic and social resiliency. Practically all of the communities in Southeast Alaska have such low resiliency. The further designation of roadless areas on national forests would be devastating to those living in that region. For the reasons described by the COS, the criteria for designating roadless areas must be expanded to include specific requirements that ensure school funding and jobs are protected and that the resources on the national forests will be available to maintain sustainable communities and families. Consequently, the alternatives analysis must include options that preclude roadless designation (both inventoried and un-inventoried) if the areas being considered have resources that would contribute to the economic and social welfare of nearby communities. Alternatives must include preclusion of roadless designations if the affected communities meet one or more of the following criteria:
  1. Have a seasonally adjusted unemployment rate that is 5% above the average for the State.
  2. Have an average per student expenditure that is less than the average per student expenditure for the State.
  3. Have more than a 30% minority population.

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4. Have a per-capita income that is less than 10% of the average per-capita income for the State.
5. Requires road access across roadless areas for community infrastructure including municipal drinking water supply, development of hydroelectric power sources and access to regional road and transportation systems.
6. If roadless areas are designated and, subsequently, the community fails to meet the above benchmarks, the roadless areas can be rescinded as a plan amendment.

**3 Federal laws preclude the inclusion of the Tongass National Forest and Chugach National Forest in the “Roadless Initiative”. Before either forest can be included under the Proposed Rule, conclusive legal authority to include these forests must be proven. The basis of excluding these forests follows:**

- ◆ The temporary roadless suspension correctly exempts the Tongass and Chugach National Forest from the Roadless Initiative. That suspension should be made permanent due to the applicable Federal laws governing land designations in both forests. The legal basis for exclusion includes:
  1. Designation of additional roadless areas would violate the Alaska National Interest Land Conservation Act (ANILCA). ANILCA prohibits: (1) Forest Service studies that contemplate the establishment of additional conservation, recreation, or similar units; (2) the withdrawal of more than 5,000 acres of land, in aggregate, without Congress’s approval, and (3) the review of roadless areas of national forest lands in Alaska for the purpose of evaluating their suitability as wilderness.
  2. Under ANILCA § 1326, the Forest Service is prohibited from (1) using the plan amendment process, the moratorium, or any other process to conduct additional studies of public lands in Alaska, the single purpose of which is to set aside roadless areas from further development; and (2) withdrawing lands in excess of 5,000 acres in aggregate, without Congressional approval.
  3. ANILCA § 1326(b) prohibits the executive branch from studying federal lands in Alaska for the single purpose of considering

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whether to establish "a conservation system unit, national recreation area, national conservation area, or for related similar purposes." Unless authorized under ANILCA (16 USC § 3213(b)) or by Congress, the Forest Service is prohibited from studying any roadless areas during a plan amendment process, much less the administrative appeal process, if the purpose is to establish a conservation unit, recreation area, conservation area or any other unit serving related or similar purposes.

4. Congress expressly stated that the conservation areas established under ANILCA were sufficient protection "for the national interest in the scenic, natural, cultural, and environmental values on the public lands in Alaska." (15 USC § 3101(d)).
- ◆ In addition to the authorities that exclude both the Tongass and Chugach National Forest from any roadless initiatives, including this Proposed Rule. The following legal authorities further exclude the Tongass National Forest from further consideration:
    1. No regulatory or statutory process exists for the Forest Service to unilaterally change the revised TLMP during the appeal process or otherwise. Any determinations that the Forest Service attempts to make during the TLMP appeal process must be limited to correcting what the Forest Service agrees were legal errors in the TLMP planning process. Any other changes (including changes to the Tongass roadless area policy) must be pursued as a plan amendment through the appropriate forest planning regulations.
    2. In the Tongass Timber Reform Act (Public Law 101-626; (TTRA)), Congress addressed wilderness issues (16 USC 539(d)). The wilderness clauses dealt with designating wilderness areas, additions to areas, and certain roadless managed areas. There are no clauses stating that there shall be no more wilderness or roadless areas, because Congress foreclosed the creation of more such areas since it has reserved for itself the determination of wilderness and roadless areas per ANILCA and TTRA.
    3. The TTRA Title I-Forest Management Provisions; Sec. 101 amends Sec. 705(a) of ANILCA to read: "(a) Subject to appropriations, other applicable law, and the requirements of the

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National Forest Management Act of 1976 (Public Law 94-588), except as provided in subsection (d) of this section, the Secretary shall, to the extent consistent with providing for multiple use and sustained yield of all renewable forest resources, seek to provide a supply of timber from the Tongass National Forest which (1) meets the annual market demand for timber from such forest and (2) meets the market demand from such forest for each planning cycle."

- ◆ Under the Tongass Land Management Plan Record of Decision (1999) the Forest Service has established an allowable sale quantity (ASQ) of 187 mmbf. However, the application of the roadless initiative would substantively reduce the ASQ to about 50 million board feet. This volume will not meet the needs of local industry, and will have extensive negative effects on the Southeast Alaska regional economy. If the Tongass is included, the alternatives analysis must ensure that the roadless action will not preclude the Secretary from meeting the provisions of Title I, Section 101 of TTRA and preclude the Forest Service performing under its own forest management plan.
4. **If the Tongass National Forest is included in the Proposed Rule, no areas should be designated until the scope of the analysis and alternatives are prepared that consider all impacts such designations may have on the people that reside within the TNF. The scope of analysis and alternatives should include the following:**
- ◆ The Tongass contains over 15 million acres of land. Over 6 million acres are placed in national monuments and wilderness areas. An additional 728, 000 acres are legislated Land Use Designation II (un-roaded) areas. Another 7.14 million acres prohibit road construction/reconstruction. About 1.5 million acres (10%) are left for development activities. Given the extensive ecological protections that already exist, the alternatives analysis, before concluding that additional roadless areas should be designated, must first conclusively prove that the current land allocations and management practices fail to provide clean-water, biological diversity, wildlife habitat, forest health, dispersed recreation and other public benefits.
  - ◆ The Roadless Initiative must not supersede or abrogate the rights of Alaska Natives to achieve their entitlements granted under the 1971

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Alaska Native Claims Settlement Act (ANCSA). The final rules must include unimpeded exercise of land selection rights and authority to use Native land and land selection entitlements to exchange for other for public land that may include roadless areas.

- ◆ The Forest Service must analyze the social and economic effects for each community in Southeast Alaska before designating roadless areas. Further, the alternatives analysis must be done on a local and a regional basis to quantify the cumulative effects, and to demonstrate that economy of scale industries can be sustained. There are numerous Southeast Alaska rural communities, whose residents are predominately Alaska Natives, who rely on the timber industry for a substantial portion of the economic activity necessary to assure community viability. Reductions in Forest Service timber sales as a result of the Proposed Rule will negatively effect the economic well being of these communities. The alternatives analysis must identify "realistic economic alternatives" that assure that these communities retain current or improved levels of economic and social viability.

Communities in Southeast Alaska, that must be included in individual social-economic studies include but are not limited to: Annette, Ketchikan, Hydaburg, Craig, Klawock, Hollis, Kasaan, Thorne Bay, Naukati, Coffman Cove, Whale Pass, Calder mine, Point Baker, Port Protection, Laboucher Bay, Meyers Chuck, Edna Bay, Cape Pole, Rowan Bay, Kake, Petersburg, Kupreanof, Wrangell, Sitka, Baranof Warm Springs, Tenakee Springs, Hoonah, Excursion Inlet, Gustavus, Juneau, Elfin Cove, Pelican, Skagway, Haines, and Klukwan. Most of these communities have been identified as having low resiliency.

- ◆ Southeast Alaska is developing an integrated regional transportation and energy system. Each community is improving their essential community infrastructure (e.g. municipal water supplies, and transportation infrastructure). Before any roadless designations occur, the analysis of effects and alternatives must be prepared that affect these major initiatives. Specific areas for analysis and alternatives development include:
- ◆ The State of Alaska is revising its regional ferry/road system to allow more efficient and economical travel throughout Southeast Alaska.

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Access must be preserved for the State's regional ferry/road transportation system.

1. On Prince of Wales Island, communities that are connected, or may be connected in the future by roads and powerlines include: Hydaburg, Klawock, Craig, Hollis, Kasaan, Thorne Bay, Naukati, Coffman Cove, Whale Pass, Calder mine, Laboucher Bay, Point Baker, and Port Protection. In addition, hydroelectric sites in the higher elevations of Prince of Wales Island need to be identified in order to eventually replace or supplement electric demands in these communities.
2. The current road access between Cape Pole and Edna Bay must be preserved. In addition, a hydroelectric facility servicing those communities may be feasible in the Mount Holbrook area on Koskiusko Island.
3. There must be a road corridor and power line corridor between Kake, Kupreanof and Petersburg to be developed when future economics make the project feasible.
4. Sitka must be allowed to have a road corridor to Rodman Bay on Peril Straits for potentially more efficient ferry access.
5. Although not warranted at the present time, there must be provisions for a future road and electrical intertie between Hoonah and Tenakee Springs.
6. Allowances must be made for a power line easement between Juneau, Greens Creek mine, and Hoonah.
7. Road access from Skagway and Haines to Juneau needs to be preserved along both shorelines of Lynn Canal so that the best access to Juneau can be preserved. In case the Taku River road becomes more viable, a road corridor must be included in any transportation plan.
8. In the future, Rowan Bay may find a source for hydroelectric power to replace diesel generation. The best sources probably are in the watersheds along the ridge that fronts onto Chatham Straits.



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- ◆ The DEIS does not present a balanced picture of characteristics attributed to roadless areas compared to roaded areas.

1. By utilizing current road building standards little or no foreign material is introduced into the riverine environment. Water is not degraded. In the Tongass National Forest and the rest of Southeast Alaska, best management practices (BMPs) dictate that roads be located and constructed so that pollutants do not reach streams. Roads systems are designed to avoid oversteep slopes. Full bench and-hauling are required on lesser slopes over a defined steepness. In many instances bridges are designed and constructed with abutments that are above stream banks. These and similar BMPs result in maintaining a high quality riverine environment. A reasonable amount of timber harvest is appropriate for every national forest in the United States. In the case of the Tongass NF, the Forest Service administratively has vastly exceeded reserving areas in a roadless category for the alleged protection of scenery, biodiversity, sustaining populations of indicator species, protection of salmon habitat, etc. This has resulted in much more land being reserved to a roadless category than is necessary to protect these non-commodity characteristics in every part of the national forest.

2. Development is not necessarily antagonistic to other values. In the Pacific Northwest, including Alaska, the modification of stream riparian areas, using methods such as partial timber harvest, has resulted in providing more food for invertebrates, which are the animals that initiate the food cycle that results in more food for fish. In addition, different species of anadromous fish prefer different kinds of in-stream habitat. Stream access allows fishery biologists to manage the habitat for the most desirable species. Forest Service and other scientists are discovering that secondary benefits can have a neutral effect or even positively accrue to stream productivity (Gregory et al.<sup>1</sup>, Martin<sup>2</sup>, Murphy and Koski<sup>3</sup>, Murphy and Hall<sup>4</sup>, Murphy and Meehan<sup>5</sup>, Wipfli<sup>6</sup>).

<sup>1</sup> Gregory, S.V. et al. 1987. Influence of forest practices on aquatic production. Pp 233-255, In Salo and Cundy editors, Streamside Management, Forestry and Fishery Interactions Univ. Washington, Seattle.

3. The DEIS has failed to adequately explain the many benefits that users enjoy due to the availability of Forest Service roads. The Forest Service has published reports that show that roads are being used with increased frequency by many citizens. Should road building be substantially restrained in the future, the impact on roaded areas will be very substantial. A great majority of the public demands easier access to enjoy the great outdoors compared to the very few who can afford to recreate in roadless areas. More, not less, area is needed to provide for multiple uses including recreation for people who prefer to drive, access for hunters, fishermen and subsistence gatherers, mineral exploration and development, and timber harvest. The final EIS must recognize the need for a different balance providing more favor for those who want the easier access.

In an October 12, 1999 letter, from Governor Tony Knowles to Mr. George Frampton, Chair, Council on Environmental Quality, Governor Knowles enumerated reasons why the Tongass National Forest should not be included. In that letter he stated that the TLMP process must be allowed to proceed, that "It would be an outrage because we were assured previously that the Tongass would not be included in this review...". "A change now in that course and direction would constitute a doublecross of the citizens of the State of Alaska." Sealaska fully supports the Governor's position that ANILCA and TTRA defined those areas in the Tongass National Forest that should be roadless. Those areas that shall be maintained for economic development including timber harvest, road construction, and mineral development.

<sup>2</sup> Martin, D.J., M.E. Robinson and R.A. Grotefendt 1998. The effectiveness of riparian buffer zones for protection of salmonid habitat in Alaska coastal streams. A Report for Sealaska Corporation, Juneau, Alaska. 85 pp.

<sup>3</sup> Murphy, M.L. and K.V. Koski 1989. Input and depletion of woody debris in Alaska streams and implications for streamside management. North American Jour. Fish. Mgt. 9(4): 427-436.

<sup>4</sup> Murphy, M.L. and J.D. Hall 1981. Varied effects of clear-cut logging on predators and their habitat in small streams of the Cascade Mountains, Oregon. Can. Jour. Fish. Aquat. Sci. 38: 137-145.

<sup>5</sup> Murphy, M.L. and W.R. Meehan 1991. Stream ecosystems. American Fish. Soc. Spec. Publ. 19: 17-46.

<sup>6</sup> Wipfli, M.S. 1997. Terrestrial invertebrates as salmonid prey and nitrogen sources in streams: contrasting old-growth and young-growth riparian forests in southeastern Alaska. Can. J. Fish. Aquat. Sci. 54: 1259-1269.

JUL. 14. 2000 2:18PM

NO. 443 P. 2/3

JUL. 14. 2000 2:18PM

NO. 443 P. 3/3

# Sitka Tribe of Alaska

Tribal Government of Sitka, Alaska



## Tribal Resolution 00-25

### A Resolution of the Sitka Tribe of Alaska opposing inclusion of the Tongass National Forest in the U.S. Forest Service National Roadless Initiative Policy Review & Supporting Alternative T-1

- WHEREAS,** the Sitka Tribe of Alaska is a federally recognized tribal government responsible for the health, safety, welfare, and cultural preservation of over 3,000 tribal citizens residing in Sitka, Alaska; and
- WHEREAS,** Section 708 of the Alaska National Interest Lands Conservation Act of 1980 resolved roadless issues in a compromise bill establishing over 5,000,000 acres in 14 acres as Wilderness on the Tongass National Forest and the Tongass Timber Reform Act of 1990 added over 1,000,000 in additional Wilderness designations to maintain their wildland characteristics; and
- WHEREAS,** the Record of Decision signed by Undersecretary on the Revised Tongass Land Use Management Plan notes that the Tongass National Forest would be exempt from the roadless moratorium as the newly revised plan had the benefit of considerable science and public involvement in the 12 year revision process for the Forest Plan; and
- WHEREAS,** the Tongass National Forest is comprised of approximately 17,000,000 acres, of which 90% is currently un-roaded and approximately 50% of the current Tongass National Forest timber base would become included in the acres proposed for the Roadless Initiative; and
- WHEREAS,** the Tongass National Forest is essential in bringing in stability and certainty to the economy of SE Alaska, providing jobs for many families dependent on such stability and inclusion in the Roadless Initiative would cause economic harm to the region; and
- WHEREAS,** the implementation of the Roadless Initiative to the Tongass National Forest would greatly diminish access to all natural resources and may eliminate opportunities for the construction of future - transportation and utility corridors throughout SE Alaska.

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456 Katlian Street • Sitka, Alaska 99835 • (907) 747-3207 • Fax (907) 747-4915

JUL 17 2000

**NOW THEREFORE BE IT RESOLVED,** by the Sitka Tribe of Alaska strongly opposes the inclusion of the Tongass National Forest in the "Roadless Initiative" that the Sitka Tribe of Alaska supports Alternative T-1, further that the Sitka Tribe of Alaska supports the current Land Management Plan.

**BE IT FURTHER RESOLVED,** that the Sitka Tribe of Alaska opposes any unilateral actions to modify the Record of Decision as such actions are contrary to proper resource planning and circumvents the public planning process as mandated by the National Forest Management Act.

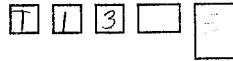
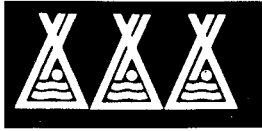
### CERTIFICATION

The foregoing Resolution was adopted at a duly called and convened meeting of the council of the Sitka Tribe of Alaska held on July 13, 2000, at which a quorum was present, by a vote of 4 IN FAVOR, 1 AGAINST, AND 3 ABSENT.

