

Introduction

The letters in this volume were submitted by Federal, State and local agencies, and elected officials.¹ 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.

¹ 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

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CAET Review
Jul 17 2000

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

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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

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

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DETAILED COMMENTS ON THE DEIS AND PROPOSED RULE

DEIS

Purpose and Need

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*.

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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. Kutzler
Regional Environmental Officer
Office of the Secretary's Representative

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MWTC SUPPLY

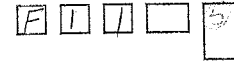
PAGE 01

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UNITED STATES MARINE CORPS
MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER
BRIDGEPORT CA 93517-6501

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

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials



United States Department of Agriculture

Natural Resources Conservation Service

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

14635

F I I I I 5 yes

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,

JUAN A. MARTINEZ Director

NOT RECEIVED JUL 06 2000

Aug-17-2000 14:49 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.¹ 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. F.E.R.C., 249 U.S. App. D.C. 64, 773 F.2d 327 (1985). In Mid-Tex Electric Co-op Inc. v. F.E.R.C., 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

¹ 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..."² 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 43% 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.³ 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.⁴ 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.⁵

² The Merriam Webster Dictionary.

³ 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.

⁴ *Id.*
⁵ 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.⁶ 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.⁷ 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.⁸ 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.

⁶ *Id.*

⁷ 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.

⁸ Testimony of Laura Skuter, 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

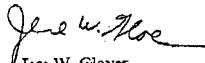
The Office of Advocacy recognizes the importance of protecting the environment, conserving our national forests, and preserving the natural beauty of the area. However, there is also a significant public interest in allowing access to natural resources in order to preserve our economic base. The potential 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

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.

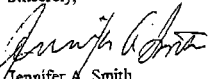
Thank you for the opportunity to comment on this proposal. If you have any questions, please feel free to contact us. Please place a copy of these comments in the record.

Sincerely,



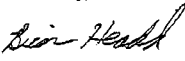
Jere W. Glover
Chief Counsel
Office of Advocacy

Sincerely,



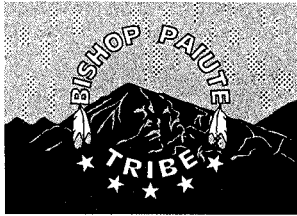
Jennifer A. Smith
Assistant Chief Counsel
for Economic Regulation &
International Trade

Sincerely,



Brian Headd
Economist

Cc: Charles Rawls



BISHOP TRIBAL COUNCIL

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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

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

PAIUTE PROFESSIONAL BUILDING • 50 TU SU LANE • BISHOP, CA 93514
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Confederated Tribes of Grand Ronde
Natural Resources Department
P.O. Box 10
Grand Ronde, Oregon 97347
Contact: Cliff Adams (503) 879-2375

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

USDA Forest Service - CAET

T T T 5

July 14, 2000

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:

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

FACT RECEIVED
JUL 17 2000

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".

Dear Sirs:

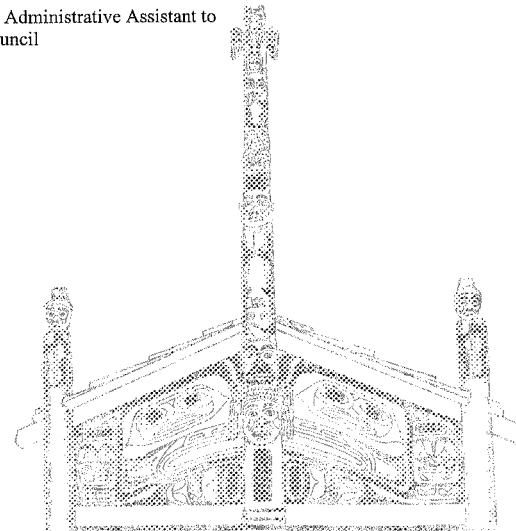
At a duly convened meeting on July 10, 2000, Ketchikan Indian Corporation Tribal Council authorized the submission of the attached Position Statement regarding the roadless.

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

Sincerely,

Cheryl Haven, Administrative Assistant to
KIC Tribal Council

Enclosure



KIC

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13987

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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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 State Department of Agriculture, Room 213-A
14th Street and Independence Avenue, SW
Washington, D.C. 20250

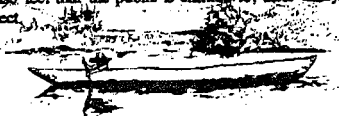
Dear Secretary Glickman:

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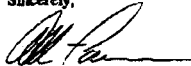
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D. Glickman, U.S. Sec. of Ag., June 16, 2000
Page 2

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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-Mi 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.

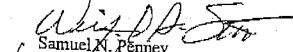
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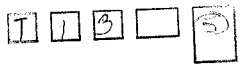
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The Tribe appreciates the opportunity to comment on the proposed rule. We look forward to conducting formal consultation on the rule as the process goes forward to address the concerns discussed above. If you have any questions regarding these comments, 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

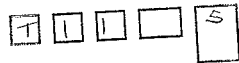
to the public (the cost of building and maintaining the road was greater than the amount received for the timber). We believe that the greater value of the land lies in its ability to provide fish and wildlife habitat.

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

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 maining 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 al¹, Martin², Murphy and Koski³, Murphy and Hall⁴, Murphy and Meehan⁵, Wipfli⁶).

¹ 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.

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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.

² Martin, D.J., M.E. Robinson and R.A. Grotfendts 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.

³ 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.

⁴ 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.

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

⁶ 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.

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NO. 443 P. 2/3

JUL. 14. 2000 2:18PM

NO. 443 P. 3/3

Sitka Tribe of Alaska

Tribal Government 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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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.

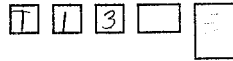
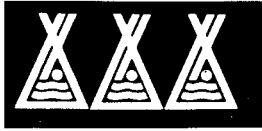
Larry A. Weisman
Sitka Tribe of Alaska - Tribal Chairman

Attest:

Doreen Jones
Sitka Tribe of Alaska - Tribal Secretary

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JUL 17 2000



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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 ≥ 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.

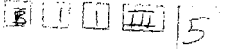
Sincerely,

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

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.



STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114-0601

MICHAEL O. LEAVITT
GOVERNOR

OLENE S. WALKER
LIEUTENANT GOVERNOR

June 26, 2000

Mike Dombeck
Chief, U.S. Forest Service
201 14th & Independence, SW
P.O. Box 96090
Washington, D.C. 20090-6090

Dear Chief Dombeck:

I wish to thank you for your letter of May 11, 2000, transmitting the proposed "Roadless Area Conservation" rule, and associated Draft Environmental Impact Statement, for review and comment. The state, through my office and the various state agencies, has been diligently reviewing the proposal since its receipt. For the reasons stated below, I must inform you that the mapping information presented is insufficient to evaluate the proposal. I must therefore respectfully request further information, and the time to evaluate that information.

We have downloaded and printed the mapping information available on your website, and have communicated with the person responsible for its preparation. The information provided consists solely of mapping polygons which indicate the general spatial extent of the areas within which the proposed rule would apply. By comparing those polygons with our own GIS sets of information on water rights, mining claims and the like, we are able to determine some of the effects of the proposal. Those analyses will be discussed in our substantive comments on the draft rule. Unfortunately, that is all we can do without additional information. Without more detailed information, we cannot determine the location or nature of the boundaries proposed, nor the on-the-ground situation within those boundaries.

The proposed rule indicates that the geographic areas to be covered include areas "inventoried during the Forest Service's Roadless Area Review and Evaluation (RARE II) process, subsequent assessments, or forest planning." (Section 294.11 - Definitions.) The RARE II process was conducted in the late 1970's, over 20 years ago, and was challenged in federal court. As a result of the challenge, the Forest Service proceeded with further RARE reviews as part of local forest plans. In the early 80's, each of the forests in Utah began this process, but work was terminated with the passage of the 1984 Utah Forest Service wilderness legislation. (P.L. 98-428). As a result, the boundaries of the various units being analyzed at that time, and the extent of each area's roadless character, were in various stages of public review.

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Boundaries are crucial to the process, because only then can citizens be properly informed of their rights and responsibilities with respect to the land. Boundaries involve roads, pipelines, powerlines, clear cut areas, fences, section lines and so forth. The public has the right and obligation to examine the proposed boundaries, and let the Forest Service know if they make sense or not. Alternatives can be suggested, the practicality of managing any particular boundary can be discussed, and the core issue of the existence and nature of any roads within the proposed area be debated. Much of the debate centers around the definition of a "road," and the nature of the Forest Transportation System. This is true irrespective of, and independent from, the debate concerning R.S. 2477 roads. Further, because the process was never completed, the state never had an opportunity to evaluate, and possibly challenge, any final decision upon management prerogatives and restrictions within the various areas.

As an example, from some of the early 80's data we have been able to unearth, the writers state

The manageability of the area along inventoried boundaries would be moderately difficult because of the meandering lines. There are some opportunities for boundary modification, but little improvement would be possible because of road intrusions. (Mollens Hollow 19-761).

The manageability of the area along inventoried boundary lines would be difficult because over half the boundary follows a meander line. An adjustment to the boundary would likely not improve the situation The natural integrity of the area is excellent. The natural appearance is influenced by improved roads, evidence of timber harvest, and vegetative manipulation and water developments associated with grazing. (Widdop Mountain 19-766).

This information, along with the associated topographic maps, is much more helpful for our studies, but we do not have a complete set.

Finally, we are informed that each of the forests in Utah was in the process of reinventorying roadless areas, as part of the next round of forest planning in Utah, when the current proposal was drafted. Some of the forests were well underway, with an inventory prepared (Uinta National Forest), while others were just beginning (Dixie National Forest). The state has not had an opportunity to examine the proposed boundaries for the vast majority of these areas, nor the extent to which many of them are truly roadless. Nor can we even tell if those boundaries are used in the current proposal.

The mapping data you have provided is simply insufficient to study these issues. It is perfectly clear that the current proposal will have significant effects within the areas delineated, and the Forest Service has not provided us with the tools to do so. The state, nor any other party, does not bear the burden of seeking out and finding the information necessary to completely evaluate

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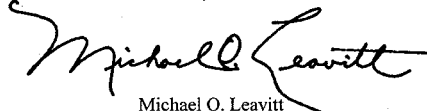
Mike Dombeck
June 26, 2000
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your proposal; the Forest Service must provide that information as a matter of law. Without the underlying information on the RARE II, early 80's, and most recent inventory work, the state is not able to fully and properly evaluate whether the geographic areas proposed make sense within the context of the draft rule.

I respectfully request that you provide the State of Utah with a complete set of the RARE II inventory information, the early 80's inventory information, and most recent inventory information, so we may exercise our due diligence in a responsible manner. I further request an additional 60 days from date of receipt of the information, in order to completely evaluate its contents.

Thank you for your immediate attention to this matter. Please feel free to contact John Harja of my staff with any concerns or questions.

Sincerely,


Michael O. Leavitt
Governor

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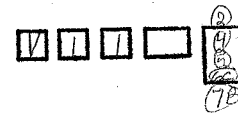
STATE OF UTAH
OFFICE OF THE GOVERNOR
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84114-0601

MICHAEL O. LEAVITT
GOVERNOR

OLENE S. WALKER
LIEUTENANT GOVERNOR

July 17, 2000

Michael P. Dombeck
Chief, U.S. Forest Service
201 14th & Independence, S.W.
P.O. Box 96090
Washington, D.C. 20090 - 6090



CAFT RECEIVED
JUL 17 2000

Dear Chief Dombeck:

This letter and attachments constitute the response of the State of Utah to the Forest Service's proposed "Roadless Area Conservation" regulation, and associated Draft Environmental Impact Statement, released May 9, 2000 (F.R. 30268). These comments are submitted today in order to meet the deadline imposed in the Federal Register notice, but, as outlined further below, the state urgently requests that additional information be given us, and that the comment period be extended or reopened for an adequate time to allow us to review the additional information and make informed comment.

I believe this proposed regulation represents the worst in public policy and process. The Forest Service has abandoned its long and storied history of multiple-use, and adopted an extremely short sighted vision of the law, the needs of society, and the health of the nation's forests. The public process employed, though heavy on public meetings, is devoid of enough useful information to allow for informed public comment. The time frames established for public comment are minimal, and accommodate only a rapid decision, not a well thought-out decision.

In its obvious haste to complete this regulation by the end of 2000, the Forest Service has cobbled together bits and pieces of information from two decades worth of studies without any reconciliation of the work. The proposal's details are ill-conceived, poorly constructed on flimsy factual basis, full of half-truths and omissions, and severely underestimate the effects on forest health and the economic effects of rural Utah. The Forest Service is minimizing proper public debate about issues related to forest health, wildlife, multiple-use of the forest lands, timber sales, recreation, wilderness and all the rest of the statutorily required multiple-uses. After all the decades of discussion and debate on the protection of roadless areas as wilderness, the only possible purpose for breakneck speed can be to establish *defacto* wilderness without proper Congressional approval.

This proposed regulation, if adopted, will have a huge impact to the state, especially with many

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rural communities partially dependent upon forest products related businesses. Approximately 4.0 million acres will be affected in Utah, making about 61% of the National Forests in Utah managed in a roadless condition. The loss of 20.8 million board feet of planned timber sales over the next 5 years will have significant impact to the local economies of rural Utah. This is especially egregious, for example, for the town of Escalante, Utah, where the sawmill has already downsized and retooled to operate in a more ecologically sustainable manner, based on the projected available quantities of timber from the National Forest Service.

By letter dated June 26, 2000, I made a request for particular information which I believe exists and would assist the state in determining the true geographical and regulatory scope of the proposed regulation. I further requested an additional 60 days after receipt of the information in order to analyze it and make informed comment. To date, we have not received a response to that letter. I will expect a response immediately, and make a formal request under the Freedom of Information Act for this information. The state will not hesitate to defend its rights if you cannot accommodate this reasonable request.

Thank you for your prompt attention to this. Please feel free to call me or John Harja of my staff with any questions.

Sincerely,



Michael O. Leavitt
Governor

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ANALYSIS - GENERAL COMMENTS

The state has diligently begun the process of researching the law and facts behind this proposed regulation since its publication, and, with the limited information available, finds the regulation to be severely lacking in both legal support and factual support. The state strongly protests the extremely tight time frame for review, as normal federal procedures for a DEIS of this importance and magnitude would provide much more time than 60 days for review.

The state is also extremely disappointed that the Forest Service chose to ignore the authority, expertise and primacy of the states in the preparation of this regulation and DEIS. Several states independently offered to work with you in the preparation of alternatives, in order to prepare a proposal that would represent the best efforts at the recovery and maintenance of forest health within the parameters of multiple-use. The Governor of Utah offered the help and expertise of the state of Utah in a letter addressed to the Chief of the Forest Service, Michael Dombeck, dated February 8, 2000. No formal response of any sort was received until May 22, 2000, some days after the May 9 release of the Draft EIS. That response, a letter from Scott Conroy, Director of the Roadless Project, merely referred to the rather vague proposal involving Forest Service liaisons, rather than a serious opportunity to interact; a proposal made by Dombeck and Jim Lyons, Undersecretary of Agriculture, to the Western Governor's Association.

The DEIS indicates that there are just over 4.0 million acres in Utah within inventoried roadless areas (DEIS, page 3-3.). Including previously established designations of wilderness, more than 61 percent of all National Forest land in the state will be categorized and managed as roadless, and in the case of the Ashley National Forest, more than 90 percent of the Forest. In addition, the map prepared by the Forest Service entitled "Percent Reduction of Total Planned Timber Offer if Road Construction is Not Allowed Within Inventoried Roadless Areas, FY 2000 - 2004" shows that of 4 of the 5 National Forests in Utah, 2 will face a 11-25% reduction, and 2 will face a 26+% reduction in timber offers. The DEIS indicates a loss of 20.8 MMBF of planned timber sales in Utah over 5 years due to the planned restrictions on roads, enough for 354 direct and related jobs.

Congress has been very specific about the purposes for which the National Forests were created. The Forest Service was directed to manage for multiple use by the Multiple Use-Sustained Yield Act. Congress was specific about the process of planning for management of the Forests, and the need to involve the public in the planning process. Congress chose to not delegate to the Forest Service any authority to make decisions about the purposes for which these public lands will be managed. The proposed regulation runs contrary to this. The large acreage proposed for this single-use designation is, in reality, a commitment to wilderness preservation, something which is reserved to the Congress. Further consideration of any other multiple-uses on the lands covered by this proposal is of no practical consequence, and therefore does not exist. Of course,

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multiple use doesn't mean all uses on all acres of every national forest. The fact that wilderness is allowed, and created by Congress, does not validate only one use on extensive tracts which in some instances may, in aggregate, even be a majority of a national forest.

Background

The Proposed Regulation

The proposed regulation is styled as a conservation proposal. The rule would "conserve" geographic tracts of land identified as "inventoried roadless areas," and would further require future planning efforts to consider more such conservation efforts for other, as yet unidentified "unroaded" areas. The proposed regulation contains two parts. The first part, proposed section 294.12, would immediately prohibit the construction or reconstruction of roads within the "unroaded portions of inventoried roadless areas," with certain exceptions. This prohibition would become effective immediately, and would cover both classified and unclassified roads. The second part, proposed section 294.13, would require the responsible official to consider nine "inherent characteristics" of roadless areas, undefined in the regulation but explained in the accompanying text, during future planning processes. This requirement would apply to the "unroaded portions of inventoried roadless areas" and "unroaded areas."

The proposed regulation defines "inventoried roadless areas" as "undeveloped areas typically exceeding 5,000 acres that meet the minimum criteria for wilderness consideration under the Wilderness Act and were inventoried during the (Roadless Area Review and Evaluation II) process, subsequent assessments, or forest planning." (Section 294.11, proposed regulation.) In order to identify the boundaries of these areas, we are referred to Volume 2 of the DEIS, which contains generically descriptive Geographic Information System (GIS) maps, also found on the Service's website. It follows then that all of the areas listed are known because of their appearance, at one time or another, on an inventory of roadless character done as part of a review for possible wilderness recommendation. The establishment of wilderness areas is, of course, reserved to the Congress of the United States, although the Forest Service may protect areas pending designation by Congress, if the established process for amending the local forest plan is followed.

The RARE II process was conducted in the late 1970's, over 20 years ago, and was challenged in federal court. As a result of the challenge, the Forest Service proceeded with further RARE reviews as part of local forest plans. In the early 80's, each of the forests in Utah began this process, but work was terminated with the passage of the 1984 Utah Forest Service wilderness legislation. (P.L. 98-428). As a result, the boundaries of the various units being analyzed at that time, and the extent of each area's roadless character, were in various stages of public review. In the mid-90s, some of the Forests in Utah began relooking at roadless areas as part of the next round of Forest planning. The five forests in Utah were at various stages in this review. None of this background information has been made available for the state to review, though we were able to locate, after much searching, up a copy of the draft EIS for the Wasatch-Cache National

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Forest (1984), a copy of a portion of the mid-80s roadless area draft inventory for a portion of the Dixie National Forest (for an area known as Boulder Top), and a copy of the final Land and Resource Management Plan for the Manti-La Sal National Forest with maps (undated but adopted probably in 1985-86).

The forest planning process in effect today requires an inventory of roadless areas as a part of the inventory of all forest resources at the beginning of a planning cycle. Naturally, such an inventory requires that "road" be defined. This definition is the most debated point in the many different inventories that have been done over the last two decades. Recently the Uinta National Forest began the process of revising its Land Management Plan. An inventory of roadless areas was done, and the draft results published for public comment in a document called, "Draft Inventory of Unroaded and Undeveloped Lands on the Uinta National Forest (April 1999)." This inventory is not a recommendation for protection as wilderness, as any such recommendations would have been made in the Draft EIS for the Forest's revised plan. The letter transmitting the draft inventory specifically stated

The enclosed draft roadless inventory is not a [NEPA] decision and is not appealable. Areas identified as unroaded and undeveloped in this Draft Inventory are not designated or recommended for wilderness in this report. Rather, any such recommendations will be made through the Forest Plan revision process ... and the regulations implementing the National Forest Management Act. Before any recommendations can be made, further analysis and evaluation must be completed. This analysis and evaluation will be included with the inventory ... in the [DEIS] for the Revised Forest Plan.

(See attached "Draft Inventory of Unroaded and Undeveloped Lands on the Uinta National Forest, dated April 1999, and the transmittal letter dated May 10, 1999.)

Of necessity, both the various studies of the roadless character of forest areas, and the proposed regulation, define the term road, which is "a motor vehicle travelway over 50 inches wide. A road may be classified or unclassified." Classified roads are roads planned and managed for motor vehicle access, while unclassified roads are not, including temporary roads and off-road vehicle tracks. Similarly, adding to those definitions, unroaded areas are defined as an area without classified roads big enough to protect its inherent characteristics. Finally, the "unroaded portion of an inventoried roadless area" is that portion of an inventoried roadless area in which no classified roads have been constructed since the inventory. (Section 294.11, proposed regulation.)

The proposed regulation states that its purpose is not the protection of roadless areas as wilderness, but it is instead designed to conserve the roadless areas themselves, that is, protect the roadless areas from diminishment in number or geographic size. (See generally p. S-16, DEIS.) The proposed regulation then proposes a new set of "inherent characteristics" for the

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roadless areas. Of course, these characteristics constitute much more than just a lack of "roads," and are different from the characteristics necessary to support a wilderness designation. The proposed regulation and DEIS identify the following as inherent characteristics which must be considered whenever discussing or planning for roadless areas in the future:

- a) soil, water and air
- b) public drinking water
- c) diversity of plant and animal communities
- d) habitat for species, endangered, threatened or sensitive
- e) dispersed recreation, both primitive and semi-primitive non-motorized
- f) reference landscapes
- g) landscape character and scenic integrity
- h) traditional cultural properties and sacred sites, and
- i) other locally identified unique characteristics.

Legal Framework

The Organic Act of 1897 originally created Forest Reserves throughout the United States for "securing favorable conditions of water and to furnish a continuous supply of timber for the use and necessities of the citizens of the United States." These Forest Reserves were later renamed the National Forests. The Multiple Use Sustained Yield Act of 1960 expanded the purposes to include forage, wildlife and recreation as well as the original water and timber. That Act further stipulated that the Forests were to be managed in such a way that the flow of products and amenities would be continual and defined the Multiple Use - Sustained Yield principle. The National Environmental Protection Act of 1969 established a process that would examine the consequences of any action proposed by any federal agency and provided a forum for concerned individuals or entities to articulate their relevant issues. The National Forest Management Act of 1976 provided direction for management planning for the Forests under Multiple Use Sustained Yield principles. The Utah Wilderness Act of 1984 designated about 300,000 acres of national forest land in the state as wilderness and returned the unselected areas to full multiple use status. Finally, the Federal Advisory Committee Act of 1972 identified constraints for Federal agencies when seeking advice from citizens on agency entrusted matters.

State Comments - General

With the above background, the state offers these general comments on the proposed regulation and DEIS, followed by attachments contained detailed information and maps.

Insufficient Information - Due Process

First and foremost, it is a fundamental principle of law that citizens must be given sufficient information so each of them can understand the laws affecting them. This proposed regulation has a geographic aspect, because road construction and reconstruction are to be prohibited in

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certain geographic areas. Thus, citizens must be able to determine exactly which geographic areas will have the no road building requirement imposed on them. If they do not know, they cannot plan where legal activities involving roads may occur, and where they may not. This uncertainty will cast a shadow of doubt upon all areas of the forest, not just those inventoried roadless areas slated for these restrictions. This shadow of a doubt will most certainly lead to further appeals and litigation over any legitimate user wishing to operate in the non-restrictive zone, which is most assuredly not the level of certainty sought by this proposed regulation.

It is a matter of NEPA law that environmental impact statements must contain sufficient information to allow the readers to fully evaluate the effects of the proposal. Although the DEIS states that the proposed regulation, if adopted, would cover more than 4.0 million acres in Utah, that acreage figure, is calculated by adding the acreage of many, many smaller units. The DEIS does not state how many smaller units are proposed in the State of Utah. The state believes quite strongly that each of the proposed units must be examined on its own merits. NEPA requires that detailed on-the-ground information be given for each and every proposal. The fact that this is a nationwide proposal does not excuse this requirement. It is true that some nationwide proposals are made in programmatic style, but each of them is followed by localized NEPA studies. The current proposal is not styled as a programmatic EIS, but states instead that it will have immediate effect on-the-ground. Therefore, the state and citizens are entitled to enough detailed information to evaluate each and every area.

The state has not been given sufficient information to evaluate or even identify each proposed restrictive unit. The state has attempted to ascertain the boundaries of the each and every unit, the history of the boundary, the history of past management conditions for the unit, current needs and conditions and similar facts. Only then can we make informed comment on whether the proposed restrictions makes sense in that area. The information provided by the Forest Service states only that the proposed units were identified in "RARE II studies, subsequent forest plans or assessments." As the state pointed out in its letter of June 26, 2000, for Utah this apparently consists of the late '70s RARE II studies, mid '80's draft forest plans, and some late '90s reassessment work.

Thus, out of apparently up to 15 sets of inventory data (5 full forests in Utah, up to 3 sets of inventory work each), the state has 4, as described in the background section above. From a comparison of these documents with the digitized GIS maps provided, it appears that some information from each of the 4 sets we have has been used in some way to create the geographic areas covered by the proposed regulation. However, none of them paints a complete picture of the on-the-ground effects of the proposal.

For example, comparing the shape of certain of the restrictive unit polygons on the Forest Service GIS maps with the shape of areas within the Uinta Forest's 1999 draft roadless inventory shows an apparent match in shape. Similarly, some of the shapes in the Manti-La Sal mid-80's

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Land Management Plan match shapes on the current proposal's maps. This indicates to us that both were used in the production of the current proposal. Unfortunately, when we look further into the information accompanying these historical studies, inconsistencies and errors are found.

Some examples will indicate these errors.

First, the maps for Utah accompanying the proposed regulation (Vol. 2, DEIS or website) contain two subsets (relevant to Utah) of the proposed restrictive units. The labels accompanying these categories state 1) "Inventoried Roadless Area identified in forest plans or completed assessments adopted by the agency allocated to a prescription that allows road construction or reconstruction" and, of particular interest, 2) "Inventoried Roadless Area identified in forest plans or completed assessments adopted by the agency allocated to a prescription that does not allow road construction or reconstruction." In the latter case, this means that there are areas which have been inventoried, identified in a forest plan, and in that plan is a prescription that does not allow road construction or reconstruction.

A reading of the final Manti-La Sal Land Management Plan, which is the duly adopted plan for that Forest, reveals no such statements. As discussed earlier, the roadless inventory process for Utah forest plans in the 80's was stopped by the Utah Wilderness Act of 1984. Therefore, the Manti-La Sal Forest Plan should not, and in fact does not, contain any discussions of roadless areas, or plans to preserve roadless areas for future wilderness designation. However, by comparing the shapes of the management zones on the maps accompanying the final Manti-La Sal plan with the subcategory of proposed restrictive units called "no road building allowed," (number 2 above) we found a match under the obscure label of "SPR," or "semi-primitive recreation." The duly adopted management prescription for these areas reads

Emphasis is on providing Semi-Primitive Recreation Use. Recreation opportunities such as hiking, horseback riding, hunting, cross country skiing, day use, and ORV use are available. Some areas are closed to motor vehicles. Other uses occur so long as the area is rehabilitated to reflect as closely as possible, previous undisturbed conditions.

This language does not reflect a prohibition on road construction or reconstruction. In fact, it strongly implies that roads could be built for other uses, if the road was then reclaimed. It is apparent therefore that the Forest Service has not accurately represented the nature of the current planning conditions in this forest, is understating the effects of the proposal, and is in reality making a much more restrictive proposal than advertised.

Second, the maps accompanying the draft Wasatch-Cache National Forest plan are not even that clear. When we lay the proposed restrictive unit polygons over the map of management zones set forth in the Wasatch-Cache plan, no consistent pattern emerges using the labels on the map. Some of areas with the label SPR are included in the proposed restrictive zones, while others are

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not. In fact, apparently some of the areas included in the proposed regulation would include existing management zones labeled SPM - semi-primitive motorized. In addition, the labels for these areas do not provide the same wording as that on the maps for the Manti-La Sal Forest. The Forest Service is being inconsistent in its own interpretations.

Third, the state is aware of a decision by the supervisor of the Dixie National Forest two years ago to decommission 89 miles of roads in a portion of the Forest known as Boulder Top. Forty-two miles of road were left open, and designated part of the Forest Development Road System. This decision was upheld in federal district court in Utah, and we would expect the maps provided in the current proposal to reflect this. A casual look at the maps provided shows no roads at all, and the public might believe the entire area is roadless. When we enlarge the GIS maps provided - greatly enlarge them - we can start to discern road patterns. We cannot determine if these traces on a stylized map are in fact the roads left open by the court decision. Further, assuming the information is correct, the roads do define areas between them which are labeled as the proposed restrictive areas for this regulation. But the shapes of these areas do not match any of the shapes indicated on the mid-80s draft inventory that we do have. We can therefore only conclude first, the judicially approved roads are apparently not accurately represented, and second, some other source of information has been used to create the current restrictive unit shapes. We are not aware of a late '90s published draft inventory for the Dixie Forest, similar to that done in 1999 by the Uinta Forest. We are aware that initial roadless area inventory work was underway in both the Dixie and the Fishlake National Forests, as evidenced by a joint letter dated June 26, 1998 from the two Forest Supervisors. Therefore, we believe that the Forest Service is relying on unpublished work to establish a major policy initiative, and has not provided that work to the state or anyone else for review. This is an illegal violation of NEPA requirements.

Fourth, the state's concern about lack of information is heightened because the proposed regulation purports to cover only the "unroaded portions" of an inventoried roadless areas. As discussed in the background section above, the changing interpretation of the definition of roadless is the major question in this public debate. The three major reviews that have been mentioned, all come to separate conclusions, fundamentally upon different interpretations of the distinction between classified and unclassified roads. Unclassified roads are roads, of course, but the Forest Service simply chooses to not count them as part of a roadless inventory. Again, however, these inventories were done as part of a review for possible wilderness designation. As such, the remainder of the planning process would balance all of the other multiple-uses for the area with the possibility of wilderness. The need for timber, mining, motorized recreation, wildlife habitat, large open spaces could all be examined, and the presence of classified or unclassified roads in each area was a part of the equation. It was always a possible outcome that the presence of unclassified roads, in an inventoried roadless area, along with the other multiple-use needs, meant that an inventoried roadless area was not appropriate for consideration as wilderness, and another management choice would be made.

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The proposed regulation, however, intends to use these inventoried roadless areas, including roads, as an object to be preserved. Does the Service intend to preserve all the roads in these roadless areas? The proposed regulation clearly states that no classified or unclassified roads may be reconstructed, with certain vague exceptions for public health and safety, CERCLA cleanup, and resource protection based realignments (Section 294.12). Thus, this proposed regulation constitutes an immediate decommissioning and closure of the roads without any localized process or input. This is not good public process. For necessary road closures, a localized process such as that recently used on the Boulder Top is far better.

The state has a further concern about the Service using the label "unroaded portion of an inventoried roadless area." The state does not know where those areas are, and the proposal does not indicate. The Service is admitting that roads, classified and unclassified, have been built in inventoried roadless areas. And, as shown above in the Manti-La Sal National Forest, it is legal, with NEPA compliance, to build roads in the very areas that the current proposal states that such is not possible. Because the Forest Service admits that roads have been built in roadless areas, and has neglected to figure out where those roads are, they attempt to short-circuit the necessary studies by claiming that the rule only applies to the currently unroaded portion. Where is that? What evidence has been used? How are citizens and forest supervisors to understand where those areas are? How can the Forest Service propose a new regulation that has a geographic aspect without understanding exactly where those areas are? Based on past experience the state believes that, unless these areas are carefully proposed, with boundaries open for public review, that every time something is proposed, it will suddenly be inside the slippery, moving target of an unroaded portion of some inventoried roadless area. The maps of the unroaded areas will be generated on an *ad hoc* basis over the next 15 years. The Forest Service has the responsibility to clearly define the areas of the regulations affect today. If the Service does its job correctly in this regard, the need to define the unroaded portion of the areas will not exist, because the maps will clearly demonstrate which areas are covered, and which are not.

Roads are vital in the State of Utah. Not only has the state participated in the roadless inventory/wilderness review process each time it has come up, the state participates in the process related to road closures, and assists local government in protecting its rights under law to manage roads themselves. The state has participated in many lawsuits in federal court over roads in Utah, and, of course, recently, by letter dated June 14, 2000, sent a statutorily required notice to the Secretary of Agriculture stating that the state intends to sue the Department in order to quiet title to certain roads. That lawsuit will be filed in the near future.

To summarize then, the Service is proposing to take various inventories of roadless areas done over a span of two decades; ignore the debate about the definition of a road in each of them; recognize that roads, both classified and unclassified have been built in those two decades; mandate no further construction or reconstruction thereby effectively decommissioning and closing those roads; and not tell anybody exactly where those areas are. This process is

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unconstitutional as well as illegal.

The state's examination of the facts leads to errors and inconsistencies in the work of the Service in the preparation of this proposed regulation. Frankly, the work appears sloppy. It was hastily assembled in order to meet expedited deadlines. Documents subpoenaed by the U.S. Senate show that the deadlines for this proposal were set solely to meet political deadlines, with no consideration of proper forest health or legitimate public debate. The state is left to wonder when these errors and inconsistencies are to be fixed, and by whom. If a short review of a bit of the background information discloses the above errors and inconsistencies, what will a more detailed review find? More importantly, will the state be able to participate and exercise its right to comment? The state strongly assert that these errors cannot simply be fixed in the final proposal. A revised DEIS must be issued, with reasonable time to make informed comment.

Compliance with statutory requirements

The state has serious concerns about the compatibility of the proposed regulation with the statutory mandates of the agency. It is clear that the agency has gone to great lengths to use areas which have been inventoried for their possible inclusion as wilderness in the proposal. Yet the agency has also gone to great lengths to establish new criteria to both justify the immediate restrictions on roads, and to be examined in the case of future planning. These new criteria have no basis in law, and, in fact, are often used as the justification for the establishment of wilderness. It is true they are not the legal requirements for wilderness as set out in the Wilderness Act of 1964, but these same requirements appear in much of the literature as the rationale for wilderness protections. The fact that the so-called inherent characteristics are the same as the normal reasons given to save areas of land as wilderness (not the same as the legal requirements for wilderness) indicates the predisposition of the Service toward wilderness at the expense of the other multiple-uses. The entire proposed regulation is nothing more than an attempt to create *defacto* wilderness without Congressional approval.

The state has read with great interest the testimony of James P. Perry before the U.S. Senate. Mr. Perry, though now retired, served for 32 years as an attorney in the Office of General Counsel, U.S. Department of Agriculture, and worked with 5 different Chiefs of the Forest Service, including Mike Dombeck, the current Chief. Mr. Perry was testifying about the legality of the Forest Service's new proposed planning regulations, featuring the concept of "ecological sustainability." Mr. Perry's testimony indicated how this term was vague, uncertain, and most likely did not comply with the Congressionally mandated requirements to manage the forests in a multiple-use manner. The state agrees with those comments of Mr. Perry, and believes they can be extended to the current proposed regulation. For the Forest Service to focus so very, very narrowly on the idea that only roadless/wilderness areas will cause the forest to be successfully managed is an abandonment of the multiple-use mandate.

The Forest Service also has not tied the two sets of regulations together in a coherent manner.

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How will the idea of "ecological sustainability," if adopted and legal, fit into this proposed regulation? Given the bias of the Forest Service in the current DEIS, the state would assert that the Forest Service is simply using the current proposed regulation as support for the other. The state believes that they are both part of the same conceptual idea, and that the two have been segmented into two parts in order to minimize the effects of each, in violation of NEPA.

Need for plan amendments

As shown above, the duly adopted plan for the Manti-La Sal National Forest does in fact state different management prescriptions than the current proposal alleges. Thus, for the current proposal to become effective, the forest plan needs to be amended. The proposed regulation does not amend the plan for the Manti-La Sal National Forest, and in fact specifically states that plan amendments are not mandated by the proposed regulation at all (Section 294.14(b)). Though section 294.14(b) can be interpreted a couple of different ways, the fact is that the proposed regulation, if adopted, will conflict with the forest plans duly adopted by equally valid regulation (36 CFR Part 219 - Planning). The Forest Service is thereby proposing to establish conflicting requirements. This is extremely poor way of operating a government agency. Roads are legal under one set of regulations, and illegal under another. It is the responsibility of the Forest Service to propose a complete regulation package, one that would resolve this apparent contradiction. However, since plan amendments are not contemplated by the current proposal, and, in fact, are not even to be required, the current DEIS will not support plan amendments as an alternative. Because basic NEPA law holds that the final decision of an agency may not exceed the breadth and scope of the alternatives presented, the agency will be required to reissue the DEIS to correctly deal with this issue.

The required plan amendments cannot be deferred either. The proposed regulation indicates it will have immediate effect. An immediate contradiction in regulations is not good policy or practice. Further, deferring the amendments would have the effect of making the current proposal a programmatic one. The state would then correctly expect and look for localized studies of the programmatic regulation on specific areas. Such localized studies would have to consider all options, including the ability to construct roads in order to meet legal responsibilities. No options could be precluded.

Not Enough Alternatives Presented

The DEIS for the proposed regulation contains four alternatives (DEIS, p. 2-2 to 2-10 - excluding the Tongass discussion). It considers alternative positions on the proposed prohibitions in the inventoried roadless areas, and alternative procedures in the second part. The DEIS specifically does not consider a number of alternatives, as stated on p 2-15, including alternative methods of achieving the same protections. The DEIS and the proposed regulation indicate that this proposal are proceeding at the direction of the President. Documents obtained by the U.S. Senate reveal that the President was advised on this matter by George Frampton, Chair of the Council on Environmental Quality, Michael Dombeck, Chief of the Forest Service, and others. This is fine,

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of course, except that the same documents reveal that these persons worked with a citizens group to set the parameters of the proposed regulation. Aside from a possible violation of FACA, it is likely the agency has impermissibly limited the range of alternatives considered by arranging ahead of time to be required to have the range limited. Several of the alternatives listed, particularly "alternative prohibitions" "alternative geographical definitions," "alternative durations" and "alternative exemptions" would make very fine, practical alternatives to meet the needs of forest health and societal needs within roadless areas.

The range of alternatives is very limited, and does not include an alternative exploring other ways of achieving the goals of forest health and all of the 9 inherent characteristics through active forest management. This moderate, on-the-ground practical position should be presented, rather than only the extreme alternatives of "no action" and "close everything." Roads can be closed after mineral exploration, timber extraction, water development, fuel reduction or forest health treatments. In addition, as future projects requiring new road construction were considered, a simple requirement of road closure and reclamation after project completion could be made a condition of project approval. A closed road does not sever wildlife habitat or cause fragmentation. A closed road in fact provide extremely desirable areas of forest edge, where many species thrive.

State Primacy and Federalism Concerns

The second part of the proposed regulation, Section 294.13, raises serious considerations about compliance with state primacy provisions under federal laws, and federalism concerns. The proposed regulation requires the local supervisor to evaluate the quality and importance of "soil, water and air" and "sources of public drinking water" when examining unroaded areas in future plan revisions. The proposed regulation does not contain any further criteria about this evaluation. This evaluation is then used to determine "management protections" and the "level of such protection" in the subsequent plan, such protections to further the conservation of roadless areas.

The state is the entity given primacy, under the terms of the Clean Air and Clean Water Acts and a delegation from the EPA, for air and water quality. These laws provide for permits for any type of disturbance or other act which may cause a discharge into the air or waters of the state. The state is responsible for other air quality considerations, including haze. Many of the western states have agreed to the provisions of the Western Regional Air Partnership (WRAP), a regional effort to combat regional haze. The state cannot imagine how the local supervisor can make this evaluation without the expertise of the state personnel in air and water quality. The proposed regulation does not provide for any consultations, memoranda of understanding, or any communications as these evaluations are being conducted.

Further, because the state has primacy in the area of wildlife management, questions of federalism are raised when the proposed regulation purports to have the local managers

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evaluations of wildlife habitat. Again, the proposed regulation does not provide for any consultations, memoranda of understanding, or other communications to insure that the state's primacy with wildlife issues is given full consideration.

Other Uses that Require Roads

The proposed regulation states that its only effect is to prohibit road construction or reconstruction inside certain areas. The regulation does not, and cannot, alter the other laws of the nation which allow uses of these lands, such as the mining laws or timber sales laws. If the regulation becomes effective, the Forest Service will still be required to honor those other uses. Honoring those uses requires more than the lip service presented. For example, the Forest Service will be required to allow prospecting for minerals, and exploratory drilling for coal and oil and gas. This is more than a recognition of a current outstanding right. This is the right to develop an outstanding right. The Service must also allow the exploration to proceed in an economic manner, otherwise, the regulation will have the effect of denying uses authorized under the other laws of the nation.

If the Service is not restricting the ability to apply for permits to explore for minerals, then explore for and develop any minerals found, all pursuant to NEPA analysis and the like, then the proposed regulation should so state. If this is the case, the regulation needs to state how to apply and what process can be expected. If the right to explore for minerals is being restricted, the proposed regulation will constitute an illegal withdrawal of land. Withdrawals of land may only proceed pursuant to law (43 USC 1716). Similarly, the Service must provide for timber sales and timber harvest in an economic manner. Helicopter harvest is generally not economic in Utah. The regulation cannot restrict economic timber sales without constituting a violation of the timber laws. The regulation needs to state how timber sales can proceed.

Effect on other lands

In its haste to ram this regulation through for federal lands, the Service is not considering the effects on state and private lands. Restrictions on the federal lands will increase the pressure on private and state lands. Increased use there may in turn have effects on the health of the federal forests. The forests are all connected, and a short sighted emphasis on one type of management for federal lands may not constitute the best overall management scheme for all the forests. The Service is simply ignoring the partnerships that may be possible with other landowners for the greater good. The Service needs to consider this issue in much greater depth.

The availability of federal timber has declined steadily in the last seven years while the demand for wood products has continued to climb. In 1993, 13 percent of the total amount of timber cut in Utah came from private and state land. In 1998, timber from private and state lands had increased to 60 percent of the total. That amount of timber cut from private lands is definitely not sustainable. The impact of that transferred demand has far reaching impacts on more than just timber availability and supply. Cutting of National Forest timber is subject to close scrutiny

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and controlled by adherence to conservation practices. Those same safeguards do not exist on private land. Protection is not as effective on these lands yet the same impacts occur, particularly to water quality.

The explosion of insect and disease populations is alarming. Many hundreds of thousands of acres of National Forest land in Utah are dying or already dead due to spruce bark beetle, mountain pine beetle and fir engraver epidemics. Many of these epidemics have originated on National Forest and proliferated to become epidemics. Once these outbreaks reach epidemic proportions, they cannot be stopped until they collapse in upon themselves. The private and state lands intermingled with or adjacent to National Forest lands are then victims of spreading epidemics which cannot be halted at any boundary or property ownership line. The designation of huge tracts of roadless areas will exacerbate the presently existing problems.

A set of maps is attached (Attachment 2) that shows the present location of insect populations on national forest lands in the state of Utah. Projected impacts to adjacent or intermingled land private and state land are identified. The projection is based upon the same time period used in the draft EIS, 5 years. As one can see, significant amounts of private and state forest land will be affected. It is anticipated that 230,025 acres of private forest and 45,529 acres of state forest will be destroyed by the expansion of the existing epidemics which already exist on national forest land. That situation is not acceptable to the state of Utah. Fire risk adds another dimension to the risk. The risk of catastrophic fire will become untenable as these dying and dead forests impact the fuel load.

Economic effects

The draft EIS addresses the communities in Utah and elsewhere that will be affected by the proposed rule and the subsequent reduction in timber harvest. The estimation of impact is dramatically understated. For example, the reference to the Dixie National Forest and the impact states that 19-20 jobs might be lost in Escalante and Panguitch, Utah. However, the sawmill in Escalante alone employs 85 persons and indirectly employees another 50 persons. There is no doubt that this sawmill in Escalante would be forced to close if the proposed regulation were to be implemented. This is in an area where the opportunities for employment have already been significantly reduced due to the Presidential creation of the Grand Staircase Escalante National Monument. Similar misrepresentations are present throughout the document. The impact is downplayed in almost every aspect of consideration. Even the number of communities is understated. The communities in Utah affected would include Beaver, Bicknell, Hyrum, Lyman, Old LaSal, and Sigurd in addition to the ones mentioned in the document. As many as 354 jobs could well be lost in the state of Utah alone, which is more than half of the number stated for the entire nation. These numbers are reflective of employment within sawmills which will be adversely affected by the proposed rule. The draft EIS specifically states that, in Utah, 20.8 MM board feet of timber annually would not be cut and then suggests that only about 37 jobs would be affected, some of which would be in Idaho. There is no basis for this statement. There is no

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information given which would substantiate the correlation between the reduction of timber and the loss of only 37 jobs. As described above, the real impact would actually be much greater than that indicated.

Throughout the document, the reduction of timber to be harvested and the impact created by that reduction is severely understated. The amount of timber harvested in 1996-1998 is used as a baseline for any impact considered by the further reduction under the proposed rule. However, the amount harvested used as the baseline is already at an all-time low for timber harvested from National Forest land. The transfer of demand to private land, state land and other nations will be further exacerbated by the use of these skewed or biased baseline figures. The true indication of the effects of this proposed rule should be a comparison of volume reduction due to this proposed rule in relation to the volume of timber sold over the last decade or two. That would more accurately reflect the cumulative impact of this latest reduction in availability of Forest Service timber.

The EIS also predicts the effect of the recommended alternative and other alternatives by cutting the schedule of timber harvest over the next 5 years. On page 3-184,185, the document refers to a 30 percent reduction of planned vs. actual sales, and then further reduces that amount by an unspecified percentage to create what is called the "annual average harvest." According to the table 3-40, this amounts to 15.8 MM Board Feet (BF) in the Intermountain Region, of which Utah is a part. In that same table, Alternative 2 is identified as only affecting or reducing the average annual harvest by 21.6 MMBF and Alternatives 3 and 4 are said to reduce the average annual harvest 24.0 MMBF. However, the table 3-54 on page 3-213 states that a reduction of 20.8 MMBF annually would occur on the forests in Utah alone without including the other National Forests of the Intermountain Region. That discrepancy is not without significance. That difference alone is enough volume to operate a sawmill similar in capacity to both the mill at Escalante and at Kamas. These two mills provide 100 directly employed jobs and another 60 indirectly employed jobs. That far exceeds the estimates stated in the DEIS on pages 3-218 and 3-219.

In addition, the Forest Service has a document with supporting computer program and statistics called the Timber Sales Program Information and Reporting System(TSPIRS). TSPIRS uses the figure of 17 direct and indirect jobs affected for each million board feet of timber cut. The draft EIS, on page 3-213 provides the information that a reduction of 20.81 MM Board Feet would occur if the alternative prohibiting road construction and timber harvest were selected. Using the figures of the TSPIRS (the calculations provided by the Forest Service), of 17 jobs affected for each million board foot reduction, the impact is calculated to be 354 jobs in Utah.

The statement on page 3-221 of the draft EIS identifies only 119 jobs affected on two forests in Utah and two Idaho forests. Again, using the TSPIRS figure, the impact would be 490 jobs for the Caribou, Payette, Dixie and Manti-LaSal National Forests. The draft EIS is carefully worded

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to direct attention away from a state-by-state analysis by including data from two or more states and arranging the combinations of forests to disguise the real impact. In other instances, the figures are erroneously calculated to reduce the apparent impact of the selected and other alternatives.

Realistically, one local sawmill operator, Steven Steed, manager of the mill in Escalante, Utah reports

In reality there are fourteen small family-owned sawmills in Utah that depend on federal timber. These sawmills directly employ over 406 people and indirectly employ approximately 200 loggers and truckers. Over half of the sales planned for this year, on the three Southern Utah forests [Dixie, Fishlake, Manti-La Sal] were to be in RARE II Roadless Areas. ... Without this volume, most of these companies will also fail.

In addition to the jobs which will be lost in the private sector as mentioned above, there will be a substantial number of jobs within the Forest Service that will be lost as well. With the reduction of timber sales as described in the draft EIS, fewer people will be needed to work for the Forest Service to prepare, conduct and administer timber sales. These people are usually located in the rural communities where sawmills and logging companies conduct business. The effect of the proposed rule, then, is to amplify the loss of jobs in these rural communities. That aspect of the impact is not addressed in the draft EIS at all.

Payments to the States

The draft EIS also understates the effects of the proposal on the Payment to the States (PTS). This revenue is directed to the counties in which the timber is cut. Most of these are rural counties with a small population base and the revenue is important to the annual budget. The draft EIS opines that the decreases in PTS would be partially offset by increases in payments in lieu of tax, or other yet to be determined Congressional legislation. The requirements of NEPA do not allow the Forest Service to avoid the tough calculations of the effect on payments by speculating that someone else may solve the problem. The Forest Service needs to clearly state the revenue loss to the local communities, and calculate such loss based on an accurate estimate of cuts in timber sales as discussed above.

Erroneous Baseline Used for Impact Analysis

The document refers to the impact of timber volume reduction by using two misleading figures. The misrepresentation of using the baseline harvest data of 1996-98, mentioned above, definitely skews the analysis. The harvest level of 1996-98 is far below the average harvest level of the previous decade and thereby misrepresents the overall reduction due to the proposed regulation. The other significant misrepresentation is the failure to compare the amount planned for harvest in relation to the increment or volume grown each year. The National Forests have been cautious in proposing any timber sales in areas previously categorized as inventoried roadless areas.

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Because of the present administration policy, most forests have a 5 year plan to cut much less timber than could be cut (identified in the Allowable Sale Quantity or AS) and, in fact, has been cut in the past. So any analysis of impact using the current 5 year planned sales is much below the actual impact of the Alternatives 2 through 4.

For example, on the Dixie National Forest, the 1998 inventory indicated over 3.5 billion board feet of live commercial timber exclusive of pinyon-juniper. Annual mortality is in excess of 53 million board feet and net growth is more than 45 million board feet. Net growth is derived by subtracting the mortality from the annual volume increment. The amount of timber expected to be cut is 3.9 million board feet and 5.4 million board feet of timber to be salvaged. The figures indicate that only about 10 percent of the mortality or trees that die each year are cut. Those figures also indicate that only about 10 percent of the net growth is cut each year. That means that the forest is accumulating almost 90 million board feet of timber each year. This is untenable in light of the insect infestations which have occurred and are occurring on the Dixie National Forest. It almost seems as if the intent is to grow beetle fodder. The dead and dying trees are adding to the fuel loading at such an alarming rate that a catastrophic fire is imminent. Such a exists not only on the Dixie National Forest but on the Ashley, the Fishlake and the Manti-LaSal as well. The real tragedy is that while these huge amounts of biomass, trees or fuels are accumulating, numerous small sawmills throughout the state are facing shutdowns due to the lack of available timber. The proposed regulation dramatically understates the impact and problems facing the National Forests in Utah and throughout the West.

Forest health

The DEIS states "roadless areas are more likely to contain healthy ecosystems that are better able to respond to natural disturbances like windstorms and fire." This is not necessarily true. Most ecosystems are in a constant process of change, with periodic significant renewal episodes. Such episodes can occur naturally or can be man-caused. Nature does this through fire, severe weather events, or by insects and disease, usually followed by fire. Human intervention with grazing, logging or prescribed fire does the same thing. Many of the current roadless areas referred to as healthy are that way because of their current place in the successional cycle. Some are in the early stages of ecological succession and others are in the very late stages. In the latter case, they are highly susceptible to the significant renewal episodes. Fire suppression by the Forest Service over the past 80 years has created large monocultural forests susceptible to very large catastrophic fires. These monocultures do not provide all the benefits so glowingly described in the DEIS.

From a wildlife perspective, much of the habitat in Utah forests is in poor condition, overaged and trending toward monotypic stands of conifers. The state of Utah believes that the proposed regulation will hinder management programs which otherwise could be directed toward reestablishing forest habitat diversity. The restrictive designations could hinder prescribed burning and timber harvest, both important forest management tools, and thus limit the Forest

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Service's ability to address the problem of reestablishing and maintaining diversity in forest wildlife habitats.

As indicated above, much of the habitat on Forest Service lands is overaged and trending toward monotypic stands of conifers. Over time, aspen forest types naturally succeed into forest types dominated by mature conifers. The national forests have identified the decline of aspen as a problem throughout the Intermountain Region of the U.S. Forest Service and particularly in Utah. A specific example exists on the Dixie National Forest. An analysis procedure called the "Properly Functioning Condition" has concluded that the aspen type on the Dixie National Forest has declined by 65 percent since the early 1900s. Aspen is regenerated by a variety of disturbance regimes. Denying access to aspen groves in order to promote the necessary disturbance will only exacerbate the decline of aspens in the region, allow entire forest landscapes become dominated by conifer, thereby reducing habitat diversity and consequently wildlife species diversity. In Utah, forest canopy diversity is particularly critical to aquatic systems and aquatic species because conifer-dominated watersheds significantly reduce stream flows. Catastrophic fires are also much more likely in monotypic stands of conifers, and the loss of soil following these events is often disastrous to aquatic systems.

Prescribed burns and logging are two proven methods of forest management which promote aspen regeneration. Logging with helicopters is not cost effective in most Utah forests and therefore cannot affect enough forest to significantly improve wildlife habitat. Prescribed burns also benefit from roads, which can be used for access and fire breaks. The state recommends that roads be allowed for the purpose of improving wildlife habitat through prescribed burns and logging activities. Any new roads constructed for such purposes could be closed and reclaimed. Failure to allow such road development will lead to a continued reduction in wildlife habitat quality across the areas covered by the proposed regulation.

The state also believes that a prohibition on building roads may negatively impact forest health. In areas where the forest is at high risk from insects, disease, or fuel loading, we recommend that roads be allowed for purposes of suppressing insect infestation, thinning trees to improve stand vigor, or reducing fuels. Any new roads constructed for such purposes could be closed and reclaimed once the risk(s) to the forest had been addressed. The following is a specific example of the impacts this proposal will have on the Dixie National Forest. The Cedar City Ranger District is currently experiencing a major spruce bark beetle epidemic. Approximately 40,000 acres of Engelmann spruce are already dead or dying. At least 25 million board feet of dead timber lies within inventoried roadless areas. Stumpage values for dead spruce are equal to live trees because of their utility as house logs. The proposed rule would preclude the removal of this material. Not only will the sale value will be lost, the beetle will continue, and the possibility of catastrophic fire grows greater.

The proposed regulation implies that prescribed burning can be utilized to maintain forest at a

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more desirable level of diversity. However, science indicates mechanical treatment is necessary prior to a prescribed burn to obtain the desired results. Any necessary mechanical treatment requires a road for access to areas to be treated. If prescribed burning is attempted without the necessary pretreatment by mechanical means, the objectives of such burning are rarely obtained and the contingency suppression forces required are much greater. Burning without prior treatment is expensive and not without liabilities. In addition, the timing of prescribed burns conflicts with the need for similar resources to control wildfires. Crews, helicopters and certified personnel are most busy during the fire season and, at best, not always readily available for prescribed burning. During severe fire seasons, resources may not be available at all. In several of the past fire seasons, critical shortages have occurred and helicopters, crews and specifically-certified personnel have been unavailable.

The draft EIS suggests that prescribed burning is a viable tool to manage the National Forest rather than using logging operators with machines as a tool to obtain desired stocking levels, desired age distribution and stand composition. At the presently proposed level of burning, the National Forest could never treat the acres for which fire is considered an acceptable alternative to mechanical treatment. Even with accelerated efforts to treat the required number of acres, the resources are not available to perform such a herculean task. In addition, weather is an essential component to successfully conduct a prescribed burn and cooperation is not always forthcoming. Many of the forest types for which fire is prescribed as a management tool require weather conditions or fire conditions that are quite severe. For example, a subalpine fir understory of aspen, aspen with a vegetative understory, decadent pinyon-juniper or stagnant lodgepole pine stands would all require drastic fire conditions for a successful prescribed burn. When weather conditions are such that a burn could be effective, chances are that the resources needed for such a burn are already engaged or needed for wildland fire suppression. The resources needed for prescribed fire are the same resources needed for wildland fire suppression, namely, fire crews, helicopters and certified fire personnel. In 1988, 1994, 1996, 1998 and 1999, orders for resources went unfilled for long periods of time. In short, resources were unavailable for wildland fire suppression, let alone prescribed burning. The feasibility of using scarce resources on prescribed burns when wildfires are being understaffed is almost nil.

The draft preferred alternative indicates support for itself by asserting that roadless areas can serve as refuges for plants and wildlife species. The state appreciates the concern for wildlife demonstrated by this concept, but it is important to recognize that for these refuges to be successful, appropriate wildlife habitat is necessary. If these areas are not managed to maintain habitat diversity, many plant and wildlife species will not occupy these refuges. The state again recommends that roads be allowed for the purpose of maintaining habitat diversity in these refuge areas and that these roads be closed except when used for forest management purposes. Failure to allow such road development will lead to continued reduction in wildlife habitat quality and a reduction in the value of these areas as refuges for a variety of wildlife species.

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We also would like to point out the risks which catastrophic fires could pose for Bonneville and Colorado River cutthroat trout populations inhabiting stream and river courses on national forests in Utah. These two species are the subject of intense interagency conservation efforts through their respective conservation agreements and strategies. To the extent that roadless designation would inhibit fuel management (e.g., by precluding effective timber removal or inhibiting fire management), the risk of catastrophic wildfire would increase. The aftermath of catastrophic fire can dramatically affect watersheds and water courses, as well as the fish and wildlife species which depend on them. We need as much management capability as possible to reduce the risk of catastrophic fire events in the watersheds containing native populations of Bonneville or Colorado River cutthroat trout.

Derogatory Description of Persons Involved in Harvesting Timber

The section of the draft EIS which addresses the social impacts of the proposed rule and its relation to timber harvest is very derogatory in the description of mill workers in timber-dependent communities. The language implies that all mill workers are uneducated, prone to unemployment enrollment, divorce, dysfunctional family situations, live in substandard housing and the communities in which they live are poorly equipped to provide social services and community infrastructure. These comments are totally unnecessary, and are offensive to those who have chosen to make a living working in the timber industry. The language is particularly egregious given the language found throughout the DEIS praising those who believe that the forests should not be harvested. The purpose of the DEIS is to comment on the environmental impacts of the proposed regulation, not to attack or praise the belief systems of any citizen of this country. The Forest Service owes the citizens who work in the timber industry a deep apology for this insulting section of the DEIS.

In some rural communities, the sawmills are the predominant industry and the best opportunity for better jobs at higher pay than otherwise exist in these smaller communities. In numerous cases throughout the state, the mill workers are able to earn a much better wage than any other type of employment in these areas. The draft EIS would further encourage readers to believe that the tourist-recreation industry is much better able to meet the needs of rural communities without the impact of resource utilization industries such as mining, timber harvest or oil and gas production. However, a simple understanding of the tourist industry reveals that many jobs affiliated with that industry are seasonal, minimum wage jobs which usually employ a much more transient population than the timber industry. The DEIS should speak to these facts as well.

Recognition of Water Rights as Valid, Outstanding Rights

By comparing the data on the maps provided by the Forest Service with the state's data base of water rights information, we were able to there are 60 non-Forest Service dams within the areas proposed. They are broken down by their respective forests as follows:

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Ashley	14
Dixie	9
Fishlake	8
Manti-LaSal	8
Uinta	2
Wasatch-Cache	19

Additionally, there are 2,390 non-FS points of diversion, rediversion, and return (which includes the 60 dams previously mentioned) whose head gates, pipelines, canals, and return structures also fall within the areas. They are broken down by their respective forests as follows:

Ashley	468
Caribou	4
Dixie	234
Fishlake	177
Manti-LaSal	332
Sawtooth	29
Uinta	531
Wasatch-Cache	615

These dams and water rights are listed in the attached tables with their associated dam number or water right number from our databases.

While the proposed regulation does have an exemption to the general rule when a "...road is needed pursuant to reserved or outstanding rights..." (294.12-b-3), the state is deeply concerned that valid, existing, state-originated water rights do not fall under this definition. The DEIS only mentions hydrocarbon and mineral rights in its discussion of existing rights, and the supporting specialist report entitled *Analysis Of Effects For Non-Recreation Special Uses Management* asserts that the above mentioned water rights "are not associated with a valid existing right." While some of these water rights predate the establishment of the national forests, most were established afterward and are covered by use permits issued by the Forest Service. These permits were issued, and renewed, in good faith to water right holders whose livelihood depends on the continued exercise of these rights. Under Utah law, a valid water right is classified as real property and entitled to the constitutional protections appurtenant thereto. Furthermore, in the legislation which established the High Uintas Wilderness Area, similar water rights were specifically recognized as valid existing rights and the ability to perform maintenance activities guaranteed. The state engineer is of the opinion that valid, existing, state-originated water rights fall squarely within the definition of "outstanding rights," and the proposed regulation must clearly recognize them.