*Larry A. Weibach*  
Sitka Tribe of Alaska - Tribal Chairman

Attest:

*Doreen J. Jones*  
Sitka Tribe of Alaska - Tribal Secretary



**THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON**

NATURAL RESOURCES DEPARTMENT  
P.O. Box C, Warm Springs, Oregon 97761

July 17, 2000

USDA Forest Service  
Box 221090  
Salt Lake City, Utah 97701

**RE: Roadless DEIS/Proposed Rule**

Dear Sirs:

The Confederated Tribes of the Warm Springs Reservation of Oregon ("CTWSRO") are pleased that the proposed roadless area rule protects unroaded portions of inventoried roadless areas from further road construction. As the DEIS recognizes, protection of these areas is critical to the health of our ecosystems, including fish, wildlife, and native plant populations. Although the proposed rule takes some solid first steps toward protecting remaining areas, it doesn't go far enough. We ask that you address the following concerns when making your final decision on roadless area protection:

1. We are disappointed that the proposed rule fails to go further and prohibit logging, mining, ORV use, and other detrimental uses in the unroaded portions of inventoried roadless areas. There are sufficient opportunities for these uses in roaded areas. Conversely, there are few areas that have not been degraded by these activities. The latter is particularly true for areas that support anadromous fish within CTWSRO ceded lands (see ICBEMP designation of A1 watersheds in Oregon).
2. Given the poor forest health conditions in the Columbia Basin (and presumably elsewhere), we are disappointed that uninventoried roadless areas receive no protection under the rule. The DEIS recognizes that unroaded and unlogged areas comprise our best remaining ecosystems. These areas generally offer little commercial harvest potential (hence their unroaded condition) are in no need of "stewardship" or other types of treatment. You should reconsider extending automatic protection to roadless areas larger than 1000 acres. (See *Wj-Kan-Ush-Mi Wa-Kish-Wit (Spirit of the Salmon)*, The Columbia River Anadromous Fish Restoration Plan of the Nez Perce, Umatilla, Warm

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Springs and Yakama Tribes (CRITFC, 1995), calling for cessation of logging, mining, and road construction in all roadless areas  $\geq 1000$  acres).

At a minimum, the rule should direct local units to immediately determine the suitability of uninventoried roadless areas for the protections given inventoried roadless areas. Putting off this analysis until forest plan revision is a mistake. Forest planning is a long process, and given current administrative burdens (ICBEMP implementation, ESA consultations, etc.) it is highly unlikely that forest plans will be revised in the foreseeable future. If analysis of these areas is put off until the next forest planning cycle, it is imperative that these areas receive interim protection through project-by-project analysis of roadless characteristics (procedural alternative D).

3. The proposed rule should offer some protection to inventoried and uninventoried roadless areas in the Tongass National Forest. While we understand the arguments in favor of a transition period, we strongly recommend providing interim protection for these areas. The DEIS states that "the Forest's] high degree of overall ecosystem health is largely due to the quantity and quality of its inventoried roadless areas" and 98% of southeast Alaska's fish runs originate on the Tongass. If so, and if many Tongass timber sales go unsold because of lack of demand, why not give some interim protection to the Forest's inventoried roadless areas? The DEIS statement that project-by-project analysis doesn't provide the appropriate scale for roadless analysis is puzzling; in reality, the lack of a project-by-project analysis ensures the forest will be unable to analyze roadless values at the appropriate scale because ad-hoc interim decisions will have compromised many roadless areas.

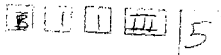
In summary, we commend the Forest Service for recognizing the value of roadless areas and undertaking this effort to protect the few remaining roadless areas in our national forests. Given the unquestioned importance of these areas, we urge you to reconsider providing stronger substantive and procedural protections for both inventoried and uninventoried areas, and for the Tongass National Forest.

Sincerely,

Brad Nye  
Off-Reservation Habitat Policy Advisor

cc: Tribal Council  
Robert A. Brunoe, General Manager, Department of Natural Resources

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Kootznoowoo, Incorporated  
U.S. Forest Service Roadless Area Testimony  
Angoon, Alaska  
June 29, 2000

RAFT RECEIVED

JUL 13 2000

Comments of Carlton Smith, CEO Kootznoowoo, Incorporated.

Kootznoowoo, Incorporated is the for profit Village Corporation for Angoon created pursuant to the terms of the Alaska Native Claims Settlement Act (ANCSA) for the benefit of the Alaska Native People of Angoon. Kootznoowoo represents over 900 shareholders plus an estimated 1000 additional family members.

Kootznoowoo owns approximately 32,000 acres of land conveyed as a result of the terms of ANCSA, the Alaska National Interest Lands Conservation Act (ANILCA) and through private acquisitions. Kootznoowoo also has access, development and traditional use rights to lands located within the Kootznoowoo Wilderness in the Admiralty Island National Monument, as well as the right to select additional land on Prince of Wales and Chichagof Island.

The lands Kootznoowoo owns are located throughout Southeast Alaska. These include approximately 21,000 acres on Southern Prince of Wales Island, 8000 acres in the Mitchell Bay, Kanalku Bay and Favorite Bay areas of the Kootznoowoo Wilderness; and, 3500 acres of land on the Angoon Peninsula and Killisnoo Island, along with a couple of hundred acres of private acquisitions, within the boundaries of the Admiralty Island National Monument and Kootznoowoo Wilderness.

In addition, Kootznoowoo has hydro power development rights, which it intends to exercise, to 14,500 acres of land in the Kootznoowoo Wilderness. And, Kootznoowoo has co-management rights to thousands of acres in Mitchell, Kanalku and Favorite Bays and their environs, pursuant to section 506 of ANILCA.

All of these lands and rights were conveyed to Kootznoowoo in recognition of the historical aboriginal ownership, rights, and uses by the Tlingit People of Angoon. And, to help provide for their current and future subsistence, cultural, employment, economic and social needs.

After consideration of these rights, and the needs of its Shareholders and their families; and, after careful consideration of the Roadless Areas Proposal; and, after consultation with Sealaska Corporation, Kootznoowoo, Incorporated encourages the Forest Service to abandon the idea of imposing the Roadless Areas in the Tongass and Chugach National Forests.

The reasons for our objections to this proposal are many, but we will speak to a few key points.

1. The Administration's Roadless Area Proposal will violate the terms and conditions of ANCSA, ANILCA and the Alaska Statehood Act. All of these acts provide for access to ANCSA lands and Alaska's isolated communities. They were enacted by Congress after long and careful deliberations and they cannot be overturned or have their purpose defeated by unilateral administrative fiat.

In summary, Kootznoowoo encourages the Forest Service to discard the Roadless Area Proposal for Alaska and return to professional multiple use forest land planning. There are many existing laws, regulations and plans that protect and manage the environment. The Roadless Area Proposal is not the way to achieve ecosystem protection.

On behalf of Kootznoowoo and its family of Shareholders, thank you for this opportunity to address this important issue and thank you for considering these comments.

FRANK H. MURKOWSKI, Alaska, Chairman  
 PETER V. DOMERICK, New Mexico  
 DON NICKLES, Oklahoma  
 LARRY E. CRAIG, Idaho  
 BEN NORTHCOTE, California  
 CRAIG THOMAS, Wyoming  
 GORDON SMITH, Oregon  
 JIM BLUMENTHAL, Kentucky  
 PETER D. FITZGERALD, Illinois  
 SLADE GORTON, Washington  
 CONRAD BURNE, Montana

ANDREW D. LUNDQUIST, STAFF DIRECTOR  
 DAVID S. DYE, CHIEF COUNSEL  
 JAMES P. MORRIS, DEPUTY CHIEF COUNSEL  
 ROBERT M. SIMON, DEMOCRATIC STAFF DIRECTOR  
 SAM E. FOWLER, DEMOCRATIC CHIEF COUNSEL

JEFF BINGHAM, New Mexico  
 DANIEL K. AKAKA, Hawaii  
 BYRON D. DODD, North Dakota  
 BOB GRAMM, Florida  
 RON WYDEN, Oregon  
 TIM JOHNSON, South Dakota  
 MARY L. LANDRIEU, Louisiana  
 EVAN BRYCE, Indiana  
 BLANCHE L. LINCOLN, Arkansas

United States Senate

COMMITTEE ON  
 ENERGY AND NATURAL RESOURCES  
 WASHINGTON, DC 20510-6150

WWW.SENATE.GOV/ENERGY

June 20, 2000

The Honorable Dan Glickman  
 Secretary of Agriculture  
 United States Department of Agriculture  
 Room 213-A  
 14<sup>th</sup> Street and Independence Ave., S.W.  
 Washington, D.C. 20250

35-4156142 CAET RECD  
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Dear Secretary Glickman:

We are writing to express our concern that the President's new roadless area initiative will preclude the possible development of the proposed Pelican Butte ski area in southern Oregon. The ski area proposal, which was encouraged by the Forest Service, is currently undergoing the appropriate environmental reviews required by the National Environmental Policy Act (NEPA) and the President's Northwest Forest Plan. As a matter of fairness for those who have invested time, energy, and trust in this collaborative process, we believe some accommodation should be made for this unique case in any final roadless area plan.

As you may be aware, the Forest Service, in compliance with NEPA, is currently reviewing the proposed Pelican Butte ski area which would be located in the Winema National Forest near the town of Klamath Falls, Oregon. Under current regulations, the Pelican Butte ski area can only be approved through a site-specific Environmental Impact Statement (EIS). While the site-specific process does not guarantee approval of the ski area, it does provide a framework for evaluation of how recreational development can meet strict ecosystem management standards.

The Pelican Butte project is now very near completion of possibly the most rigorous environmental assessment ever conducted for a potential ski area -- an effort spanning three and one half years and expending over \$3.75 million. The Pelican Butte Ski Area EIS team has spent the past eight months studying the project's effects and expanding on studies prepared for the 800-page draft EIS that was released by the Forest Service in October of 1998. The Forest Service received more than 11,000 comments on the draft EIS, with overwhelming support from the Klamath Falls area. This strong local support is based on the economic expectations and societal benefits that this development represents to the people of southern Oregon, who have struggled to find economic development alternatives to the traditional forest products industries. A final EIS and Record of Decision on the Pelican Butte proposal are scheduled for completion in early 2001.

The Honorable Dan Glickman  
 Page Two

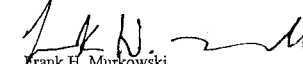
Now, however, it appears that the more recently proposed plan for the management of roadless areas, if completed as scheduled this year, will effectively block any future implementation of the Pelican Butte project. There is no indication from the Forest Service that any accommodation will be made in the final roadless plan for unique site-specific proposals, such as Pelican Butte.

We believe that allowing the new roadless area initiative to change the rules under which this ski area proposal is decided would be fundamentally unfair to the local rural community that has worked in good faith with the Forest Service through every step of the NEPA process. Short-circuiting this review when it is so near completion, would not only be wasteful and unfair, it would also send the wrong message to the thousands of people that have participated in the Pelican Butte project to this point.

For the above reasons, we would appreciate your assistance in ensuring that the Pelican Butte process is allowed to progress without regard to the roadless initiative, but in full compliance with current environmental law. We look forward to working with you on this important matter.

Sincerely,

  
 Gordon H. Smith  
 United State Senator

  
 Frank H. Murkowski  
 Chairman

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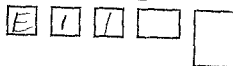
RON WYDEN  
OREGON

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Washington, DC  
20510-3703  
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web site:  
www.senate.gov/~wyden/

United States Senate

WASHINGTON, DC 20510-3703



July 17, 2000

The Honorable Dan Glickman  
Secretary of Agriculture  
U.S. Department of Agriculture  
14<sup>th</sup> & Independence Ave.  
Washington, D.C. 20250

Dear Secretary Glickman:

**Committees:**

Budget  
Commerce, Science  
& Transportation  
Energy & Natural Resources  
Environment & Public Works  
Special Committee on Aging

**Oregon State Offices:**

700 NE Multnomah St.  
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(503) 326-7525

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(541) 431-0229

Sac Annex Building  
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Suite 201  
La Grande, OR 97850  
(541) 962-7881

U.S. Courthouse  
316 West 6th St  
Room 115  
Medford, OR 97501  
(541) 858-5122

The Jamison Building  
131 NW Hawthorne Ave  
Suite 107  
Bend, OR 97701  
(541) 330-9142

707 13th St. SE  
Suite 285  
Salem, OR 97301  
(503) 569-4555

Page 1 of 2

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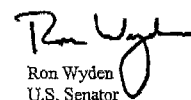
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Agency and the National Marine Fisheries Service. It must also meet the stringent guidelines for management that foster the development of late successional reserve (LSR) forests and the protection of threatened and endangered species. However, considering the years of work that have been invested into this proposal by its proponents, the Klamath Falls community and this Administration, the Pelican Butte ski area Draft Environmental Impact Statement should be evaluated on the basis of the law and policy guidance that existed at the time that the decision was made to exclude westside forests from the roadless moratorium.

Sincerely,

  
Ron Wyden  
U.S. Senator

Page 2 of 2

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GREG WALDEN  
2d DISTRICT, OREGON  
WASHINGTON OFFICE:  
1404 LONGWORTH BUILDING  
WASHINGTON, DC 20515-3702  
TELEPHONE: (202) 225-0750

DISTRICT OFFICE:  
843 EAST MAIN STREET  
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MEMPHIS, OR 97604  
TELEPHONE: (541) 776-4646  
TOLL FREE: (800) 633-3303



**Congress of the United States**  
**House of Representatives**

July 12, 2000

The Honorable Dan Glickman  
Secretary of Agriculture  
USDA Forest Service-CAET  
ATTN: Roadless  
P.O. Box 220190  
Salt Lake City, UT 84122

Fax 877-703-2494

Dear Secretary Glickman:

I am submitting this letter for the record, pursuant to our discussion regarding the proposed Pelican Butte ski area. As you know, I am opposed to the President's roadless initiative. Although I believe its implementation is a forgone conclusion, I am concerned with the effect that the roadless initiative will have on the planned ski area.

You asked me to provide you with information regarding the ongoing development by the Forest Service of the Pelican Butte environmental impact statement and the President's roadless area initiative (64 Federal Register 56306, October 19, 1999). I am concerned by recent statements of the Forest Service that the new roadless initiative will supercede the ongoing EIS process and undermine all environmental planning that has taken place since 1996 on the proposed Pelican Butte Ski Area in southern Oregon.

Under current regulations, the Pelican Butte Ski Area can only be approved through a site-specific EIS. The ski area proposal has been undergoing environmental review by the Forest Service since October, 1996. A Draft Environmental Impact Statement (EIS) was released November 6, 1998; an extended public comment period, during which 11,000 public comments were received, closed February 26, 1999. The Forest Service is working closely with other federal and state agencies, local governments, and the Klamath Tribes to address issues raised during the public comment period.

The site-specific process does not guarantee approval of the ski area. It provides a framework for evaluating how, through the rigorous case-by-case review required under the Northwest Forest Plan, recreational development can meet strict ecosystem management standards and provide needed economic diversification for a rural community.

COMMITTEES:  
AGRICULTURE  
DEPARTMENT OPERATIONS,  
OVERSIGHT, NUTRITION AND FORESTRY  
RISK MANAGEMENT,  
RESEARCH AND SPECIALTY CROPS  
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GOVERNMENT MANAGEMENT,  
INFORMATION AND TECHNOLOGY  
NATIONAL ECONOMIC GROWTH, NATURAL  
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WEBSITE:  
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E-MAIL:  
[greg.walden@mail.house.gov](mailto:greg.walden@mail.house.gov)

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Congressman Greg Walden  
July 12, 2000  
Page 2

The Forest Service has indicated that site-specific analyses such as the Pelican Butte process will be allowed to continue while the Forest Service develops the rule to implement the President's initiative. I am deeply concerned, however, by the Forest Service's recent announcement that the Pelican Butte EIS will not be completed until next year, after implementation of the proposed roadless regulations. The site-specific EIS process will be terminated despite years of effort and public review.

The focused scientific analysis of the ongoing Pelican Butte EIS should not be overturned by the swift implementation of a new roadless policy. I would appreciate your assistance in ensuring that the ongoing Pelican Butte EIS process will be exempt from any change in the federal regulations as a result of the President's new Roadless Area Initiative.

Once again, I ask you to exempt the Pelican Butte area from the roadless initiative and allow for the open public planning process to continue. Don't throw out years of hard work and public review.

Sincerely,

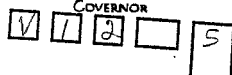
Greg Walden  
Member of Congress

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JOHN A. KITZHABER, M.D.  
GOVERNOR



June 21, 2000

The Honorable Dan Glickman  
Secretary of Agriculture  
U. S. Department of Agriculture  
14th & Independence Ave.  
Washington DC 20250

Dear Secretary Glickman:

The Forest Service is currently considering a proposal to construct a ski area on Pelican Butte in Southern Oregon near Klamath Falls. As you can imagine, the proposal has been controversial during its four years of consideration by the Forest Service and the public as well.

In response to the Draft Environmental Impact Statement issued a year-and-a-half ago I listed a number of significant environmental hurdles the project would need to overcome in order for it to gain my support. The Forest Service and Pelican Butte Corporation have made a good-faith effort in that time to address these issues for inclusion in the EIS. The final decision is to be made early next year. The recent proposal to prohibit road construction in inventoried roadless areas would immediately halt the project because of its need to have an access road to service one of the lifts.

In light of how far down the road this project is and the effort being made by the proponents to address environmental concerns, I ask that you consider allowing this project to proceed through the existing assessment process without being blocked by the proposed roadless area rule.