The dams, head gates, pipelines, and canals (structures) associated with these water rights have

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historically had land access since the time of their construction. The frequency of equipment access has been so low that the necessity for the access is sometimes forgotten. The above referenced specialist report seems to concur with this view, but reaches the erroneous conclusion that "so few non-recreation special uses are likely to be impacted under these alternatives, the economic effects on businesses, individuals or communities will be minimal". We do not consider the effect on 2,390 points of diversion, rediversion, and return to be minimal. To prohibit road reconstruction for maintenance access of equipment to these existing structures in the proposed restrictive areas is contrary to the best interest of the public. When there is a need for access to repair and maintain these structures, the proposed regulation should allow for such, and be amended accordingly. Such a change to the proposed rule would be for the safety of the public, the protection of the outstanding rights of the structure owners, and the protection of the streambeds below the structures. While it is true that some of the smaller structures can be maintained without road access, the larger structures (which pose the greatest danger to public safety) require road access so maintenance can be done in a timely and effective manner. It is better to permit required maintenance activities to occur as needed, rather than to have to hurriedly build a road to deal with "an imminent threat of flood, fire, or other catastrophic event..." as anticipated in 294.12-b-1.

The following is a quote from the May/June issue of the Association of State Dam Safety Officials newsletter. "There is an alarming lack of public support and education about the need for proper maintenance and repair. Dam safety is not a glamorous issue, unless a dam fails. But, it is one that affects the safety of millions of people across the country who could be living and working in the path of a potential dam failure. If dams fail, people can die and property can be destroyed."

If proposed rule is not modified to allow this access, the Forest Service should be prepared to accept the financial liability from any resulting structural failures. Further, if the Forest Service allows these structures to deteriorate to the point where they become useless, the Service should compensate owners for the administrative taking of the water right.

Effects on Mineral Development

The May 2000 Draft Environmental Impact Statement (DEIS) charts a course of action for the National Forests that grossly ignores minerals management potential and the existence of numerous other state and federal statutes and regulations designed to guide the exploitation of natural resources in an environmentally responsible manner. The state is intimately involved in the daily decisions of approving where, how and by whom these mineral commodities are to be discovered and recovered. The DEIS only refers to minerals in the generic sense, connoting both locatable hard rock metallic and nonmetallic minerals as well as all of the other solid minerals such as dimension stone, phosphate rock, potash, and the solid and fluid energy minerals. An important part of the successful quest for these resources is balance in compliance with protection and the opportunity to explore, neither of which is considered in the alternatives

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presented in the DEIS.

Balance among the multiple uses that are possible in the National Forest System lands in Utah is not considered among any of the action alternatives presented in either the procedural or the prohibition categories of the document. The Forest Service must manage within the basic statutory framework of the agency. Unfortunately, the Forest Service does not see the need for balancing uses for the land in the areas under consideration. We do not believe that all uses must occur on every acre of the National Forest System, but do believe that the extraction of mineral resources must be considered in areas not currently protected as wilderness for the simple reason that minerals occur only where they have been deposited by nature, not just in roaded areas.

As an example, at this point in civilization's search for oil and gas resources we are looking for extensions of our knowledge and our available supply to maintain viable sources of these unique commodities. Forestalling the ability to examine and explore for these resources on an additional four million acres in Utah neglects the balance of multiple uses which are possible on the land and will create an increased unacceptable impact on adjacent lands because of more pressure for exploration. In addition, eliminating exploration neglects the need to address the projected demand for resources in the immediate and middle future of the nation as a whole. In a recent report by the National Petroleum Council to the Secretary of Energy, the projected demand for natural gas was placed at 29 trillion cubic feet per year in 2010 and at 31 trillion cubic feet in 2015. When compared to the demand of 22 trillion cubic feet per year in 1998 this is a sizable increase in demand, which is to be faced by all of us as U.S. citizens.

To address this demand and the need for other minerals the state, in cooperation with a score of other agencies including the Forest Service, faces industry's search to meet the demand for minerals with well-based environmental laws that assure many of the protections which are included in the purpose and need portion of the DEIS. The interagency governmental protection which occurs resultant from the collaboration of committed natural and physical sciences professionals provides the needed balance in minerals development. The cost of environmental compliance is weighed when companies are forced to comply with the existing standards of environmental protection. Further, through the spreading of impact we can produce lower pressures of exploration and development on the ground, since impacts are then distributed among all ownerships. This technique makes more opportunities open to companies then allowing them to search in a broader base of area in all of the states, strengthening the search to meet the demand for the nation's minerals.

We see our role in regulating the search for and development of mineral wealth of the state as a pivotal one in guiding mineral exploitation and take that responsibility seriously and professionally. To accomplish the task of development successfully our nation needs to provide to industry the opportunity to search for and recover minerals where they occur but at the same time do it responsibly and in full compliance with all laws.

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In addition to inhibiting mineral and energy production, the proposed rule may have a detrimental affect on the preservation of vertebrate fossils. The DEIS, in a number of the geological discussions, claims that a lack of additional roads prevents destruction through vandalism. This is true, but it also stifles efforts to locate, understand, remove, and preserve fossils which may otherwise decay and be lost forever if simply left to rot on the forest floor or in the near-surface.

There are a number of places where the proposed regulation may have a direct impact on development. One proposed area having high development potential for coal is T. 14 and 15 S, R. 6 and 7 E., lying primarily under Candland Mountain. This northern Wasatch Plateau coalfield was recently studied by the Utah Geological Survey (UGS Circular 100, 1999), and a significant portion of the proposed area was found to be underlain by two coal beds of mineable thickness, the Blind Canyon and Wattis. The minable portions of these two beds range from 4 to 14 feet thick and contain in-place coal resources of about 150 million tons. A small coal mine, the Larsen and Rigby, was active from 1937 to 1970 at the far north end of the proposed area and produced about 150,000 tons for use by residents in the Sanpete Valley. Currently active coal mines lie directly north and south of the proposed area and could look to this area for future resource needs. This area is attractive for development because the coal can be reached from the surface along an outcrop. At present, coal in the Candland Mountain area is known mainly from its exposures along the outcrop and no drill hole data exist. Restricting future road building would severely hamper future exploration and development of coal in this area, which is one of the few large, undeveloped tracts left in the northern Wasatch Plateau coalfield.

Two proposed areas in T. 19 S., R. 5 E. have moderate coal development potential. These two tracts bracket Wagon Road Ridge to the north and south and are somewhat removed from the nearest outcrops of coal along Ferron Canyon in T. 20 S., R. 5 E. The coal under these tracts is at minable depths of about 1,500 to 3,000 feet according to Doelling's 1972 map. The exposures of coal along Ferron Canyon to the south show a bed called the Hiawatha ranging in thickness from 3 to 7 feet thick. Drilling a mile or more to the north, south, and west of the exposures along Ferron Canyon indicates that this bed continues to exist over a wider area and ranges from 3 to 15 feet thick. The Wagon Road Ridge south area does not appear to contain any existing roads according to recent topographic maps and probably would not hinder future coal development if set aside as roadless. However, the Wagon Road Ridge north area is essentially a ½-mile-wide corridor that already contains an existing 2-mile-long road that extends from the campground near Petes Hole Reservoir on the west, halfway to Josephite Point on the east. This area is not roadless and closure of this road could hinder exploration and development of the coal resources to the north of Ferron Canyon. The Ferron Canyon coal resource is only 20 miles from the coal-fired Hunter Power Plant near Castledale, Utah and could be a potential future fuel supply in the next 20 to 50 years.

The proposed area primarily in T. 16 S., R 5 E. surrounds Black Canyon and overlies coal

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deposits at depths of about 500 to 3,000 feet that have moderate development potential. Only the upper 400 feet of the Blackhawk is exposed near the eastern margin of this area and the lower coal-bearing half is not exposed. In 1954, a road was constructed in this area and an oil and gas test well was drilled in section 23, T 16 S., R 5 E.; the geophysical log for this well indicates a possible thick coal at a depth of about 2,310 feet. Unfortunately, the 1954-vintage electric log does not allow definitive discrimination of coalbeds, and the occurrence of coal in this area can only be inferred. This area is within 20 to 30 miles of both the Hunter and Huntington coal-fired power plants and could be considered a future coal supply for them in the next 20 to 50 years. Closure of this area to new road building would make future coal development very difficult, if not impossible.

Other specific resources such as phosphate and high-calcium limestone could be affected. The proposed designation of a large number of areas around the current Uinta Mountains wilderness area will inhibit development of both phosphate and high-calcium limestone resources there. Outcrops of the 10- to 90-foot-thick Meade Peak Phosphatic Shale Tongue of the Park City (Phosphoria) Formation are exposed along almost the entire circumference of the Uinta Mountains. The phosphate-bearing tongue is within proposed areas in the following land tracts: T.2N., R.19-20E.; T.1N., R.8-9E.; and T.4S., R.9-13E. The development potential of the phosphate in these tracts is moderate based on the existence of the S.F. Phosphates mine at Little Brush Creek north of Vernal, the proposed new Archer Phosphate mine, and the fact that competing Florida phosphate production will decline in the future.

High-calcium limestone is contained in outcrops of the Mississippian Madison Limestone, which also ring the Uinta Mountains. Madison limestone crops out in the proposed roadless areas in the following land tracts: T.2N., R.19E.; T.1N., R.9E.; T.3S., R.9-17W. The 600-foot-thick Madison Limestone is currently mined at the DG&T quarry in northernmost Uintah County. The limestone which is produced is shipped south to Deseret Generation & Transmission's coal-fired Bonanza power plant for use in flue-gas desulfurization.

Maps of these coal and limestone areas are attached. We note that some of these areas appear within the areas the proposed regulation advertises as "no road building currently allowed. But, as discussed above for the Manti-La Sal, the current forest plan contains no such restrictions, and the state legitimately questions whether any of the other forest plans do either. In any event, if the Forest Service was to honor its required multiple-use mandate, areas which were reinventoried for roadless character would have the need for other multiple-uses weighed against wilderness in the forest planning process. This option is being precluded by the current ill-advised effort.

School Trust Lands

Since the early days of Utah statehood, state school trust lands – most in the form of scattered

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one square mile sections – have been in held within lands managed by the Forest Service. During much of this time, restrictions on access to these trust lands and on the use of surrounding forest lands imposed by the Forest Service impeded the economic development of the trust lands, in violation of the purpose for which Congress granted the lands to Utah in the first place. The state trust lands inholdings issue was a continuing source of dispute between the State of Utah and the Forest Service for many years.

The 105th Congress enacted legislation, Public Law 105-335, that provided for the exchange of the great majority of state school trust lands within Utah's national forests to the Forest Service. In this exchange, Utah conveyed to the Forest Service over 70,000 acres of state surface lands, plus additional mineral estate, within national Forest Service boundaries, including exceptionally scenic and nationally significant areas such as the Franklin Basin/Mt. Magog area in the Wasatch-Cache National Forest.

In exchange for the lands conveyed to the Forest Service, and for school trust lands in other environmentally sensitive areas such as Arches National Park and the Grand Staircase-Escalante National Monument, the State of Utah received approximately 20,000 acres of federal coal estate underlying the Manti-La Sal National Forest. Congress approved this conveyance with the express understanding that the coal lands would be developed by the State to compensate Utah's trust lands beneficiaries for the environmentally-sensitive lands that the State gave up to the Forest Service and Department of the Interior in the P.L. 105-335 exchange. Revenues from these coal lands are specifically earmarked for the Utah Permanent School Fund and the Utah School for the Blind.

Both the Forest Service and the Trust Lands Administration worked hard to accomplish this exchange, and we appreciated your agency's assistance and efforts in bringing it to finality. However, the Trust Lands Administration and its educational beneficiaries are concerned that the proposed regulation could cause it to partially lose the benefits of the lands offered by the United States in the P.L. 105-335 exchange.

The proposed regulation must reflect the following:

P.L. 105-335 Lands Should Be Exempted from the Proposed Rulemaking.

Certain portions of the coal estate acquired by the State of Utah in the P.L. 105-335 exchange underly areas in the National Forest System apparently within the areas subject to the proposed regulation. As stated above, the proposed regulation indicates that new or reconstructed roads are prohibited in inventoried roadless areas, subject to valid existing rights. Also, the second part of the proposed regulation may prohibit activities within yet to be determined unroaded areas. In either case, and even if the Trust Lands valid existing rights are taken into account, such alternatives could have a significantly negative impact upon the economic viability of these coal

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deposits.

All coal to be mined from these lands will be mined by underground methods; however, road construction and other surface disturbance may be necessary for exploration drilling, ventilation shafts, portal access and construction, and various other ancillary facilities. Surface disturbance can also be expected from subsidence effects at the time of mining. All of these disturbances will be fully reclaimed at the end of mine life, but in the interim are a necessary adjunct to coal development.

The proposed regulation does not clearly make an exemption for these coal rights, nor any others that may be needed in order to fulfill the intent of the legislated exchange. The language referencing "outstanding" rights is not clear enough. The Trust Lands Administration believes that the Forest Service should specifically exempt the surface estate of P.L. 105-335 lands from the proposed regulation because of the special circumstances attendant to the P.L. 105-335 exchange.

In P.L. 105-335, Congress specifically referenced the United States' agreement that the lands being acquired by the State could be developed consistently with established Federal land and environmental management objectives. P.L. 105-335, § 2. At closing of the exchange, on January 5, 1999, Deputy Undersecretary of the U.S. Department of Agriculture for Natural Resources and Environment Anne Keys Kennedy, on behalf of the USDA Forest Service, entered into a Memorandum of Understanding with the Trust Lands Administration, agreeing: (1) that in permitting surface occupancy of the subject National Forest Service lands for mining purposes, the Forest Service would abide by the Manti La Sal National Forest Land and Resource Management Plan in effect on May 8, 1998; and (2) that, subject to reasonable terms for forest protection consistent with that plan, reasonable economic development of the conveyed coal estates would not be prohibited.

The Trust Lands Administration does not object to reasonable Forest Service regulation of surface impacts in general, and its staff has worked extensively with Manti La Sal National Forest Staff in the NEPA process concerning these tracts to ensure a high level of environmental protection during the mining process. However, any proposed rule that could prohibit, limit or delay roadbuilding or other surface disturbances reasonably incident to coal exploration and mining on the P.L. 105-335 tracts would contradict the express written agreement of the Forest Service with respect to the P.L. 105-335 lands, as well as the specific intent of the parties, as recognized by Congress in P.L. 105-335. This intent was that the subject coal tracts be available for mining, subject to reasonable environmental requirements then in place, as compensation for the valuable lands that the State was conveying to the Forest Service and the Department of the Interior. For this reason, the proposed regulation should specifically exempt lands in which the State of Utah owns P.L. 105-335 coal estate.

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The Rulemaking Should Recognize that Existing Law Provides a Right of Reasonable Access Across Public Lands To Access State Trust Lands, Even If Such Access Requires New Road Construction.

Federal case law that is binding in the State of Utah provides a right of access across federal lands if necessary for the economic development of state school trust lands, even if the intervening federal lands are being managed for wilderness study or other restrictive purposes. In Utah v. Andrus, 486 F. Supp. 995 (D. Utah 1979), the U.S. District Court for the District of Utah held that, because it was the intent of Congress that state school trust lands be developed to raise revenue for public education, the Bureau of Land Management could not restrict construction of reasonable road access across BLM wilderness study areas if the restriction would render the state lands incapable of full economic development. In addition to this authority (applicable by its logic to road access to state trust inholdings in National Forests), the Trust Lands Administration is entitled to road access to inheld trust lands by virtue of the Alaska National Interest Lands Act, 16 U.S.C. § 3210(a), and may also be entitled to road access in specific situations by the common law doctrine of easements by necessity and by federal Revised Statute 2477.

In addition to the coal estate acquired in P.L. 105-335, the Trust Lands Administration continues to manage approximately 15,000 acres of school trust lands in Utah that lie within National Forest System boundaries. Most of these lands are in the form of scattered 640 acre sections surrounded by NFS lands. The proposed rule should clearly recognize that existing law provides the State with a right of reasonable road access to all of these state trust lands, even if construction and/or upgrade of such access would be inconsistent with maintaining the surrounding forest lands in a roadless condition. Again, the proposed regulation's language referencing "outstanding" rights does not adequately reflect these opportunities.

Roadless Area Protection Should Not "Trump" Mineral Leasing Where Known Mineral Potential Is High.

As noted above, the Trust Lands Administration retained approximately 15,000 acres of school trust lands within NFS boundaries even after the P.L. 105-335 exchange. The majority of these sections are within the Wasatch-Cache National Forest, in an area – the Overthrust Belt – known to have extremely high potential for oil and gas exploration and development. Because effective development of oil and gas potential typically requires substantial acreage, in order for the inheld trust lands to be fully developed for oil and gas in accordance with the State's trust mandate, surrounding NFS lands must also be available for leasing. In areas such as this one, where known mineral potential is high and demonstrable, the proposed rule should provide for continued availability of such lands for leasing, notwithstanding their roadless character.

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Specific Comments About the Draft EIS:

Division of Forestry, Fire, and State Lands

In addition to the comments above, the Division specifically comments as follows:

Page 3-12, last paragraph, *"Many national forests have shifted their timber harvest emphasis from using commodity-purpose timber sales to achieve vegetation management objectives, which are made primarily to supply timber to meet the national demand for raw wood products, to using stewardship-purpose timber sales."*

The latter part of this paragraph goes on to detail how the number of stewardship sales has increased. However, in the state of Utah, an attempt to implement a stewardship sale on the Fishlake National Forest was disallowed by the Washington office of the Forest Service and little evidence exists that any stewardship sales were made anywhere else.

Page 3-13, last paragraph, *"However, some roads are built using congressionally appropriated dollars. Examples include roads for recreation, administrative access, and ecosystem restoration."*

In the state of Utah, no roads have been built for ecosystem restoration. All projects for ecosystem restoration have used existing roads or roads built for some other purpose, usually roads constructed for timber removal.

Page 3-42, last paragraph, *"The roughly 75% reductions in roading and timber offer may, over the long term, limit the number of acres treated to reduce hazardous fuels. Any large fire that results from the inability to treat fuels could affect on-site and downstream soil, water and air resources."*

We concur strongly with this statement and, further, expand that statement to say that any action to specifically implement a situation that causes harm to downstream soil, water or air resources may very well incur a legal liability.

Page 3-43, Alternative 4, *"Cumulative Effects: This alternative poses additional considerable effects over Alternatives 2 and 3. Primarily, the effects would be increased long-term damage to soil, water, and air resources on-site and downstream. The increased likelihood of harm to human safety and property in the expanding wildland-urban interface are of particular concern."*

Again, we concur and again expand the statement to address the concern anywhere private or state land is contiguous to National Forest land. Increased likelihood of harm to human safety and property should be a compelling reason to not implement such an alternative.

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Page 3-55, paragraph 2, *"...While there are many examples of successful fuel reduction efforts in individual forest stands, it has not been shown that large-scale treatment of fuels can effectively restore natural fire regimes and conditions."*

At first glance, this statement seems harmless enough, drawing upon broad generalizations without due consideration for current literature and scientific data that suggests otherwise. It is presumptive to assume that large-scale fuels treatments do not effectively restore natural fire regimes and conditions. More appropriately, the methodologies and techniques that have been developed simply haven't been applied beyond a scale much larger than a few hundred acres. Opportunities demonstrating the effects of large-scale restoration treatments have presented themselves. However, the lack of progress towards implementing these activities has been confounded/hindered by a number of factors which are largely centered around agency bureaucratic processes and budgetary constraints, litigation and appeals processes and undeveloped markets for small-diameter and other non-traditional forest products. Given the opportunity for success, forest restoration, maintenance and risk reduction (fire, insects, diseases, etc.) through sustainable forest management initiatives provides a means to perhaps resolve this current dilemma.

For example, ponderosa pine ecosystems are a noteworthy subject, and offer the following points to illustrate the current situation. Characterized by long-term fire exclusion, heavy grazing and high-grade logging in the past, ponderosa pine forests are dangerously susceptible to insect and disease outbreaks as well as catastrophic wildfire. These conditions present a heightened risk in the wildland-urban interface where values-at-risk from wildfire increasingly include human life and property.

There is growing agreement among scientists, conservationists, community leaders, and public land managers that a combination of treatments, including selective thinning and reintroduction of periodic, low-level fire is needed to restore these forests to properly functioning ecosystems.

Despite the need to reduce both environmental and economic risks, neither public agencies nor local communities can afford to restore these forests on their own. At least part of the cost for removing small-diameter material must come from the purchase, processing, and resale of the material by local industries. Unfortunately, the low-impact, restoration-based harvesting techniques needed for these projects are currently too costly to be economically viable for most local operators. Like many rural, Western communities, serious economic downturns as a result of drastic reductions in federal timber supply has caused many local mills to close their doors. Remaining businesses continuing to struggle and do not have the capital, technology or marketing skills necessary to successfully process the small-diameter timber which is available from forests.

Page 3-55, paragraph 4, *"Cumulative Effects: "All of the action alternatives would result in*

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measurable cumulative beneficial effects relative to the amount of protected lands...

What are the beneficial outputs, in quantifiable measures, that outweigh the impending risk of catastrophic, stand-replacing fire, insects and disease epidemics, escalating consumer demand for wood fiber and the loss to rural communities dependant on the forest products industry for their livelihoods? In what sense and by what criteria have these risks been measured against? The Forest Service must answer these questions, not just make unsupported statements.

Page 3-97, paragraph 5, "*Concerns about wildland fire and insect and disease are addressed together under the heading of forest health because these issues overlap on approximately 716,000 acres of NFS lands, as shown in Table 3-18. These areas are extremely important because expected tree mortality over the next 15 years will heighten the current high risk of catastrophic fire.*"

With the expectation that tree mortality will increase over the next 15 years due to unfavorable forest conditions and the impending likelihood of catastrophic wildfire threatening, sprawling urban interface areas, human lives and property and other values-at-risk continuing to grow unabated, wouldn't it be a wise and prudent move to treat these areas prior to these events occurring, rather than making them unavailable for use? With the current shift in management emphasis being placed on ecosystem restoration, as opposed to commodity-based outputs, it seems logical and in the best interest of the Nation that improving or maintaining ecosystem health (i.e., process and function) utilizing the concepts of sustainability, stewardship and collaborative efforts is vital. From its' own admission, the DEIS states, "*The recent trend of increased fire suppression costs will continue as average fire size and frequency of occurrence also increase.*" "*Insect infestation and disease epidemics will continue to be a problem on NFS lands...as these trees are killed, the potential of losing large stands of trees in these areas to catastrophic fire will increase. To prevent or mitigate this problem, mechanical thinning will be needed to bring many high-risk forests back to a healthy condition.*" Clearly, making these areas unavailable for use and denying mitigation measures necessary to preclude these events from occurring is contradictory in nature from the current philosophy of ecosystem restoration.

Page 3-104, table 3-20, *Inventoried Roadless Areas at Moderate to High Risk from Catastrophic Fire Potentially Needing Treatment.*

The table indicates that, in the inventoried roadless areas of National Forest land in Utah, 1,364,000 acres need to be treated of the total 1,498,000 acres at high risk. One may very well wonder how this large amount of acreage is to be treated without a road system to provide access. How does the Forest Service plan to accomplish the treatment of this large area?

Page 3-106, paragraph 5, "*The total acreage that could be potentially treated by stewardship timber harvest for fuel management objectives over the next 5 years is 14,000 acres.... The total*

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acres needing treatment compared to the acres actually being treated are so small that a direct effect cannot be established."

If the amount of area needing treatment is so large (see comment above and p. 3-104, table 3-20) and the possibility or practicality of stewardship timber harvest on such a small acreage that an impact cannot even be established, why is this even considered a viable alternative?

Page 3-107, paragraph 4, "*Cumulative Effects: There are no known cumulative effects for Alternatives 1-3. In time, however, with Alternative 4, incremental negative effects could begin to occur as fuels in forests affected by insects, disease, windthrow, dense over-stocking of sapling trees or trees killed by wildfire are allowed to accumulate to hazardous levels. More catastrophic forest fires would begin occurring in these forests potentially affecting such key ecosystem attributes as water quality and threatened and endangered species.*"

In fact, these conditions are already beginning to occur in the inventoried roadless areas. Tables in the preceding section testify to the amount of areas needing treatment at the present time. Those conditions will only become more intensified as time progresses. A road system needs to be developed before a need for treatment occurs, not after. The paragraph seems to indicate that the alternative 4 is not a valid alternative. Why was it included?

Page 3-157, paragraph 2, "*Areas that are more highly roaded actually have a higher potential for catastrophic wildfires than inventoried roadless areas. Other national assessments have arrived at the same conclusions. "Wildland areas with complex terrain or a moderate or high road density have a moderate or higher risk of wildfires," noted the authors of the Status of the Interior Columbia Basin: Summary of Scientific Findings (USDA 1996b).*"

The first two statements of this paragraph reach an erroneous conclusion based on the included quote. That quote states that a moderate or higher risk of wildfires exists in areas of higher road density or complex terrain. It does not identify that a higher potential exists for catastrophic wildfires exists. Similar conclusions are made throughout the document in faulty interpretation of facts or statement. The faulty rationale of such statements weakens the argument for the preferred alternative and questions the credibility and logic of other conclusions based on cited scientific documents.

Page 3-186, paragraph 1, "*A national prohibition on road construction in inventoried roadless areas would affect about 530 direct jobs associated with timber harvest nationwide; about 930 total jobs would be affected nationwide.*"

The most stringent action alternative suggests 24.0 MMBF (table 3-43, page 3-187) would be affected specific to the Intermountain Region. It goes on to suggest that 249 total jobs would be impacted by this alternative. Region 4 would suffer the largest impacts in the lower 48 states.

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The figures presented in the DEIS significantly underestimate the magnitude and scope of the proposed action.

We offer the following as supporting evidence that the impacts would, indeed, be much greater than the proposed rule suggests. In 1992, there were 51 active timber processing plants operating in Utah alone. Thirty-four were sawmills, 13 were house log manufacturers, 3 were post/pole manufacturers and one was engaged principally in the manufacture of roundwood furniture. In all, these timber processing plants produced in excess of 64.6 MMBF of lumber and other forest products. The timber products industry provided 517 full-time jobs and contributed \$27.4 million to state and local economies. In 1997, the timber products industry provided 477 full-time jobs contributing an estimated \$29 million to state and local economies. Primary and secondary manufacturing combined accounted for \$243 million in Utah.

Sources: Utah's Forest Products Industry: A Descriptive Analysis, 1992
Utah and Nevada Wood Industry Directory, 1997

Figures indicating harvest by ownership show a decline in the level of timber being removed from NFS lands as opposed to non industrial private forest (NIPF) lands. The following table illustrates:

% Harvest by Ownership - Utah			
Ownership	1992	1997	1998
Federal Land (all)	83%	65.4%	39.5%
NIPF Lands	17%	34.6%	60.5%
Total	100%	100%	100%

Equally as important is the flow of timber from these different ownerships. The following table illustrates:

Volume Harvest by Ownership - Utah (figures in MMBF)			
Ownership	1992	1997	1998
Federal Land (all)	53.9	37.9	26.4
NIPF Lands	10.7	20.1	40.5
Total	64.6	58.0	67.0

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Sources: Utah's Forest Products Industry: A Descriptive Analysis, 1992
Western Wood Products Association: Statistical Yearbook of the Western Lumber Industry, 1997 & 1998

The wood products industry is an important contributor to the economy of the state of Utah. Industry provides jobs, income and a sense of attachment and identity to the communities in which people live. Most of these entities are usually located near the resource base and occur in rural areas of the state.

While total U.S. wood consumption is likely to be unaffected by the reduction in total NFS volume, there is clearly an already existing "transfer effect" to other ownerships within the U.S. and from other countries which is directly related to the decline in timber outputs from NFS lands. In the past, mill owners and operators relied heavily on NFS timber. As timber outputs have declined in recent years from NFS lands, operators began seeking raw materials from other sources in an effort to sustain their businesses. Harvesting from private lands is increasing at a rapid rate beyond which is most likely unsustainable. In 1998, nearly 61% of the timber harvested in Utah originated from NIPF lands. NIPF lands make up approximately 20% of the commercial forest land base in Utah. This trend is expected to continue.

These figures suggest the negative impacts associated with the proposed rule would be far greater than portrayed in the DEIS.

Page 3-187, paragraph 2, "The estimated economic impacts do not account for any potential substitute harvest from other ownerships or substitute job opportunities. The potential for substitute harvest can be estimated using U.S. harvest trends by region and ownership These data indicate there is some potential for substitution in those regions, although these opportunities probably occur primarily in Regions 1, 4, 5, and 6."

These figures are misleading and grossly over estimate the ability of other ownerships to provide lasting substitute harvest volumes. In Utah, the amount of timber harvested from private land increased from 17 percent in 1993 to 60 percent in 1998. That draw on the limited timber resource of private land is expected to completely drain the available timber from that source in 3 to 5 years. The timber base or growing stock will be unavailable for any harvest of significant timber amounts for a period of 60 to 85 years. In effect, the substitute harvest is mining the timber on private land in the state of Utah.

Page 3-188, paragraph 2, "The quantified effects only look forward through the next 5 years of planned offer. The effects of the associated harvest are assumed to occur in the same period but may occur beyond those 5 years, since harvest may take place up to 4 years after sales are made. The longer-term effect on timber availability is also important to consider. Some national forests that did not plan to enter inventoried roadless areas in the next 5 years may plan to enter those

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areas in the longer term."

Since any entry into an inventoried roadless area would be prohibited under the proposed alternative, that would further reduce the amount of timber to be offered for sale and exacerbate the economic impact of the roadless designation.

Page 3-189, paragraph 1, "*The reductions in NFS harvest resulting from the prohibitions are not likely to affect timber prices. Therefore, alternatives 2 to 4 should not affect consumers. Total wood consumption would likely be unaffected by the reduction in total NFS volume.*"

This is contrary to basic economics. Any change to the supply side also affects the price unless there is some change in demand. The statement recognizes a reduction in supply and no change to demand, yet suggests prices will not be affected. Basic economics suggest otherwise.

Page 3-190, "*Regardless of the level of personal investment in the timber industry individuals employed there may have, all can be expected to experience the negative psychological effects of uncertainty regarding forest management, and how it will affect their lives and livelihoods. If Forest Service timber management policies are consistent and reliable, and local communities know what they can expect from the Forest Service, they can adjust, whatever the circumstances. However, if timber management policy keeps changing, people do not know what to expect, and this uncertainty can lead to frustration, a sense of helplessness, economic instability, and a host of other problems resulting in reduced quality of life (FEMAT 1993).*"

Any of the national prohibitions implemented would presumably reduce this uncertainty with regard to inventoried roadless areas by making clear what the long-term policy for their management would be, and making timber harvest levels there more predictable."

These statements are truly off-the-wall. Not only do they not reflect a true understanding of human nature, but they reflect an agency which has no control over its own destiny. It is not legal or proper for the agency to manage its resources by simply dropping the ball and saying, "Timber harvests are too hard, too many people appeal, let's not do them anymore." The agency's reasoning here is specious, and should be dropped.

Page 3-191, paragraph 5, "*Changes in timber prices, technology change, trade policy, or other economic factors will have a larger impact on jobs than actions taken by the Forest Service.*"

That may or may not be the case, but this DEIS is not intended or expected to analyze the other issues mentioned in this statement. The DEIS should also speak to the legal duties of the Forest Service to engage in the timber industry, not hide behind the world economy. The entire section dealing with the social consequences is offensive, objectionable and illogical.

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Page 3-197-8, last paragraph, "*Roads to access timber sales are most likely to be local roads.*"

That is not necessarily the case. Roads to access timber are usually a combination of local roads, temporary roads and higher class roads. As a road network expands, it does so with a long-term need identified so that the proper class of road is constructed at the appropriate point of any project. To say that most roads are local roads is a ploy to justify the reduced impact to jobs which is then described in the document.

Page 3-200, paragraph 3, "*The effects on agency costs from prohibitions are expected to be minor.The costs of fire suppression are not likely to increase because of road prohibitions. Roads needed for fire suppression for public health and safety would be exempt from the prohibitions.*"

Costs of fire suppression would very likely increase significantly. Fuels are presently increasing in amounts and size in these roadless areas. The opportunity to build roads needed for fire suppression cannot be delayed until a fire occurs. Roads must be in place prior to the occurrence of a fire. Without access provided by roads, fire suppression becomes much more complicated and expensive. In addition, increased use of aircraft to suppress wildland fires increases the risk to firefighters.

Page 3-200, last paragraph, "*The national prohibitions are expected to remove some of the controversy over roadless area management from forest and project level planning. All alternatives would remove the controversy over road construction and reconstruction in roadless areas, while Alternatives 3 and 4 would remove controversy over timber harvesting in these areas. This may reduce the number of future appeals and litigation at the forest level, which would reduce agency costs.*"

On the contrary, adoption of the proposed regulation will only begin the controversy. The Forest Service cannot identify the exact boundaries of the inventoried roadless areas with any degree of certainty. The boundaries of areas identified as inventoried roadless areas under the RARE II process have changed significantly since that process occurred. Without an area by area analysis the uncertainty and consequent litigation will increase multiple times over the present level.

Page 3-221, paragraphs 4 & 5, "*Region 4: This region will experience the second largest reductions in timber related direct jobs.*"

The paragraphs go on to state the perceived loss of jobs which will be caused by the proposed regulation. The impact is dramatically understated. For example, the Ashley, Boise, Targhee and Wasatch Cache National Forests are identified as only having four jobs affected by Alternative 2. Yet Table 3-54 specifies that 7.24 MM Board Feet of timber will not be cut. The impact of a reduction of 7.24 MM Board Feet of timber is much more than 4 jobs. Harvesting, transporting,

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milling and subsequent delivery of 7.24 MM board feet would require about thirty or more directly-employed employees. Indirect employment would add to that number. The impact of Alternative 4 is similarly downplayed. The paragraph suggests that only 112 jobs in two states would be affected and 2 communities. In Utah alone, the communities adversely affected would include Beaver, Sigurd, Old LaSal, Gunnison, Kamas, Wellington, Escalante, Panguitch, Hyrum, LaPoint and Fairview. The loss of jobs would be more in the order of 250 jobs.

Page 3-240, paragraph 1, "*The Forest Service recognizes that this proposed roadless area rule together with the other proposed rules might have a cumulative impact in final form.*"

That is the understatement of the year! The cumulative impact of all three proposed rules will be devastating to the timber industry of the United States, at least in the West, increase dependence on imported lumber and increase the trees cut in the rain forests of the world. "Might have a cumulative impact" is a statement that is further amplified in paragraph 3, page 3-243 which states, "This reduction in the timber program would have continued social and economic effects in some dependent communities (see Dependent Communities section, Chapter 3). Because a reduction in timber demand is not expected, further reduction in the agency's timber program would see off-site adverse effects caused by increased substitution of timber harvest to private or foreign lands to offset this reduction (see Economic Effects, Chapter 3)." That statement corroborates the concern stated above.

Page 3-242, paragraph 5, "*If implemented, the proposed prohibition (Alternative 2) would maintain long-term productivity by reducing loss caused by road construction to watersheds, soils, critical habitat, and dispersed recreation activities in inventoried roadless areas when compared to the no action alternative (Alternative 1,A,T1). The alternative prohibitions (Alternatives 3 and 4) would further maintain the long-term productivity of these resources by reducing effects caused by timber harvesting.*"

Page 3-245, paragraph 2, "*If implemented, the proposed prohibition on road construction would reduce road-caused irreversible and irretrievable commitments to watersheds, soils, critical habitat, and dispersed re-creation activities in inventoried roadless areas on NFS lands compared to potential rearing effects under the No Action Alternative.*"

These statements are contrary to the statements on page 3-43, paragraphs 2- 4, which state that Alternative 3 would increase the long term risks associated with large and damaging fires. On page 3-43, paragraph 3 states that Alternative 4 would lead to an increased incidence of large, damaging wildfires, and their related effects on soil, water, and air resources and threats to human safety and property. Paragraph 4 states that This alternative (4) poses additional considerable effects over Alternatives 2 and 3. Primarily, the effects would be increased long-term damage to soil, water, and air resources on-site and downstream. The increased likelihood of harm to human safety and property in the expanding wildland-urban interface are of particular

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concern. The draft EIS offers conflicting testimony about the effects of roads, the increased likelihood of large fires and the likelihood of harm to human safety and property. The liability of selecting an alternative with those risks identified beforehand seems to predispose the Forest Service to any claim resulting from damage caused by the implementation of the preferred alternative or, more particularly, alternative 4.

Page 4-2, paragraph 3, "*A large number of interest groups have engaged in the roadless dialogue; particularly members of the environmental and off-highway vehicle communities.*"

The Federal Advisory Committee Act of 1972 identifies the constraints and manner in which the Federal Government may consult with parties affected by government actions. The legality of the manner in which the proposed rule was formed and drafted must be questioned. It would seem, based on documentation obtained by the U.S. Senate, that consultations did occur outside the requirements of FACA.

Division of Parks and Recreation

More than 4,000,000 acres, or 50 percent of all the National Forest lands in Utah, are included in the roadless inventory. They are exclusively set aside for dispersed recreation. If the 868,000 roadless acres in currently designated lands such as wilderness are included, the total becomes nearly 5,000,000 acres or 61 percent. It is difficult to say with certainty what the outcome of local planning processes might be concerning the potential allocations to each of the dispersed recreation categories of primitive, semi-primitive non-motorized and semi-primitive motorized. If these allocations could truly be negotiated at the local level, much more satisfactory decisions could be made.

The prohibition against new construction or reconstruction of roads will eliminate the use of these lands to meet future demand for developed site recreation such as camping and picnicking. This will create additional pressures to expand or develop these kinds of sites on the remaining lands of all ownerships, including state parks. It is not known whether there are lands within the inventoried roadless areas suitable for this use. But, if there are, the total acreage affected would probably be a very small in comparison to the total area of the roadless inventory and would not significantly detract from the purposes of the initiative. These lands could play a vital role in meeting this future need. Eliminating this possibility seems short sighted.

The need for this initiative seems weak. There are already 33,998,000 acres of National Forest in the lower 48 states designated as Wilderness, Wilderness Study Areas, Wild and Scenic Rivers and National Monuments. There are an additional 8,353,000 acres in Alaska for a total of 42,351,000 acres. Road building and reconstruction are prohibited on the vast majority of these acres. If we add the 54,000,000 acres of inventoried roadless areas, the total is 96,351,000 acres, or nearly one-half of all National Forest land. This seems to be an overkill of lands allocated for

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dispersed recreation, most of which will ultimately be non-motorized. This is a significant change for a system of National Forests originally reserved from the public domain to produce timber and water and later changed to be managed under a multiple use concept.

The effects of future road building do not significantly impact the total acreage. The DEIS states that under the No Action alternative there would be approximately 300 miles of new road built in inventoried roadless areas over the next five years. If we assumed each mile would affect 5,000 acres, this would mean 25,000 acres would be affected during this period. This is less than 1% percent of the 54,000,000 acres inventoried.

The maintenance costs of these new roads also seem insignificant. If they built 60 miles per year and the maintenance cost was \$1,500 per mile, the total cost would be \$90,000. This is less than two tenths of 1% of the total annual Forest Service road maintenance budget of \$565,000,000.

There is an assumption built into the analysis that all roads are bad, based on some problems caused by the current road system. Many of the old roads built during the last 50 years do cause resource problems as measured by today's standards. However, with today's science and the stringent requirements of NEPA, it is doubtful any such roads would be built in the future. Therefore, the projected impacts of new road construction are exaggerated.

Division of Wildlife Resources

In addition to the comments offered above, the Division comments as follows:

The UDWR is concerned that the Grandview Trailhead, in the Duchesne District of the Ashley National Forest, is included in an IRA. The Grandview Trailhead provides the only easy access to the Granddaddy Basin area of the High Uintas Wilderness. Because the Granddaddy Basin provides a variety of recreational opportunities to numerous users, the UDWR recommends that the Grandview Trailhead be maintained and remain open to motor vehicles.

UDWR has identified a number of UDWR-owned dams as well as water rights with points-of-diversion located within IRAs. Maintenance and operation of these respective water developments requires some road access, which would be inhibited through roadless designation. These site-specific water rights and dams are identified in the following table:

Water Right (Point-of-Diversion) or Dam	National Forest	Comments
35-129 (Cedar Gulch)	Wasatch-Cache	Kamas State Fish Hatchery
35-8869 (Cedar Gulch)	Wasatch-Cache	Kamas State Fish Hatchery

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Water Right (Point-of-Diversion) or Dam	National Forest	Comments
35-8874 (Cedar Gulch)	Wasatch-Cache	Kamas State Fish Hatchery
35-8887 (Cedar Gulch)	Wasatch-Cache	Kamas State Fish Hatchery
35-8901 (Cedar Gulch)	Wasatch-Cache	Kamas State Fish Hatchery
65-2430 (New Canyon)	Manti-La Sal	
95-445 (Bowns Reservoir)	Dixie	
65-2429 (Deep Lake)	Manti-La Sal	
65-2429 (Shingle Mill)	Manti-La Sal	
UT00086 (Deep Lake / Sanpete Co.)	Manti-La Sal	dam
UT00297 (Tamarack Lake)	Ashley	dam
UT00195 (Manning Meadow)	Fishlake	dam

Division of Water Rights

In addition to those above, the Division of Water Rights comments as follows:

(These comments based on the shapes of the polygons on the Service supplied maps. Again the state is not sure of the exact boundaries of the areas proposed for restrictive management.)

Eastern Region

Duchesne County Upper Country Water Improvement District delivers water to a large portion of Duchesne County. Their source of supply is Cow Canyon Springs which is located in the IRA but near the border. The associated water right numbers are 43-3030 and 43-10445.

Moon Lake Electric provides power to rural users in Colorado and Utah. They have a diversion dam on the Yellowstone River which is located in the IRA, but near the border. The water right number is 43-3239 for 66.22 cfs.

Farnsworth Canal and Reservoir Company, and Moon Lake Water Users deliver irrigation water through the Farnsworth Canal to 7,804 acres of land. The diversion structure and some of the canal is in the IRA but near the border. Water right numbers associated with this diversion include 43-1718, 43-1719, and 43-2532.

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The US Bureau of Reclamation diverts 621 cfs of water from the Duchesne River through the Duchesne Tunnel to provide municipal, industrial and irrigation water for over a million people and tens of thousands of acres of irrigation along the Wasatch Front. Water right numbers include 43-341, 43-343, and 43-344. The diversion dam and the entry portal to the Duchesne Tunnel are located in the IRA.

Rhoades Canal Company provides irrigation water for 1,229 acres of land from the Duchesne River and Big Springs. Both points of diversion are in the IRA but near the border. Water right numbers are 43-147, 43-156, 43-219, 43-223, 43-225, 43-356, 43-358, 43-1214, and 43-3801.

Sheep Creek Irrigation Company has a collection system of canals and storage reservoirs that provide irrigation water for 9,000 acres. Much of the canal collection system and associated diversions are located in the IRA. Also, Spirit Lake, a moderate hazard dam is located in the IRA but near the border. Water right numbers include 41-207, 41-215, 41-219, 41-220, 41-2414, 41-2826, 41-2830, 41-2861, 41-2913, 41-2915, 41-2960, 41-3295, and 41-3328.

Whiterocks Irrigation Company provides water for 7,460 acres of land. They have four active reservoirs located in the IRA, Chepeta Reservoir (a high hazard dam), and Wigwam, Moccasin, and Papoose (low hazard dams). The storage for the four lakes is approximately 2,800 acre-feet, with Chepeta being 2,470 acre-feet. The water right numbers are 43-505, 43-508, 43-512, and 43-3258. Chepeta dam is within a few hundred yards of a classified road and the other three dams are within a mile of the road.

Ouray Park Irrigation Company provides water for 12,100 acres of land. They maintain two high hazard dams that are located in the IRA. These are Whiterocks Lake and Cliff Lake. The two lakes store approximately 2,000 acre-feet of water. The water right number is 43-3217.

Interstate Irrigation and Reservoir Company provide water for 2,035 acres of land, located in Utah and Wyoming. They maintain Beaver Meadows Reservoir which is a moderate hazard dam and stores 2,461 acre-feet of water. A portion of this dam is located within the IRA. Ashley Valley Reservoir Company maintains four dams in the IRA, Oaks Park Reservoir, Ashley Twin Lake, and Upper and Lower Goose Lakes and provides irrigation and municipal water for Ashley Valley. The IRA boundary is located along the crest of Oaks Park Dam. The downstream half of the dam is located in the IRA. Oaks Park stores 6,249 acre-feet of water and is a moderate hazard dam. Ashley Twin and Upper and Lower Goose store 1,550 acre-feet and Lower Goose is a low hazard dam and the other two are moderate hazard dams.

Hoop Lake Reservoir and Irrigation Company divert and store water to provide irrigation for 2,423 acres in Wyoming. Hoop Lake Reservoir stores 4,026 acre-feet and is a moderate hazard dam. The downstream half of the dam is located in the IRA. The water right numbers are 41-

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1425 and 41-2150.

There are many other smaller water rights involved and many individuals and small companies with points of diversion close to the boundaries of the IRA.

Southern Region

The towns of Annabella, Antimony, Elsinore, Joseph, Levan, Lyman, Monroe, Teasdale, and Torrey have some, or all, of their municipal water sources within the IRA.

Manning Meadow Reservoir, owned by the Utah Division of Wildlife Resources and managed for its fishery value, would be seriously impacted if in an IRA. The agency's ability to harvest eggs and plant fingerlings would be limited.

Southeastern Region

POINTS OF DIVERSION:

05-AREA LASAL MOUNTAIN:

Water Rights 05-14, 05-47, 05-572, 05-2130, and 05-2448:

These rights represent individuals or private companies for irrigation and livestock uses.

Total flow: 34.84 cfs
Total acreage: 2,058 acres
Sole Supply: 1,305 acres

These include diversions on Mason Spring, Mason Draw, Beaver Creek, Bear Creek, and several unnamed drainages

Water Right 05-2013 - Moab Irrigation Company

This is the earliest decreed right on Mill Creek and its tributaries, and is used for municipal, irrigation, fish culture, recreation and irrigation purposes. The flow is 3.4 cfs. The points of diversion that appear to be in the IRA include Wilson Mesa diversion on the Wet Fork of Mill Creek, and the South Mesa diversion on the mainstem. These two diversions provide supplemental water based on shares on approximately 1,000 acres of irrigated ground. South

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Mesa uses a majority of the shares on the mesa at the present time.

Water Right 05-1523 - Grand County Water Conservancy District

This right represents the remainder of the Moab Irrigation Company's decreed water right which is 14.89 cfs of water. This water is also used for municipal, irrigation, fish culture, recreation and irrigation. The same two points of diversion for Wilson Mesa and South Mesa appear to be the ones in contention. These two diversions provide supplemental water based on contract with the district. At the present time, there is very little water delivered to the mesas by contract.

05/09-AREA BLUE MOUNTAINS

Water Right 09-33 - Bureau of Indian Affairs

This water right is on Hammond Canyon for irrigation purposes on approximately 20 acres.

Water Right 09-125 and 09-300 - Blanding Irrigation Company

A diversion on Dry Wash represents a combined flow of 10 cfs and storage in two reservoirs with a combined capacity of approximately 275 acre-feet. This is a major source of late season water for the company.

Water Right 05-672 - Indian Creek Tunnel

This right is for 50 cfs which is a supplemental right for the company. Proof is pending. A flow of 43 cfs has been measured. This is a high water right and most years is very much needed, and can be stored in Recapture Reservoir

Water Rights 09-447, 09-1270, 09-1580, 09-1581 - Blanding City

These represent water rights on Johnson and Indian Creeks. The Indian Creek water is delivered by way of the Indian Creek Tunnel. These represent absolutely essential sources of water for the city. Surface water represents at least 95% of the municipal water for the town. This water can also be stored in three of the municipal reservoirs.

Water Right 09-1684 - Blanding City

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This is an application filed by the city on Dry Wash that has yet to be approved.

Water Right 09-158

This right is on Coal Bed Creek for a private individual, in the amount of 300 acre-feet, and has also never been approved.

99-AREA

All rights that were picked up in the inventory are for livestock watering.

90-AREA - NINE MILE CREEK

The only right picked up in the inventory was for livestock watering on private land.

91-AREA - PRICE RIVER

Water Right 91-4817

Represents a Diligence Claim filed by Indianola Irrigation Company for transmountain diversion from a tributary of Fish Creek for supplemental irrigation purposes in Sanpete County. The flow is 3.0 cfs

Water Right 91-343

Is owned by the Union Pacific Railroad on the White River for use at Soldier Summit.

93-AREA - SAN RAFAEL DRAINAGE

Water Right 93-997

Belongs to the Bureau of Reclamation and is for 84 acre-feet for storage in Soup Bowl, Academy Mill, Slide Lake, and Grass Flat Reservoir, which are all used for recreation purposes. Of the other bureau rights that were listed, 93-980 is insignificant, and 93-1002 has lapsed.

Water Rights 93-983, 93-986, 93-3336 - Horseshoe Irrigation Company of Spring City

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These rights represent a total flow of 16 cfs from Black Canyon and Cedar Creek Drainages. It is delivered transmountain for supplemental irrigation in Sanpete Valley.

Water Rights 93-2146, 93-2147, 93-2148, 93-2149, 93-2150, 93-2151, 93-2155, 93-2156, 93-2157, 93-2170, 93-2172, 93-2175, 93-921, 93-1020, and 93-1018 - Cottonwood Creek Consolidated Irrigation Company

These rights represent sources that provide water to the stockholders of the company by decree and application. Several of the numbers mentioned refer to

diversions on Indian Creek, Reeder Creek, and Black Canyon Creek, for the irrigation of high mountain meadows. These appear to be the points of diversion that would be involved in this proposal.

The three classes of decreed water represent 150.50 cfs of water, and subsequent applications an additional 109 cfs.

Of the 6,200 acres irrigated by the Company, it would appear that if the meadow diversions are not maintained, approximately 851 acres would be jeopardized. The water originating on the forest and delivered through the company's system is also used for power generation at the Hunter Plant, municipal uses for Orangeville and Castle Dale cities, domestic, and livestock watering.

Water Right 93-1115 - PacifiCorp

This water right allows the diversion of water from Deer Creek at the Deer Creek Mine portal, and from Huntington Creek for power generation at the Huntington Power Plant which produces 805 MW of power. The point of diversion that may be involved appears to be the Deer Creek diversion.

Water Right 91-1174 - Ephraim City

This is an application that remains unapproved, requesting a diversion of 40 cfs from the Seely Creek Drainage, and would be delivered to the city via a transmountain diversion for municipal purposes.

94-AREA - MUDDY CREEK DRAINAGE

Water Rights 94-4, 94-5, 94-6, 94-7, 94-8, 94-830, 94-1197

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These rights represent private companies and individual water rights in the southern part of the drainage where the water is used primarily for irrigation and livestock purposes. Combined flows equal 9.4 cfs and 196 acre-feet and are used for the irrigation of 728 acres.

Water Right 94-33 - Muddy Creek Irrigation Company

This is the water right for Julius Flat Reservoir which would hold approximately 725 acre-feet of water, and is an absolutely essential water source for this company.

Water Right 94-43 - Muddy Creek Irrigation Company

This right is also owned by the company and is still pending for the development of an additional 400 acre-feet on the mountain.

Water Right 94-98 - PacifiCorp

PacifiCorp proposes to store water in a 30,000 acre-feet reservoir for power generation at a 1000 MW plant. This was one of the proposed coal gasification plants. This right is unapproved.

Water Right 94-80 - Consolidated Coal Company

Consolidated Coal Company proposes to construct a 25,000 acre-foot reservoir on the Muddy Creek for similar purposes as noted under water right 94-98. This application is also unapproved.

Water Right 94-94 - Ute Energy

This was to develop 0.5 cfs from several wells for a coal mining venture. At least one or more points of diversion are on FS land. This filing is also unapproved.

Water Right 94-86

This is an underground water filing in the name of Intermountain Consumer Power Association (ICPA) for 70 cfs of water and 5,000 acre-feet. This was a power venture proposing eleven wells, some of which were located on the forest. To my knowledge there is no development on this right. The application remains unapproved.

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RESERVOIRS:

Water Right 94-4 - Willies Flat Reservoir

This is a private reservoir used for supplemental irrigation and has a right of 100 acre-feet, that provides a fairly significant contribution to the water users annual water supply.

Water Right 93-961 - Jet Fox Reservoir

This is located on Cove Fork on Ferron Creek, and is used by Manti City for municipal and irrigation purposes. The right is used for 960 acre-feet annually. This is a significant source of water for the city.

Southwest Region

Water Right 81-30

Under this water right, St. George City has a relatively large (but currently undeveloped) right in Goat Springs. The right has been under an Application to Resume Use filing for quite a while, so the amount of water to be diverted is difficult to determine. The growing demand for water in Washington County is obvious.

Water Right 81-686 (a23450)

This right is designated to serve up to 300 families in the Diamond Valley Acres Ranch subdivision north of St. George. The development includes both springs and wells some of which are in the IRA - particularly Alger Springs. Loss of access to the springs will result in total dependence on the wells.

Water Right 81-970

This right provides the municipal water supply for the entire town of Pine Valley, including the FS facilities and employees who live and work there.

Water Right 81-1132

This right supplies St. George City with 3.0 cfs/2166.53 acre-feet of municipal water annually. The water is also used to generate power for use on the municipal

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grid. Loss of access for maintenance would be a huge problem.

Water Right 97-675

This right represents the only permanent and approved source of water for municipal use in the town of Escalante. The springs supplying this water require regular maintenance to keep the water flowing. Under 97-2214 (a24248), the town has filed for an additional supply out of these same sources (using their allocation of the Flaming Gorge water - 550 acre-feet) to better meet the needs of growth being driven by the designation of the Grand Staircase Escalante National Monument (GSENM). It would be ironic if the FS roadless initiative prevented the town from being able to supply water to the BLM/GSENM offices and personnel.

Water Rights 77-1768, 77-1788 and 77-1792

These rights represent three of several rights currently designated (under approved change applications) for development from several sources to serve the municipal needs of the Elk Meadows Special Service District on Beaver Mountain. Beaver County and the water users have recently spent a considerable amount of money and time in an effort to resolve problems in this area by putting together a municipal-type water system to serve the area. Several (if not all) of their sources are in the IRA and they have worked closely with local FS personnel in the development. Loss of access to those sources would scuttle several millions of dollars invested to date.

The only dams that came up in roadless areas are for Yankee Meadow Reservoir (Water Right 75-980 to Parowan Reservoir & Irrigation Company) and Upper Kents Lake (Water Right 77-1662 to Kents Lake Reservoir Company). Water Right 97-44, for Spectacle Lake, came up in the IRA, but the dam wasn't listed. All three dams are crucial to the operations of the respective irrigation companies and all three have been the subject of fairly large investments in upgrades in the recent past. Spectacle is way off the beaten path, but the other two (Upper Kents Lake and Yankee Meadow) are both presently accessible by well established and heavily traveled roads and are used for recreation and fishing. Loss of access to them would result in major maintenance difficulties for the irrigation companies and substantial loss of recreational opportunities for the general public.

In addition to these specific rights, there are approximately 100 other privately owned rights that

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appear to be potentially impacted by the roadless initiative.

Utah Lake/Jordan River Region

Operation and maintenance of the following dams would be seriously impacted by being in or adjacent to the IRA: Center Creek #1, Center Creek #2, Center Creek #3, Center Creek #5, Daniels, Christensen, Tibble Fork, Silver Lake, Silver Lake Flat, Lake Mary, Twin Lakes, and Red Pine.

Weber River/West Desert Region

The operation and maintenance of dams owned by Fish Lake Reservoir Company, Farmington City, Davis County, and the Beaver & Shingle Creek Irrigation Company would be impacted by the proposed rule.

The following public water suppliers would be impacted by the proposed rule: Ogden, South Ogden, North Ogden, Uintah Highlands, Riverdale, Farmington, Centerville, Fruit Heights, Kamas, Terra, and the Weber Basin Water Conservancy District.

Division of Water Resources

We have prepared and attached separate 22" by 25" GIS maps for each of the national forests. We have identified/located the following (if applies) on each map:

- (1) *Water Rights*. These are either held outright by the Board of Water Resources or held as collateral for projects that have loans with the Board of Water Resources.
- (2) *Projects*. These projects are held in the name of the Board of Water Resources until repayment of loans are made to the Board and may extend up to 30 years. New ones may be added as old projects are repaid.
- (3) *Stream Gages*. Most of the stream gages are USGS gages. They are funded (50%) by the Division of Water Resources or by the Division of Water Rights. They are very important to agencies that plan and/or develop water in the state.
- (4) *Snow Survey Data Sites*. These sites are largely funded by federal agencies but are critical data to the Division of Water Resources and all other local, state and federal agencies that deal with water resources.
- (5) *Cloud Seeding Generators*. Remote ground generators for cloud seeding are currently

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Michael P. Dombeck
July 17, 2000
Page 51

used at a few sites. In the future, more remote sites will be needed as technology for remote generators improves.

- (6) *Potential Reservoir Sites*. These represent an ongoing inventory of potential reservoir sites. They all will *not* be selected for future consideration, but, until the process is completed, they cannot be removed from consideration.

Roadless issues that have been raised are as follows:

- Access to monitor, maintain and repair storage and conveyance facilities.

NOTE: The projects held by the Board of Water Resources is a very small part of the total storage and/or conveyance facilities in the roadless area. The local water entities need to identify their own facilities and the "road" they presently use in these roadless areas to access their projects.

- Access to stream gages, climate stations and snow survey data sites is very critical.

NOTE: Stream gages are funded 50 percent by the Division of Water Resources, the Division of Water Rights, or other Utah water entities. Almost all of this data, however, is collected by federal agencies. The data is critical to both state and federal agencies to administer the Bear River and Colorado River Compacts, plan for the proper storage and release from reservoirs for maximum dam safety and for the ongoing planning to manage and develop, when necessary, additional water resources. The SNOTEL and Snow Data Measuring Sites are critical for Utah's Cloud Seeding Program.

- Opportunity for future water development should be allowed.

NOTE: Growth will continue and water development may be needed in many areas of the state. There will be cases where the most reasonable source of this needed supply is in these roadless areas. This opportunity should not be ruled out.

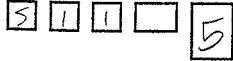
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Michael O. Leavitt
Governor
Thomas R. Warne
Executive Director
John R. Njord
Deputy Director

State of Utah
DEPARTMENT OF TRANSPORTATION

4501 South 2700 West
Salt Lake City, Utah 84119-5998
(801)965-4000
FAX: (801) 965-4338
INTERNET www.cr.ex.state.ut.us



13556

Commission
Glen E. Brown
Chairman
James G. Larkin
Hal M. Clyde
Dan R. Eastman
Stephen M. Bodily
Jan C. Wells
Bevan K. Wilson

CAET RECEIVED

JUN 03 2000

June 23, 2000

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

Subject: Comments on the Draft Environmental Impact Statement Vol.'s 1 and 2 for
Forest Service Roadless Area Conservation

Dear Mr. Dombeck:

Thank you for the opportunity to comment on the DEIS for the subject project. The Utah Department of Transportation (UDOT) has some concerns about elements of the proposed action outlined in the DEIS. We are submitting the following comments for consideration:

In Volume 2 of the DEIS there are several existing U.S. and State Highways that appear to be within a shaded area proposed as "Inventoried Roadless Area identified in forest plans or other completed assessments adopted by the agency allocated to a prescription that does not allow road construction or reconstruction." These roadways appear in Volume 2 of the DEIS and are listed below:

- Page 182 - U.S. Highway 191 through Ashley National Forest from Vernal, Utah northerly to State Road 43 and the portion of Highway 191 south of Duchesne, Utah
- Page 188 - U.S. Highway 40 through the Uintah National Forest south of Heber City, Utah
- Page 189 - State Route 150 through the Ashley National Forest from Kamas, Utah easterly and northerly to the Wyoming State line

The roadways listed above, as well as all other U.S. and State Routes within Utah are vital transportation links for intrastate and interstate commerce and the traveling public.

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UDOT must retain the flexibility to modify, reconstruct or widen these roadways as necessary based on the need to provide a safe transportation facility while maintaining an adequate level of service.

In Summary, UDOT requests that for all alternatives studied in the DEIS, existing corridors that serve U.S. and State Routes in Utah be designated as areas that allow road construction or reconstruction.

Thank you for the opportunity to comment. If you have questions please contact me at (801) 965-4022 or Jerry Chaney, Acting Chief Environmental Engineer, at (801) 965-4317.

Sincerely,

John Njord
UDOT Deputy Director

cc: Linda Toy Hull
Randall K. Lamoreaux
Ahmad Jaber
Jerry Chaney

UTAH STATE SENATE

319 STATE CAPITOL • SALT LAKE CITY, UTAH 84114
(801) 538-1035 • FAX (801) 538-1414

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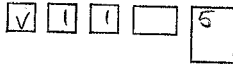
SENATOR
LEONARD M. BLACKHAM
MAJORITY WHIP

TWENTY-EIGHTH DISTRICT
JUAB, SANPETE, SEVIER, MILLARD,
PIUTE, WAYNE, BEAVER and
GARFIELD COUNTIES

P.O. BOX 337
MORONI, UT 84646
(H) (435) 436-8489
(O) (435) 436-8125
FAX (435) 436-8600



APPROPRIATIONS SUBCOMMITTEES
Higher Education
Economic Development & Human Resources
Executive Appropriations
STANDING COMMITTEES
Energy/Natural Resources & Agriculture
Health & Environment
Rules



July 14, 2000

USDA Forest Service - CAET
Post Office Box 22190
Attention: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

CAET RECEIVED
JUL 17 2000

Dear Forest Service Official:

As authorized by federal law, this letter registers my objections to the Forest Service Roadless Area Conservation Draft Environmental Impact Statement and Proposed Rule. I support the state's official objections to this proposal and have spoken with many other state legislators who shares these concerns. I am writing this protest in particular because I represent a large, rural state senate district that contains many national forest areas and my constituents have expressed strong opinions to me concerning the impacts of this proposal. In my view, the proposed regulations are not consistent with the Forest Service's statutory management responsibilities and fail to adequately protect public interests in the National Forest System.