Sincerely,

John A. Kitzhaber, M.D.

JAK/NR/sm

254 STATE CAPITOL SALEM, OREGON 97310-4001

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JOHN A. KITZHABER, M.D.  
GOVERNOR



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JUN 17 2000

July 17, 2000

Chief Mike Dombeck  
USDA Forest Service - CAET  
PO Box 221090  
Salt Lake City UT 84122

Dear Mike:

I am writing to provide the State of Oregon's comments on your Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS).

### Context

My comments are based on three principles which have helped guide my approach to forest policy over the course of my administration. These principles are: (1) the need for an overarching policy objective to guide forest management; (2) the need to utilize a landscape approach for planning and management; and (3) the need to maintain, to the greatest extent possible, options for future management.

These principles lie at the heart of both the Oregon Plan for Salmon and Watersheds and the recommendations I have made to the Oregon Board of Forestry concerning the management of the Tillamook State Forest. As you know, these principles also provide the underpinning of our Eastside Forest Health strategy. As a preface to my comments on the Proposed Rule, let me briefly discuss these principles in more detail.

Overarching policy objective -- Forest management policy brings together three legitimate, but often conflicting, values: social, environmental and economic. I believe that a sustainable forest management policy must provide a common denominator that acts as a guidepost by which these values can be balanced in the context of the management plan. Furthermore, I believe that this overarching policy objective must be to promote watershed and ecosystem health.

I want to emphasize that choosing this objective does not mean that we are elevating the importance of one value over another -- it does not imply a priority among the range of values we are attempting to balance. Rather, it is a recognition of the fact that a healthy watershed is the fundamental building block from which all the other beneficial uses of our forest flow. We



Chief Mike Dombeck  
July 17, 2000  
Page 2

cannot provide sustainable forest products, assure clean water and provide habitat for species unless we first have a healthy functioning ecosystem. The three legs upon which the strategy stands -- social, environmental and economic -- are all interwoven and are dependent first on a healthy functioning watershed.

Landscape approach - To achieve the objective of watershed and ecosystem health, I believe that a landscape approach is required. Only with such an approach -- where all of the components of the natural system are considered on a broad scale -- can an effective and sustainable land management strategy be developed. Roadless areas are key components within such a landscape and, in fact, are often anchors for quality habitat and pure water.

Maintaining future options - Finally, I believe that in the development of a prudent land management policy, some thought must be given to future management options. In other words, we must strive to leave as many options as possible for the management of natural resources. These roadless areas, in many cases, are the last unprotected natural systems. They are virtually undisturbed and contain priceless information on the workings of natural systems and the effects of our management on those systems. This information will provide future generations with opportunities for their own research and management.

Before turning to the Proposed Rule itself, let me note that one of the challenges in meaningfully assessing it was the difficulty in determining its specific impacts on the forests and communities of Oregon. While I understand this is a rule developed for national application, it would have nevertheless been much more helpful to have had at least a state-by-state analysis of the condition of roadless areas, along with the impacts of the proposed restrictions and procedures. I encourage you to include such a state-by-state analysis in your Final EIS, if at all possible. Please see the enclosed memoranda in which we suggest that certain issues be further explored in your Final EIS and Rule.

### Comments on Proposed Rule

Let me now turn to the Proposed Rule. The Rule contains two principal sections. The first section provides "protection" measures for the remaining portions of roadless areas. The second section provides "procedures" for managing unroaded areas -- that is, those unroaded areas that were not inventoried in RARE II. Your preferred alternative for "protection" measures is to ban new road construction and reconstruction in those portions of inventoried roadless areas that currently have no roads. Your preferred alternative for "procedures" is to assess the unroaded areas in the next forest planning process.

Chief Mike Dombeck  
July 17, 2000  
Page 3

### Section One: Protections

While generally supportive of your proposal to prohibit new roads in inventoried roadless areas, I find the alternative to be both too restrictive and not restrictive enough. The rule should be less restrictive in disturbance-based forests -- such as Oregon's lower elevation eastside forests -- which have a regular fire regime. In these forests, overly dense stands, primarily of white fir, have developed in traditionally ponderosa pine stands and threaten the old growth we want to protect. To address this, these stands need a reduction in both competition and potential fuel loads to the point where the natural system can take care of itself. Returning these forests to a properly function condition is the best way to ensure their long-term health.

For that reason, I suggest that the Proposed Rule be modified to permit the construction of temporary roads to allow stewardship logging when such activity is deemed necessary for the protection of old growth. Such roads would be obliterated after the management activity. This approach is consistent with the need to restore these areas (like Oregon's eastside forests) to natural processes where fire has been suppressed in the past.

The Proposed Rule should be more restrictive in that the logging that does take place in these roadless areas should be limited to stewardship logging with the objective of protecting watershed and ecosystem functions. Consistent with this objective, this logging should never include the oldest class of trees on the site; should employ low- impact equipment to reduce or eliminate damage to soils; and should be a one-time entry into an area sufficient to allow reintroduction of fire at the completion of the stewardship logging. *The definition of stewardship logging is provided in your DEIS Summary and Proposed Rule (Page S-8, DEIS summary).*

For forests that are not disturbance-based, such as Oregon's Westside forests -- or higher elevation forests on the eastside of Oregon -- I endorse your limitations on new road construction.

Finally, since the Administration has undertaken this controversial effort, it is important that what emerges is a comprehensive understanding concerning the management of roadless areas. For that reason, I recommend that you consider including roadless portions of Congressionally-designated federal lands in your protections. This would include such Congressionally-designated areas as the Hells Canyon National Recreation Area, the Newberry National Volcanic Monument, the Oregon Cascades Recreation Area, and federal lands within the Columbia River Gorge Scenic Area and Wild and Scenic River corridors. While these roadless areas are significant in themselves, their relationship to other roadless areas that are being addressed in this rule must be understood. This is consistent with my view of the importance of taking a broad landscape approach to forest management.

Chief Mike Dombeck  
July 17, 2000  
Page 4

## Section II: Procedures

While I agree with your proposed approach of developing a process to assess how to manage the unroaded portions of 1990 forest plans, I see no reason to wait for the forest planning process to begin. Though these areas may be less than 5,000 acres in size, they can still be very important ecologically. Indeed, a low elevation unroaded area of only 1,000 acres in size may be just as significant as a 10,000 acre unroaded area high in the mountains, in terms of biological diversity and rare habitat.

Therefore, I believe that interim assessments should be undertaken on these lands, giving consideration to the criteria I have identified in the attached "guidelines." These "guidelines" essentially follow the list of characteristics in your Proposed Rule, except for the major new criterion of connectivity. Thus, I recommend your adoption of "Alternative D" which would provide a project-by-project analysis as a transition to the forest planning process at the time of the next plan revision.

Thank you for considering my comments.

Sincerely,



John A. Kitzhaver, M.D.

JAK:NR:sm  
Enclosures

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# STATE OF OREGON ANALYSIS OF PROVISIONS OF PROPOSED RULE REGARDING PROTECTION OF INVENTORIED ROADLESS AREAS

There are several aspects of the Proposed Rule for protection of inventoried roadless areas which need further elaboration and description. These provisions concern both roads and logging in the various alternatives.

## PROVISIONS ON ROADS

The following provisions on roads need further clarification:

### 1. Unroaded Areas and Unroaded Portions of Inventoried Roadless Areas.

The definition section, Section 294.11, defines the "unroaded portion of an inventoried roadless area" as "[a] portion of an inventoried roadless area in which no classified road has been constructed since the area was inventoried." (Emphasis added.) Similarly, an "unroaded area" is defined as "without the presence of a classified road." (Emphasis added.)

It is not clear from these definitions whether the boundary of the "unroaded area" or "unroaded portion" is to be drawn directly adjacent to roads or is to be drawn out away from the roads to exclude areas where logging operations have occurred, or to exclude the general impact area of the road. The "presence" of roads can vary dramatically among the roadless areas. The situations range from the "presence" of a "cherry-stem" road which extends out into a roadless area and has few or even just one logging unit associated with it, to a situation where there is a main road with several branching roads and numerous logging units associated with these smaller roads. Though the focus of the Proposed Rule is clearly on roads, rather than on associated logging units, and though the description of the Proposed Rule makes clear that it has nothing to do with potential wilderness designations, it appears that some forests may broadly define "roaded" areas of the inventoried roadless areas. For example, the Siuslaw National Forest is apparently using the guidelines used to originally designate areas under RARE II, which was a process which did not merely look at roaded areas, but also excluded areas where there had been logging.

It would be helpful for the Administration to more clearly define what it means by an "unroaded area" and an "unroaded portion of an inventoried roadless area." Clearly the most manageable boundaries are those provided by roads themselves, yet the Forest Service should allow some buffer between the road and roadless area, whether it be ten feet or 200 feet.

### 2. Road Closures.

We assume that if a road has been closed since the RARE II inventory that it is considered to no longer exist under the Proposed Rule. An example of our concern is on the Fremont National

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Forest where there was a pre-existing road at the time of the RARE II analysis, separating the Antler and Buck Creek roadless areas. In the 1990 Forest Plan, the Fremont National Forest closed this road to create a semi-primitive non-motorized area encompassing both roadless areas. Though this road has been closed for the past 10 years, the Forest Service apparently shows this combined roadless area as being two distinct roadless areas.

A number of old roads within the roadless areas which were constructed after the RARE II inventory are now overgrown with trees and brush so that the areas are again functionally roadless. It would be helpful if the Forest Service in the Final EIS and Rule would clarify whether these roads should be re-opened and maintained. In some situations, where there is erosion and sedimentation, it may be preferable to do maintenance work on the road. However, if the road is currently naturally rehabilitating itself, and where the originally RARE II inventoried area is again functionally roadless, should the Forest Service reenter the area and maintain the road to its listed functional capacity? This analysis should be included in the local road system management plans.

Some Forests are apparently interpreting the Proposed Rule in such a way that it could discourage future road closures within and surrounding RARE II inventoried roadless areas. The concern of these Forest Service people is that a road closure would essentially expand the size or area of the roadless area. We believe that it is important that ongoing programs of road closures continue and not be discouraged by the Proposed Rule. We have observed numerous situations where roads are bisecting meadows and becoming streams as the roads divert the natural flow of water through the meadows.

### 3. Pre-existing RARE II Roads.

As recognized in the Draft EIS Summary and Proposed Rule, at page A-9, the criteria used to identify an inventoried roadless area in RARE II and in the Forest Plans allowed the presence of certain types of classified roads, as long as the area otherwise met certain minimum criteria. In the Final EIS and Rule, the Forest Service should clarify that these pre-existing roads are not now counted as "classified roads" under the Proposed Rule. Only new roads constructed since the RARE II inventory should qualify as "classified roads" which constitute roaded portions of these inventoried areas. This policy is necessary because of the potential for these old pre-inventoried roads to be rehabilitated and used for land management activities, substantially altering the current character of these roadless areas.

### 4. Roads Policy.

It is assumed that the Forest Service's Proposed Roads Policy will be formally adopted prior to the Final EIS and Rule on roadless areas. If adopted, the provision requiring an Environmental Impact Statement for constructing a new road in an inventoried roadless area or in an unroaded area will significantly affect the potential impact of road-building under this Proposed Rule for roadless areas. There should be a further discussion in the Final EIS of the relationship and impacts between the Roadless Areas Proposed Rule and the Roads Policy.

Page .STATE OF OREGON ANALYSIS OF PROVISIONS OF PROPOSED RULE  
REGARDING PROTECTION OF INVENTORIED ROADLESS AREAS

### 5. Temporary Roads.

There should be a further discussion of temporary roads in the Final EIS, discussing the potential impacts of such temporary roads and how they may be regulated. For example, there should be a discussion of the economics and ecological impacts of the construction of the roads and their obliteration. The road management rules should address the issue of temporary roads.

### 6. Effects of No New Roads.

There needs to be a further analysis in the EIS of how much can realistically be done in terms of land management where there are no roads. This analysis should include an assessment of the economics of helicopter logging, as well as the feasibility of various ground systems.

### 7. Relationship to Fires.

The discussion at pages 3-156 and 157 of the DEIS suggests that areas which are more highly roaded have a higher potential for catastrophic wildfires than roadless areas and that there is uncertainty concerning a more important question of the effectiveness of fuel breaks and understory thinning. It would be helpful to have this kind of analysis and discussion specifically with regard to the different ecosystems within Oregon, differentiating between Oregon's westside and eastside.

## PROVISIONS ON LOGGING

The following subjects regarding logging need further analysis and discussion in the EIS:

### 1. Stewardship Logging.

A good starting point for a definition of this term is found at page S-8 of the DEIS Summary and Proposed Rule:

"Stewardship-purpose timber sales are sales created to achieve desired ecological conditions that require manipulating the existing vegetation, for example, thinning overly dense stands of trees so that fire may be safely reintroduced. Objectives that would be consistent with stewardship include:

- ! Restoring an area to historic ecological conditions;
- ! Improving the vigor of residual trees to withstand insects, disease, and wind;
- ! Reducing excessive forest fuels through thinning;
- ! Restoring ecological features and processes such as fire into an ecosystem; and
- ! Creating desired wildlife habitat conditions."

As this definition suggests, a key assumption underlying stewardship logging is that fire

Page .STATE OF OREGON ANALYSIS OF PROVISIONS OF PROPOSED RULE  
REGARDING PROTECTION OF INVENTORIED ROADLESS AREAS

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suppression and past logging practices have resulted in forest stands which are too dense and which need to be thinned in order for fire to be reintroduced into the ecology. Accordingly, stewardship logging will be most appropriate in eastern Oregon. Additionally, as pointed out by the group of scientists the Governor appointed to review the condition of the Blue Mountains, it is primarily the low elevation of ponderosa pine stands into which white fir has grown over the past 20 to 30 years where stewardship logging is appropriate. See, "Forest Health and Timber Harvest on National Forests in the Blue Mountains of Oregon" (June 15, 1995).

Also as recommended by this group of scientists, special equipment such as harvester/forwarders are best for this type of logging because of their maneuverability and low impact on soils. They do not require the use of roads or even skid roads and, thus, may access more acreage without the use of roads. This logging system, of course, is limited to areas which are not too steep. Where the terrain is not appropriate for this kind of equipment and it is economically not feasible for helicopter logging, options for stewardship logging will be limited. While the logging of larger trees would make helicopter logging more economical, such larger trees are often an essential component of the unique characteristics of roadless areas and should not be logged as part of stewardship logging.

The feasibility of one-time entries into the lower elevations of eastside roadless areas should also be examined. It has been suggested that one-time entries, followed by prescribed burning, would be sufficient to return these roadless area ecosystems to a condition that could withstand a natural fire. Such thinning on the outside edges of roadless areas, in combination with thinning of the forests surrounding the roadless areas, could potentially reduce the risk of catastrophic fire destroying roadless areas on the eastside of Oregon.

## 2. Potential Wilderness Designation.

The suggestion that stewardship logging be allowed in certain roadless areas and that temporary roads be built into these roadless areas to allow stewardship logging has raised the concern that these activities may disqualify the roadless areas from potential wilderness designation. This subject should be discussed in the Final EIS, but presumably these activities would not disqualify the roadless areas from this potential designation. Limited roading activity and logging in the past has apparently not disqualified such areas, as described at page A-9 of the DEIS Summary and Proposed Rule.

## 3. Social Impacts Analysis.

The DEIS Social Impact Analysis is inadequate and fails to recognize the resource dependent communities of rural Oregon. This is especially true in eastern Oregon where communities like John Day and Joseph have suffered disproportionately from cutbacks in federal timber harvests.

The DEIS does not capture the potential impacts of a ban on roading and a limitation on logging in roadless areas in Oregon. It would have been helpful to have an analysis in the DEIS that was oriented to the impacts that would occur in Oregon under the Preferred Alternative, as well as under the other Alternatives.

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One suggestion is to have a discussion of what percentage of the suitable land base (for timber) is in roadless areas. This analysis, which has been linked to the development of allowable sale quantities in the past, may be particularly helpful here where the Agency has apparently only utilized information on whether any roadless area sales are planned within the next five years to determine whether or not there will be impacts on local communities.

The DEIS at page 3-214 lists communities potentially affected by prohibitions on road construction and reconstruction and timber harvests during the fiscal years of 2000 to 2004. One of Oregon's hardest-hit communities in terms of timber supply is John Day, but that town is not listed as being impacted by these prohibitions. It may be more appropriate to find a longer term perspective or means of analyzing impacts, perhaps over a 10-year period, in order to better assess what communities will be affected by the Proposed Rule and to what extent.

## 4. Logging Without Roads.

As mentioned above with regard to stewardship logging, more economic analysis is necessary to determine how feasible such logging will be in lower elevations of Oregon eastside roadless areas. It is anticipated that helicopter logging will be limited because of economic considerations, particularly where smaller diameter material is involved. The DEIS at page 3-115 acknowledges that helicopter timber harvest feasibility depends on many factors, including the value of the timber removed, but states that it is generally not feasible at distances of more than one mile from the nearest road. At what distances from the nearest road are harvester/forwarders effective, and at what steepness of ground? A helpful source for further discussion of this issue in the Final EIS is the above-mentioned Blue Mountains study.