As stated in the background for the proposed rule, Congress has required the Forest Service to manage its lands on a multiple-use basis in legislation that includes the Multiple-Use Sustained-Yield Act of 1960 and the National Forest Service Management Act of 1976. Although the proposed rule purports to advance this statutory multiple-use objective, I conclude that the current proposal narrows the focus of forest management on the single objective of conserving roadless areas at the sacrifice of other important forest uses.

I am disturbed that this considerable shift in federal policy and the creation of de facto wilderness areas would be accomplished through this rule without the authorization of Congress. While there is an argument woven throughout this proposal that popular and political sentiments support this change, the legal requirement of Congressional approval in the creation of additional wilderness areas remains in force.

This proposal eliminates the ability of foresters to perform the reasonable forest and timber management functions that maintain and renew healthy public forests. The management of roadless forests will become, by default, the consumption of accumulated fuel by forest fires. I question the wisdom of a policy that will probably threaten regional air quality because of smoke, negatively impact vital watersheds and wildlife habitat, and increase public safety risks to

firefighters, citizens, and private property.

Utah citizens have a long history of economic and social uses of the National Forest System under the multiple-use management principles that would be disallowed under the proposed rule. The proposed changes are especially important to my constituents who reside near the national forests in this state. In the proposal's cost-benefit analysis, the impacts to these citizens are understated and readily dismissed, perhaps because of the relatively small population considered to be affected. For affected communities, however, the impacts of the proposed moratorium are not insignificant and will instead devastate local employment and future economic viability.

I submit to you that the effects of this proposal are not localized. Limitations on the popular recreational uses of the forests would affect a vast segment of this Utah's population. Likewise, there are numerable potential economic impacts upon the state, its businesses, and its citizens. As an example, rapidly growing Western populations rely heavily on lumber as a construction resource and citizens have seen dramatic increases in the price of lumber and construction costs. A moratorium on timber harvesting does not abolish the demand for lumber supplies, but rather creates a strong economic incentive for private and foreign foresters to generate quick profits without regard to sound forestry renewal management practices.

It is personally offensive to me that the federal government would propose wasting a valuable renewable resource like timber. Under proper forest management techniques, selective harvesting would maintain the vitality of forests and requirements such as road re-seeding could actually improve forest conditions. As a state senator, I am repeatedly approached by citizens and advocate groups who emphasize the need for additional affordable and low income housing. If we can develop reasonable federal timber harvesting policies, federal and state affordable housing programs will be assisted, rather than undermined in the future.

I urge you to not adopt the proposed action and preferred alternative at this time. For the reasons stated above, I do not favor establishing the universal forest management policies of the current proposal. Among the presented alternatives, I instead support Alternative 1, which does not prohibit activities in inventoried roadless areas, and Alternative A, which does not establish procedures for local forest managers. I advocate entrusting local forest managers with the flexibility to resolve these important forest management issues in a way that is responsive to individual and local circumstances.

I invite Forest Service officials to address my concerns and work with state and local officials and the citizens of Utah to find a management alternative for the National Forest System that is satisfactory to all.

Thank you for your consideration.

Sincerely,

Leonard M. Blackham
Utah State Senate Majority Leader

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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UTAH STATE LEGISLATURE
SALT LAKE CITY, UTAH

July 14, 2000

USDA Forest Service - CAET
Post Office Box 22190
Attention: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

Dear Forest Service Official:

As authorized by federal law, this letter registers our concerns about the Forest Service Roadless Area Conservation Draft Environmental Impact Statement and Proposed Rule. In our view, the proposed regulations are not consistent with the Forest Service's statutory management responsibilities and fail to adequately protect public interests in the National Forest System.

As stated in the background for the proposed rule, Congress has required the Forest Service to manage its lands on a multiple-use basis in legislation that includes the Multiple-Use Sustained-Yield Act of 1960 and the National Forest Service Management Act of 1976. Although the proposed rule purports to advance this statutory multiple-use objective, we conclude that the current proposal narrows the focus of forest management on the single objective of conserving roadless areas at the sacrifice of other important forest uses.

We are disturbed that this considerable shift in federal policy and the creation of de facto wilderness areas would be accomplished through this rule without the authorization of Congress. While there is an argument woven throughout this proposal that popular and political sentiments support this change, the legal requirement of Congressional approval in the creation of additional wilderness areas remains in force.

This proposal eliminates the ability of foresters to perform the reasonable forest and timber management functions that maintain and renew healthy public forests. The management of roadless forests will become, by default, the consumption of accumulated fuel by forest fires. We question the wisdom of a policy that will probably threaten regional air quality because of smoke, negatively impact vital watersheds and wildlife habitat, and increase public safety risks to firefighters, citizens, and private property.

Utah citizens have a long history of economic and social uses of the National Forest System under the multiple-use forest management principles. Many of these recreational and economic uses would be disallowed under the proposed rule and the analysis understates its effect upon the state of Utah, its citizens, and its businesses. We believe that both the Draft Environmental Impact Statement and Proposed Rule need further study, especially concerning these significant impacts.

We urge you to not adopt the proposed action and preferred alternative at this time. For the reasons stated above, we do not favor establishing the universal forest management policies of the current proposal. Among the presented alternatives, we instead support Alternative 1, which does not prohibit activities in inventoried roadless areas, and Alternative A, which does not establish procedures for local forest managers. We advocate entrusting local forest managers with the flexibility to resolve these important forest management issues in a way that is responsive to individual and local circumstances.

We invite Forest Service officials to address our concerns and work with state and local officials and the citizens of Utah to find a management alternative for the National Forest System that is satisfactory to all.

Thank you for your consideration.

Sincerely,

Lyle W. Hillyard
President Lyle W. Hillyard
Utah State Senate

Martin R. Stephens
Speaker Martin R. Stephens
Utah House of Representatives

UTAH STATE SENATE

319 STATE CAPITOL • SALT LAKE CITY, UTAH 84114
(801) 538-1035 • FAX (801) 538-1414

SENATOR
PAULA F. JULANDER
MINORITY WHIP

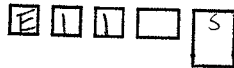
FIRST DISTRICT
SALT LAKE COUNTY

1467 PENROSE DR.
SALT LAKE CITY, UT 84103
(H) (801) 363-0868



APPROPRIATIONS SUBCOMMITTEES
Executive Appropriations
Higher Education
STANDING COMMITTEES
Health & Environment
Transportation/Public Safety

July 12, 2000



USDA Forest Service CAET
Attn: Roadless
Post Office Box 221090
Salt Lake City, UT 84122

Chief Dombeck:

As a member of the Senate, I would like to begin by thanking you for taking this historic initiative towards the protection of the remaining unharmed roadless areas in our National Forests. I believe that the Roadless Protection Plan has the potential to offer real protection to our last wild forests in Utah and across the country.

The citizens of Utah cherish the wild lands that offer some of the most treasured places for hiking, fishing, hunting, and camping. Utahns are no strangers to the innumerable values of our wild forests. The Wasatch Front is a playground for most of the state's residents and its wilderness areas provide us with our clean water.

While I am encouraged by the draft plan's call to an end of roadbuilding in these roadless areas, there are a few omissions, which should be corrected in the final plan. The final plan should include all roadless areas inventoried and uninventoried, an end to logging and exploitive extractive industries, an end off-road vehicle use in roadless areas, and should afford the same levels of protection for the Tongass National Forest in Alaska.

I am grateful for the opportunity to submit my comments and participate in this historic protection initiative. Thank you for taking the time to hear my point of view.

Warm regards,

Paula F. Julander
Senate Democratic Whip

la

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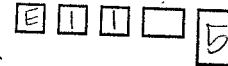
HOUSE OF REPRESENTATIVES
STATE OF UTAH

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REPRESENTATIVE DEMAR "BUD" BOWMAN
72ND DISTRICT
(BEAVER AND IRON COUNTIES)
109 NORTH 800 WEST
CEDAR CITY, UTAH 84220
REG. (435) 588-8174
E-Mail: cbowman@le.state.ut.us



STANDING COMMITTEES: LAW ENFORCEMENT AND
CRIMINAL JUSTICE, CHAIR; WORKFORCE SERVICES
APPROPRIATIONS; CAPITAL FACILITIES AND
ADMINISTRATIVE SERVICES
June 27, 2000



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

CAET RECEIVED
JUL 03 2000

Dear Forest Service Representatives:

My name is DeMar "Bud" Bowman. I am the Representative for District 72 to the Utah House of Representatives. Thank you for the opportunity to comment this evening relative to the National Forest Service Roadless Area Conservation.

There is much unrest in Utah regarding roads on federal lands. I have included with this letter a newspaper article published in the Friday, June 23, 2000 edition of the Spectrum about a road in Nevada to the Jarbidge wilderness. What is scheduled to happen there on July 4th may be like the Boston Tea Party.

We have just been through the West Desert Wilderness Proposal for the seven western counties of Utah. It failed. That failure and the Jarbidge circumstance should give you a feel for local sentiment.

It appears to me that the Roadless Area Conservation is a backdoor approach to creating more wilderness on National Forest. We do not want more wilderness in Iron County.

In any action, quality is the wise choice of the best alternative. It appears to me that a roadless designation takes an alternative off of the table of future decisions. Why take an alternative off of the table? If an area doesn't need a road, simply don't build it. But, don't unnecessarily take the alternative of ever building it off the table.

We are shocked at what the beetle has done to the spruce trees in the Brian Head area. Roads and harvesting timber to maximize the value of the resource should ever be of utmost importance in your management of the public's National Forests.

Yours truly,

Representative DeMar "Bud" Bowman

statement read at
public comment meeting

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Cedar City, Utah
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DAGGETT COUNTY

PAGE 02
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COUNTY COMMISSIONERS
R. Lee Allen
Royal K. Norman
Suzanne Rees



OFFICERS
CARLA J. SCRIBBY, COUNTY AUDITOR
LUANN ADAMS, COUNTY RECORDER-CLERK
LEON JENSEN, COUNTY SHERIFF
JON J. BENDERSON, COUNTY ATTORNEY
MONTE R. MUNNS, COUNTY ASSESSOR-TREASURER
DENTON BESCHER, COUNTY SURVEYOR
KEVIN R. CHRISTENSEN, COUNTY JUDGE



DAGGETT COUNTY

STATE OF UTAH
95 North 100 West
P.O. Box 219
Manila, Utah 84046

K 3 7 5

July 17, 2000

June 20, 2000

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CAET RECEIVED
JUL 13 2000

Sawtooth National Forest
Attn: Bill LeVere, Forest Supervisor
2647 Kimberly Road East
Twin Falls, Idaho 83301

United States Forest Service
C/O Roadless
P.O. Box 221090
Salt Lake City, Utah 84122

Reference: Proposed Roadless Area Conservation Rule

Mister Chairman and Members of the Committee:

Dear Mr. Levere:

The citizens of Box Elder County and the County Commissioners are concerned that access to the forest lands be maintained. Many of our people use the public lands for recreation, livestock grazing, hiking, hunting and just a place to get away.

This letter is in reference to the "Draft Environmental Impact Statement". The Daggett County Commission would like to stress that it adamantly opposes the direction the Forest Service has taken with respect to the formation of more roadless areas within the National Forests. While we are sympathetic of the need to protect threatened and endangered plant and animal species along with protecting the health of the watersheds that provide drinking water and habitat for fish and wildlife. Our main concern is with the human element, which we feel takes priority and is of utmost importance.

Therefore, we ask that the Forest Service not close public access roads to the National Forests.

The public is losing the right to enjoy its "Public Lands" by the implementation of more rules and regulations that are put into place every year. This is just another program that will limit the use of these lands even more. The common person will be limited to the use of the National Forest because this program will limit these areas to foot traffic only. This program will take away the opportunity for our elderly and handicapped citizens to enjoy these areas. Based on population growth, the number of elderly citizens will increase over the next several years. Are they not entitled to be able to access the forest? The sportsmen activities such as hunting, fishing and camping will be highly affected by the lack of access. Only an elite few, such as backpackers etc. will be able to enjoy our natural resources. We also feel that it doesn't make any sense to close these areas with respect to the health of the forest, when issues such as logging and the ability to remove diseased lumber have a positive effect on the forest.

Sincerely,

R. Lee Allen, Commissioner
Box Elder County Commission

Another issue we feel needs to be addressed is Public Safety. We are very concerned with the well being of those who are able to access these areas. Take for instance Search and Rescue and Emergency Medical Services. It is necessary at times to utilize these services on National Forest property. Daggett County had an instance this last summer where felled trees made it nearly impossible to access children who had gotten lost and were in need of medical attention. It took 6 men approximately 5 hours to clear a path in order to get to these children. The practice of felling trees to block existing paths and roadways is detrimental to rescue and medical services

RLA:lr

Commissioners
Sharon E. Walters
James M. Briggs
Chad L. Reed
435-784-3218
Fax 435-784-3335

Clerk/Treasurer
Vicky McKee
435-784-3154
Fax 435-784-3335

Auditor/Recorder
Rita Newkirk
435-784-3210
Fax 435-784-3335

Assessor
Lana Schofield
435-784-3222
Fax 435-784-3335

Sheriff
Gaylen Jarvie
435-784-3255
Fax 435-784-3335

Attorney
Harriet E. Styler
435-889-5277
Fax: 435-889-5298
450 Flaming Gorge Pines
Dutch John, UT 84025

DaggettCounty@union-tel.com

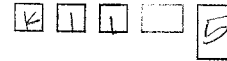
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JUN 23 2000

SAWTOOTH NATIONAL FOREST
TWIN FALLS, IDAHO

201 SOUTH MAIN BRIGHAM CITY, UTAH 84302

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which are essential in any area.

The majority of our constituents are opposed to this action by the Forest Service and we feel that this program decreases the "philosophy" of "Public Land Use" and "Multiple Use" which is important to the economy and livelihood of our residents. We also understand that funding is an issue with respect to maintenance and management of these roads. We also know that many of the roads at issue are not maintained and have not been maintained for several years, yet the access is still available.

We see the need to protect our forests and preserve them for our children and grandchildren to take advantage of the wonderful opportunity to see and explore these areas, however, what good is this "Land Legacy" to our children if they are denied access to it.

Sincerely,
Daggett County Commission

James M. Briggs

James M. Briggs, Chairman

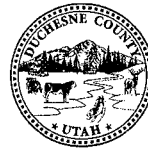
Sharon P. Walters

Sharon P. Walters

Chad L. Reed

Chad L. Reed

cc: Bert Kulesza
Eileen Richmond



DUCHESNE COUNTY COMMISSION

GUY R THAYNE, CHAIRMAN
LARRY S ROSS, MEMBER
F TED KAPPEN, MEMBER
PO BOX 270
DUCHESNE, UTAH
84021-0270
(435) 738-1139

June 28, 2000

United States Forest Service
C/o Roadless
PO Box 221090
Salt Lake City, Utah 84122

CAET RECEIVED
JUL 03 2000

Regarding Duchesne County response to the National Initiatives:

Roadless area, Road management where roads presently exist and Forest planning for future Forest uses that requires roads.

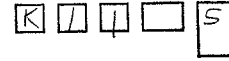
Duchesne County is located in the northeastern corner of the State of Utah. We have a similar history as many Counties in the west. Settlement began in the late 1800's and had a substantial dependency upon the forest for buildings, homes and other infrastructure needs. Because of Forest Service Management decisions the people have generally been restricted from using forest products. Yes the public can still access the Forest for recreation, yet cutting and logging have generally been eliminated by restricting sales and the imposition of environmental rules that curtail historical uses. Permit numbers are being reduced. Grazing and cattle operations have been the mainstay of our economy and it saddens us to see more and more Federal impositions that disallow economic growth and the satisfaction of positive and better lifestyles.

Roadless areas should be determined at the local level by informed and reasonable foresters. Because of natural effects upon a given Forest area, full consideration should be given as to harvesting tree's if the terrain and other factors are such that the values are higher than 0. There are tree stands that roads should not be built to and yet again where Forests are located on rolling mountains and erosion is not a factor the harvesting should be considered as a positive for the health and well being of the Forest as well as Counties that could surely benefit from having logging and cutting access. Roads should be allowed and then rehabilitated when harvesting is completed.

Roadless areas become de facto wilderness designations. The original intent defined in the Presidents directive was to set aside some 40 million acres as roadless or restrictive use Forest lands. In reviewing the President's actions on certain public lands during his administration, we become very apprehensive about the results of any Federal actions on public lands. In short, the proposed roadless initiative is far-reaching and restrictive.

The Federal people seem to have little regard if any as to income from Forestlands. Only in the Federal government can a valuable asset be managed with the intent to create a big red bottom line. The Forest Service complains that it does not have adequate funding to maintain its infrastructure and yet will lock up its resources and lock out interested persons to create adequate

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income for Forest operations. Influencing stiff-necked bureaucrats that have little or no financial economic interest in the end result has and will continue to drive the Forestlands debate to a political conclusion rather than a reasonable and viable decision. Roadless areas just for the sake of having them are not in the purview of our people. A replenishable resource should always be considered for its highest and best use.


Now a comment on road management:

Duchesne County and the Forest Service have entered into several road maintenance agreements. Some roads that are used for hunting and a few special purposes need little maintenance if at all. Other classes of roads need annual maintenance and other County, State, and Federal roads need on going regular, good quality maintenance. Funding programs are generally in place but need additional funds to meet public needs into the future. Again those replenish able Forest resources can and should fund the public's interest on these lands. All existing roads that are being used by the public should remain in place.

The Forest Service appears to be ignoring or does not understand the RS2477 road right-of-way implications. It would be well if the Forest Service would refrain from an extensive road plan until the RS2477 issues are resolved. Our records show that some RS2477 roads and rights-of-way have been closed previously to this Forest Initiative. Duchesne County prefers an amenable resolution on these roads that existed before Forest designation in 1905.

As to Forest planning, Duchesne County intends to participate in the planning process. We understand that the local Foresters will have major influence in determining the future Forest policy. Those men and women that are local Forest people have many abilities relative to working closely with local citizens and local governments. Federal policy that can be molded accordingly to all our interest is preferable.

Vice President Gore was recently quoted; his statements indicated that his policy and directives would be to have more Federal limitations than have been proposed by our present liberal president. Such statements by Mr. Gore are not only ridiculous; they drive a wedge of discontent and prolong the combative attitudes of many people in the west. If the elected officials in the Federal government continue to ignore those of us that are most effected by public land policy, the contentious debate will disrupt reasonable discussions and move us toward the imposition of States rights. Duchesne County stands ready to review, plan and participate in a process of mutual interests.

Sincerely,

Larry S. Koss
Duchesne County Commissioner

LSR/sb



**Duchesne County Planning, Zoning
& Community Development**
734 North Center Street
P. O. Box 317
Duchesne, Utah 84021
(435) 738-1150
FAX # (435) 738-5522

June 28, 2000

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

CAET RECEIVED
JUN 29 2000

Dear USFS Manager:

The purpose of this letter is to provide comment on Forest Service Chief Mike Dombeck's Draft Environmental Impact Statement addressing the proposed Roadless Area Conservation Rule.

The West is home to the majority of the country's National Forest. While these lands are managed for the public nationwide, laws, policies and management decisions for public lands most directly impact--both economically and socially--those living in the Western states. Those of us who live in the West depend upon public lands for recreation, wildlife habitat, resource use and/or extraction, water supplies, flood protection, hunting and fishing, aesthetic values, tourism income and economic support from federal resource-dependent industries.

Because most forest roads in the West are more than three miles apart, nearly all areas between these roads would meet the 5,000 acres or more criteria for inclusion in the "roadless inventory." The potential impact of this policy on financial resources and recreational opportunities for rural counties, who depend upon the multiple use of the National Forest (and this is specified in our General Plan) lands for their economic survival, would be disastrous.

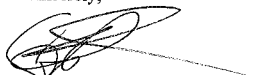
The net effect of this action by the President to have Forest Service Chief Mike Dombeck prepare a Draft Environmental Impact Statement addressing the proposed Roadless Area Conservation Rule is to create de facto Wilderness Areas by Executive Directive rather than by Congressional action. Duchesne County, Utah *does not* support this proposal. Wilderness areas, whether de facto or not should be approved by Congressional action only!

The citizens of Duchesne County, Utah would like to see both the administration and the

10114

federal government recognize the *constitutional function of government* and that is *not* to grant rights to fanatical environmentalists. i.e, de facto wilderness areas, but to *protect the inalienable God-given rights of life, liberty, property, and the pursuit of happiness* for all United States Citizens, including those of us, who's forefathers pioneered the settlement of the West.

Sincerely,



Clayton B. Chidester
Director

July 14, 2000

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

Dear Mr. Dombeck:

The Emery County Public Lands Council (Council) offers the following comments to the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS). These comments are submitted today to meet the deadline specified in the Federal Register Notice, but, the Council requests that the comment period be extended or reopened for sixty days. The Council believes the extension is justified by the complexity of the proposed action and the far reaching impacts associated with such action. Additionally, as the DEIS acknowledges, "... this proposed roadless area rule together with other proposed rules might have a cumulative impact in final form." Therefore, it seems reasonable that an extension be granted to allow sufficient time for a complete review of this proposal, its interrelationship to other proposed rules and the resultant cumulative impacts.

The Council believes that all decisions about the status of inventoried and un-inventoried roadless areas should be made through the forest planning process, at the local forest level. A rulemaking process that is intended to address all roadless areas through one national decision cannot address the unique conditions of each forest or individual roadless area. Therefore, the Council is opposed to such a broad-scope decision to "protect certain" roadless areas.

The Council feels that the existing Manti-La Sal National Forest Land and Resource Management Plan provides an adequate mechanism for protection of the various forest resources, including roadless areas, as evidenced by the following language from a 1991 Travel Management Plan Revision Decision Memo, from the Forest Supervisor, amending the Forest Plan; "I have decided to eliminate roads [which are] causing resource damage and/or are not needed for management of the Manti-La Sal National Forest by restoring the occupied lands to natural resource production."

It is the opinion of the Council that both immediate and future protection of roadless areas could be achieved simply through a Procedural Directive as described in

Alternative D. Such an approach would enable forest managers to make forest specific decisions regarding roadless areas while ensuring that the long-range perspective of Forest Plans is not compromised. For the Manti-La Sal, this would facilitate decisions which may be necessary to address the forest health and fire management issues associated with the significant spruce beetle infestation. In addition to its failure to facilitate effective response to the beetle infestation on the Manti-La Sal National Forest and the subsequent degradation of forest and watershed health and the increased potential of catastrophic destructive fires, the DEIS contains discrepancies and inconsistencies.

At page 3-168, the DEIS reads, "During 1994-95, 94.5% of the visitors to federally designated wilderness areas were white (Cordell and Teasley 1998)." Following at page 3-172, the DEIS reads, "Maintaining inventoried roadless areas in their current state will reduce the need for recreationists in search of remote experiences to move to Wilderness areas to enjoy a comparable experience." This indicates that the proposed rule will effectively increase wilderness areas, thus decreasing the opportunities for non-white forest visitors to participate in their preferred recreational activities. This seems discriminatory.

Additionally, the stereotypical, remotely relevant description of the "protected populations" (minority groups) in the Civil Rights and Environmental Justice section of the DEIS reinforces the sense of discrimination. This section of the DEIS concludes with the following statements regarding the Action Alternatives 2 through 4, "Disparate or disproportionate impacts associated with a prohibition on road construction and reconstruction is not anticipated to affect protected populations at the national level. While national level impacts are not expected to be disparate, adverse impacts are possible on a regional or local level." These statements do not support the national approach to roadless area management as proffered by the proposed rule and the Preferred Alternative, particularly when one considers the statement found at page 3-203 of the DEIS, "Most [Native American] respondents favored local decision-making regarding roadless area management."

The statements, "The effects of the prohibitions [of road construction and reconstruction] would be positive for people who engage in activities such as ...off-highway driving...", at page 3-171, and "Allotments located in unroaded areas are usually accessed on horseback or by OHV." (page 3-177), are not consistent with the Manti-La Sal National Forest Travel Management Plan which states, "All Forest Development Roads [Classified Roads] and Trails are designated open to off-highway vehicle use, unless otherwise specified, and all areas are closed to off-road travel unless specifically designated open." These inconsistencies confirm the inappropriateness of instituting "national prohibitions" to address forest-specific management concerns.

The statement at page 3-178 of the DEIS, regarding livestock grazing, does not accurately represent conditions on the Manti-La Sal National Forest. The DEIS reads,

"Because the action alternatives represent no change from current conditions, there should be no impact from them on access, economic well being, quality of life, identity, or values among ranching communities."

Portions of the "inventoried roadless areas" and "other unroaded areas" in the Manti-La Sal National Forest are as described in the South Manti Timber Salvage Final Environmental Impact Statement, "A spruce beetle epidemic has affected most of the spruce within this area. Approximately seventy percent of the spruce trees with a diameter greater than five inches at breast height and ninety percent of the spruce trees with a diameter greater than eleven inches at breast height are dead." The spruce beetles continue to move through the Manti-La Sal National Forest, thus, the areal extent of their destruction continues to increase. This results in a continuing change from current conditions in the form of increased degradation of forest health and an increase in fire risk.

The DEIS, at page 3-172 recognizes "stewardship [timber] harvest to address forest health and fire risk problems". However, the DEIS at page 3-184 also states, "Alternatives 2 through 4 limit the amount of timber volume that can be harvested from inventoried roadless areas." Therefore, the Action Alternatives, including Preferred Alternative 2, contribute to a continuing change in current conditions and the associated impacts to economic well being, quality of life and other values for members of the ranching community.

The DEIS, in attempting to address the impacts of the proposal on the timber harvesting community both insults the members of the community and ignores or minimizes the impacts to members of the community associated with Manti-La Sal National Forest.

The DEIS, at page 3-189, in describing members of the timber harvesting community states, "Qualities that are characteristic of their occupational identity include freedom, independence, individualism, pride in their skills and hard work, courage, and attachment to a rural lifestyle." At page 3-190, the description continues, "Many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education. For these people, what is at stake is not a traditional lifestyle and occupational culture, but rather an accessible route to a middle class lifestyle."

The data in Table 3-55, page 3-218 and the discussion of Region 4 at page 3-221 do not accurately represent the Manti-La Sal National Forest.

Table 3-55 identifies Gunnison and Wellington, Utah as Potentially Affected Communities; however, the Table is confusing as to the fact that both communities have operating sawmills. Additionally, the community of Huntington, Utah, which has an operating sawmill, is not identified in the Table. The Table also indicates that 17-28 Direct Jobs, associated with the Manti-La Sal National Forest may be affected by the

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Prohibitions on Road Construction and Reconstruction and Timber Harvest. This is inaccurate information. The Satterwhite Log Home operation at Gunnison employs 42 workers at the mill and 30 in the field. This single operation exceeds the numbers represented in Table 3-55.

The information regarding the communities associated with the Manti-La Sal National Forest is not accurately represented nor adequately discussed in the Region 4 information at page 3-221, although all three communities are in counties which rank low in economic resiliency.

Information regarding Energy and Non-Energy Minerals, at page 3-192, Figure 3-28 depicts coal production from National Forest lands as less than 10% of the total U.S. production. This does not accurately depict the significance of coal production associated with the Manti-La Sal National Forest, nor its significance to the economy of Emery County, where the majority of coal production is associated with National Forest lands.

Additionally, the DEIS, at page 3-194 states, "Compared to Alternative 1, these alternatives [2 through 4] would result in fewer mining-related jobs, less income, and a reduction in the U.S. Treasury receipts and PTS [Payments to States] generated from mineral activities. There is not enough information available, however, to quantitatively estimate the degree to which jobs, income, and revenue would be reduced by the proposed rule."

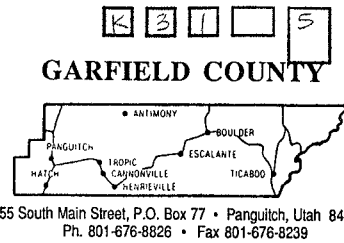
This statement clearly illustrates the inappropriateness of a broad-scope approach in addressing local forest specific issues. The inability of the DEIS to even estimate the potential economic impacts to the coal industry is of great concern to the Public Lands Council and Emery County.

The Council reiterates its position that the existing Manti-La Sal Land and Resource Management Plan provides an adequate and effective mechanism for addressing management and protection of the various forest resources, including roadless areas. Therefore, the Proposed Rule should be withdrawn and the associated environmental analysis process discontinued.

Sincerely,

Tracy Jeffs, Chairman
Emery County Public Lands Council
P.O. Box 1298
Castle Dale, Utah 84513

County Commissioners
Louise Liston
D. Maloy Dodds
Clare M. Ramsay
Camille A. Moore,
Clerk/Auditor



Tom Simkins, Assessor
Judy Henrie, Treasurer
Than Cooper, Sheriff
Wallace A. Lee, Attorney
A. Les Barker, Recorder
John W. Yardley,
Justice of the Peace

July 11, 2000

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

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JUL 12 2000

Dear Sirs;

Thank you for the opportunity to review the **Draft Environmental Impact Statement for Roadless Area Conservation**. We have reviewed the SUMMARY and PROPOSED RULE, along with DEIS Volumes 1 and 2. Garfield County believes that the only feasible alternative that can be implemented is Alternative 1: NO ACTION. It should be noted forthwith that Garfield County adamantly and vehemently opposes the Roadless Area Conservation plan, as proposed in the DEIS. This response outlines the concerns and issues that Garfield County has about the proposed action.

Garfield County once relied heavily upon the timber industry to provide jobs for the citizens that resided in our communities. Unfortunately, due to overwhelming restrictions on the land, the unwillingness of land management agencies to put timber sales up for bid, and appeals from the environmental community, what was once Garfield County's second largest employer is now just a shadow of the past. Timber industry related jobs in Garfield County have declined dramatically in the last decade. The largest timber operation that existed in the county was operated from 1955 until 1996. This operation employed from 100 to 150 local workers, and paid out over two million dollars a year in salaries and wages. The closure of this sawmill generated a necessity for the creation of more jobs, and when comparable jobs were not available, this ultimately required the relocation of many workers.

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It is from this angle that we must respond to this roadless initiative. We are always weary of new and additional restrictions on timber and other renewable resources because small communities and sparsely populated counties, such as ours, have been historically overlooked in the process. It is our conclusion that if the proposed rule is implemented, it will be detrimental not only to the economy of Garfield County, but to all counties and rural areas that are dependant upon timber harvest for their livelihoods.

The DEIS shows four alternatives. Garfield County objects to all of the alternatives with the exception of Alternative 1. Because Alternative 2 is the Proposed Action and Preferred Alternative, this response will deal primarily with the issues discussed under that heading.

Page 1-1 Wildlife Concerns

The claim that roads create a "reduction of genetic mixing necessary for species diversity and health" is unfounded. Species cross roads just as easily as they cross sagebrush flats. If there is a problem with species diversity, it is an agency management problem, not the result of roaded areas in their habitat.

Page 2-2 Inventoried Roadless Areas v. Unroaded Portions of Inventoried Roadless Areas

It appears as though the DEIS is fatally flawed in the beginning due to definitions. Some questions logically arise. *How can an "inventoried roadless area" have roads on it? Is that not contrary to the definition of roadless? If some of the lands that were once classified as "roadless" have had roads constructed over them after they were inventoried, they can no longer be claimed as roadless.* This is an apparent attempt to confuse the public with legal jargon and word games. Classifying lands as "unroaded portions of roadless areas" is not only redundant, but illogical. The EIS should deal with areas **that do not have roads on them**, as the classification of "inventoried roadless area" suggests.

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Page 2-4 Road Construction and reconstruction activities including temporary road construction would be prohibited in the unroaded portions of inventoried roadless areas.

The inability to "[expand] a road to increase its capacity" or "[increase] the traffic service level" would create serious safety problems. This would ultimately result in roads that were neither adequate nor sufficiently maintained to support the increasing traffic demands of persons using public lands.

Limiting access to these public lands by prohibiting the creation of roads creates de-facto Wilderness. As you are aware, Wilderness may be created only upon Congressional approval. These lands have been scrutinized by land management agencies, environmental groups, multiple-use advocates, and Congress for nearly three decades. In the past, and even today, Congress does not consider many of these lands fit for Wilderness designation. In fact, page 2-17 of the DEIS gives the following reason as to why the alternative to recommend that all inventoried roadless areas be designated Wilderness was excluded from further consideration:

1) most of the inventoried roadless areas in question have already been evaluated for wilderness character in the land management planning process and **it was determined for various factors that those areas should not be designated as Wilderness.** (Emphasis Added)

Garfield County believes that implementation of the proposed rule is merely an administrative technique to create anywhere from 43 to 52 million acres of de-facto Wilderness where none actually exists.

The fact that timber harvest would still be allowed on unroaded portions of inventoried roadless areas is inconsequential. It would be impracticable to harvest timber without having roads to access the timber sale. Even though page S-37 of the summary points out that "[t]imber can also be harvested, using existing roads, with helicopters or cable yarding systems," it is

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nearly impossible to do so. First of all, this limits timber sales only to areas adjacent to existing roads, eliminating any sales within roadless boundaries. Secondly, both of these types of operations are very expensive, and managers do not make enough profit on the sale to continue harvesting timber for very long. Due to excessive losses, most operations cease before they are able to harvest all of the timber that was allotted on the sale.

This is due to many factors. Page 3-115 of the DEIS states that **“only trees near existing roads or high value species that could be yarded with helicopters would be economically feasible to harvest.”** It continues by stating that **“Helicopter timber harvest feasibility depends on many factors, including value of the timber removed, but generally is not feasible at distances of more than a mile from the nearest road.”** We know that helicopter logging is unfeasible from firsthand experience, because this was the case with the helicopter logging operation at Panguitch Lake – a site in our county – in the early ‘90s when the Forest Service would not allow the construction of roads to access the timber sale.

The prohibition on the construction and reconstruction of roads, coupled with the unfeasibility of any other type of timber harvest operation apart from current and traditional methods essentially creates an effectual barrier and puts an end to any future timber sales within the boundaries of these roadless areas. This is neither good nor responsible land management. This opens the door for such disasters as wildfires and insect infestations.

Page 2-6 *Procedural Alternatives*

Consistent with Garfield County’s views on this matter, the only acceptable alternative would be Alternative A: No Action; No Procedures. We see no reason why a blanket of procedural regulations should be placed on Forest Service land. If a proposed project or activity is questionable and could result in a loss of “roadless characteristics,” history has shown us that the Forest Service – or some special interest group – will immediately bring it to our attention. Any changes from current policy should be made by revising the forest plan or by performing environmental analyses, and should be made solely upon a project-by-project basis, but **only**

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when raised as an issue. There is no need to evaluate any activity to which no one has objected. Doing so would be purely a waste of money and time.

Page 2-33 *Summary of Combined Effects of the Proposed Action*

The Proposed Action and Preferred Alternative shows that **“250 timber-related jobs [would be] lost from reduction in timber harvest in inventoried roadless areas.”** Garfield County believes that this number is a gross misrepresentation of reality. Garfield County has seen the devastation of lost jobs due to unnecessary and excessive management techniques on the part of land management agencies, and believes that a far more substantial number of timber-related jobs would be placed in jeopardy than a mere 250. We would hope that the Forest Service re-evaluate this number to reflect the substantial amount of jobs that would be lost due to the inability to harvest timber because of access restrictions on Forest Service land. We believe that if the proposed rule is put into effect, the timber harvesting operations that lie within our county will be placed in jeopardy and ultimately forced to close. That would create a loss of approximately 200 jobs in Garfield County alone.

Page 3-9 *Population growth will increase the demand for most natural resources in the future.*

This statement is very true. However, the proposed rule would **reduce** the quantity of natural resources available (at least 300 million board feet in five years), and **increase** not only the demand, but the price consumers must pay for them. Another troubling issue is that the rate of harvest in the inventoried roadless areas **“would continue at a rate no greater than that experienced over the past 20 years.”** How can we expect to meet the needs of the nation if we are only allowed to harvest the same amount of timber that we harvested in the 1980s? We should not have to rely on the importation of lumber to satisfy the nation’s needs, since timber is a renewable resource, and can be managed sustainably while utilized for the good of the human race.

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Page 3-9 *Demand will also increase for amenity and ecological values of resources such as open space, scenic quality...and escape from urban environments. As open space is lost...the importance of roadless areas on public lands...will continue to grow.*

According to Figure 3-1, on page 3-2, 33% of the land managed nationally by the Forest Service has provisions that either prohibit or restrict roads. Page 3-138 shows that 38% of inventoried roadless areas are covered by forest plan prescriptions that restrict road construction and reconstruction. If people wish to "escape from urban environments", they will find these places. One of every three acres of Forest Service land having road restrictions or prohibitions is a very large and substantial amount. Along with National Parks, National Monuments, Wilderness Areas, National Recreation Areas, Scenic Rivers, Primitive Sites, or other similar categories of land designation, people that wish to leave the cities for recreation will identify and go to these places.

This creates various problems. The Forest Service will have to construct, reconstruct, and maintain **more** roads, due to the increased number of visitors that will frequent these areas. People also want access. People come to see sites **in their cars**. A road network sufficient to support this increased tourism will be necessary. If the proposed rule is implemented, it will be impossible to accommodate the increased number of people who go to these areas to escape the city.

Page 3-56 *Fragmentation*

Concerns from the Forest Service about habitat fragmentation were also discussed on page 1-1 of the DEIS. Clearcutting certainly causes substantial impacts to forests. However, in certain forests, such as Lodgepole Pine forests, the only efficient and effective way to manage the timber is through this type of management.

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While we are unaware of situations in other forests, we are familiar with our local forest, the Dixie National Forest, and we have seen a relatively small amount of clearcutting applied. Even when this type of harvest technique was used, it was only to achieve management objectives.

We believe that rather than prohibit roads on all roadless portions of inventoried roadless areas, local managers should consider which areas are in danger of a "great loss of biodiversity," and evaluate the actions on a case-by-case basis. Forests, such as the Dixie, should not be subject to the proposed regulations if current harvesting practices are non-detrimental to the land, as fragmentation would only occur in isolated instances, if at all. The DEIS states:

While the Intermountain Region would have the highest harvest levels and road construction in the contiguous U.S., less than 10% of the acres harvested would be from clearcutting. As a result, **impacts from fragmentation are expected to be low in this area** since at least 90% of the harvest should be accomplished with prescriptions that cause relatively less impact than clearcutting, such as thinning, which have **relatively low effects on fragmentation and connectivity**.
(Emphasis Added)

If there will be a relatively small amount of fragmentation by forest activities in the Intermountain Region, even when we have both the "highest harvest levels and road construction in the contiguous U.S." this should not be an issue, and all forests should not be subject to the proposed restrictions. This example also illustrates that a high yield of timber can be obtained and sustained with a minimum amount of fragmentation.

Page 3-98 *Fuel Management*

Forest fires are tragedies. We have recently witnessed many catastrophic fires in various regions of the United States, due to controlled burns by the Forest Service, appeals by special-interest groups, or other natural or manmade causes. A lack of management has created fire hazards in many of the forests. In our area, such a lack of management has resulted in an infestation of bark beetles, which have ravaged the forests that surround our communities and county. The forest is in a very unhealthy condition, and it is devastating to see the damage – created by Forest

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Service by not allowing the immediate remedy of this situation years ago when it was still possible – now witnessed by the brown, dead trees that litter the landscape instead of the lush green canopy of healthy trees that once prevailed. When the Forest Service conducts controlled burns to “manage the fuel,” they are also creating additional fire hazards. When the controlled fires kill the small trees, the trees are not removed, but stay standing and dry. When a fire occurs, these trees will provide more fuel, and put the forest in greater risk of a catastrophic level of fire.

Rather than allow mankind to utilize these renewable resources and reduce fire hazards, the proposed rule would do just the opposite. The DEIS shows that any alternative other than Alternative 1 would have:

1. A...decrease in the...ability to reduce the fire hazard...;
2. A[n]...increase in the number of wildland fires that become catastrophic;
3. Increased costs for some fuel management projects;
4. A...decrease in the...ability to implement [the] goal of reducing the threat of catastrophic wildfires.

We feel that this is unacceptable and dangerous. Increasing the risk of fires is not proper management. Rather than seek to prohibit timber harvest and road construction on Forest Service lands, the Forest Service should concentrate on the health of the forest and the safety of the people and lands located within close proximity.

It is very apparent that with prudent management and common sense, the forests could return to a healthy state. If the Forest Service would allow the timber operations to construct and reconstruct roads, and then systematically thin and clear some of these forests of fire hazards, the risk of catastrophic fires would decrease dramatically.

If Alternative 2, 3, or 4 is implemented, the costs for fuel management projects would more than increase: it would raise to a point of impracticability. As we stated earlier, even though timber

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harvesting would be allowed by Alternative 2, helicopter logging or timber removal with heavy equipment is cost-inhibitive. The result would be not only a decrease of projects to reduce fuel, but a foreseeable halt on such projects in the future due to excessive costs.

Page 3-107 Insects and Disease

The only feasible alternative to control insect infestations and diseases is Alternative 1. Currently, there are epidemics of bark beetles and other insects in many national forests. If this problem is not immediately suppressed by allowing companies to harvest the affected timber, these insects will continue to devastate our forests and create fuel for forest fires.

In Alternative 2, the possibility of helicopter yarding is once again unfeasible. As experience has shown, the value of the trees removed would not offset the timber-harvesting costs because administrative red-tape and procedures allow too much time to elapse between the infestation and the harvest of the trees. From a real-life perspective, by the time the timber sale is put up for bid, the mitigation and appeals processes are past, and the operation actually begins to harvest the timber, the insects have destroyed much of the forest and the timber is unsuitable for commercial use. We believe that implementation of Alternative 2, 3, or 4 would decrease the health of the forest, which goes against the objectives of the Forest Service, the proposed action, and the policies of Garfield County.

Page 3-110 In the West...there appears to be consensus on allowing fire to play a more natural role...

There is no reference as to where this information was obtained. We are certainly not the only person, business, or governing entity in the West that objects to manmade and natural fires destroying the landscape when the timber could be harvested and utilized for the good of mankind. The Forest Service should re-evaluate this statement.

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Page 3-112 *Timber Harvest*

Garfield County businesses and residents would be negatively affected by Alternatives 2, 3 or 4. In addition, the forest would be negatively affected by these alternatives. The DEIS reads:

Timber sales are often used as a least-cost method to manage vegetation to meet resource objectives of **improving wildlife habitats, reducing fuels** that may increase fire risk, **recovering timber value** from natural disasters such as windstorm or fire, **combating insect and disease infestations**, and **improving tree growth**. (Emphasis Added)

Reducing the amount of timber sales and prohibiting road construction or reconstruction on Forest Service lands creates innumerable problems. Among them are:

1. Only species of high commercial value within one mile of an existing road could feasibly be harvested.
2. Timber harvest costs will rise.
3. Fuel reduction costs will rise.
4. The supply for wood products will rise.
5. The cost for wood products will rise.
6. The availability of wood products will decline.
7. A loss of jobs for rural communities and sparsely populated counties that rely on timber harvesting for their livelihood.
8. Vegetation management objective costs will rise.
9. Insect and disease control costs will rise.
10. Forest health will continue to decrease.
11. A decline in young trees due to heavy canopy cover.
12. A decline in forest fauna and vegetation.
13. An increase in fire fuel and hazards.
14. An increase in catastrophic forest fires.
15. A loss of habitat for threatened and endangered species.
16. Restrictions and inability to properly manage forests.

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It is apparent that the proposed rule would adversely affect forest health. We must question, then, what are the motives behind this roadless initiative if they are not for the health of the forest?

Page 3-117 *Recreation*

We realize the need for recreation opportunities. Because much of our county's economy is built around tourism, we are very aware of the wants and needs of recreationists. We recognize the need for roadless areas. We also recognize that these areas are around, and are classified as Wilderness Areas. The Wilderness Act sets aside parcels of land that make possible "a primitive and unconfined type of recreation" among other things.

We do not wish to build millions of miles of road that detract from the beauty of the surrounding landscape. On the contrary, roads that are constructed and maintained on Forest Service land provide a necessary transportation network for interested parties to access these remote, roadless areas. There are some places where roads cannot be constructed. What the proposed rule does, rather than protect the forest, is create millions of acres of de-facto Wilderness.

Page 3-133 *Scenic Quality*

The DEIS raises certain questions about the degradation of scenic quality due to road construction, and says that Alternative 1 would "have a low ability to maintain scenic quality." Page S-18 says that only 1,444 miles of road would be constructed nationwide in five years. Of this 1,444 miles of roads, only approximately 800 miles would possibly be built in the contiguous 48 states in the next five years. Of those 800 miles, only 216 miles are planned for construction and reconstruction in inventoried roadless areas in the 11 western states over the next 5 years (DEIS, p. 3-178).

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Garfield County alone is home to over thousands of miles of roads, and has not compromised its aesthetic beauty or scenic quality. We have personally seen sites of roads – including paved highways – in our county that were closed, and then naturally reclaimed in a matter of a few years so that the old path is now nearly unintelligible to anyone who does not know the road was there in the first place. The inclusion of a prohibition on the “reconstruction of roads” also implies that these roads on inventoried roadless areas have been claimed naturally and need maintenance to reopen them to vehicular use. The PURPOSE and NEED section of the DEIS (page 1-10) says:

...the agency decided to analyze a number of alternatives to limit road construction, reconstruction, and timber harvest because these activities occur on a national scale, have the greatest likelihood of altering landscapes, often cause significant landscape fragmentation, and **often result in immediate, irreversible, and long-term loss of roadless characteristics.** (Emphasis added)

If the timber harvest is conducted following applicable and current standards, there is a possibility that a minimal disturbance of roadless characteristics will occur. However, it is seldom that such activities result in immediate, irreversible, and long-term loss of roadless characteristics. The resulting impacts are usually short-term.

Page 3-137 Wilderness

There are some troubling aspects and inherent contradictions to the description of Alternatives 2 through 4. The DEIS states:

...the amount and types of timber harvest allowed in inventoried roadless areas enhance vegetative health and reduce fuel loading, thereby providing protection from pests, diseases, and catastrophic wildfires spreading into designated Wilderness.

Alternative 4 does not permit timber harvest. We have shown in the preceding section “Timber Harvest” that not allowing timber harvest actually has a negative impact on the land. We believe that the description above belongs under Alternative 1.

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Forest Service lands cannot be managed as de-facto Wilderness. As stated earlier, many of these lands have been deemed not suitable for Wilderness designation. We see this management plan as an administrative attempt to create de-facto Wilderness where none actually exists.

Page 3-138 Real Estate Management

It is apparent that *Non-recreational special uses not associated with valid existing rights*, as defined by the DEIS, are important to the infrastructure of the United States. Once again, a permanent prohibition on road construction and reconstruction would severely impact these uses, such as the ability to place utility lines, linear irrigation facilities, and communications sites, on Forest Service lands. We believe in the prudent use of our natural resources (including the scenic values) and believe that rather than a permanent prohibition, the Forest Service should evaluate each project on a **case-by-case** basis.

Page 3-142 Minerals and Geology

Alternatives 2, 3, and 4 place additional burdens and restrictions on all mineral resources. The process is already cumbersome. Monetary costs are not examined in this portion of the DEIS. For example, a mandatory EIS costs money. Additional SUDs cost money. These restrictions will cause a necessary increase in the budget for the Forest Service, and will eventually make such proposed extractions unfeasible. These alternatives will also cause an eventual decrease in such activities, and an increase to the costs associated with them. The current system is reasonable. We see no need to deviate from it.

Page 3-147 Geological and Paleontological Resources

Limiting access to these public lands will make the discovery and excavation of new paleontological resources nearly impossible. When many fossils are quarried and cut from rock, the resulting blocks can weigh over 1,000 pounds, as is the case with the proposed Hadrosaur excavation in the Grand Staircase-Escalante National Monument. The unavailability of vehicles

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to transport these masses of rock equates to an inability to excavate the remains, leaving behind a valuable piece of history and important specimen for studies. As is the case with most of the activities that take place on Forest Service lands, the use of helicopters would not be practical.

Page 3-149 Fire Suppression

The DEIS alludes to the fact that timber harvest along with effective fuel treatment would **“have the effect of lowering the fire hazard for that area.”** It then states that only from 14,000 to 94,000 acres are expected to receive fire treatment in the next five years. This is a very small amount of acreage for the fire risks that exist on the National Forests.

Rather than impose a national prohibition on the construction of roads and (even with Alternatives 2 and 3) an essential ban on timber harvesting, we believe that the amount of timber offered for harvest should **increase**, not decrease. This would give the Forest Service an opportunity to control the fuel and lower the risk of fire in all national forests. The DEIS states that “[t]imber sales are often used as a least-cost method to manage vegetation to meet resource objectives of...**reducing fuels that may increase fire risk...**” Timber harvest operations should be looked upon as the easiest and most inexpensive way to control fire risk. A national prohibition of this activity would result in a dramatic increase of fire, and the loss of a very important tool in fire control.

Page 3-161 Wildland Values

Contrary to popular belief, timber harvesting does not degrade wildland values. Roads made for timber harvesting purposes create access to scenic places. Thinning, maintenance, and fuel extraction make access inside the forests possible. As stated above, effects from timber harvests are nearly always short-term.

The DEIS, while mandated to remain objective in the examination of all of the alternatives, makes out the timber industry to be “the bad guy” that ruins and exploits natural resources,

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pillaging the national forests and destroying the ecosystem. Many of the negative impacts associated with timber harvesting and road construction and/or reconstruction listed on page 3-165 of the DEIS will apply to rural communities and counties if any one of these “action alternatives” are implemented, such as:

1. **Alteration of special places that individuals or groups have a place attachment to;** by allowing the forests to burn, and not allowing timber harvests on many Forest Service lands, the actual character of the forest is affected in an adverse way. In and around our County, the forests around the Cedar Breaks National Monument are nearly dead due to a prohibition on roads and timber sale appeals. When timber harvest was not feasible, the once green stands of trees were left to dry and turn to large clumps of dead, brown forests. Does a lack of proper management not constitute an “alteration of special places”? People no longer frequent this site to picnic or conduct recreational activities. It is apparent that the aim of the Forest Service with the “action alternatives” is to remove all human activities from the forests.
2. **The undermining of the attitudes, beliefs, and values of people holding wildland values.** What about the attitudes, beliefs, and values of people holding multiple-use values? Any “action alternative” would destroy the livelihoods of many people who have just as much right to use the forests as anyone else. Rural communities and counties have a history of being overlooked by any governmental agency because of their under-representation. By implementing a prohibition on road construction and reconstruction, and through decommissioning many existing roads, the Forest Service is creating a place that can only be accessed by the elite of the agency. Where are the attitudes, beliefs, and values of these rural people in the DEIS discussed?
3. **Potential threats to individual or cultural identity.** What about the culture that exists in small, rural communities? In Escalante, Utah, a rural town in our county, one of the timber harvesting operations took root in 1832, and will be forced into extinction by the roadless initiative, creating a loss of more than 120 direct and indirect jobs. In a town with less than 500 people, 120 jobs is a substantial amount. In Panguitch, the loss of 150 jobs created a need for relocation for many families due to lack of employment. **The**

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roadless initiative directly poses threats to the identities of those individuals and communities that depend on Forest Service lands for their livelihoods.

Page 3-166 Recreation, Scenic Quality, Wilderness, and Recreation Special Uses

The DEIS explains that even though Alternative 1 allows for the construction of roads in roadless areas for certain activities, “a high percentage of those roads would likely be closed when no longer needed for the development activity...” If most of the roads used for “development activities” are going to be closed, what is the purpose of creating a prohibition on such roads? As stated above, roads will be naturally reclaimed with time. There is no need for any action to take place if no harm will be done.

Page 3-173 Hunting and Fishing

The claims in this section under Alternative 1 are unfounded. Roads will not diminish the “ecological integrity” of inventoried roadless areas. They will not destroy riparian vegetation, except for what must be removed from the road bed for construction. Roads do not have an effect on the introduction of non-native fish species. On the Boulder Mountains, an fairly unroaded area in our County, non-native fish species have been introduced to lakes.

Roads will not increase poaching, as poachers will illegally take game wherever it is found. Roads do not negatively impact deer herds, as witnessed by the amount of deer seen on the roadside. Game species will not decline if more roads are created. Anyone who has ever seriously hunted big game can testify to the fact that deer, elk, and other species will **walk straight up existing roads**, as evidenced by their tracks. These claims are unfounded, and another attempt to portray timber harvest and road construction as evils that will degrade the environment.

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Page 3-182 Timber Harvest

Once again, Garfield County does not believe that the amount of jobs that the DEIS states will be lost if any of the “action alternatives” are implemented is realistic. In a statement by Steven Steed, manager of Utah Forest Products in Escalante, Utah, a more realistic view is shown:

In reality there are fourteen small family-owned sawmills in Utah that depend on federal timber. These sawmills directly employ over 406 people and indirectly employ approximately 200 loggers and truckers. Over half of the sales planned for this year, on the three Southern Utah forests [Dixie, Fishlake, Manti-La Sal] were to be in RARE II Roadless Areas. Over 67% of the forest lands on National Forests in Utah are either in Wilderness or within the boundaries of RARE II Roadless Areas. Without this volume, most of these companies will also fail.

In Garfield County alone, the roadless initiative would equate to a massive loss of jobs, and would ultimately require the relocation of many of the workers.

There is another issue under this heading that we would like to discuss. In your effort to classify loggers and the potential impacts that the proposed rule would have on them, you have made them sound like a group of uneducated, migrant brutes that wander from place to place seeking seasonal employment. The discussion under that heading is unacceptable, and not representative of real life.

On page 3-190, the DEIS states: “**Because many timber workers have a highly developed occupational identity and set of job skills, it is difficult for them to quickly and easily adapt to other occupations;**” and:

Many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education. For these people, what is at stake is not a traditional lifestyle and occupational culture, but rather an accessible route to a middle class lifestyle. If equivalent jobs were readily available, these individuals would be happy to take advantage of them.

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We feel that this is discriminatory against people that work in the timber-related industry, and another example of the bias used in the DEIS to persuade non-informed people to support any of the “action alternatives.”

Another disturbing quote was “Some people point out that once the trees are gone, the jobs will be gone anyway.” The only reason that trees would ever be “gone” would be due to a lack of proper management. We feel that implementation of proposed rule would be a beginning of such management (or lack thereof). Timber is a **renewable resource**. We harvest much less timber annually than is grown. How could we run out of timber? The problem does not lie in the unavailability of the timber. It lies in the lack of cooperation from management agencies to put it up for sale, and follow through. That is what makes the timber harvest activities “unstable,” as the DEIS puts it. The lack of timber is not an issue here – it is administrative problems.

Page 3-208 Local Involvement

Although the DEIS states contrary, a national prohibition would have a tremendous effect on local involvement. This would create a blanket of irreversible prohibitions that would apply to every forest, regardless of their local needs and conditions. The Forest Service has failed to address the point that each individual forest should be – and must be – managed differently. The Tongass National Forest in Alaska is, and should be, managed differently than the Dixie National Forest in Utah. By placing this blanket of prohibitions, local involvement would have an insignificant scope. If the local agencies and interested parties are not allowed to decide in what manner the local forests should be managed, local involvement does not matter at all. This is an attempt to implement “top-down” procedures and regulations, and will result in an unhealthy forest, the loss of local autonomy, and the loss of many, many jobs. We hope the Forest Service would reconsider this policy.

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Page 3-209 Forest-Dependant Communities

The DEIS makes the point that

The community has little influence on the business decisions made by firms operating in their area, while the firms have little influence on macroeconomic forces that influence their operations.

While the above may be true in large cities, in rural communities where the firm and operation are run locally, by local managers, and owned by local businessmen, the community and the firm have a reciprocal, influential relationship. What makes rural communities vulnerable to the “boom/bust cycles” was explained above by the lack of cooperation by land management agencies, not a non-influential relationship between the community and firm.

On page 3-213, under the Dixie National Forests, Panguitch and Escalante, two communities from our county, are listed as having a potential to be affected by the prohibitions on road construction and reconstruction and timber harvest.

The DEIS states that a national prohibition would have “minor” effects on the national and regional, social and economic systems of the United States of America. While this may be true on a national level, at a local level, impacts are going to be dramatic and difficult to live with. We hold firm to our belief that forests are better managed at the local level with public input.

The DEIS also stated that Wilderness areas and roadless areas bring in invaluable monies to the local economies. If this were true, Garfield County would be one of the more well-to-do counties in the nation. Approximately 96% of Garfield County is either state or federally owned. In addition, Garfield County is home to one national forest, various national parks, one national monument, one national recreation area, one Wilderness area, and parts or all of fifteen Wilderness study areas. However, Garfield County ranks second to lowest in income in the State of Utah. This shows that steady jobs must be provided by allowing multiple-use management on federal and state lands, permitting local residents to have a primary-income job,

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thus stabilizing the economy.

Page 3-218 Table 3-55

Table 3-55 shows timber harvesting operations in Garfield County as employing a mere 19-20 workers. However, this response has shown evidence that one operation – Utah Forest Products in Escalante, Utah – employs 79 full and part-time workers. Once again, we ask that these discrepancies be resolved so a fair and unbiased EIS can be published.

Summary

Garfield County objects to all of the “action alternatives” of the Draft Environmental Impact Statement for Roadless Area Conservation from the Forest Service for the following reasons:

1. The DEIS does not highlight drawbacks to roadless areas sufficient to make an unbiased DEIS.
2. The definitions contained in the DEIS are too broad, and are not logical.
3. The inability to construct or reconstruct roads, including temporary road construction, does not allow the Forest Service to maintain a safe traffic network on Forest Service lands.
4. Garfield County believes that this Roadless Initiative is merely an administrative attempt to create de-facto Wilderness where none actually exists.
5. The alternatives to traditional and current harvesting methods (i.e. helicopter logging, yarding, etc.) are unfeasible, and should not be considered as reasonable methods to continue timber harvesting practices on unroaded portions of inventoried roadless areas.
6. A blanket of procedural mandates and recommendations would be unnecessary and expensive.
7. We believe that any changes from the current policy should be made by amending the current forest plan, or by performing environmental analyses, but only on a case-by-case basis, when raised as an issue.

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8. We do not believe that the DEIS adequately shows the loss of timber-related jobs in the United States.
9. Any of the “action alternatives” do not allow for the increase in demand for the timber products and other natural resources found on Forest Service land.
10. The implementation of the proposed rule would increase the amount of catastrophic forest fires, and decrease the ability of fire suppression agencies to control such fires.
11. Implementation of the proposed would make infestations of insects and disease more probable and more likely to occur on unroaded portions of inventoried roadless areas, which is contrary to the policies of Garfield County, and the policies of the Forest Service.
12. The proposed rule would limit timber sales, and in doing so, would eliminate the least cost method of “improving wildlife habitats, reducing fuels that may increase fire risk, recovering timber value from natural disasters such as windstorm or fire, combating insect and disease infestations, and improving tree growth.”
13. Due to past and current experience, we do not believe that scenic quality will be compromised by construction or reconstruction of permanent and/or temporary roads for timber harvesting purposes.
14. Implementation of the proposed rule would negatively affect the biodiversity and health of the forest.
15. Non-recreational special uses not associated with valid existing rights would not have place on Forest Service lands, which in turn, would not allow for expansion of utility lines, linear irrigation facilities, and/or communication sites.
16. The proposed rule would limit the access and inhibit the ability to extract fossils and other geological and paleontological resources from unroaded portions of inventoried roadless areas.
17. The proposed rule would make it more difficult, if not impossible, to control and suppress fires due to lack of fuel maintenance, by restricting access on these Forest Service lands.
18. The implementation of the proposed rule would undermine the attitudes, beliefs, and values of people holding multiple-use standards.

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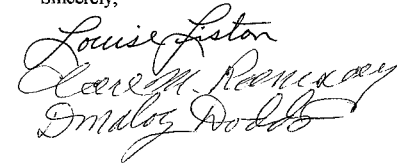
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19. The implementation of the proposed rule would potentially threaten the individual and cultural identities of rural towns and counties that rely on multiple-use/sustained yield standards for their livelihoods.
 20. Many of the roads that would be constructed on unroaded portions of inventoried roadless areas would be closed when no longer needed for the particular development activity for which they were constructed.
 21. The construction and reconstruction of roads and/or temporary roads does not have any bearing on species diversity.
 22. Upon implementation of the proposed rule, nearly 200 timber-related jobs in Garfield County alone would be lost.
 23. In Garfield County, 67% of forest lands on National Forests are either in Wilderness, or within the boundaries of RARE II roadless areas.
 24. Because timber is a renewable resource, when managed properly, we do not run the risk of exhausting all of the available resources.
 25. Implementation of the proposed rule would eliminate local involvement in the forest planning process, and would nearly eliminate the need for any local planning, since road construction, reconstruction, and timber harvesting standards would be set at a national level, and could not be changed or manipulated on a local level.
 26. Rural communities and counties have a reciprocal, influential relationship with locally-owned timber-related operations and firms.
 27. Although the DEIS states that a national prohibition would have minor effects on the national and/or regional social and economic systems of the United States of America, it fails to mention the impact that it would have on rural communities and counties, such as Garfield County.
 28. Since implementation of the proposed rule would obviously have a negative affect on forest health, we must question the motives behind the roadless initiative.
 29. The DEIS does not present this matter in an unbiased fashion.
 30. Garfield County believes that management decisions for national forests should be made – and are best made – on the local level, where economic, social, and environmental concerns can be taken into consideration by people and officials who are located in that

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- area, rather than a top-down management organization.
31. Legitimate need for a nationwide roadless policy was not shown in the DEIS; the assumption that such a policy is necessary is not sufficient.
 32. The DEIS fails to comment on the impact on local county budgets on search and rescue, fire suppression, noxious weed control, etc.
 33. The proposed rule would create forest lands only accessible to an elite few from land management agencies.
 34. The DEIS does not consider humans as part of the natural ecosystem.