## 5. Current Logging in Roadless Areas.

More discussion is needed of what logging is currently allowed in roadless areas in Oregon under the Northwest Forest Plan and the individual Forest Plans. Again, an understanding of what the Proposed Rule means for Oregon is critical for the State's selection of any of the Alternatives.

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**STATE OF OREGON  
ANALYSIS OF PROVISIONS OF  
PROPOSED RULE REGARDING PROCEDURES  
FOR MANAGEMENT OF ROADLESS AREAS**

The Roadless Areas Proposed Rule contains a significant section regarding procedures for management of inventoried roadless areas beyond the protections of Section 294.12. In addition, procedures are provided for management of uninventoried roadless areas. These provisions are important because factors other than roading and logging can be just as impacting on the characteristics of roadless areas. Activities such as grazing, use of off-road vehicles, and mining need to be examined just as much as logging and roading for the ways in which they may alter particular roadless areas. Further, uninventoried roadless areas may be just as significant ecologically as inventoried roadless areas. This is particularly the case with regard to lower elevation roadless areas as small as 1,000 acres which because of their low elevation and location may have greater biological diversity than much larger inventoried roadless areas at higher elevations.

While it is understandable that the Administration would prefer to wait until the next forest planning process to carry out these new procedures for management of unroaded areas, since in that context the full range of factors may be analyzed, the reality is that it may be several years before the next planning process is completed. During this time, substantial alteration of these unroaded areas, particularly the uninventoried ones, may occur. Since a primary objective of this exercise of examining roadless areas is to preserve options for the future, it would be prudent to begin some scoping of potential management impacts to unroaded areas.

Alternative D which would require a project-by-project analysis as a transition to forest planning process at the next plan revision appears to be the best solution. Even this project-by-project analysis approach would be limited, though, because it will not have the kind of comprehensive overview and approach to management of unroaded areas and all activities in inventoried areas that would occur in the planning process.

In addition to the nine criteria to be assessed in consideration of roadless area conservation under Section 294.13, it is important that the principle of "connectivity" be assessed. It may be that this subject would be addressed in one of the nine criteria, but it is of such importance that it should be a criterion in itself. It is fundamental in a landscape approach to management to have a sufficiently broad perspective to consider relationships between the various inventoried roadless areas and unroaded areas. Another important factor is of "cold water refugia." This may be considered under the criteria of water and habitat, but again, it is of such importance that it should be clearly stated. This is particularly important for the success of our Oregon coastal salmon recovery program.

Another subject that should be addressed in the context of roadless area conservation is that of road closures. While the Proposed Rule explicitly states that it is not addressing road closures, at least with regard to protective measures, it would certainly be relevant to address road closures in future management decisions regarding procedures for roadless area conservation. The draft

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REGARDING PROTECTION OF INVENTORIED ROADLESS AREAS

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transportation system rules will address this issue. Both during the project-by-project analysis and during the forest planning process, road closures should be a high priority matter. Throughout this roadless area conservation process, we also need to ensure that whatever procedures are adopted do not inhibit road closures which are critical for restoration of watersheds. Opportunities also should be examined for road closures that may make inventoried roadless areas or uninventoried roadless areas more functional or better able to meet the criteria listed in Section 294.13.

Other subjects which need to be further addressed in the Final EIS and Rule include:

**1. Need for Inventory.**

An inventory needs to be done on unroaded areas larger than 1,000 acres or of less acreage if they directly adjoin inventoried roadless areas. Though the DEIS Summary and Proposed Rule states at page A-11 that it is not the intent to require the mapping of all unroaded areas, or areas of a certain size, it is difficult to imagine how the Agency could do a proper assessment without a basic inventory identifying what unroaded areas there are and where they are. The location of these unroaded areas may be critical in assessing their importance, particularly where they provide needed connectivity between inventoried roadless areas.

**2. Local Decision-Making.**

The emphasis on local planning and evaluation of roadless areas of unroaded areas is appropriate. The objections to this roadless area rule being a "top down" approach to land management may be valid, and the Forest Service needs to make every effort to involve local citizens and communities in implementing its provisions.

There is also a need for a more comprehensive viewpoint or perspective in order to examine such factors as connectivity and assess relationships of unroaded areas between National Forests and between the US Forest Service and other federal agencies. The Proposed Rule's call for an analysis of the "size, shape and position" of unroaded areas also requires this broader perspective. A local-based approach must be balanced with a science-based approach.

The Final EIS may also discuss in more depth what is meant by a "local" decision-making process. Under the Preferred Alternative, the "local" decision-maker will presumably be the Regional Forester who will be signing off on the individual forest plans. Under Alternatives C and D, the project-by-project analysis and decision-making will be made by the local district rangers and the forest supervisors. Again, under the project-by-project approach, there should also be some provision for coordination between National Forests and between the federal agencies in the evaluation of the unroaded areas.

**3. Size of Unroaded Areas.**

Section 294.13(B)(2) identifies unroaded areas to be assessed. One type of unroaded area which is discussed is that which shares a common boundary with unroaded areas of 5,000 acres or more

Page .STATE OF OREGON ANALYSIS OF PROVISIONS OF PROPOSED RULE  
REGARDING PROTECTION OF INVENTORIED ROADLESS AREAS

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on lands administered by federal agencies. It is not clear why this factor of a common boundary should be limited to an adjoining 5,000-acre unroaded areas of another agency, where the total of the two unroaded areas may be 5,000, or where there may be areas of special significance even if less than 5,000 acres.

#### 4. Adjoining Unroaded Areas of Other Federal Agencies.

There needs to be more information in the Final EIS on other roadless areas of other federal agencies which may be relevant in assessing the management of inventoried roadless areas and unroaded areas on the National Forests. Natural resources, of course, do not recognize administrative boundaries. For a true understanding of the significance of any roadless area on the National Forests, it is necessary to not only examine their context with regard to other lands on the National Forests, but also to adjoining lands of other federal agencies. At the very least, the Final EIS should include a map of Wilderness Study Areas of the BLM.

Such an analysis of adjoining roadless areas on other federal lands is also consistent with a current management trend of coordination between the BLM and the US Forest Service. Examples include the shared administrative facilities between the BLM and the Fremont National Forest in Lakeview. Additionally, it was recently announced that there would be a consolidation of management among the Ochoco and Deschutes National Forest and the Prineville BLM. Such coordination among the agencies is long overdue. This Proposed Rule and EIS would go a long way in advancing this kind of coordination by providing information in the Final EIS of the location of the BLM WSAs.

#### 5. Meaningful Common Boundaries.

Section 294.13(B)(2) also calls for consideration of unroaded areas with a common boundary "of considerable length" with inventoried roadless areas, wild and scenic rivers, etc. Rather than of "considerable" length, it appears that a better description would be of "meaningful" length. Even a narrow common boundary may be critical where it is along a migration corridor or near a stream.

Other "meaningful" common boundaries may occur where the unroaded area is directly adjacent to an inventoried roadless area and separates that roadless area from a road. For example, a number of inventoried roadless area boundaries in the Siskiyou National Forest apparently do not follow the boundaries of roads, but are set off some distance from the roads. At the north end of the Shasta Costa roadless area, there is a significant block of outstanding old growth that is apparently outside the boundary of the inventoried Shasta Costa roadless area and separates that roadless area from the adjoining road.

Again, this assessment of common boundaries should include Congressionally-designated areas such as wild and scenic rivers, national monuments, and national recreation areas.

### STATE OF OREGON GUIDELINES FOR ASSESSING UNROADED AREAS AND ADDITIONAL PROTECTIONS FOR INVENTORIED ROADLESS AREAS

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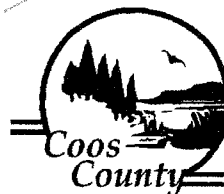
In assessing unroaded areas and additional protections for both unroaded areas and inventoried roadless areas, the responsible official must evaluate the quality and importance of the following characteristics:

1. Size.
2. Shape.
3. Location.
4. Soil, water and air.
5. Sources of public drinking water.
6. 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.
7. Primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation.
8. Reference landscapes.
9. Landscape character and scenic integrity.
10. Traditional cultural properties, tribal plant gathering areas and sacred sites
11. Other locally identified unique characteristics.
12. Connectivity of roadless areas on a larger landscape, both within forests and in between forests (such as connectivity between the Siskiyou/Klamath and coastal forests, the Siskiyou/Klamath and the Cascades, the Cascades to the lower Blue Mountains and the lower Blue Mountains to the upper Blue Mountains).

6917

6/14/2000

To: USDA Forest Service-CAET  
att: Roadless Area Proposed Rule  
P.O. Box 221090  
Salt Lake City, UT 84122



**BOARD OF COMMISSIONERS**

250 No. Baxter Street, Coquille, Oregon 97423

(541) 396-3121 Ext.247

FAX (541) 396-4861 / TDD (800) 735-2900

E-Mail: nwhitty@co.coos.or.us

BEV OWEN

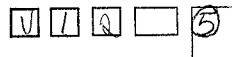
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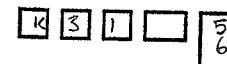
Roadless Area Conservation

Fr: Liz VanLeeuwen



Re: Proposed Roadless Rule

June 23, 2000



USDA Forest Service - CAET  
P.O. Box 221090  
Salt Lake City, UT 84122

Attention: Roadless Areas Proposed Rule

The Coos County Board of Commissioners questions the validity of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

Coos County is presently involved in a rather large project. Our Environmental Assessment will probably take longer to prepare than your draft EIS for the roadless areas.

We do understand that you are likely under pressure from the current administration to complete this process prior to the end of this year, however, we believe it would be a distinct public benefit to either go back to the drawing board and revise your draft or extend the comment period for review of the draft for another 180 days.

We have enjoyed a long and mutually beneficial partnership with the USDA Forest Service for many years and are very proud of the projects we have completed together. We do look forward to an opportunity to work together for the betterment of this current project.

Sincerely,

COOS COUNTY BOARD OF COMMISSIONERS

*Nikki Whitty*  
Nikki Whitty, Chair

*Pete De Main*  
Pete De Main, Commissioner

*Bev Owen*  
Bev Owen, Commissioner

CAET RECEIVED  
JUN 26

A few years ago while serving on a 5-state 2 province legislative committee, we were in California after a devastating fire. A long time forest ranger told us that there are going to leave the forest one of two ways: 1- on a log truck, or 2- in smoke.

My question to you as public servants is which method serves society and the environment the best??? You and I both know that planned harvest is much much much better than the total devastation left by fire.

Without roads you basically leave affordable timber harvest out of the picture.

If you are planning to destroy established roads, you create more erosion than the roads cause except for some very steep areas.

If part of your bottom line is to save salmon, please check with the scientists at Oregon State University. It is my understanding that up to 80% of the demise of salmon is due to ocean conditions!

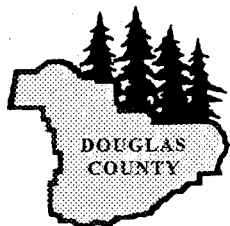
Roads are essential for wise and credible management of our forests both for wildlife & humans.

Thanks, Liz Van Leeuwen

CAET RECEIVED

JUN 20 2000

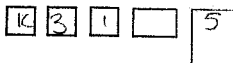
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## BOARD OF COMMISSIONERS

DOUG ROBERTSON JOYCE MORGAN MIKE WINTERS

1036 S.E. Douglas Ave., Room 217 • Roseburg, Oregon 97470 • (503) 440-4201



July 13, 2000

USDA Forest Service -CAET  
Attn: Roadless Areas NOI  
P.O. Box 221090  
Salt Lake City, Utah 84122

Re: National Forest System Roadless Areas  
Draft Environmental Impact Statement

Dear Sirs:

The Board of Commissioners for Douglas County, Oregon have reviewed the Draft Environmental Impact Statement and Proposed Action relative to the roadless areas on the National Forest System. While the Board appreciates this opportunity to provide comments, it is our opinion that the proposed action is misguided and will adversely affect the forests of Oregon.

The pending action is generating considerable discontent and distrust of the Forest Service's planning efforts. The issues addressed in the proposed action are issues that have been extensively debated in Oregon and resolved both through legislation and through compromises that are the foundation of the existing Land and Resource Management Plans. It is our position that the land allocations for the roadless areas were made legislatively during the Oregon Wilderness Act and other wilderness acts affecting Oregon, and have been administratively resolved through the local forest plans as amended by the Northwest Forest Plan. We therefore request that Oregon not be included within this rulemaking.

With the Forest Service's inability to implement the existing plans in a timely manner, it is our position that the time and monies of the Forest Service would be better spent in implementing the existing forest plans. If the roadless areas are to be set aside then adjustments must be made to the existing plans to find replacements for the volume of timber sales, recreational opportunities, and wildlife outputs that will be lost as a result of the proposed action.

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USDA Forest Service -CAET  
July 13, 2000  
Page 2

If you have any questions on the enclosed comments please don't hesitate to contact this office.

Sincerely,  
BOARD OF COMMISSIONERS  
DOUGLAS COUNTY, OREGON

*Michael J. Winters*  
Mike Winters, Chair  
*Doug Robertson*  
Doug Robertson, Commissioner  
*Joyce Morgan*  
Joyce Morgan, Commissioner

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## COMMENTS OF THE

BOARD OF COMMISSIONERS  
DOUGLAS COUNTY, OREGON

on the

FOREST SERVICE  
ROADLESS AREA CONSERVATION  
PROPOSED RULE AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

## 1. The Proposed Rule states that:

(t)his proposal is in response to strong public sentiment for protecting roadless areas and the clean water, biological diversity, wildlife habitat, forest health, dispersed recreational opportunities, and other public benefits provided by these areas.

To be consistent with the Forest and Rangeland Renewable Resource Planning Act of 1974 as amended (hereafter "RPA"); the National Forest Management Act (hereafter "NFMA"); and, the Multiple Use Sustained Yield Act (hereafter "MUSY"), the Forest Service should respond to the public demand through the comprehensive planning process of the Land and Resource Management Plans (hereafter "LRMP") process. By examining one issue (roadless management) in isolation, the resulting management policies will not provide for multiple use and sustained yield in a coordinated and consistent manner.

The LRMP was designed to guide all natural resource management activities and in turn determine resource management practices, levels of resource production and management, and suitability of lands, all in a comprehensive approach that was responsive to changing social and economic demands.

The nationwide approach to roadless management runs counter to the goal of a coordinated, integrated, and consistent planning process. It is our recommendation that the roadless issue be addressed in the LRMP process wherein all resource outputs are balanced to determine the maximum long term net public benefits.

2. The Forest Planning regulations specify that the responsible officer for making planning decisions such as the roadless policy is to undertake a review of the planning and land use policies of local governments and display the results of this review within the environmental impact statement. We did not notice this analysis in the Draft Environmental Impact Statement (hereafter "DEIS"). We request that the responsible officer contact the local government directly to address the issues necessary to coordinate our planning processes, including our local landuse goals and policies.

Page 1 COMMENTS OF DOUGLAS COUNTY ON THE ROADLESS DEIS

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3. We note that the DEIS (p. 3-209) states that the roadless issues:

"... have not been effectively resolved at the local level in many places..."

This is not an accurate statement for Oregon, in that this issue has been addressed and was resolved through the enactment of the Oregon Wilderness Act; Hells Canyon National Recreation Area Act; Northwest Forest Plan; and, the various Land and Resource Management Plans. The above referenced statement is clearly not applicable to the National Forest System lands within Oregon. We therefore recommend that the proposed rules not include Oregon.

4. The DEIS notes that some commentators think the roadless issue must be resolved at the national level because they believe the local Forest Service officials are subject to the influence of special interest groups. However, this statement is totally without substance. First, the roadless issue in Oregon was resolved at the national level by Congress and the Chief when he approved the various LRMPs and the Northwest Forest Plan. Secondly, if local Forest Service officials are subject to the influence of special interest groups (on any side of the issue), then this is resolved through personnel management not a land management decision.

The above referenced DEIS statement simply ignores that the land allocations and management decisions relative to the roadless areas were not made by the local Forests in isolation. Prior to adoption, the LRMPs were reviewed by the Regional and Washington offices. Likewise after adoption, any appeal or challenge to the LRMPs were resolved at the Regional office and generally only after concurrence by the Washington office. The lack of substance to the DEIS statement is clearly demonstrated by the Northwest Forest Plan which was addressed directly by the President of the United States.

The DEIS statement is just one example of the shallowness of the rationales presented as justification for this nationwide forest land use planning effort. The DEIS is permeated with similar statements that simply lack a logical or substantive basis. Throughout the DEIS the statements which serve as the basic justification for the proposed action rule simply do not reflect the history of federal forest land management planning relative to the roadless issue. Absent a more in depth justification for this proposed rule, it is our position that this action is not supported by history and undermines the entire forest planning process.

5. The DEIS suggests that the proposed rule will have a negligible impact on the timber harvest programs. However, close scrutiny of the anticipated impacts reveals that under the sale program currently in place the proposed action represents a significant reduction in timber sale volumes.

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For example the Umpqua National Forest projects the impacts of this roadless rule will reduce the proposed sale quantity by 7 MMBF over a three year period. The current programmed timber sale volume for this forest is currently 78 MMBF (expected to decrease in 2000 to 50 MMBF under the survey and manage program) as compared to the 337 MMBF under the 1990 LRMP. If the forest were being managed on the original LRMP value, this would in fact be a relatively small volume of timber, however under the current programmed harvest the proposed reduction is significant. Either under the proposed sale volume or the LRMP volume the proposed decrease would be a significant reduction sufficient to trigger a forest plan revision. We note that during the LRMP process the Forest Service noted that a reduction of 10% would be considered a significant change and would trigger a revision or amendment.

6. Notwithstanding that the current programmed sale levels are significantly lower than the harvest levels adopted during the LRMP process, the Forest Service is not able to met these lowered programmed sale levels. It is our position that the public would be better served and the Forest Service's time and money better spent if it shifted its attention to implementing the existing forest plans.

7. We recommend that all of Oregon be deleted from the proposed Part One and Part Two. The roadless and unroaded areas in Oregon were the subject of intensive debate in the Oregon Wilderness Act, the Oregon Omnibus Wild and Scenic Rivers Act, the Hells Canyon National Recreation Area Act, and the various land and resource management plans. These various planning efforts were designed to resolve the same roadless issues now being re-addressed in the proposed rules.

8. We note that in the Central Idaho Wilderness Act of 1980 (Public Law 96-312), Congress specifically stated its intent that the wilderness legislation was a comprehensive land allocation decision relative to the roadless areas. Similar land allocations were made in the Oregon Wilderness Act of 1984. Congress specifically reviewed the roadless areas and in turn designated lands in Oregon as wilderness for their traditional wilderness values as well as a means to protect them for their watershed, wildlife habitat, scenic and historic, and primitive recreation values (See "Oregon Wilderness Act of 1983, Hearings Before the Subcommittee on Public Lands, Reserved Water"). These are the same values that are now being re-evaluated in the proposed rules. To avoid conflicts with these earlier congressional reviews and comprehensive lands allocations, we suggest that these Congressional designations be followed.

9. We note that the adoption of the proposed rule to temporarily suspend road construction or reconstruction within National Forest System roadless areas is viewed as critical to preserve land and resource management options." (63 F.R. 9980-02). However, this

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preservation of management options for the roadless areas is in direct contradiction to the Congressional intent relative to roadless areas as expressed during the 1981 designation of wilderness in California. We note the following statement in the Committee Report:

The fact that the wilderness option for roadless areas will be considered in future planning raises the hypothetical argument that the areas therefore must be managed so as to preserve their wilderness attributes so that these may be considered in the future. Such an interpretation, however, would result in all roadless areas being kept in de facto wilderness for a succession of future planning processes. Such an interpretation is obviously incorrect, and if applied, would completely frustrate the orderly management of nonwilderness lands and the goals of the Forest and Rangeland Renewable Resources Planning Act. (Committee on Interior and Insular Affairs, 97th Cong. 1st Sess. Report No. 97-181, p.45) (emphasis added). See also Committee on Energy and Natural Resources, 96th Cong. 2d Sess., Report No. 96-914, p. 26.

As noted above, the preservation of roadless areas to maintain options for future plans is inconsistent with the Forest and Rangeland Renewable Resources Planning Act as well as the various wilderness acts.

10. The Summary Section of the DEIS references the following statement by President Clinton dated October 13, 1999:

"Within our national forests there are large parcels of land that don't contain roads of any kind, and in most cases, never have. . ."

(DEIS, S-1). Notwithstanding the President's direction to develop a regulations for these roadless areas, the Proposed Rule has departed from the President's direction and now encompasses lands which are in fact roaded.

11. The Proposed Rules discuss the prohibition on road construction and reconstruction in the inventoried roadless areas (§294.12) but does not provide any guidance relative to the other unroaded areas. If it is the intent that road maintenance, reconstruction and construction are management decisions left to the local land managers discretion, then to avoid confusion and more gridlock, we recommend that the rules clearly indicate this intent.

12. The Proposed Rules are silent as to "road maintenance" in the inventoried roadless areas. Since these areas contain both classified and unclassified roads, in order to insure appropriate land management tools are available to address road erosion and washout problems in these areas, we recommend that specific

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provisions be included to allow road maintenance activities within these areas.

13. We note that the proposed road rules included a reference to "Public Roads" which are in addition to the "classified" and "unclassified roads". We suggest to avoid confusion and to be consistent with the companion rulemaking that the Proposed Rules also incorporate management direction for these "Public Roads" which are under the jurisdiction of the local governments.

14. While the Proposed Rules address classified and unclassified roads, we suggest that it also develop a management strategy for those roads that have been closed or obliterated in the last few years to create unroaded areas. These recently created unroaded areas do not contain the same basic values that are the driving force for this rulemaking and should therefore either be excluded or a new category developed for these lands.

15. The Proposed Rules also fail to incorporate the requirement for "consultation with affected State, tribal, and local governments in identifying transportation needs" as set forth in the companion rulemaking (65 FR 11680, 11682). We suggest that this consultation provision also be adopted into the Proposed Rules.

16. We note that the Proposed Rule states that it does not compel the amendment or revision of any land and resource management plan (§294.14(b)) or suspend or modify any decision made prior to the effective date of the rule (§294.14(c)). Notwithstanding this statement, the Forest Service's local presentations indicated that this Proposed Rule will have an immediate impact on the inventoried roadless areas.

Since the inventoried roadless areas were allocated into numerous land allocations during the LRMP decision making process, it appears from the Proposed Rule language that these allocations and management options for those allocations will continue until the plan is amended or revised.

This is an important issue since the LRMP allocation process allocated some of these lands for timber harvest, dispersed roaded recreation, elk management, and other allocations that required active management, it appears that either these allocations and management strategies override the Proposed Rule or if the Forest Service comments are correct, the Proposed Rule intends something other than what it states.

17. The Forest Service justifies the Proposed Rule in part due to its lack of resources to maintain the existing road system, however it does not explain how prohibiting road construction in the inventoried roadless areas addresses the ability to maintain existing roads.

Page 5 COMMENTS OF DOUGLAS COUNTY ON THE ROADLESS DEIS

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Under the NFMA, any new roads are required by law to have their vegetative cover reestablished within ten years after the termination of the contract, permit, or lease unless they are to become part of the permanent road system. (See 1976 U.S. Cong. & Adm. News 6662, 6678). The risks and impacts discussion in the proposed rule simply ignores the requirement that any road must be designed and revegetated in a manner that restores the area. If there are adverse impacts resulting from roads built since 1976, then the solution is for the Forest Service to either comply with existing law and/or reexamine road design standards - not to remove the lands from multiple use management.

18. If the basis for the proposed rules is in response to public opinion, the environmental documents should quantify how this public opinion has changed since these issues were addressed in the earlier, RARE, ReRARE, RARE II, Oregon Wilderness Act, Northwest Forest Plan, Hells Canyon National Recreation Area Act, and the various land and resource management plans. The issue of roadless area management was extensively debated in all of these processes, and the final decisions were designed to balance the various needs for the national forests. Any alteration in this balance should be addressed in the forest plan revision process and not on a generic one size fits all strategy.

19. The roadless proposal sets forth a two step process, one of which immediately restricts activities in some of the inventoried roadless areas and the second step identifies what activities will be allowed on the roadless lands. Under the Council on Environmental Quality ("CEQ") regulations, these two steps are in fact connected actions that have obvious and directly linked cumulative impacts. To comply with the CEQ regulations, the two actions should be discussed in a combined environmental document.

20. The DEIS (3-6) references that the regions with the highest population densities have the least amount of inventoried roadless area and that the highest demand for the unroaded benefits are in these areas. However, we note that (DEIS 3-3) the areas with the most inventoried roadless areas (Alaska and Idaho) are in fact farthest from the population centers. Given the demand in regions other than where the majority of inventoried roadless lands are located, it appears that the proposed action with its emphasis on unroaded areas in low population density areas does not address the stated purpose and need.

21. Page 3-1 of the DEIS states that 28% of the National Forest System is within inventoried roadless area, 22% is within Wilderness, National Monument, Wild and Scenic River or some other similar designation that prohibits or restricts roading, and that the remaining 50% is managed for other uses which by implication includes road construction and reconstruction. This DEIS statement is misleading in that it ignores that the majority of the forests in Oregon are managed as late successional reserves, spotted owl

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habitat, riparian buffers and other similar land classifications. To present an accurate picture of the land management status, it would be more appropriate to include all land management classifications and state the likelihood of road construction under each of these classifications. Absent this information the public does not have the opportunity to knowingly comment on the proposed action.

22. The DEIS notes that "... timber production from NFS lands is expected to remain stable at about 3.0 to 3.5 billion board feet per year" (DEIS 3-9). Since the majority of the forests in Oregon are not meeting their assigned timber sale levels, let alone the LRMP levels, it is difficult to understand how the Forest Service can make the statement that timber production will remain stable. This is clearly a misleading statement.

23. The analysis assumes that timber harvest reductions resulting from the prohibitions proposed would not be replaced with timber volume from other NFS lands (DEIS 3-11), however since the same attributes and amenities that are allegedly benefitted by the proposed action are also found in land management prescriptions already in place on other NFS lands, we recommend reexamining these other land allocations and prescriptions to determine if they can be eliminated or otherwise modified to replace the lost timber volumes. This is particularly relevant on the Oregon forests where the majority of NFS lands are now managed for biodiversity, endangered species, recreation, and other non-timber values.

24. While the DEIS (3-12) indicates that proposed recreation developments in inventoried roadless areas would be allowed to continue if special use permits are in place, this is misleading since there are numerous activities that are proposed, in development, or in place, that do not currently have special use permits covering all of the activities or lands. Further, the DEIS statement ignores the issue that will arise relative to modifications or renewals of the special use permits. We suggest that any rule clearly address this issue.

25. The DEIS (3-12) also notes that under the proposed action an increase in fire suppression costs will occur as a result of increase in fire size and frequency. With the history of major catastrophic fires in eastern Oregon associated with roadless, natural areas, and the Wilderness areas, it is our position that the proposed roadless management strategy is not well advised. If it is adopted, then we strongly recommend that clear direction be incorporated relative to fire response activities.

26. As with the increased risk of fire, the DEIS (3-12) acknowledges that insect infestation and disease will continue to be a problem on the roadless and unroaded areas. While the DEIS indicates this risk is particularly high on 7 Million acres of inventoried roadless areas, based on our knowledge of the local

Page 7 COMMENTS OF DOUGLAS COUNTY ON THE ROADLESS DEIS

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roadless and unroaded areas it is our opinion that this value is significantly understated. We suggest that this issue be reevaluated and specific direction be incorporated as to insect and disease response within the unroaded and roadless areas.

27. The DEIS (3-13) notes that the Weeks Act of 1911 allowed the Forest Service to purchase lands in the Eastern United States, however we note that lands were also purchased in Oregon under the same authority. The Weeks Act is particular relevant to this decision in that lands that were acquired under the Weeks Act were acquired only with the consent of the affected counties, which consent was given with the understanding these lands would be used for commodity production and in turn a 25% return to the counties. Prior to placing any of the Weeks Act lands into roadless or unroaded categories under this action the Forest Service should obtain the consent of the counties.

28. The DEIS (3-15) notes that the majority of roads built over the last decade on the NFS lands were to support timber harvest. While the initial construction may have been for timber harvest we note that these roads were frequently overbuilt to allow recreational use as well and were in turn not revegetated after timber harvest. The DEIS should clarify the number of miles built and maintained solely for timber harvest as opposed to the roads built and maintained for multiple use.

29. The DEIS states that over half of the watersheds that contain inventoried roadless areas provide water to downstream facilities that great and distribute water to the public. However examining Figure 3-12, it appears that large watersheds such as the Missouri River and Yellowstone Rivers which are substantially downstream of the roadless areas were included. We suggest that the source areas only include those areas wherein impacts associated with the roadless areas are directly measurable and not simply reference all facilities downstream of the roadless area.

30. As noted above, a similar lack of cause and effect is evidenced in Figure 3-13. The DEIS should reference how many of the roadless areas fail to meet the water quality standards and which standards are violated. For a number of the regions listed background and natural conditions (ie. hot springs) will prevent the attainment of water quality standards.

31. The effect of fire on the inventoried roadless areas as stated on page 3-41, overlooks that due to physiographic features the fires disproportionately impact the intermountain and eastern Oregon lands more than other areas. In eastern Oregon these fires have had catastrophic environmental impact on the roadless areas. Any roadless policy needs to address fire management.

32. We note on page 3-112, that net annual growth on the NFS in 1997 was 20.5 billion board feet while removal from all sources

Page 8 COMMENTS OF DOUGLAS COUNTY ON THE ROADLESS DEIS

including natural mortality (ie. insect, disease, fire) and harvest totaled only 4.1 billion board feet. This growth and yield indicates that there are options to reduce development pressure on the roadless areas by increasing the harvest levels on the remaining lands or to spread the impacts across a larger land base. It is notable that in the Pacific Northwest the programmed sale levels are far lower than the LRMPs allow.

33. Notably absent from Table 3-22 is any reference to the changes in allowable sale quantity in the Northwest forests of Region 6. With the adoption of the Northwest Forest Plan with its concurrent amendment to the LRMP's the ASQ levels have dropped significantly. It would be helpful for the decision maker to have a complete picture of the actual ASQ levels from all of the National Forests in order to properly evaluate the impacts of the proposed actions. it

34. While the DEIS (3-120) notes that:

"Recreation use data has never been collected specifically for inventoried roadless and other unroaded areas. As a result, estimates of environmental consequences based on use cannot be made with any degree of precision."

Notwithstanding this statement, there are numerous reports on the recreational use of the roadless areas. Most notable are the recent monitoring reports and studies of unroaded recreation usage which indicate that the recreation use of the unroaded areas is not dependent upon large areas of unroaded nature. Rather these recent studies indicate that road usage is the predominate recreational use and that even wilderness use is limited to those areas close to roads (See "Changes in Use of Three Oregon Wildernesses 1976-1993" T.E. Hall & B.E. Shelby, June 1995). Likewise, the Umpqua National Forest monitoring results reveal that the unroaded recreation management areas have not had the growth as projected in the LRMPs. Contrary to the DEIS, the monitoring data and other studies on recreation use, do not support the position that there is an increasing demand or that existing roadless areas do not meet the demand.

35. We note that off-road vehicle use, such as snowmobiles, accounts for a significant amount of the recreational use within the roadless areas of Oregon. It is our recommendation that snowmobiles not be prohibited from the inventoried roadless and unroaded areas.

36. Prior to adoption of the proposed action, we suggest that legal review be conducted to determine if this administrative action can prohibit access to mining claims on the NFS lands. (See DEIS 3-145).

37. It is our understanding that the proposed action specifically allows existing special use permits or mineral leases to continue but that once the lease expires, the permit or lease would not be renewed (or if renewed conditions would be added to prohibit surface occupancy) (See 3-145). We suggest that this position be carefully reexamined and that lands with existing special permitted uses; oil, gas, or mineral leases; or utility corridors be defined as not roadless or unroaded lands.

38. As graphically presented in Table 3-36, the risk of large fires in roadless and unroaded areas is significantly higher than in other areas within the NFS. This is of particular concern to Oregon where large resource damaging fires have occurred in unroaded and roadless areas in recent years. With the high levels of dead and dying timber on the roadless and unroaded areas they represent a significant risk of wildfire. Given the size of these fires it is virtually impossible to control them if not quickly contained. Due to the increased fuel loadings we suggest that a clear and in depth direction be given to the forest managers to reduce fuel loadings and take all steps necessary to prevent the spread of these fires.

39. It is particularly upsetting to us that the Forest Service has chosen to describe the rural communities as uneducated, migrant, poor, divorce-prone, and apathetic to their local communities (DEIS 3-190). This characterization of resource dependent communities exhibits a callous and cavalier attitude towards people who will be significantly impacted by the proposed action. This attitude clouds the analysis and indicates that the decision making process was arbitrary, capricious, and woefully misguided.

40. We caution against the reliance on public opinion surveys and interpretations thereof relative to the public's position on NFS management (See 3-163). Absent a close scrutiny of the questions and the manner in which the poll was taken these reports are fraught with error and are notoriously scientifically unreliable.

41. We note that the discussion relative to community stability, resiliency and dependency, totally overlooks the impact on the local communities by the Forest Service's failure to implement the LRMP's and other land management directions. The continual focus of the Forest Service on fostering conflict in natural resource management through controversial policies such as this proposed rule, has resulted in a growing distrust of the Forest Service's ability to manage the lands and resulted in a lack of confidence in the forest planning processes.

42. Table 3-54 is misleading in that it fails to list a number of national forests and communities that will be directly affected by the proposed action. To insure that the public has the opportunity to fully understand the impacts of the proposed action and in turn knowingly comment, a supplemental DEIS should be prepared that

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discusses all of the affected national forests and communities. The absence of this information in Table 3-54, raises the specter that these communities and forests were not considered in developing the DEIS.