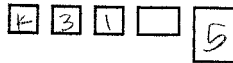
For the aforementioned reasons, Garfield County publicly declares its strenuous objection to all of the “action alternatives” as set forth in the Draft Environmental Impact Statement by the Forest Service for Roadless Area Conservation.

Sincerely,



Board of Commissioners of Garfield County, Utah

TDO



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NATIONAL FOREST SERVICE
ROADLESS AREA CONSERVATION
STATEMENT FROM IRON COUNTY
PUBLIC HEARING
JUNE 27, 2000 7:00 PM

*Utah
(road at Dixie NF
public comment
meeting, 60.00.27)
Cedar City, Utah*

It is rather ironic that just yesterday the Iron County Commissioners passed the resolution so Iron County now formally becomes a party to the State of Utah and other counties filing suit against the federal government over RS-2477 roads. The State of Utah and the participating counties are equal partners in this effort.

At the present time, Iron County is dealing with a host of Federal issues, including endangered species (prairie dogs), RS2477 roads, wilderness and now roadless area conservation. At times we wonder if the national government really is serving the public on these issues?

Quoting from the Iron County General Plan regarding wilderness designation, "Iron County recognizes the need for wilderness areas within the county lines. A portion of land within the county is designated as wilderness-those areas being Zion National Park, Cedar Breaks National Monument and Ashdown Gorge. **These existing areas satisfy wilderness needs within the county.**"

The wilderness issue is coming down, in many cases, to a roads issue. Is this roadless area conservation just an attempt to make more wilderness?

We don't want more wilderness in Iron County!

POST RECEIVED
JUL 03 2000

Your map I obtained last Thursday showing six (6) roadless areas on the Dixie, immediately east of Cedar City and in Iron County, shows existing roads in a least two (2) of these six (6) areas:

Again, quoting from the Iron County General Plan, "Access and Transportation, Currently within Iron County are many roads, trails, and paths which are used for everything from access to traditional agricultural concerns and livestock movement to timber harvesting to recreation areas. Iron County is committed to maintaining the unrestricted use of those roads, paths, and trails for these and similar activities. These roads, paths, and

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trails have been identified by the county under the provisions of RS 2477. For more information regarding the preservation of those accessways, please refer to RS 2477 Rights-of-Way page 51, Livestock Trails Map page 52, and Appendix G, pages 122-129."

Again quoting from page 29 of the Iron County General Plan Goal LU8.0 "Maintain and improve the valid existing rights-of-way across public and private lands in accordance with appropriate safety standards and public need."

Goal LU8.5 "**Iron County shall actively defend** the right to maintain and control all existing paths, roads, and trails, which traverse federal and state lands, as County Rights-of Way under provision of RS 2477.

In any action, quality is the wise choice of the best alternative. It appears to us that a roadless designation takes an alternative off of the table of future decisions. Why take an alternative off of the table? If an area doesn't need a road, simply don't build it. But, don't unnecessarily take the alternative of ever building it off of the table. We can think of a number of reasons why a road may be necessary.

1. mineral discovery/extraction
2. fighting fires
3. timber harvest
4. control noxious weeds
5. public safety
6. water development
7. hunting and recreation

and the list goes on.

Can timber be harvested economically in these small areas by helicopter? If it can't be harvested economically, will it just be wasted?

"Waste not, want not!"

In our opinion, it was tragic two weeks ago when Mr. Ron Wilson had to tell the Iron County Commissioners and the mayors from each community in Iron County and others that "Every spruce tree on that mountain is going to die because of the beetle." Couldn't this have been prevented with

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appropriate and timely harvesting with roads? Might we see this circumstance again in the future? Will we need roads then?

Generally speaking, we have been able to work productively with local officials i.e., Forest Service, Bureau of Land Management or National Parks. Many times, however, these ideas that come from the upper bureaucratic levels seem and are unreasonable and unproductive.

In summary, we like the present management plan for the Dixie National Forest. It isn't broken and we don't see the need to fix it.

Prior to July 17, 2000 we will be back with additional written comments in reference to our own inventory of roads in these areas.

Thank you,

Iron County Commissioners (Utah)
Lois L. Bulloch, Chair
Dennis Stowell
Gene Roundy

Statement read by:
Stephen R. Platt, P.E.
Iron County Engineer

RESPONSE TO PROPOSED RULE MAKING - ROADLESS AREAS

July 17, 2000

USDA Forest Service-CAET
Attention: Roadless Areas Proposed Rule
Roadless/wa_caet-slc@fs.fed.us.
P.O. Box 221090
Salt Lake City, Utah 84122

⑤

Re: Iron County comments and recommendations in response to the Federal Register Notice of May 11, 2000 for the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement.

Once again we must go on record and oppose President Clinton's and Chief Dornbeck's roadless area policies that would limit new construction and reconstruction in areas on the Dixie National Forest in Iron County, Utah.

The DEIS appears to be based on mostly antidotal references with little substantive and factual research based analysis and results. Can you tell us why this is?

This administration's policy to appease a class of special interest groups is simply misplaced in the new Proposed Roadless Area Conservation Rule and Draft Environmental Impact Statement (DEIS). Forest habitats, ecosystems and watersheds do not last long under glass like an old museum piece. We are talking about living and functioning forest ecosystems!

In order to sustain and maintain forest habitats and watersheds, disturbance must be recognized and managed as the means of nurturing healthy functioning ecosystems. The DEIS expends a great deal of effort in trying to justify a predetermined politically motivated outcome. This appears to us to be in the name of preservation politics only. These rationalizations will not prevail over extended periods of time ecologically and practically. Mankind by now has learned that nature doesn't always function and exist, as we would have it. Nature, which includes the land and its occupants, operates in a complex sort of patterns whose underpinning is renewal by disturbance.

The question here is why cannot a managed cycle of ecosystem renewals be obtained through programmed disturbances rather than setting up forest ecosystems for a series of catastrophic losses by fire and insects such as the present infestation that is decimating the spruce forests in our county near Brain Head, Utah. These catastrophic losses do not have to be inflicted upon our forest, which include the plants and animals that are dependent upon milder disturbances.

In our earlier comments on this subject in the Notice Of Intent (NOI), we pointed out these policies are little more than land grabs placing huge forest areas in our county in "DeFacto Wilderness" status. We also stated that the administration's position on inventoried roadless areas appears to be already predetermined. We strenuously objected to the tone in this DEIS and the one-

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way track that all of this appears to be heading. This one way track does not appear to have changed one inch since our comments regarding the NOI. Our Iron County Board of Commissioners represents the people of rural areas in the County, who have very little voice in the national public lands debate. This DEIS in its delivery references "social values"; these so called "social values" are in fact poorly disguised special interest postures that are designed for national membership and fund raising campaigns aimed at urban Americans. There seems to be little regard for the realities of rural people's need for access to public lands and resources in Utah. This debate unnecessarily pits Americans against each other over something that is greatly misunderstood by this administration including top management of the US Department of Agriculture and the Forest Service. The Chief of the Forest Service and his line officers keep emphasizing and talking about "collaborative partnerships". All we see are unfair national decisions being made by the Undersecretary of Agriculture who, to date, is trying to imprint his personal preservation biases on forested landscapes at the expense of "multiple uses".

All this is counter to the efforts of forests like the Dixie that is working with our county on the forest plan revision process. Why are local forest plans and concomitant revisions being circumvented by this proposed new rule? Does not the situation beg the question; shouldn't the problems and opportunities of access, resource management and conservation be best handled at the time of plan revision for local and informed solutions?

In our comments to the NOI we stated that "the majority of public lands under the administration of the Forest Service suffer from a lack of comprehensive land use zoning policies and objectives. We have the experience and capability at the county level to deal with complex and competing needs or uses that can be applied to forested landscapes in Southern Utah counties." "Top down directives such as this proposed roadless area rule of this magnitude is poorly thought out and vetted by professional forest managers who surely know better. The proposed rule has less to do with managing the existing road system as much as it is to limit access to inventoried roadless areas. Frankly, if the Forest Service has a problem with lands in other parts of the country such as Alaska, deal with them there, do not for heavens sake, saddle us in Southern Utah with solutions and fixes that apply elsewhere."

Forest Health

Once again as we commented for the NOI, the DEIS "is extolling the values and virtues of roadless areas, it would be more forthright if there was mention of some of the drawbacks to roadless areas. The document makes no effort at all to explain to the public the value of roads in conducting activities to enhance ecosystem sustainability. The DEIS also repeatedly use the word "protect" to describe the intentions of Roadless Areas. "Protect" is a very deceptive word to use when precluding any proactive management dependent on vehicular access. The entire Western National Forest System is in a profound forest health crisis and more often than not, areas that have not been treated silviculturally are the areas where large insect epidemics and catastrophic fires

start. The Dixie National Forest is a good example in that areas that have been previously entered under a variety of silvicultural methods and are demonstrating significantly reduced susceptibility to insect epidemics compared to areas that are unmanaged and untreated.

Ecological Sustainability

Many wildlife species are now more plentiful than at any time in the history of the Forest Service (deer, elk, antelope, wild turkey, and bald eagle) and many other non-game species of concern are also doing well or at least are not being harmed by current management. It is unprofessional to blame roads for all wildlife concerns. Even acknowledging that some roads in other areas have degraded some fisheries, does not mean that the situation can't be managed without mindless and extensive national policy prohibitions.

Simply parking large forest land tracks in a preserved "roadless area" status fails to recognize that forest and grassland systems are ever changing and evolving and not static. These valuable ecosystems have always been renewed by nature's disturbance regimes. To add insult to that injury "roadless area" designation perpetuates and further degrades vital ecosystems processes in pinion juniper forests, sagebrush-dominated grasslands and municipal watersheds

Wilderness Designations

We commented extensively for the NOI about the oft-mentioned drawbacks of current "Wilderness" is that it excludes a large portion of the public who are not physically or financially able to gain access by foot or horseback. More millions of acres of de facto wilderness will only aggravate this situation. As you have noted, the RARE I and RARE II processes of the 1970's inventoried roadless areas for their "Wilderness" character and value. Thus many inventoried roadless areas have not achieved congressionally designated Wilderness status. Many Wilderness bills passed by Congress intended for areas not selected to revert to full multiple use management, and not to be held in a de facto wilderness category initiated by a preservationist oriented administration. Before and since the NOI and with this DEIS many National Forests, including the Dixie, have used their GIS technology to re-inventory all roadless areas. Your proposal would thus place these inventoried and poorly NEPA processed areas in the more restrictive part of the proposed process instead of relying on the previous work undertaken in the more comprehensive RARE I and RARE II programs. The DEIS and the previous NOI also appears to be silent on the objective of seeking congressional Wilderness designation of a portion of the roadless inventory and releasing the balance of the inventory back to multiple uses. Why is this?

Community and Economic Impacts

Once again we must point out that we have argued for accesses to public lands along with balanced multiple use. They are the issues of the day that are facing us in Southern Utah. Our communities have evolved historically and

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culturally under the backdrop of the nearby public lands. Generations have been raised and nurtured by the land and its resources. Our communities were developed by hard won efforts to simply exist and then to prosper and raise families and to educate our young. We have a strong identity and reliance to the land and conservation and sustainment of natural resources and communities. It is our belief that sustainable forests and grasslands are dependent upon nearby sustainable communities and vice versa.

Payments to Counties

Although it is not a major source of income in our county budget, we definitely count on the 25% of gross forest receipts or the alternative PILT funds to compensate us for the huge proportions of federal lands that our counties are comprised of. This proposal will have the definite effect of reducing these critical and necessary funds. In Southern Utah we are not seriously included in your efforts elsewhere to retrain workers whose natural resource based jobs have been or will be eliminated. We also object to your using this Roadless Initiative as an excuse to revive this Administration's already failed attempt to de-link National Forest revenues with payments to counties and states. As we approach a balanced budget nationally, we do not need another "entitlement" encumbrance.

County operations are very dependent upon the productivity of natural resources and their wise utilization. All Forest Service receipts are important to local governmental budgets. Roadless areas do not provide a revenue stream in order to off set county expenditures in forest land settings. Rural counties with overly restrictive embargoes on natural resource production including roadless areas are subject to the whims of the annual federal appropriations for PILT payments process and are always uncertain at best. **It is far better to conserve and utilize resources than it is to unnecessarily restrict access to the land and its resources.**

Access

It is possible that this Roadless Area Conservation Rule may trigger an issue of such magnitude as to bring the Forest Service to its knees if it ignores the issue of RS2477 roads claimed by counties. There are literally thousands of RS 2477 claims awaiting resolution across the West and a significant portion of them are in "roadless" areas. Perhaps this is avoided by including them under "valid existing rights" but we doubt you are making that concession. This initiative will tend to short-circuit the collaboration necessary for local governments to negotiate with the Forest Supervisor to resolve RS2477 issues. Some of this negotiation has already been going on and Iron County in Southern Utah is a good example. Iron County has relinquished some of its RS2477 claims where it made sense to do so and retained others. It is becoming obvious that your proposed national direction or policy on managing inventoried and non-inventoried roadless areas will decrease the decision space in land management planning for Local Forest Supervisors and the public that is being invited to collaborate with them in this process.

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We also question if you truly intend for "valid existing rights" to include the historical vehicular access used by grazing permittees. This could easily be interpreted to exclude the historical vehicular access used in managing the "privileges" of a grazing permit and include such activities as construction and maintenance of fences, water developments and salting. Such use is often grandfathered in on actual Wilderness legislation and should be specifically provided for in this proposed rule.

We should all remember The Enabling Act for the National Forest System passed in 1891, thus creating a movement for separate forests and additions to forest reservations to be created by Acts of Congress and Presidential Proclamations. Except for entries under the mining laws and water right appropriations, this closed the national forests to any more unilateral appropriation of public land for roads and trails. The method of creating rights-of-way for roads and trails on the national forest under state law stopped. **Management of those existing public roads and trails on the national forests continued to be under the jurisdiction of the counties unless abandoned under state law provisions.** Why is an area that has roads in it "inventoried roadless"? Our Iron County RS2477 road map shows roads that are not shown in areas that your legend indicates is roadless. We take the position that these roads must remain open to the public. Specifically, some of these roads are:

1. In Section 7, T. 33 S., R. 7 W., SLB & M, a road beginning in the NW corner and running SE'ly approximately ½ mile to just past the center of the section.
2. Roads in Sections 4, 5, 8, and 9 T. 33 S., R. 6 W., SLB & M.
3. A road in Sections 28, 29, and 33, T. 33 S. R. 6 W., SLB & M.
4. A road in Sections 22, 27, 28, 33 and 32, T. 35 S., R. 8 W., SLB & M.
5. A road in Section 33, T. 36 S., R. 15 W., SLB & M.
6. A road in Section 13, T. 37S. R. 9 W., Sections 18, 7, 6, T. 37 S. R. 8 W., Section 31, T. 36 S., R. 8 W. all SLB & M.
7. A road in Sections 15, 16, 21, 22, 23, 26, T. 36 S., R. 18 W., SLB & M.
8. A road in Sections 19, 30, 31, T. 36 S., R. 18 W., SLB & M.
9. A road in Section 24 T. 36 S., R. 19 W., SLB & M.
10. A road in Sections 25 and 26, T. 36 S., R. 19 W., SLB & M.

11. A road in Sections 13, 23, 24, T. 36 S., R. 18 W., SLB & M
12. A road in Sections 15 and 22, T. 36 S., R 19 W., SLB & M.

This list is not all-inclusive. There are also range paths/trails, which we are intending to preserve for the public.

Alternatives

We are opposed to a unilateral prohibition against new road construction and reconstruction. We believe that road management policies must accommodate road locations and timing of entry in order to facilitate resource conservation and management. We oppose road closure and we feel that it would be a far wiser management choice to maintain the current road system and to develop new roads with provisions for controlling numbers and types of vehicles based on valid resource needs. This must be worked out and negotiated with each individual county, retaining roadbeds and prioritizing the road budget to limit resource degradation. Every new road does not have to remain open to traffic any longer than necessary to allow access for needed project and management works. We are certainly not supporting the concept of indefinitely roading the National Forest and leaving them open but must support a road system necessary to meet the intent of the Forest Service Organic Act and the Multiple Use-Sustained Yield Act.

We have some real concerns concerning recent Roadless Area inventory. Number of acres alone is not a real good criterion as it is possible with GIS technology to identify sizable areas in a pattern of fingers that would be virtually impossible to manage on the ground. There has got to be some depth and width criteria for these areas in order to make them meaningful and manageable. Also, we feel that designating areas as small as 1000 acres will result in a series of small "hands-off" islands across the landscape that will be unmanageable, unenforceable and the potential infection sources of continued forest health problems.

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adequate program of identifying Research Natural Areas, usually 300-1000 acres, for just that purpose and it is simply ludicrous to infer that literally millions of acres more is actually needed for that purpose. We commented on this in our response for the NOI. It would seem that our comments have been ignored in the preparation of the DEIS? We've not seen any answers to our concerns and factual comments.

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We urge you to return this issue to the local National Forest level for resolution in the on-going land management planning process.

Summary

In summary and including all of the above comments and suggestions, we feel this Roadless Initiative is counter productive to the intent of the Multiple Use Sustained Yield Act, the National Forest Management Act, and to the newly proposed regulations for forest and grasslands management planning. Every time restrictive national policy is imposed, the decision space for local collaboration with local government and communities is diminished. There are so many varied situations on the ground that no one national policy on roadless area prohibitions should take precedence over local knowledge and cooperation with dependent, forest users and communities. Once again, we urge you to return this issue to the local National Forest level for resolution in the on-going land management planning process.

We appreciate the opportunity to comment on the proposed DEIS and to make specific recommendations for the proposed rule making process.

Sincerely,

IRON COUNTY BOARD OF COMMISSIONERS



Lois L. Bulloch
Iron County Commission Chair

cc: Senator Robert F. Bennett
Senator Orrin G. Hatch
Congressman Christopher Cannon
Congressman James Hansen
Governor Mike Leavitt
The Spectrum
Southern Utah News

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Sent By: Juab County;

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Sent By: Juab County;

435 623 3438;

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Juab County

The "Key" County of Utah

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Nephi, Utah 84648

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Nephi Precinct
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Tele. (435) 623-3440

Recorder
Craig J. Sperry
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Road Department
Robert R. Garrett
Tele. (435) 623-1593

Sheriff
David H. Carter
Tele. (435) 623-1314

Treasurer
Jean H. Bowles
Tele. (435) 623-3420

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

Date: July 14, 2000

Re: Comments on the Uinta and Manti La Sal National Forest Roadless Area Proposed Rule

To Whom It May Concern:

The Juab County Commission and many Juab County residents attended public meetings and commented and reviewed the draft of the Uinta National Forest Roadless Area Proposed Rule. The Juab County Commission was elected by and therefore represents approximately 8,000 residents in Juab County. Please give proportionate consideration to Juab County's comments for these 8,000 people.

Juab County has serious concerns and comments regarding the continued use of Recreational, Off Highway ATV's and Snowmobiles in the Forest. Juab County strongly believes that there must be full access to the Forest for those taxpayers owning ATV's and Snowmobiles. Please do not close roads or trails that have been used by ATV's or motorized vehicles in the past. Also, Juab County request that additional ATV trails be designated and constructed in order to provide additional ATV access so taxpayers can more fully enjoy the Forest.

For the elderly and those Americans with disabilities or failing health, ATV and snowmobile access may be the only access they have to the Forest. We urge the Forest Service to better address the needs of individuals whom are unable to hike into wilderness and other recreations areas by expanding the Uintah National Forest's transportation network for motorized recreational vehicle and off highway vehicle access.

By closing roads in the Forest, the Forest Service is not fairly or properly considering Juab County's General Plan which provides for multiple use of public lands including mining, logging, recreation, livestock grazing, economic development, roads and road uses, etc. Please review Juab County's General Plan and revise the proposed roadless rule accordingly to allow for multiple use access. Failure to consider Juab County's

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General Plan which requires multiple use of public lands will damage Juab County's economy. Will the Forest Service pay for permanent economic damages by declaring areas roadless?

Closing Roads on Forest Lands essentially create "DEFACTO WILDERNESS". Once roads are closed, Forest Service Officials will undoubtedly begin managing Roadless Areas as wilderness and the roadless public lands will then become no different than wilderness.

The Forest Service has made representations that roads need to be closed due to insufficient budgets to maintain such roads. Substantial taxpayer dollars are obviously being expended on the proposed Roadless Area Conservation Rule. These roadless expenditures could have gone a long, long way towards maintaining the roads in question in the first place. Instead, these funds are being spent to supplicate a political agenda of an administrative order to the Forest Service that serves only the interests of private special interest right wing environmental organizations. Juab County requests that this process be discontinued immediately and that the funds be properly diverted for necessary road maintenance.

Juab County and the State of Utah are currently partner's in a Quiet Title Legal Roads Action against the Federal Government. The U.S. Forest Service is a party to this Action. This action is for RS2477 Road Rights-of-Way given to the County for which the Forest Service also claims title to the same roads. This litigation is and will continue to be expensive to taxpayers at all levels in and of itself. Juab County therefore requests that no additional roads be closed by the Forest Service until the RS2477 Quiet Title Action has been settled. If the Forest Service closes a road it may well be later proven to be a County Road and the Forest Service could be held responsible for Financial Damages of various kinds for taking road closure actions on roads it may have no legal right nor authority to close. The prudent approach would be to allow this litigation to take its course prior to implementing this Roadless Rule. Closing Roads without allowing this action to take its course will surely result in additional litigation and damage settlements which will further erode Forest Service budgets unnecessarily.

Juab County questions whether a thorough, independent and unbiased study of all of the impacts on the Forest and adjacent communities by closing existing Roads was performed and properly documented. Therefore, Juab County request copies of studies, maps and any other documentation or information used by the Forest Service which justifies the basis for the proposed Roadless Area Conservation Rule.

We do not believe that the proposed Roadless Area Conservation Rule meets the NEPA requirements. This proposed Rule may not stand up to any kind of NEPA challenge. Therefore, Juab County requests a written detailed analysis of how this Roadless Area Conservation proposal will meet NEPA requirements.

Juab County is concerned that a mineral resource analysis does not appear to have performed or mapped. Whatever is not grown must be mined. The Forest Service must insure that a proper, thorough mineral resource analysis is performed including the impact on patented and unpatented mining claims and related property rights if this rule passes. Juab County requests

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copies of maps and other documentation detailing and describing the mineral resources in the proposed roadless areas and how these resources can be accessed if roads are closed.

It appears that the Forest Service has also not completed a study of the water rights in the proposed roadless areas and the impact of closing roads on these water rights. Private Irrigation Companies and Individuals have previously been damaged by establishing improper wilderness boundary lines which include irrigation and culinary water sources inside the Mt. Nebo Wilderness areas. When considering closing roads, the Forest Service must be more cautious to allow motorized access for maintenance of such systems which is afforded by roads. Therefore, Juab County requests copies of maps, studies and other documentation detailing and describing what studies or analysis has been performed on existing water rights, water systems and the related proposed road closures.

It does not appear that an analysis regarding road access to private property has been performed. What considerations or analysis have been made regarding ingress and egress for private property rights pursuant to 16 U.S.C. Sec. 1134? Please provide copies of such studies, maps, analysis, etc relating to closing roads in areas where private property rights.

Juab County residents have been previously damaged economically by the reduction and restriction of livestock grazing in the Uintah National Forest since the creation of the Mt. Nebo Wilderness in 1984. The AUM's have been drastically reduced to virtually nothing inside the wilderness area yet grasses and other ground feed approach "waist height" during summer months. Juab County is concerned that proposing road closures will result in even less livestock grazing. What studies, analysis, and impact reviews have been made of livestock grazing on Mt. Nebo pertaining to current and additional road closures? Please provide copies of such analysis and documentation.

What analysis, considerations and planning has been performed regarding the impact on disabled and elderly Americans accessing the Forest with current and additional proposed road closures? A significant problem already exists in currently designated wilderness and non wilderness Forest areas wherein these individuals are denied motorized access. We urge the Forest Service to consider solutions to this unacceptable and unjust restriction on our elderly and disabled residents. A reasonable solution to this problem would benefit the entire Nation and not just the Uintah or Manti LaSal National Forests and Juab County.

Fire Fighting, Search & Rescue, Law Enforcement and Invasive Noxious Weed Control all require motorized access into the Forest. We request the Forest Service carefully consider the impacts on these emergency services if roads are closed and how such services could possibly be delivered without road access.

Sufficient information must be presented to provide a basis to make an informed and reasoned decision. (See N. W. Indian Comm. v. Peterson, 565 F. Supp 586).

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The position of the Juab County Commission with regards to the Roadless Area Conservation proposal is that further analysis, study and serious considerations must be made. Our position is that all roads remain open and that the Forest be used under the multiple use concept.

Thank you in advance for your consideration, further analysis and response to our concerns.

Sincerely,

Wm. Boyd Howarth, Chairman
Juab County Commission

July 17, 2000

USDA Forest Service-CAET
 Attention: Roadless Areas Proposed Rule
 Roadless/wo_caet-slc@fs.fed.us.
 P.O. Box 221090
 Salt Lake City, Utah 84122

Re: Kane County comments and recommendations in response to the Federal Register Notice of May 11, 2000 for the Roadless Area Conservation Proposed rule and Draft Environmental Impact Statement.

Once again we must go on record and oppose President Clinton's and Chief Dombek's roadless area policies which would limit new construction and reconstruction in areas on the Dixie National Forest in Kane County, Utah and on the North Kaibab Ranger District on the Arizona Strip.

The Draft Environmental Impact Statement (DEIS) appears to be based on mostly antidotal references with little substantive and factual research based analysis and known facts. Can you tell us why this is?

This administration's policy to appease special interest groups is plainly misplaced in the new Proposed Roadless Area Conservation Rule and DEIS. Forest habitats, ecosystems and watersheds do not exist under a glass cover in an old museum. Forest ecosystems are living and functioning forest bio-systems!

In order to sustain and maintain forest habitats and watersheds, disturbance must be recognized as the means of sustaining healthy functioning ecosystems. The DEIS expends a great deal of effort in trying to justify a predetermined politically motivated outcome. This appears to us to be in the name of narrow preservation politics only. These rationalizations will not prevail over extended periods of time ecologically and practically. You should have by now learned that nature doesn't always function, as you would have it. Nature, which includes the land and its occupants, operates in a complex and chaotic pattern whose underpinning is renewal by disturbance.

The question here is why cannot a managed cycle of ecosystem renewals be obtained through programmed disturbances rather than setting up forest ecosystems for a series of catastrophic losses by fire and insects. Such as the present infestation that is decimating the spruce forests in Iron County near Brain Head, Utah. These catastrophic losses do not have to be inflicted upon our forests. In our earlier comments on this subject in the Notice OF Intent (NOI), we pointed out these policies are little more than land grabs placing huge forest areas in our area in "Defacto Wilderness" status. We also stated that the administration's position on inventoried roadless areas appears to be already predetermined. We strenuously object to the tone in this DEIS and the one-way track that all of this appears to be heading. This one way track does not appear to have changed one inch since our comments regarding the NOI. Our Kane County Board of Commissioners represents the people of rural areas in the County, who have very little voice in the national public lands debate. This DEIS in its delivery references "social values"; these so called "social values" are in fact poorly disguised special interest postures that are

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designed for national membership and fund raising campaigns and are aimed at urban Americans. There seems to be little regard for the realities of rural people's need for access to public lands and resources in Utah and Northern Arizona. This debate unnecessarily pits Americans against each other over something that is greatly misunderstood by this administration including top management of the US Department of Agriculture and the Forest Service. The Chief of the Forest Service and his line officers keep emphasizing and talking about "collaborative partnerships". All we see are unfair national decisions being made by the Undersecretary of Agriculture who, to date, is trying to imprint his personal preservation biases on forested landscapes at the expense of "multiple uses".

All of this is counter to the efforts of Forests like the Dixie and Kaibab that are working with our county on the forest plan revision process. Why are local forest plans and concomitant revisions being circumvented by this proposed new rule? Does not the situation beg the question; shouldn't the problems and opportunities of access, resource management and conservation be best handled at the time of plan revision for local and informed solutions? In our comments to the NOI we stated that "the majority of public lands under the administration of the Forest Service suffer from a lack of comprehensive land use zoning policies and objectives. We have the experience and capability at the county level to DEIS with complex and competing needs or uses that can be applied to forested landscapes in Southern Utah and Northern Arizona. Top down directives such as this proposed roadless area rule, and this magnitude, is poorly thought out and obviously not vetted by professional forest managers who surely know better. The proposed rule has less to do with managing the existing road system as much as it is to limit access to inventoried roadless areas. Frankly, if the Forest Service has a problem with lands in other parts of the country such as Alaska, deal with them there, do not saddle us in Southern Utah with solutions and fixes that apply elsewhere."

Forest Health

Once again as we commented in the NOI, this DEIS "is extolling the values and virtues of roadless areas, it would be more forthright if there was mention of some of the drawbacks to roadless areas. The document makes no effort at all to explain to the public the value of roads in conducting activities to enhance ecosystem sustainability. The DEIS also repeatedly use the word "protect" to describe the intentions of Roadless Areas. "Protect" is a very deceptive word to use when precluding any proactive management with dependent vehicular access. The entire Western National Forest System is in a profound forest health crisis and more often than not, areas that have not been treated silviculturally are the areas where large insect epidemics and catastrophic fires occur. The Dixie and Kaibab National Forests are a good example showing that areas that have been previously treated silviculturally have significantly reduced susceptibility to fire and insect epidemics compared to areas that are unmanaged and untreated.