43. We note that Table 3-54 was based on the criteria that local wood processing firms used at least 50% NFS timber (3-215). This artificial constraint eliminated a major part of the timber dependent communities in Oregon since the recent injunctions as well as the reductions resulting from the Northwest Forest Plan and Eastside Screens funding for NFS timber sales has virtually eliminated NFS timber from the market over the last five years. This chart clearly presents an erroneous picture and should be redone depicting all forest dependent communities.

44. We note that the only potentially affected community on the Willamette NF is "Yoncella, OR" (sic). Given that the mill in Yoncalla has been closed for several years we question whether the data source was sufficiently current to fully assess the impacts on local communities. To illustrate that the data source was outdated we note page 3-215, wherein it is noted that the data source was compiled in 1987, over thirteen years prior to the development of this proposed action. Similar concerns about the lack of accurate data on timber dependent communities can be found throughout Oregon. The lack of timely data and failure to attend to detail seriously undermines the credibility of the proposed action.

45. Since the designation of some lands for roadless protection will also result in other lands being released or designated for other development usage, the draft EIS should discuss the impact and management activities expected on the released lands. This analysis is necessary to comply with the requirements of California v. Block, 690 F.2d 753 (9th Cir. 1982) that an EIS is required prior to releasing lands for other management purposes.

46. While the DEIS indicates that recreation use will not be adversely affected, we note that since some of the inventoried roadless areas were classified in the land and resource management plans as semi-primitive motorized recreation, and wildlife emphasis, a prohibition on roads and reconstruction would preclude meeting these management objectives.

47. We question whether changing the management character of the roadless lands outside the context of the forest plan is consistent with the National Forest Management Act, Renewable Resources Planning Act, and the Forest and Rangelands Renewable Resources Planning Act. Since a management change in these areas has the potential to adversely affect the remaining areas of the forest, we suggest that the roadless issue only be addressed in the context of the forest plan.

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48. Since there is some question as to the extent that the proposed roadless policy was drafted by a non-FACA chartered group, we request that all communications with private parties or other non-Forest Service agencies that have occurred within the past year be disclosed as an appendix to a supplemental environmental document.

49. As noted in local newspaper articles the environmental review and announcements of proposed roadless planning regulations has the appearance of being solely to justify a decision already made, in violation of NEPA regulations. If any other decision document or direction - that is not made public - has been presented or is presented to the deciding officer along with the environmental documents, then these documents should be submitted to the public for review prior to a final decision (See 40 CFR 1505.1(e)).

50. Since the Forest Service has a history of its unmanaged stands contributing to and exacerbating forest insect epidemics and catastrophic fires that have in turn spread to neighboring private lands, the environmental document should clearly describe the impact of the proposed action on private lands. We note that in the Wilderness Act, Congress specifically provided that "measures may be taken as necessary in the control of fire, insects, and disease" (16 U.S.C. §1133(d)(1); See Sierra Club v. Lyng, 663 F.Supp 556 (D.D.C. 1987)). Further Congress directed that the Forest Service was to undertake:

"... timely and efficient fire, insect and disease control to the extent reasonably practicable, adequate protection of adjacent Federal, State, and private non-wilderness lands from forest fires and disease or insect infestations."

(Public Law 96-450, § 109)

We recommend that any resulting decision clearly identify management strategies that will be implemented to insure the Forest Service will be a "good neighbor" in its management of the roadless areas.

51. The rules and environmental documents should incorporate a monitoring plan that allows for early detection of insect and disease risk; fire fuel loadings; and attainment of the roadless management goals. The funding source for this monitoring program should be in place prior to adoption of the rules.

52. We note that some of the "inventoried roadless areas" have historical trails, ways, cattle driveways, and roads that constitute RS 2477 roads. To adequately protect these trails, ways, and roads, the proposed rule and environmental documents must discuss how the Forest Service will protect the public rights to these areas.

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53. Under the Forest and Rangeland Renewable Resources Planning Act, land use planning on the National Forests was to give major consideration to their impact on plans developed by local governments, including the impact of the Forest Service road network on the local road systems (See Senate Report No. 93-686 (1974)). Since the closure, and lack of reconstruction, of Forest Service roads has the potential to affect local government plans and road systems the specific impacts on the local road system must be disclosed and discussed with local governments prior to adoption of the proposed action.

54. Since the proposal is described as necessary to "protect roadless areas" it implies that the current management does not "protect" these areas. We suggest that EIS describe the site specific management currently in place and describe how these strategies do not provide the perceived protection that is the purpose or need for the proposed action.

55. In discussing the alternatives that relate to "commercial timber harvest" we suggest you reference the term "scheduled" harvest to distinguish between "unscheduled" harvest and other activities.

56. In developing the alternative that proposes to prohibit all activities, we recommend that the phrase "subject to valid existing rights" be fully explained. To understand this alternative and knowingly comment it will be necessary to identify what rights are covered by this phrase and under what circumstances they will be or can be terminated. We are particularly concerned over the impacts to grazing permits, water diversion facilities and ditches and canals, telecommunication sites, mining claims, road and water easements, and recreational developments that may occur on both existing permits, renewals, or upon the transfer of these permits. For example since the transfer of grazing permits requires a new permit, will the Forest Service cancel the permits if the current permittee attempts to transfer the permit.

57. We note that in the Wilderness Acts, Congress specifically addressed grazing usage within the wilderness (See "Grazing in National Forest Wilderness" H.Rep. 96-617, 1980) in order to clearly state that grazing was a permissible use within these areas. To avoid any confusion that grazing is a priority use within the roadless and unroaded areas, we suggest that similar statements be included in the proposed rules.

58. Prior to adopting the final rule, the Forest Service should clearly specify when the "uninventoried roadless areas" are to be inventoried and clarify that existing management is not changed prior to completion of the inventory. Absent a clear and strict time line, the failure to act could create additional gridlock in management of the National Forests.

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To manage these lands to maintain options for further roadless inventory is contrary to the Congressional intent relative to roadless areas as expressed during the 1981 designation of wilderness in California. We note the following statement in the Committee Report:

The fact that the wilderness option for roadless areas will be considered in future planning raises the hypothetical argument that the areas therefore must be managed so as to preserve their wilderness attributes so that these may be considered in the future. Such an interpretation, however, would result in all roadless areas being kept in de facto wilderness for a succession of future planning processes. Such an interpretation is obviously incorrect, and if applied, would completely frustrate the orderly management of nonwilderness lands and the goals of the Forest and Rangeland Renewable Resources Planning Act. (Committee on Interior and Insular Affairs, 97th Cong. 1st Sess. Report No. 97-181, p.45) (emphasis added). See also Committee on Energy and Natural Resources, 96th Cong. 2d Sess., Report No. 96-914, p. 26.

As noted in the proposed rules, one of the purposes of the road program is to provide additional wilderness protection, a purpose which is inconsistent with Congressional intent in adopting the various wilderness acts.

59. Under the NEPA regulations an agency can not commit resources prejudicing selection of alternatives or otherwise limiting the choice of alternatives before making a final decision. We note that the Forest Service has been closing and obliterating roads with the stated intent to create larger unroaded areas. To insure that the agency allows for proper review and comment by the public, we suggest that all roadless areas created or enlarged by road closures be identified.

60. We note that in the "Advance Notice of Proposed Rulemaking" the statement that the existing road system on National Forest System lands "was largely funded and constructed to develop areas for timber harvesting and the development of other resources." (63 F.R. 4350-01, p. 1). However, it is worth noting that these roads were most often built to a higher standard than necessary solely for timber harvesting. As a result, the local counties' timber receipts were reduced while the Forest Service used these timber receipts to subsidize the other forest uses (See Sen. Report No. 93-686 re. revenue taking from the counties). To a large extent these forest roads were built to higher standards solely to accommodate recreational uses. Absent these recreational needs the roads would have or could have been closed after logging.

61. We are particularly concerned about the application of this moratorium to the lands within the Interior Columbia Basin project area. The counties were repeatedly told that planning for this

Page 14 COMMENTS OF DOUGLAS COUNTY ON THE ROADLESS DEIS

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region was to be ecosystem wide and in collaboration with the counties. While it was envisioned that a collaborative process was being established, the imposition of a new roadless policy without direct collaboration with the local counties raises serious questions as to the integrity of the Interior Columbia Basin planning process. The ICBEMP cannot succeed if it is overridden by a piece-meal approach developed outside the region. The ICBEMP is not only an ecosystem strategy it is, and probably most important, a new collaborative approach to forest management that was designed to collaboratively resolve the very issues raised in this proposed rulemaking (ie. proper treatment of roadless areas, transportation systems, and forest health and recovery).

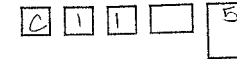
62. Contrary to the Forest Service statements that the bulk of the roadless areas are located in "rocks and ice" environments, the majority of the roadless and unroaded areas within Douglas County are in dry forest areas.

63. Since a major part of the programmed timber sale program for the Umpqua National Forest is to be derived from roadless areas, any reduction in the Land and Resource Management Plan timber sale volumes should be offset by redesignating lands that are currently within late successional reserves as matrix.



# County Court of Grant County

Dennis Reynolds, Judge  
Bob Kimberling, Commissioner  
Leonard Trafton, Commissioner



July 13, 2000

**CAET RECEIVED**

**JUL 17 2000**

USDA Forest Service-CAET  
Attn: Roadless Areas NOI  
P.O. Box 221090  
Salt Lake City, Utah 84122

Re: National Forest System Roadless Areas  
Draft Environmental Impact Statement  
Our File No. 91089

Dear Sirs:

On behalf of the County Court for Grant County, Oregon, we have prepared the enclosed comments relative to the Draft Environmental Impact Statement for the National Forest System Roadless Areas. The Grant County Court appreciates this opportunity to provide these comments.

While the County Court's comments are set forth in more detail in the attached materials, we wish to emphasize that the roadless issue has been frequently debated, and numerous legislative and planning efforts have resolved this issue for Oregon. It is our position that the land allocations for the roadless areas were made legislatively during the Oregon Wilderness Act and other wilderness acts affecting Oregon. We therefore request that the national forests of Oregon not be included within this rule making.

The Grant County Court is particularly concerned over the potential for major catastrophic losses within the roadless areas and adjacent areas as a result of the proposed action. Within Grant County the roadless areas are characterized by overstocked stands on dry sites. Due to the large amount of overstocked, dead, and dying timber on these stands, the conditions are ripe for catastrophic fires and insect outbreaks. The proposed rules will severely limit the ability to restore these stands to their natural condition and to protect the adjacent lands.

It is the position of the Grant County Court that rather than expend the time and money on continuing the proposed rule making that the Forest Service devote its time and monies to implementing the existing forest plans.



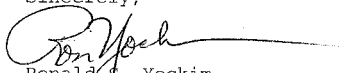
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USDA Forest Service -CAET  
July 13, 2000  
Page 2

The County Court of Grant County attached comments on the DEIS which it shared with Douglas County, Oregon. The text of that summary is included in this volume under the Douglas County entry.

If you have any questions on the enclosed comments please don't hesitate to contact this office.

Sincerely,

  
Ronald S. Yockim  
Of counsel to the  
Grant County Court

RSY/bg  
Enclosure

cc. Grant County Court



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13552

# County Court for Harney County

450 North Buena Vista  
Burns, Oregon 97720  
Phone: 541-573-6356 Fax: 541-573-8387

June 20, 2000

CAET RECEIVED  
JUL 03 2000

USDA Forest Service – CAET  
Attn: Roadless Areas Proposed Rule  
PO Box 221090  
Salt Lake City, Utah 84122

To Whom It May Concern:

Please accept the following comments from the Harney County Court, State of Oregon for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Although these comments may be general they will be supported by our review of the Draft EIS with other Oregon counties and the Association of Oregon Counties.

At this time we would like to address four areas of concern we have with the Draft EIS.

1) *The Draft EIS does not adequately address the impacts on Counties and Local Governments.*

Although the Forest Service asserts that its assessment method conducts a "qualitative" analysis of most impacts it, in fact, only evaluates agency costs, timber and road construction/reconstruction. There are associated impacts related to recreation use, stewardship timber harvest, fuel reduction, catastrophic fire, ecological factors, wildlife, etc. How can the Forest Service make an informed decision with such a lack of information necessary for adequate analysis?

2) *The Draft EIS contains numerous NEPA deficiencies.*

Following is a list of areas in which the Draft EIS does not meet basic Council on Environmental Quality Regulations for NEPA:

- The NEPA process must be useful to decision-makers.
- Emphasize interagency cooperation including counties.
- Identify environmental effects and values in adequate detail so they can be compared to economic and technical analysis.
- Study, develop and describe appropriate alternatives.
- Consult early with State and local agencies.
- Invite the participation of Federal, State and local agencies.

- Statements shall be concise, clear and to the point, and shall be supported by evidence.
- Statements shall be analytic rather than encyclopedic.
- Agencies shall not commit resources prejudicing selection of alternatives.
- Statements shall assess the environmental impacts, rather than justify decisions already made.
- Each statement shall contain a summary that adequately and accurately summarizes the statement.
- Rigorously identify, explore, and objectively evaluate all reasonable alternatives
- Avoid useless bulk.
- Circulate the statement and request comments from Federal, State and local agencies authorized to develop and enforce environmental standards.
- Incorporate material by reference only when it is reasonably available.
- Insure the scientific integrity of discussions.

3) *The Draft EIS appears to be biased and pre-decisional.*

It appears that the Draft EIS lends support only for selecting the preferred alternative and proposed action. We are basing this statement on several examples, which are following:

- On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest or many other multiple uses.
- The Vice President made a statement regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He said "And just so I'm crystal clear about it: No new road building and no timber sales in the roadless areas of our national forests." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel it necessary to follow the direction of the Vice President without conducting an objective analysis.
- Rather than providing an objective analysis of all alternatives, issues and effects the document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas.

4) *The Draft EIS contains discrepancies and contradictions relating to conclusions and data.*

There are so many discrepancies and contradictions relative to conclusions and data that it is hard to decide which are fact and which are personal biases on the authors part. For example:

- In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and

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- a) In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state that "...the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed recreation activities in roadless areas." Which is it? The first statement harshly contradicts the second.
  - b) The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options.
  - c) The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects, which can be equal to or more destructive than planned management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.

In conclusion, it is our wish to go on record as requesting that the Forest Service either:  
 1) Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as participants in the process; 2) Supplement this Draft EIS, as per CEQ Regulation 40 DFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impacts; or (3) Revise the Draft EIS as per CEQ Regulation 40 CFR 1502.9(a), to address inadequacies that preclude meaningful analysis.

Thank you,



Steven E. Grasty,  
 Judge, Harney County Court

SEG:sj



**Board of County Commissioners**

Sue Kupillas  
 Commissioner

10 South Oakdale Ave., #200  
 Medford, Oregon 97501  
 (541) 774-6119  
 Fax (541) 774-6705  
 KupillSC@jacksoncounty.org

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**COUNTY**

**Board of County Commissioners**

Ric Holt (541) 774-6117  
 Jack Walker (541) 774-6118  
 Sue Kupillas (541) 774-6119  
 Fax (541) 774-6705

10 South Oakdale, Room 200  
 Medford, Oregon 97501

USDA Forest Service CAET  
 Attn: Roadless  
 P.O.Box 221090  
 Salt Lake City, Utah 84122

To Whom It May Concern:

This letter is to request an extension to the comment period. I will need 120 days in total, not the limited 60 days, to read and research and respond to the Roadless DEIS.

Sincerely,



**CAET RECEIVED**

MAY 23 2000

JOSEPHINE COUNTY

541 474 5105

07/17 '00 09:25 NO.159 01/02



## Josephine County, Oregon

Board of Commissioners: Jim Brock, Harold L. Haugen, Frank Iverson

Josephine County Courthouse  
500 NW 6<sup>th</sup> Street / Grants Pass, OR 97526  
(541) 474-5221 / FAX (541) 474-5105  
<http://www.co.josephine.or.us>

10 July 2000

USDA Forest Service-CAET  
PO Box 221090  
Attn: Roadless Areas Proposed Rule  
Salt Lake City, UT 84122  
BY FAX: 877-703-2494

Dear Forest Service:

The Association of Oregon Counties represents all 36 Oregon counties. County government has a long-term and close relationship with the federal government in matters of national forest management policy formulation and implementation. Counties also provide services to communities in and near national forests, and for that matter, to the forests directly.

For the reasons listed, AOC makes two requests with respect to the Roadless Area Conservation Draft Environmental Impact Statement (DEIS):

- Extend for 120 days the public comment period.
- If the DEIS goes to Record of Decision, the Prohibition alternative adopted should be Alternative 1 (no action).

### Extension of 120 days of public comment.

There has been nearly a cascade of major national forest policy proposals within the last few months, including proposed planning regulations, strategic plan, transportation system and road management, clean water action plan, and these roadless area rules. It has been difficult to keep up with each individually, but it also has been daunting gauging the cumulative effects of all these proposals together, both for the ecosystem and local communities. The environmental effects analysis admits as much by stating that the combination of rules may have cumulative effects that cannot be anticipated (p. 3-240).

These proposals contain many positive elements, but to provide helpful comments to them, AOC- and the public in general- will need more time.

### Prohibition Alternative 1 is most appropriate.

Prohibition Alternative 1 makes the most sense, because roadless area treatment is a distinctly site-specific, local matter. Flexibility is essential to properly deal with the particular ecological circumstances of each unroaded area, particularly given our rapidly increasing knowledge of natural processes.

The environmental effects analysis states that in Oregon 78% of the acreage in inventoried roadless areas are at moderate to high risk from catastrophic fire (1,270,000 acres), of which 565,000 acres potentially

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"Josephine County is an affirmative Action / Equal Opportunity Employer and complies with Section 504 of the Rehabilitation Act of 1973."

JOSEPHINE COUNTY

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need treatment (35%) [p. 3-104]. Ecologically friendly roading is a critical tool for the local manager to have available. Again, the effects analysis states that in Region Six more frequent and larger wildfires occur in inventoried roadless areas [p. 3-154 and 3-157]. As a result, lack of flexibility on appropriate roading not only will harm efforts at fire prevention and control but may also increase the incidence of fire.

Particularly given the very real risk of fire, we are concerned about the impracticable approach of the Preferred Alternative, considering the often prohibitive costs of mechanical treatments and helicopter logging without road access. Prohibiting forest managers from appropriate local stewardship opportunities likely will cause the risk of catastrophic fire and negative impacts on communities to clearly outweigh the risks of environmentally sound roading and harvesting.

The effects analysis on harvesting and jobs is misleading, because the baseline used is the exceedingly inactive years of 1996-99 and the "planned program" for years 2000-04 is unclear. It is likely therefore, that the negative effects on communities will be greater. It is unrealistic to assume that when local communities know what to expect from the Forest Service, they can adjust, "whatever the circumstances" [p. 3-190]. Alternative 1 gives local managers a full tool bag to consider roadless area treatments that work for the environment and communities.

The effects analysis would have been stronger if the Forest Service had fulfilled its pledge of collaboration and consultation with counties. The draft rule refers frequently to a lack of information on potential effects to communities and forests, and often resorts to subjective jargon as conclusions (e.g., "most benefits," "lowers the likelihood," "slightly increasing," "minimizing"). Costs of implementation, such as fire suppression, fuel reduction, mitigating impacts, and likely level of congressional funding, are inadequately addressed. In instances where counties are acknowledged and treated as full partners in Forest Service rulemaking, such as during early working drafts of the Interior Columbia Basin Ecosystem Management Project, the federal work product became manifestly improved and clearer. When counties are ignored, as occurred here, the federal work product is not as strong.

Alternatives 2, 3 and 4, although varying in rigidity, are nevertheless top-down, one-size-fits-all prescriptions that ignore unique local conditions and unnecessarily increase costs and risks of forest management.

If there is to be a Record of Decision, it is critical for stewardship that the ROD permit at least temporary roads that do not change the hydrology of the watershed. This would permit managers to maintain or move the forest to its preferred condition.

We hope that our comments are helpful and taken seriously.

Sincerely,

JOSEPHINE COUNTY BOARD OF COMMISSIONERS

Frank Iverson, Chair

Jim Brock - Absent  
Jim Brock, Vice Chair

Harold L. Haugen, Commissioner

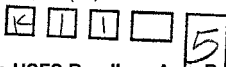
cc: AOC/O&amp;C



# Klamath County - Board of Commissioners

LOCATION AND MAIL: 305 MAIN STREET, SUITE 224  
PHONE # (541) 883-6100 FAX # (541) 883-6163

KLAMATH FALLS, OREGON 97601-6391  
E-MAIL: BOCC@CO.KLAMATH.OR.US



CAET RECEIVED

JUL 05 2000

Testimony for the USFS Roadless Area Rule Hearing  
June 28, 2000  
Klamath Falls, Oregon

Good evening ladies and gentleman I am Klamath County Commissioner Steve West and I offering comments on behalf of the Klamath County Board of Commissioners. The Board is in the process of conducting a detailed and comprehensive review of the draft EIS in conjunction with other thirty-five counties in Oregon and the Association of Oregon Counties. The Boards comments today are general in nature and will be supported by submission of our detailed review to the Chief Dombeck, USDA-Forest Service prior to the close of the comment period on July 17.

The Boards review, to date has revealed the following issues and concerns:

## 1. The Draft EIS appears to be Biased and Predecisional

However harsh this may appear, recent actions by Chief Dombeck, statements by the Executive Branch and numerous biases in the Draft EIS lends support only for selecting the preferred alternative and proposed action. Let me site some examples.

- On February 12, 1999 the Forest Service published an interim finale rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, recreation, or many other multiple uses.
- The Vice Presidents statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And just so I'm crystal clear about it; No new road building and no timber sales in the roadless areas of our national forests". Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.
- The document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an objective analysis of all alternatives, issues and effects.

## 2. The Draft EIS does not adequately address the impacts on Counties and local governments.

The Forest Service admits that their assessment method conducts a "qualitative" analysis of most impacts. In fact the analysis only provides a "quantitative" evaluation of agency costs, timber and road construction and reconstruction - and framed mostly in a negative context. There are Many associated impacts that are not "quantified" and relate to recreation use, stewardship timber harvest, fuel reduction, catastrophic fire, ecological factors, wildlife, etc. I do not believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA and leads to the next point

## 3. The Draft EIS contains numerous NEPA deficiencies

The Draft EIS fails to meet basic Council on Environmental Quality (CEQ) Regulations for NEPA in areas too numerous to mention in the time allocated to me today but will be cited in the formal written comments.

## 4. The Draft EIS contains discrepancies and contradictions relating to conclusions and data.

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The Draft EIS contains discrepancies and contradictions as it relates to conclusions and data that makes it difficult to determine which are fact and which are the authors personal biases. Some examples are:

- The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.
- The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects which can be equal to or more destructive than planned management activities. However the agency considers the risk of road construction and timber harvest to be unacceptable.
- In one statement the Forest Service says, "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state that "...the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed recreation activities in roadless areas." You can't have it both ways - Irreversible means you can't go back to the way it was. The first statement severely contradicts the second statement, which is a legal conclusion of the agency.

## 5. Conclusion

As relief to our concerns, The Klamath County Board of Commissioners would like to go on record in Requesting the Forest Service, either,

- Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then local government can play an active role as participants in the process.
- Supplement this Draft EIS, as per regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to my (our) environmental concerns and bearing on the proposed action and its impacts.
- Revise the Draft EIS, as per CEQ Regulation 40 1502.9(a), to address inadequacies that preclude meaningful analysis.
- An finally, provide an exemption in the Roadless Policy for the proposed Pelican Butte Ski Area on the Klamath Ranger District of the Winema National Forest which would allow the ongoing EIS process for the project to continue to normal conclusion.

Thank you for the opportunity to comment on an issue of such importance to the citizens of Klamath County and their representative governments.

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Good evening ladies and gentleman I am Klamath County

Commissioner Steve West and I am offering comments on behalf of the Klamath County Board of Commissioners. The Board is in the process of conducting a detailed and comprehensive review of the draft EIS in conjunction with other thirty-five counties in Oregon and the Association of Oregon Counties. The Boards comments today are general in nature and will be supported by submission of our detailed prior to the close of the comment period on July 17.

The Boards review to date has revealed the following issues and concerns:

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- A. Recent actions by Chief Dombeck, statements by the Executive Branch and numerous biases in the Draft EIS lends support only for selecting the preferred alternative and proposed action. e values of roads, timber harvest, recreation, or many other multiple uses.

**2. The Draft EIS does not adequately address the impacts on Counties and local governments.**

There are many associated impacts that are not "quantified" and relate to recreation use, stewardship timber harvest, fuel reduction, catastrophic fire,

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ecological factors, wildlife, etc. We do not believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA.

**The Draft EIS contains numerous NEPA deficiencies**

The Draft EIS fails to meet basic Council on Environmental Quality (CEQ) Regulations for NEPA in areas too numerous to mention in the time allocated to me today but will be cited in the formal written comments.

**3. The Draft EIS contains discrepancies and contradictions relating to conclusions and data.**

The Draft EIS contains discrepancies and contradictions as it relates to conclusions and data that makes it difficult to determine which are fact and which are the authors personal biases.

**4. Conclusion**

As relief to our concerns, The Klamath County Board of Commissioners would like to go on record in Requesting the Forest Service, either,

1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management

2

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planning processes. Then local government can play an active role as participants in the process.

2. Supplement this Draft EIS, as per regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to the Boards environmental concerns and bearing on the proposed action and its impacts.
3. Revise the Draft EIS, as per CEQ Regulation 40 1502.9(a), to address inadequacies that preclude meaningful analysis.
4. An finally, provide an exemption in the Roadless Policy for the proposed Pelican Butte Ski Area on the Klamath Ranger District of the Winema National Forest which would allow the ongoing EIS process for the project to continue to normal conclusion.

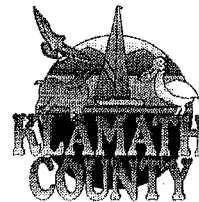
Thank you for the opportunity to comment on an issue of such importance to the citizens of Klamath County and their representative governments.

17-00 03:35P Stephanie Bailey

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**Klamath County Chamber of Commerce**

701 Plum Street  
Klamath Falls, OR 97601  
Phone: 884-5193 Fax: 884-5195  
E-Mail: inquiry@klamath.org  
Website: www.klamath.org

July 17, 2000

Winema National Forest  
3200 Delap Road  
Klamath Falls, OR 97601

To Whom it May Concern:

The Klamath County Chamber of Commerce would like to take this opportunity to express their support of Pelican Butte's efforts for exemption from the Forest Service Roadless Plan.

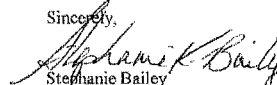
At our most recent board meeting our board of directors unanimously voted to stand in favor of Pelican Butte's efforts to be treated fairly in their request for exemption. Pelican Butte has been adamant about following through on what has been considered a long and drawn out process. This process has taken three exhaustive years and cost \$3.5 million. That effort and money are now in jeopardy because of this proposed roadless plan.

Exemption is a fairness issue. An exemption doesn't mean the approval or disapproval of Pelican Butte. It simply means that Pelican Butte would be treated fairly in a process that has happening for three years now.

Pelican Butte has been left out of all previous roadless acts because it has long been considered for a prospect for a winter recreation area. Now that area, and the aspirations that Klamath County has for it, could be shattered because of this proposed act.

Pelican Butte is not a new idea. This recreation area has been in the works for 30 years. We have jumped through all of the hoops and spent millions of dollars trying to make this a reality for Klamath County. Please note that we strongly support Pelican Butte being granted an exemption to complete the process that we began three years ago. Granting an exemption is the only fair thing to do.

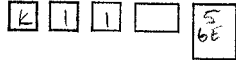
Sincerely,

  
Stephanie Bailey  
Executive Director



## Lane County Board of Commissioners

Bill Dwyer  
Bobby Green, Sr.  
Anna Morrison  
Peter Sorenson  
Cindy Weeldreyer



July 12, 2000  
WP bc/am/00001/T

USDA Forest Service-CAET  
P.O. Box 221090  
ATTN: Areas Proposed Rule  
Salt Lake City, Utah 84122

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JUL 17 2000

Dear Forest Service:

The Commissioners of Lane County are joining with the Association of Oregon Counties and the National Association of Counties in requesting that you immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revisions or Amendment process.

If you choose not to withdraw the Proposed Rule and Draft EIS, we request a 120-day extension of the public comment period. The original 60-day public comment period is completely inadequate to review and develop substantive comments on such a complex and far-reaching proposal that impacts the management of 40-60 million acres.

The Forest Service has failed to provide an understanding of how this Draft EIS and rulemaking relates to the proposed forest planning regulations or the proposed road management and transportation system policy. It is premature to promulgate new direction and policy that are dependent on changes that cannot be implemented pursuant to current Agency regulations.

The public must be made aware of how these proposed policy proposals relate to one another. We cannot expect the American public to comment on a part of an Agency policy proposal. We have grave concerns for the number of administrative and legal challenges that these interrelationships between your agency's current and proposed policies potentially represent. Without clear and implementable administrative procedures, there will continue to be serious implications to the management of our National Forest system.

Americans want access to the recreation and natural beauty our nation's forests offer. They expect healthy forests where wildlife and fish abound. They demand that firefighters keep wildfires contained in order to protect lives and the livelihoods of communities. And property owners have the right to access their private lands, which are surrounded by national forests. To satisfy the above mentioned needs of the American public, there must be adequate, accessible roads into the forest.

Page 2 - Letter to USDA Forest Service-CAET  
WP bc/am/00001/T

According to a recent report from your agency, the National Forest System is experiencing the worst health crisis in its history with over one-third of our National Forest system at catastrophic risk to wildfire, insect infestation, and disease. Yet rather than embracing a scientific approach to manage these lands, the Forest Service has issued this Draft EIS which would wall-off all of these acres to no management.

The future of our nation's lands is too important to be decided without sufficient public input and careful consideration of a long-term strategic approach to managing these resources. We look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of collaboration.

Sincerely,

Anna Morrison, Vice-Chair  
Lane County Board of Commissioners

CC: Senator Smith  
Senator Wyden  
Representative DeFazio  
Representative Hoolley  
Representative Walden  
Representative Wu  
Governor John Kitzhaber  
Chief Mike Dombeck





UNION COUNTY  
BOARD OF COMMISSIONERS

STEVE MCCLURE, Commissioner  
JOHN J. HOWARD, Commissioner  
COLLEEN MACLEOD, Commissioner

1106 "K" AVENUE

LA GRANDE, OREGON 97850

PHONE (541) 963-1001

FAX No. 963-1079

May 23, 2000

Michael Dombeck  
Chief, U.S.F.S.  
Department of Agriculture  
201 14th Street, SW  
Washington, D.C. 20090

Dear Chief Dombeck,

Having spent the bulk of the last few years actively involved in the proposed local consensus building exercises that the USFS purports to utilize, it was with dismay we read the DEIS regarding the President's roadless areas.

It is no mistake that you will not find the word "roadless" in a spell check program. This is a new concept being introduced by the federal government which effectively excludes large segments of our nation's population who are increasingly unable to gain access to land that is being acquired in their name, with their money. Your attack on our communities and residents further illustrates your hollow offers at a local, inclusive process.

In particular, we take offense at the insulting, inflammatory terms used to describe natural resource workers and their profession. These people you deem "migratory" with a "less developed sense of occupational identity" are 3rd and 4th generation members of our communities who, like their ancestors before them, have been proud to supply this nation with the natural resources that it has desired and required.

It is incomprehensible that a government agency would demean and diminish their sense of pride in their chosen way of life and the service that they have provided to others.

If "timber dependent communities are among the least prosperous rural communities, having high seasonal unemployment, high rates of population turnover, high divorce rates, poor housing, social services and community infrastructure", it has been a result of the federal government's systematic destruction of the underpinnings that have kept us prosperous members of the nation's workforce; namely the ability to effectively and proudly manage our own land and our own destinies.

Steve McClure  
Commission Chair  
cc: Oregon delegation

Colleen MacLeod  
Commissioner

John Howard  
Commissioner

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UNION COUNTY  
BOARD OF COMMISSIONERS

STEVE MCCLURE, Commissioner  
JOHN J. HOWARD, Commissioner  
COLLEEN MACLEOD, Commissioner

1106 "K" AVENUE

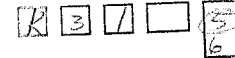
LA GRANDE, OREGON 97850

PHONE (541) 963-1001

FAX No. 963-1079

COMMENT: Roadless Initiative

Baker City Hearing  
June 28, 2000



It is with reservation that we make comment on the proposed roadless initiative. All indications we have received from our representatives in Washington D.C., illustrate the probability that this hearings process is window dressing for decisions that have already been made. We have the feeling that there is a Wilderness Act train going by without hesitating for its required stops.

The ringing endorsement for the proposal, before public comment, from the Vice President indicates the suspected outcome of this heavy handed attempt to exclude large portions of the American people from public property. This is land that is purported to be purchased with public dollars to be managed for the public's enjoyment and betterment.

A recent questionnaire from the BLM stated "America's federally owned lands represent an important component of the collective wealth of every citizen". The question has to be asked; what portion of the "collective" population will enjoy or benefit from this land that you intend to make inaccessible? Who will have access to this public property besides Forest Service employees and physically fit hikers? A nation that revolves around the Americans with Disabilities Act, has to be appalled at your short sighted lack of sensitivity and your intentions of slamming an access door to public property in the face of seniors, disabled, and anyone who isn't physically fit enough for the rigors of hiking endless miles.

The illustration of whether the USFS is the ultimate authority and best schooled in land management is all too often painfully evident in the west. The ailing and insect decimated forests are all too often blamed on the logging industry and greedy timber agencies, when indeed, your forest practices, such as years of fire suppression, weren't necessarily the best science of the time. The fact that privately owned lands are often healthier and better cared for than public lands was admitted by your own Chief Mike Dombeck at the Andrus Public Policy meeting in Boise a year ago. The supposition that influence of man on land or animals is always negative is driving too many decisions emanating from your agency.

This is not to say that we all haven't learned better forest practices. Continuing education in the art of land management skills are a process open to public and private alike. But the wild swing from over management to no management is a practice that we will be mopping up after for generations to come, and at the cost of lives for all species: be they human or endangered.

We request Alternative One, No Action, No Prohibitions. The Roadless Initiative is bad planning and bad science. It is patently heavy handed, considering the amazing strides and innovations that local communities and stakeholder partners have made in recent years with federally directed processes. These partners, again, at federal direction, have taken on the responsibility for managing their surroundings by way of consensus. Real consensus, not hollow attempts to get sign on for legislation that has already been signed, sealed and delivered.

Steve McClure  
Commission Chairman

John Howard  
Commissioner

Colleen MacLeod  
Commissioner



UNION COUNTY  
BOARD OF COMMISSIONERS

43988

STEVE McCLURE, Commissioner  
JOHN J. HOWARD, Commissioner  
COLLEEN MacLEOD, Commissioner

1106 "K" AVENUE

LA GRANDE, OREGON 97850

PHONE (541) 963-1001

FAX NO. 963-1079

June 28, 2000

USDA Forest Service – CAET  
PO Box 221090  
Attn: Roadless Areas Proposed Rule  
Salt Lake City, UT 84122

Dear Forest Service:

Union County is about one-half privately owned and one-half federally owned. Because of this unique ownership, Union County has been working in partnership with the Federal Government on many joint projects which have been successful in improving the ecosystem. Examples of these successful joint projects are: the Upper Grande Ronde Salmon Conservation Plan, the recently EPA-approved Total Maximum Daily Load Plan and the much-talked about Grande Ronde Model Watershed. These successes have been achieved by utilizing a local citizen process.

Even with the successful partnerships, much more needs to be done to achieve ecosystem health on public lands. In particular, efforts are needed in roadless areas that have been set aside because of the inability to implement treatment to maintain a healthy functional watershed. Many of these roadless areas are the anchors of watershed health that provide the quality of water that is needed for downstream aquatic uses. In roadless areas of the Blue Mountain Forest we have lost the forest canopy cover and the vegetation cover for soil erosion to lethal (catastrophic) fires. These areas are key watersheds. The most recent fires were the Summit Fire and the Tower Fire which totaled over 50,000 acres in size. These lethal fires had an immediate impact to soil erosion and to water quality in the watershed and will take years to restore.

The La Grande Beaver Creek watershed is one of the key remaining watersheds that provides excellent habitat for Bull Trout and spawning habitat for Steelhead. Both are listed as threatened endangered species. Union County has been working with the La Grande Ranger District through a citizen process to develop an Environmental Impact Statement to address the ecosystem health concern of the watershed. The watershed is a prime target for a lethal fire, similar to that of the Summit and Tower fires and is in the zone of predictable lightning strikes. A proposed treatment is to reduce the fuel load and to minimize the risk of a full blown lethal fire. Temporary roads are needed to access the watershed to remove the fuel load and to provide the right silvicultural treatment that is absolutely necessary to maintain the condition of the watershed.

USDA Forest Service – CAET  
June 28, 2000  
Page 2

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Helicopter logging is out of the question because of the cost and the inability to lift the material because the condition of the wood fiber would break apart. The issue of concern is the prohibition of roads contained in the preferred alternative in the Roadless EIS. There are many other watersheds that are roadless that need similar treatment to maintain the ecological condition. Each watershed or roadless area has its own uniqueness and must have flexibility for management at the local level--not a one size fits all from the top down.

I support Alternative 1 because it makes the most sense in maintaining and enhancing the ecosystem of the roadless areas, which are most important to watershed health. Ecologically friendly roading is a critical tool for the local manager to have available. A lack of flexibility on appropriate roading not only will harm efforts at fire prevention and control but may also increase the incidence of fire because of a lack of sufficient management.

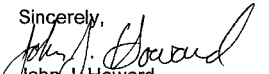
Because of the very real risk of fire and the ecological impact that it has had on the Summit and Tower Fires, the impracticable approach of the Preferred Alternative is simply not an option, considering the often prohibitive costs of mechanical treatments and helicopter logging without road access. Prohibiting forest managers from appropriate local stewardship opportunities likely will cause the risk of catastrophic fire and negative impacts on communities which clearly outweigh the risks of environmentally sound roading and silviculture treatment.

There have been multiple initiatives from the agencies recently. Gauging the cumulative effects of all these proposals together, both for the ecosystem and local communities has been difficult. A 120-day extension of the public comment period would allow a more thorough review of the policies being proposed.

Alternatives 2, 3, & 4 although varying in rigidity, are nevertheless top-down, one-size-fits-all prescriptions that ignore unique local conditions and unnecessarily increase costs and risks of forest management.

If there is to be a Record of Decision, it is critical for stewardship and appropriate silviculture treatment that the ROD permit at least temporary roads that do not change the hydrology of the watershed. This would permit managers to maintain or move the forest to its preferred condition.

I hope that my comments will be helpful and be taken seriously. These comments were developed from my 14 years as a county commissioner who has worked with the local forest managers and the public in finding reasonable solutions to our current forest health conditions utilizing a partnership approach.

Sincerely,  
  
John J. Howard  
Union County Commissioner

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**UNION COUNTY CHAMBER OF COMMERCE at LA GRANDE**

Cove, Elgin, Imbler, Island City, La Grande, North Powder, Summerville, Union  
Judy Loudermilk, Director  
1912 Fourth Street, Suite 200 - La Grande, Oregon 97850  
(541)963-8588 - (800)848-9969 - FAX(541)963-3936

June 16, 2000

Mike Dombeck  
USDA Forest Service-CAET  
Post Office Box 221090  
Attention: Roadless Areas Proposed Rule  
Salt Lake City, Utah 84122 roadless.fs.fed.us

Dear Chief Dombeck,

It is with concern and dismay we write to comment on the current administration's proposed roadless areas.

We are a predominantly rural area, with nearly half of our county taken up by public land. The proposed roadless initiative will affect 55,170 acres of this county. We feel this gives us considerable standing in the incredibly short comment period.

The reduction in natural resources jobs in our area due to this administration's actions has already dealt a devastating blow to our economy. This blow has had a ripple affect through our entire business community. Part of the supposed salve for this economic wound has been the ludicrous idea that we could replace this loss of economy with recreation and tourist jobs and retirees seeking a quiet life. This illuminates how little the USFS knows about our business economy. The roadless plan reveal how little Washington, DC understands about local recreation or retirees needs.

The plan maintains that these enormous areas must be set aside. The message is that these will be set aside for only those individuals young enough and healthy enough to walk into them. That is unacceptable to the elderly and physically limited citizens of our county or the visitors that you have promised will make us economically whole again. We must quit trying to prove that all action by man (unless that man is a healthy backpacker) is bad for nature. Some of the most unhealthy, disease ridden forest in this nation are the result of USFS actions over the past several decades. Some of the healthiest lands are managed private lands (a fact which you acknowledged yourself at a public lands forum in Boise in 1999).

It is apparent that the desire is to create massive wilderness areas with this quick, short comment process. This feels like a train going by with no intention of really stopping for the local dialog and consensus that you purport to value.

This is top-down, poorly thought out land management at its very worst.

Thank you for the opportunity to comment

Union County Chamber of Commerce Advocacy Committee

WALLOWA COUNTY  
BOARD of COMMISSIONERS  
State of Oregon

541-426-4543 ext. 11  
FAX 541-426-0582  
e-mail: wccor@oregon.gov

July 17, 2000

Mr. Mike Dombeck  
Chief United States Forest Service  
USDA Forest Service-CAET  
Post Office Box 221090  
ATTN: Roadless Areas Proposal Rule  
Salt Lake City, Utah 84122

Dear Mr. Dombeck,

The Wallowa County, Oregon Board of Commissioners would like to take this opportunity to go on record as opposing the Draft Environmental Impact Statement for Roadless Area Conservation. We are very concerned about the top down approach that this document has taken. Wallowa County has been very involved with land management and land use issues for many years. Starting with the writing of the Wallowa County/Nez Perce Tribe Salmon Habitat Recovery Plan in 1992 our County has taken a proactive stance on environmental issues. It is our belief that we must work together to find solutions both on public and private land.

The Wallowa County Board of Commissioners has entered into Memoranda of Understanding (MOU) with both the Wallowa-Whitman and the Umatilla National Forest. We are deeply concerned that Environmental Impact Statements originating from Washington D.C. are a direct violation of our MOU's. These documents refer to collaboration, cooperation, and joint planning and yet we see none of this in this DEIS. It is for this reason that we feel the only acceptable alternative is Alternative 1, the No Action Alternative, for both the Prohibition Alternatives and the Procedural Alternatives. We both believe in and value the importance of Roadless Areas, however this blanket, one size fits all approach is totally inappropriate and goes against good land use management. A much better approach is to address the Roadless Area issue as we revise the local Forest Plans.

We are experiencing a crisis in the Rocky Mountain Region and the Pacific Northwest. Forest health is perhaps at an all time low. Years of fire prevention, coupled with poor silvicultural practices has left behind a forest in dire need of treatment. To reintroduce fire without first reducing the fuel load is a prescription for disaster over much of the landscape. This is true on both roaded and un roaded land. For this reason if you must choose one of the action alternatives we would request that timber harvest continue to be allowed in roadless areas. Once again local

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WALLOWA COUNTY COURT

PAGE 03

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decisions will need to be made as to the appropriate prescriptions, including whether roads are necessary for the health of the forest.

We are concerned that the DEIS downplays the significance of the Roadless Area Conservation on the social and economic well being of communities. While the total number of jobs lost may be small on a national scale, they will be significant for some isolated, forest dependent communities. This was pointed out in the Interior Columbia Basin Ecosystem Management Project DEIS.

Our final area of concern is that it seems that there is a continued desire by some to lump all roads into the undesirable category. Not all roads are equal, some are poorly constructed and present unacceptable environmental risk, while others actually enhance our opportunity to accomplish forest restoration projects. This again points to the need for specific management direction driven at the local level.

In summary we would reiterate that the only acceptable alternative is the No Action Alternative. Allow the local Forest Service personnel to do their job in concert and collaboration with the local community. Only in this way can we truly be partners as our MOU's state.

Thank you for this opportunity to comment.

Sincerely,

*Benjamin M. Boswell*  
Benjamin M. Boswell, Chairman

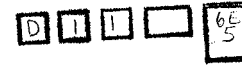
*Darrell McFetridge*  
Darrell McFetridge, Commissioner

*Mike Hayward*  
Mike Hayward, Commissioner

LOCAL GOVERNMENT CENTER 1201 COURT STREET N.E., P.O. BOX 12729, SALEM, OREGON 97309-0729, (503) 585-8351

July 17, 2000

USDA Forest Service-CAET  
PO Box 221090  
Attn: Roadless Areas Proposed Rule  
Salt Lake City, UT 84122  
BY FAX: 877-703-2494



CAET RECEIVED  
JUL 17 2000

Dear Forest Service:

The Association of Oregon Counties represents all 36 Oregon counties. County government has a long-term and close relationship with the federal government in matters of national forest management policy formulation and implementation. Counties also provide services to communities in and near national forests, and for that matter, to the forests directly.

For the reasons listed below, AOC makes two requests with respect to the Roadless Area Conservation Draft Environmental Impact Statement (DEIS):

•Extend for 120 days the public comment period.

•If the DEIS goes to Record of Decision, the Prohibition Alternative adopted should be Alternative 1 (no action).

Extension of 120 days of public comment.

There has been nearly a cascade of major national forest policy proposals within the last few months, including proposed planning regulations, strategic plan, transportation system and road management, clean water action plan, and these roadless area rules. It has been difficult to keep up with each individually, but it also has been daunting gauging the cumulative effects of all these proposals together, both for the ecosystem and local communities. The environmental effects analysis admits as much by stating that the combination of rules may have cumulative effects that cannot be anticipated (p. 3-240).

These proposals contain many positive elements, but to provide helpful comments to them, AOC - and the public in general - will need more time.

Prohibition Alternative 1 is most appropriate.

Prohibition Alternative 1 makes the most sense, because roadless area treatment is a distinctly site-specific, local matter. Flexibility is essential to properly deal with the particular ecological circumstances of each unroaded area, particularly given our rapidly increasing knowledge of natural processes.

The environmental effects analysis states that in Oregon 78% of the acreage in inventoried roadless areas are at moderate to high risk from catastrophic fire (1,270,000 acres), of which 565,000 acres potentially need treatment (35%) [p. 3-104]. Ecologically friendly roading is a critical tool for the local manager to have available. Again, the effects analysis states that in Region Six more frequent and larger wildfires occur in inventoried roadless areas [p. 3-154 & 3-157]. As a result, lack of

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flexibility on appropriate roading not only will harm efforts at fire prevention and control but may also increase the incidence of fire.

Particularly given the very real risk of fire, we are concerned about the impracticable approach of the Preferred Alternative, considering the often prohibitive costs of mechanical treatments and helicopter logging without road access. Prohibiting forest managers from appropriate local stewardship opportunities likely will cause the risk of catastrophic fire and negative impacts on communities to clearly outweigh the risks of environmentally sound roading and harvesting.

The effects analysis on harvesting and jobs is misleading, because the baseline used is the exceedingly inactive years of 1996-99 and the "planned program" for years 2000-04 is unclear. It is likely, therefore, that the negative effects on communities will be greater. It is unrealistic to assume that when local communities know what to expect from the Forest Service, they can adjust, "whatever the circumstances" (p. 3-190). Alternative 1 gives local managers a full tool bag to consider roadless area treatments that work for the environment and communities.

The effects analysis would have been stronger if the Forest Service had fulfilled its pledge of collaboration and consultation with counties. The draft rule refers frequently to a lack of information on potential effects to communities and forests, and often resorts to subjective jargon as conclusions (e.g., "most benefits", "lowers the likelihood", "slightly increasing", "minimizing"). Costs of implementation, such as fire suppression, fuel reduction, mitigating impacts, and likely level of congressional funding, are inadequately addressed. In instances where counties are acknowledged and treated as full partners in Forest Service rulemaking, such as during early working drafts of the Interior Columbia Basin Ecosystem Management Project, the federal work product became manifestly improved and clearer. When counties are ignored, as occurred here, the federal work product is not as strong.


Alternatives 2, 3, & 4, although varying in rigidity, are nevertheless top-down, one-size-fits-all prescriptions that ignore unique local conditions and unnecessarily increase costs and risks of forest management.

If there is to be a Record of Decision, it is critical for stewardship that the ROD permit at least temporary roads that do not change the hydrology of the watershed. This would permit managers to maintain or move the forest to its preferred condition.

In addition, we stand with Klamath County and the City of Klamath Falls in their request that the proposed Pelican Butte ski/winter recreation site continue to be considered under NEPA environmental review. As noted in their letter to Secretary Dan Glickman, it is important that the Roadless Area Conservation Rule not operate to short-circuit one of the most intensive environmental review processes for recreational development in the nation's history. Stated directly, we urge that if there is a Record of Decision it exempt areas under consideration in the proposed Pelican Butte draft EIS.

We hope that our comments are helpful and taken seriously.

Sincerely,



Commissioner Harold Haugen, Josephine County  
President

- c. Oregon congressional delegation  
National Association of Counties (Jeff Arnold)

## CITY OF KLAMATH FALLS

500 KLAMATH AVENUE - P. O. BOX 237  
KLAMATH FALLS, OREGON 97601  
Sister City - Rotorua, New Zealand  
FAX (541) 883-5399 - TDD (541) 883-5324

July 5, 2000



U. S. D. A. Forest Service  
Attn: Roadless Area Proposed Rule  
P. O. Box 221090  
Salt Lake City, UT 84122

Re: Pelican Butte Exception and Disabled Access

CAET RECEIVED

JUL 10 2000

Gentlemen:

The City of Klamath Falls supports an exemption for the proposed Pelican Butte ski development from the Roadless Area Proposed Rule.

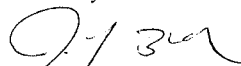
Development of Pelican Butte for recreational skiing has been a dream of this community for over 30 years. Shifting goal posts in the past have frustrated prior efforts. Countless local resources have been expended in efforts to bring this proposal to decision. The current proposal has an expenditure of millions of dollars already in the process. It deserves to go to decision. Don't call the game in the middle of the 4<sup>th</sup> quarter. Exempt Pelican Butte and let the process continue so that the proposal can stand or fall on its own merits.

In addition, we have a serious problem with the denial of forest access to our disabled and elderly citizens represented by this roadless proposal. Currently local governments and private businesses throughout the country are expending millions of dollars to improve accessibility to public places for mobility-impaired Americans.

Roadless and wilderness areas are great for the able-bodied person who can afford to get to them. For the mobility-impaired, senior citizens and aging baby boomer population no roads equates to no access. This proposed roadless policy runs directly contrary to the principles behind the Americans with Disabilities Act and access for all American to our public places.

Forests need to be managed by your Forest Service professionals at the local level. Some roads need to be removed, some maintained and perhaps even some new ones built to assure forest health, fire protection and recreational access. A broad brush, one-size-fits-all edit from Washington D.C. is simply not in the best interests of our forests or our people.

Sincerely,



Jeffrey D. Ball  
City Manager

c: Mayor and Council

Mayor, Council & City Manager  
(541) 883-5316

City Attorney  
(541) 883-5272

Finance Director