Ecological sustainability

Many wildlife species are now more plentiful than at any time in the history of the Forest Service (deer, elk, antelope, wild turkey, and bald eagle) and many other non-game species of concern are also doing well or at least are not being harmed by current management. It is unprofessional to blame roads for all wildlife concerns. Simply parking large forest land tracks in a preserved "roadless area" status fails to recognize that forest and grassland systems are ever changing and evolving and not static. These valuable

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ecosystems have always been renewed by nature's disturbance regimes. To add insult to that injury "roadless area" designation perpetuates and further degrades vital ecosystems processes in pinion juniper forests, sagebrush-dominated grasslands and municipal watersheds

Wilderness designations

We commented extensively in the NOI about the oft-mentioned drawbacks of current capital "W" Wilderness and that it excludes a large portion of the public who are not physically or financially able to gain access by foot or horseback. More millions of acres of de-facto wilderness will only aggravate this situation. As you have noted, the RARE I and RARE II processes of the 1970's inventoried roadless areas for their capital "W" wilderness character and values. Thus many inventoried roadless areas have not achieved congressionally designated Wilderness status. The 1964 Wilderness Act intended for Congress to make Wilderness designations and not for the administration to create de-facto wilderness categories. Before and since the NOI and with this DEIS many National Forests, including the Dixie and Kaibab, have used their GIS technology to re-inventory all roadless areas. Your proposal would thus place these inventoried and poorly NEPA processed areas in the more restrictive part of the proposed process instead of relying on the previous work undertaken in the more comprehensive RARE I and RARE II programs. The DEIS and the previous NOI also appears to be silent on the objective of seeking congressional Wilderness designation of a portion of the roadless inventory and releasing the balance of the inventory back to multiple uses. Why is this?

Community and economic Impacts

Once again we must point out that we have argued for accesses to public lands along with balancing budgets are the issues of the day that are facing us in Southern Utah and the Arizona Strip. Our communities have evolved historically and culturally under the backdrop of the nearby public lands. Generations have been raised and nurtured by the land and its resources. Our communities were developed by hard won efforts to simply exist and then to prosper and raise families and to educate our young. We have a strong identity and reliance to the land and conservation and sustainment of natural resources and communities. It is our belief that sustainable forests and grasslands are dependent upon nearby sustainable communities and vice versa. Mindless Roadless Area policies such as this one are counter to ecosystem and community sustainability.

Payments to Counties

Although it is not a major source of income in our county budget, we definitely count on the 25% of gross forest receipts or the alternative PILT funds to compensate us for the huge proportions of federal lands that our counties are comprised of. This proposal will have the definite effect of reducing these critical and necessary funds. In Southern Utah we are not seriously included in your efforts elsewhere to retrain workers whose natural resource based jobs have been or will be eliminated. We also object to your using this Roadless Initiative as an excuse to revive this Administration's already failed attempt to de-link National Forest revenues with payments to counties and states. As we approach a balanced budget nationally, we do not need another "entitlement" encumbrance. County operations are very dependent upon the productivity of natural resources and their wise

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utilization. All Forest Service receipts are important to local governmental budgets. Roadless areas do not provide a revenue stream in order to off set county expenditures in forest land settings. Rural counties with overly restrictive embargoes on natural resource production including roadless areas are subject to the whims of the annual federal appropriations for PILT payments process and are always uncertain at best

Access

It is possible that this Roadless Area Conservation Rule may trigger an issue of such magnitude as to bring the Forest Service to its knees if it ignores the issue of RS2477 roads claimed by counties. There are literally thousands of RS 2477 claims awaiting resolution across the West and a significant portion of them are in "roadless" areas. Perhaps this is avoided by including them under "valid existing rights" but we doubt you are making that concession. This initiative will tend to short-circuit the collaboration necessary for local governments to negotiate with the Forest Supervisor to resolve RS2477 issues. Some of this negotiation has already been going on in Kane County. Kane County has not relinquished any of its RS2477 claims. It is becoming obvious that your proposed national direction or policy on managing inventoried and non-inventoried roadless areas will decrease the decision space in land management planning for Local Forest Supervisors and the public that is being invited to collaborate with them in this process.

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We also question if you truly intend for "valid existing rights" to include the historical vehicular access used by grazing permittees. This could easily be interpreted to exclude the historical vehicular access used in managing the "privileges" of a grazing permit and include such activities as construction and maintenance of fences, water developments and salting. Such use is often grandfathered in on actual Wilderness legislation and should be specifically provided for in this proposed rule.

Alternatives

In our view the CENo Action' Prohibition Alternative #1 and the CENo Action' Procedural Alternative A is the only way to make Forest Management process work. These alternatives leave management decisions to be made in the Forest Plans. That is where they should be made. USDA Forest Service rules and regulations are legal only if they implement congressional laws and mandates regarding National Forest land use. The Congressional direction is very clear in the National Forest Management Act (NFMA). The National Environmental Policy Act (NEPA) and other laws enacted by Congress clearly directs the USDA Forest Service manage lands as multiple use lands with public access and in coordination with state and county governmental entities.

The Congressional Acts and Regulations which establish the requirements for an Environment Impact Statement are the National Environmental Policy Act of 1969 (NEPA) as amended and the Council on Environmental Quality Regulations (CEQ) for Implementing the Procedural Provisions of the National Environmental Policy Act. These two congressional acts are not recognized in the DEIS as the authorities governing the process for the proposed action. NEPA is mentioned in parts of the documents but not defined or listed as a reference. The proposal does not meet the purposes of the National Environmental Policy Act (NEPA) as defined in the Act.

- 1) To declare a national policy which will encourage productive and enjoyable harmony between man and his environment.
 - 2) To promote efforts which will prevent or eliminate damage to the environment and biosphere and simulate the health and welfare of man.
- CEQ Regulations, Paragraph 1502.23 Cost-Benefit analysis requires that "if a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aide in evaluating the environmental consequences. "No economic or cost-benefit analysis is included in the draft EIS. The proposed action will have a huge economic impacts in Kane County.

The agency should abandon the unique and confusing definition of the term "road" and use the more reasonable and universal definition, which already enjoys widespread acceptance. "Any way, travel way, two track, trail, path or other means of approach, except those whose purpose is for foot traffic only as evidenced by NEPA documentation." (I.e. the Appalachian Trail is a formally designated walking-only way). This publicly accepted definition is much more clearly understood by the 1.7 million visitors (and growing) who use these roads every day. The correct definition of a "road" is critical to the success of this management plan and the liberal definition applied appears to conflict with other management documents which is sure to cause more confusion and controversy.

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On page A-24 of the Draft Environmental Impact Statement, SUMMARY and PROPOSED RULE, you will find a section called: CIVIL JUSTICE REFORM ACT. It reads "The proposed revision: (1) preempts all state and local laws and regulations that are found to be in conflict with or that would impede its full implementation". How does this balance with the congressional mandate that the USDA Forest Service coordinate planning efforts with local governments? As stated it appears that the USDA Forest Service is divorcing itself from any responsibility of being a planning partner with local governments or considering the special needs of local residents or of recognizing the special status local governments and residents have regarding federal planning in their areas.

This planning process will be doomed to failure by future actions of the legislative, executive or judicial branches of our government if it is not done in good faith with the American people. We are opposed to a unilateral prohibition against new road construction and reconstruction. We believe that road management policies must accommodate road locations and timing of entry in order to facilitate resource conservation and management. We oppose road closure and we feel that it would be a far wiser management choice to maintain the current road system and to develop new roads with provisions for controlling numbers and types of vehicles based on valid resource needs. This must be worked out and negotiated with each individual county, retaining roadbeds and prioritizing the road budget to limit resource degradation. We are certainly not supporting a road system necessary to meet the intent of the Forest Service 1896 Organic Act and the 1960 Multiple Use-Sustained Yield Act.

We have some real concerns concerning recent Roadless Area inventory. Number of acres alone is not a real good criterion as it is possible with GIS technology to identify sizable areas in a pattern of fingers that would be virtually impossible to manage on the ground. There has got to be some depth and width criteria for these areas in order to make them meaningful and manageable. Also, we feel that designating areas as smaller than 5,000 acres will result in a series of small "hands-off" islands across the landscape that will be unmanageable, unenforceable and the potential infection sources of continued forest health problems.

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47910

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We urge you to return this issue to the local National Forest level for resolution in the on-going land management planning process.

Summary

In summary and including all of the above comments and suggestions, we feel this Roadless Initiative is counter productive to the intent of the Multiple Use Sustained Yield Act, the National Forest Management Act, and to the newly proposed regulations for forest and grasslands management planning. Every time restrictive national policy is imposed, the decision space for local collaboration with local government and communities is diminished. There are so many varied situations on the ground that no one national policy on roadless area prohibitions should take precedence over local knowledge and cooperation with dependent, forest users and communities. Once again, we urge you to return this issue to the local National Forest level for resolution in the on-going land management planning process.

We appreciate the opportunity to comment on the proposed DEIS and we ask that you actively take our specific recommendations seriously by not this instituting this proposed rule.

Sincerely,

KANE COUNTY BOARD OF COMMISSIONERS

Norman Carroll
Chairman

cc: Senator Robert F. Bennett
Senator Orrin G.Hatch
Congressman Christopher Cannon
Congressman James Hansen
Southern Utah News

Commissioners:

Robert D. Bessey, Chairman
Eddie L. Cox
Bruce A. Blackham



413551
Assessor: Steven B. Kjar
Attorney: Ross C. Blackham
Auditor: Ilene B. Roth
Clerk: Kristine Frischknecht
Recorder: Reed D. Hatch
Sheriff: Claude A. Pickett
Treasurer: Earl D. Clark

Sanpete County Courthouse

160 North Main • Manti, Utah 84642

USDA Forest Service CAET
Attn: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122
Fax: 877-703-2494

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The Sanpete County Commission proposes that alternative #1 NO ACTION be taken for the following reasons.

1. The Forest Service has violated the Federal Advisory Committee Act.
 - A. The Forest Service should have availed itself of the authority to use the FACA and formally chartered an advisory committee which would have ensured balanced representation of outside interest groups and public notification of all proceeding. Instead you relied on the advice and recommendation of only representation of the environmental community provided behind closed doors.
2. The proposal rule grossly understated the negative economic impact on the state and county economics. The loss of revenue from yet undeveloped hydrocarbon fuel and other minerals is not addressed.
3. You have erroneously stated that payment in lieu of taxes would make up the lost revenue. PILT is for payment in lieu of taxes and is not related to timber or mineral lease revenue.
4. We as local elected officials maintain that the forest should continue to be managed on the multiple use concept with local forest officials being able to make decisions. Science based evaluation is not deferred by you and cannot be.
5. The Manti La-Sal National Forest has millions of board feet of beetle infested timber that needs to be economically harvested. Roads should be allowed providing that they are removed and restored with original vegetation.
6. The DEIS is not site specific and therefore the true impact cannot be determined.

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7. There are still undeveloped springs that are needed by our local communities for culinary water that we need access to. We also need the ability to maintain and repair existing collection points and systems.
 8. Local elected officials (County Commission) were left out of the development and planning process. The participants in the development should include a wider range of groups that should include industry, recreationalists, sportsmen and senior citizens.
 9. Your proposal is a shift from traditional management to political management.

Again we reiterate our support for proposal #1 NO ACTION.

Cordially,



Robert D. Bessey
Sanpete County Commission Chairman

JUL-17-00 17:17 FROM:SEVIER COUNTY

ID:435 896 8888

PAGE 2/3



Sevier County

COMMISSIONERS:
Tex R. Olsen
Gary B. Mason
Ralph Okerlund

County Courthouse
250 North Main
Richfield, Utah 84701
(435) 896-9262
FAX (435) 896-8888

Steven C. Well - Clerk/Auditor
Gail DeMille - Assessor
Shawn M. Fuellenbach - Treasurer
Jayrene B. Nielsen - Recorder

July 17, 2000

Michael P. Dombeck
US Forest Service
201 14th & Independence S.W.
PO Box 96090
Washington, DC 20090-0690

Dear Mr. Dombeck:

We appreciate the opportunity to respond to the Roadless Area Conservation Plan. As a Board of County Commissioners of Sevier County, Utah, we have great concerns over this proposal and with the speed at which it has been processed.

We feel that this initiative has been rushed through the public process and greatly limits the ability of the public to understand its implications. Sevier County covers approximately 2000 square miles of which 70% is public lands. Because of this high ratio, Sevier County residents are greatly affected by this proposal.

Our County recently completed a general plan that took two years of concentrated study and individual input by members of our community. The issues that continually serviced in each public meeting and committee meeting dealt with public lands. In every case our citizens support public use of the land and do not want to see lands limited for the use of special interest groups who may be more politically and economically powerful.

As Sevier County Commissioners, we strongly encourage continued multiple use of our national forests. The Roadless initiative strictly limits our citizens use of the land in which many depend on for their family's living. Sevier County residents depend heavily on grazing, timber, mining and recreation to support their families and businesses. Current and future access should not be limited without a great deal of public input from local citizens and government bodies. Further, more detailed study should be completed before closing an area.

Our county highly depends on travel and tourism on public lands. Recreation is a large part of the local economy and access should not be limited to anyone including those who are elderly and disabled. We have a vast trail system for OHVs that has been approved and build by the US

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Forest Service. This trail system should be protected and always made available to the public.

Any decision to close or obstruct roads or rights-of-way that have been established by public use should be made via a public process; not by special interest groups.

We will emphatically oppose any attempt, at any level, the limitation of our 2477 rights-of-way established in the 1950's and 1960's. Our citizens expect us to protect these rights and are willing to pay any litigation costs that may result from this conflict.

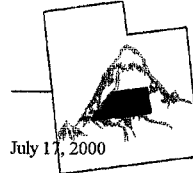
This plan proposes de facto wilderness management for vast areas of the State--61% of National Forests in Utah--without going through the legal process for evaluating and designating wilderness areas. The information upon which the proposal is based is extraordinarily insufficient, inconsistent and lacking in analysis.

In closing we feel that much more public time and input is warranted for a decision of this magnitude.

Thank you for your attention to this matter. Please feel free to contact us if we can assist you with this project.

Sincerely,

Gary B. Mason
Gary B. Mason
Sevier County Commission



Sevier County

COMMISSIONERS:
Tex F. Olsen
Gary B. Mason
Ralph Okerlund

County Courthouse
250 North Main
Richfield, Utah 84701
(435) 896-9262
FAX (435) 896-8888

Steven C. Wall - Clerk/Auditor
Gail DeMille - Assessor
Shawn M. Fuellenbach - Treasurer
Jayrene B. Nielsen - Recorder

Sent Via FAX to (801) 703-2494

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

RE: Roadless Areas Proposed Rule

Dear Mr. Dombeck:

This letter is to provide comment on the Proposed Rule for roadless affecting Sevier County, Utah. We have concerns that the estimates provided in the DIES are inaccurate and undercount the economic impact to areas served by the Fishlake National Forest.

For example, reducing or eliminating access to forested areas will dramatically limit the amount of timber available to existing timber operations. This loss of area will make it more difficult for lumber mills to maintain operations. One mill in Sevier County employs 35 people directly and 75 people indirectly. The DIES states that the Fishlake and Uinta National Forests will only experience reductions in the amount of "12 to 14 direct jobs..." (Pg. 3-221).

The DIES goes on to say that the communities affected by the job losses will be able to sustain themselves in spite of the loss. But because the report undercounts the number of lost jobs, the resilience classification is likewise skewed for affected communities.

I find it convenient that the report fails to state, in detail, how the estimations were made and what methodologies were used by the drafters. It is impossible to question something withheld from review and scrutiny by those holding the information. What assumptions were made to determine the number of direct jobs? The report does not even define what a direct job is. It appears a conclusion was drawn early on and then a report drafted to support the conclusion.

More time must be allowed for communities to respond to this report. Thank you.

Sincerely,

Malcolm R. Nash
Malcolm R. Nash
Sevier County Economic Development Director

cc: County Commission

Visit Sevier County - The Hub of Scenic Southern Utah

Jul-14-00 15:06 From-ASHLEY NATIONAL FOREST 4367816142 T-565 P.01/03 F-578



UINTAH COUNTY

STATE OF UTAH

Our past is the nation's future.

COMMISSIONERS:
 Herb Brydler
 Cloyd Hansen
 Lloyd W. Swain
 ASSESSOR - Ken Wohrmann
 ATTORNEY - John B. Stringham
 CLERK/AUDITOR - Pat S. McNeil
 RECORDER - Randy J. Simmons
 TREASURER - Donna Richens
 SHERIFF - Rick Hawkins
 SUPERVISOR - Nelson J. Marshall

July 13, 2000

RECEIVED
 JUL 14 2000
 ASHLEY
 NATIONAL FOREST

CAET-USFS

Attn: Roadless Area conservation Proposed Rule
 PO Box 221090
 Salt Lake City, UT 84122

RE: Forest Service Roadless Area Conservation Draft Environmental Impact Statement,
 May 2000

Planning Team,

General comments are addressed below, however, given the inadequate time to study the over 700 pages of material, we would like to request an extension of at least 120 days on the comment period. The scope of this proposal needs to allow more public input. Those communities who are directly affected need to be allowed ample time to fully understand this proposal and these rural areas are now at the height of their busy working seasons.

General Comments:

According to the Forest Service, the National Forest System is experiencing the worst health crisis in its history, with 65 million acres (one-third of our NFS) at catastrophic risk of wildfire, insect infestation, and disease. This DEIS would shut off more than 60 million acres. A two year drought, along with the already in place road moratorium, has left our forests with an abundance of fuel waiting to ignite. DEIS page 3-101 illustrates the environmental consequences of a severe fire as suggested under the conditions we are now facing. Drought, high winds and low fuel moisture would burn hotter, killing most of the smaller diameter trees and some of the larger trees. Fires easily move from the ground to the crowns of the larger trees causing nearly complete mortality. The soil organic layer would be consumed, lethal to a majority of plants. Air quality and wildlife would be negatively affected. Page 3-41, the effects on watersheds would be disastrous. The additional flows would increase flood peaks and volume, which would destabilize and erode stream banks and beds. In some areas fire can cause soils to become hydrophobic, repelling water rather than letting it flow into the soil slowly. These severe situations can endanger lives, property, and resources on-site and downstream. In reference, look at Storm King Mountain, Colorado which resulted in loss of firefighters' lives and property. Mud slides at later times closed a major interstate on at least two occasions as a direct result from mass erosion and damage caused by that fire. Eight million acres of inventoried roadless area are in this category. Alternative 1 - No Action provides the best opportunity for fire management.

CAET RECEIVED

JUL 17 2000

COUNTY BUILDING • 152 EAST 100 NORTH • VERNAL, UTAH 84078

Jul-14-00 15:06 From-ASHLEY NATIONAL FOREST 4367816142 T-565 P.02/03 F-578

CAET-USFS
 July 13, 2000
 Page 2

Timber harvesting is not only an economic factor in rural areas but a management tool in controlling disease infestation among the forest. The change of run off patterns which affects the watershed can better be planned through selective harvesting than prescribed burns. The Uintah County General Plan recognizes the importance of timber harvesting for economics, production of resources, and protection for a healthy forest. Mitigation language should be present to allow the necessary removal of lumber for various reasons as stated above.

DEIS page S-35, under The Forest Service Roads System identifies recreation as the "... single largest use or activity supported by the Forest Service transportation system, accounting for 90% of daily traffic...". Your documentation also concedes that roads do exist in the inventoried "roadless" areas and current use would be allowed to continue. The DEIS does not provide a clear definition as to the maintenance of these existing roads which are allowed to continue supporting existing activities. The demand for recreation is increasing, yet this DEIS and its companion, The National Forest System Road Management Strategy, Environmental Assessment and Civil Rights Impact Analysis, dated February 9, 2000, calls for aggressive road decommissioning activities. The generic maps provided do not identify existing roads and landmarks to determine boundaries for proper evaluation of local land managers, community leaders, businesses, or citizens. The correct definition of a "road" is critical, and the liberal definition being applied conflicts with other management documents which is causing more confusion and controversy. The definition used in this proposal is not consistent with the language of rights-of-way, by-ways, roads, etc. found in the Uintah County General Plan. The appreciation and wise multiple use of public lands starts with the young. For families young, old, and physically challenged, they must be able to access areas together and further restrictions to these areas breaks that bond between families and the land.

The Federal Government manages over two-thirds of Utah. The culture that exists here, and in other Western States, is a result of growing up next to vast areas of these "public lands". The land and the people are forever linked together. When national policy is set regarding things like protection of the lands, the implementation of that policy should be done with local concerns in mind and determined with the input of surrounding communities. The Federal Land Policy and Management Act of 1976 Sec. 202 requires the Secretary to coordinate the land use inventory, planning, and management of such lands with other agencies, States, and local governments. "Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act." These laws are being ignored. Uintah County has a general plan which has not been considered by either the Bureau of Land Management nor the National Forest Service in recent decision making processes.

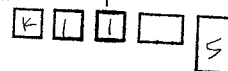
The DEIS addresses minerals and their importance to the nation as a whole. Page 3-145 states "A reduction in the potential for mineral development may reduce revenues to federal, state, and local governments. In the realm of leasable mineral development, which generates production royalties to the federal treasury, a share of these receipts go to state and local governments. Thus, there is an opportunity cost to these alternatives, but the magnitude is unknown." On the local level, loss of

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UTAH COUNTY
Commission Office
Phone (801) 370-8135
Fax (801) 370-8146

Jerry D. Grover, Chairman
Utah County Commission



July 3, 2000

13564
100 East Center Street
Suite 2300
Provo, Utah 84606

CAET-USFS
July 13, 2000
Page 3

jobs and revenue causes economic uncertainty, along with the loss of important resources that supply our nation's needs.

Livestock Grazing is addressed on page 3-178. Prohibiting road construction in inventoried roadless areas would reduce timber harvest by an estimated 73%, which in turn reduces the amount of forage that would otherwise be available to livestock by limiting the growth of understory vegetation. Roads do provide ranchers with closer access to their allotments, which is important for transporting livestock and for maintenance activities, such as fence and water area repairs. Even though grazing will be allowed, the economical feasibility faced by ranchers to access these areas could force them out. Ranching in the West not only provides for consumption of food products throughout the nation but is a cultural and economical way of life that would be impaired by the preferred Alternative 2. Local management plans recognize the importance of livestock grazing and should be adhered to as stated by the Federal Land Policy and Management Act.

In summary, we believe the only solution viable would be Alternative 1, the No Action Alternative. Any other alternative would severely impact the adjacent communities to these proposed areas. Their quality of life, economic stability, cultural identity, and relationship to the land and their values would be hindered. We also maintain that any land management decisions should be implemented at the local level where you collaborate together all agencies along with the adjacent communities.

Sincerely yours,

UINTAH COUNTY COMMISSION

Cloyd Harrison, Chairman

Lloyd W. Swain

Herb Snyder

CAET RECEIVED

JUL 06 2000

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

Gentlemen:

Re: USFS Proposed Roadless Area Conservation Rule

With regards to the proposed rule, Utah County is opposed to the proposal because of numerous concerns:

1. Previous draft versions of the roadless area inventory maps identified roads and road corridors (which were way too narrow), these do not appear to exist on the final hard copy map provided by the Uinta Forest Service or on the web site version. In addition to dozens of smaller, lesser used roads, a few of the roads being classified as roadless are: Nebo Loop Road, Santaquin Canyon Road, Blackhawk Campground Road, Nebo Creek Road, Bennie Creek Road, Lake Fork Road, Dairy Fork Road, Mill Fork Road, Mill Creek Road, Skyline Drive, Tie Fork Road, Sheep Creek Road, Diamond Fork Road, Wanrhodes Creek Road, Little Diamond Creek Road, Maple Canyon Road, Right Fork Hobble Creek Road, and Squaw Peak Road.
2. The hard copy map provided to Utah County classifies areas of the Manti-La Sal NF, Wasatch-Cache NF, and Ashley NF as "outside of Inventoried Roadless Areas". Those Forests have indicated that the map is not accurate in this regard.
3. The proposed rule at 65 FR 30276 and 30278 cites 16 USC 528 as a rationale for the roadless initiative. That section specifically states that it is "supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in section 475 of this title". Section 475 is the statute specifying the purposes for which national forests may be established and administered and specifies that a national forest shall be established to improve and protect the forest within the boundaries, ... and to furnish a continuous supply of timber for the use and necessities of citizens of the United States". Sec. 528 also states that "nothing herein shall be construed so as to affect the use or administration of the mineral resources of national forest lands". The current proposal is unlawful because it violates, as espoused in the Federal Register, both Sections 528 and 475 of Title 16.

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USDA Forest Service
Page 2
July 3, 2000

The proposed rule also states at page 30279 that 16 USC 1613 grants broad authority to the Secretary to establish "such rules as he determines necessary and desirable to manage the forests". This is false, Sec. 1613 states that the Secretary can establish rules "necessary and desirable to carry out the provisions of this subchapter". No additional authority is granted under this Section. As the proposed rule states the Secretary of Agriculture must achieve the multiple use and sustained yield of renewable resources "without impairment of the productivity of the land". Banning access to the land will definitely impair the productivity of the land.

4. The proposal is offensive to local officials. On page 30277 the rule states that it is better to centralize in Washington, D.C. all decision processes because the "national decision process would reduce the time, expense, and controversy associated with making case-by-case decisions at the local level concerning the construction and reconstruction of roads in inventoried roadless areas". I cannot find a single person of my constituency that believes the local Forest officials are incompetent, expensive, controversial, or slow in comparison with their bureaucratic counterparts and political appointees in Washington, D.C. If the true desire of the government is to "reduce the time, expense and controversy of decision making" they might consider getting started in Washington, D.C. and the Congress.

5. As stated in the proposed rule on page 30279 the Secretary of Agriculture is to install a proper system of transportation that is both economically and environmentally sound. It says to install, not eliminate!

6. All of the proposed roadless characteristics identified in the proposed rule, from watershed issues to air quality issues, are better managed by the local office through management plans and EIS and application processes than through some dicta from Washington, D.C. All of the criteria listed are general and vague and may or may not apply to any given roadless area.


7. The exception in Sec. 294.12 (b)(1) is way too restrictive in that it allows a justifiable road only for an imminent threat of a catastrophic event. The exception ought to be worded to say "(a) road is needed to protect public health and safety". For example, Utah County, in conjunction with the rest of the State of Utah, is installing a new 800 megahertz radio system, partly at the behest of the Federal Government to increase public safety for the Olympics, to increase public safety for the Forest Service areas which are dependent on the County Sheriff for law enforcement, and to improve Wildland response services to the National Forest boundary areas. There are only certain mountain-top locations which can be utilized as repeater sites to cover blind spots in the canyons. They typically require road access. This rule would seriously jeopardize public safety if any of these sites fall in a restricted area.

We would hope that the Forest Service not adopt this rule, as it appears to be inconsistent with Federal Law, a removal of local Forest Service authority to the paragon of poor management, Washington, D.C., a threat to public safety. Finally, if not already obvious to everyone, this proposal

USDA Forest Service
Page 3
July 3, 2000

seems to have everything to do with political campaigns and posturing, and nothing to do with reasoned, logical forest management.

Sincerely,



Jerry D. Grover, PE
Chairman, Utah County Commission

JDG:SH

cc: Commissioner Gary Herbert
Commissioner David Gardner
Congressman Chris Cannon
Senator Bob Bennett
Senator Orrin Hatch
Clyde Naylor



25 North Main Street, Heber City, Utah 84032 • (435) 654-3211
BOARD OF COUNTY COMMISSIONERS

Michael Kohler, Chairman

T. LaRen Provost

Ralph L. Duke

July 14, 2000

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

RE: Draft EIS Roadless Area Conservation Proposal

VIA FACSIMILE

To Whom It May Concern:

Wasatch County remains opposed to the creation of roadless areas and has continually indicated its resistance and opposition to the Roadless initiative for the several reasons as stated below and supports only the "No Action" alternative. We do not share the enthusiasm for target attainment of endless acres of Roadless designation. Our cultural and traditional uses of adjacent public lands would be severely limited and the economy of our county could be unnecessarily affected. This Federal mandate fails to both recognize the nature of our unique landscape and associated communities. It will only cause conflict.

Wasatch County is very concerned that the proposal will affect the ability to provide critical services to protect the health, safety, and welfare of the residents of Wasatch County and the users of the Uinta National Forest. Most of Wasatch County is a public/private interface, with 53.9 percent of the County's area being managed by the US Forest Service and 31.7 percent of the County being privately owned. This makes it challenging to manage land use in the County and to provide essential services to residents and the many visitors of the Uinta National Forest. Listed below are specific concerns relating to Wasatch County and the harmful impact of the roadless proposal on its citizens.

Wasatch County has several old and proposed residential subdivisions adjoining the Forest Service boundaries. With the explosive growth of the County and the State of Utah and the dispersal of the urban Wasatch Front to the Public/Private land interface, the pressure to develop on property near the Forest will continue to grow. Some of the existing subdivisions do not have adequate access to allow for fire apparatus and emergency vehicles to pass, and this presents a hazard to the Forest, private properties, and the lives of the residents in these areas. The County is working with the property owners to provide adequate access. In some cases, the Forest may be the only secondary access. To initiate a policy of no new roads in the Forest may severely tie the hands of Wasatch County in dealing with these life and property threatening situations. With the shifting and growing population throughout the State, the Forest may also be located in the path of critically needed arterial and secondary accesses for Federal, State, and Local governments. This is especially true because population trends can and will change in the future.



CLERK/AUDITOR- Brenda L. Thomas	RECORDER Elizabeth M. Forest	SHERIFF Mike Spence	ASSESSOR Glen G. Ruppelner	TREASURER Kathryn West	ATTORNEY Derek R. Putman	JUSTICE COURT JUDGE Rikki Hyman
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It is important to maintain a flexible policy to be able to deal with the "unknown's" that the future holds. The Roadless Initiative does not maintain this flexibility.

The Forest does not exist in a vacuum. It is a vital part of our community. The government of road systems has always been recognized as a fundamental function of local government. Wasatch County must take federally managed lands into consideration when planning for the present and future. As explained, the roadless initiative inhibits the County's ability to provide for the health safety and welfare of its citizens.

The roadless initiative is a move toward the management of the entire Forest as a Wilderness Area without legal process. If this movement continues, how will the County effectively provide police protection for County residents and the many visitors to the Uinta National Forest with no roads in the Forest?

Wasatch County is also concerned about Forest health. Without roads into the forest, timber men will be unable to thin tree stands through selective harvesting - a practice which is essential to good forest health. Overgrown forests, where an excess number of trees compete for limited soil nutrients and water are most vulnerable to disease, insect infestations and wildfires. Also, without new roads, the noxious weeds and pests cannot be sprayed.

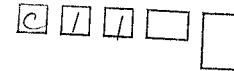
Wasatch County is also concerned that the roadless initiative poses a major threat to the ability of tourists to continue to enjoy their national forest for recreational use. Tourists will effectively be shut out of their favorite areas if they cannot access them by motorized recreational vehicles. Handicapped persons will be particularly vulnerable to such restrictions, as many simply cannot access these areas on foot. Families with young children will also be removed from access to the Forest. The roadless initiative blatantly discriminates against the handicapped, children, and the elderly by eliminating access. Public land should be enjoyed by all citizens, not just those who are in prime health.

Management policies affect people, communities and properties surrounding and within the Forest. The roadless proposal ignores the obligation that the National Forest owes to its neighbors in providing for responsible management and multiple use of its lands. The Forest Service's charge is to manage these lands for the use of the American people and the communities that surround them. The Roadless proposal does not serve that purpose and essentially locks up existing and potential, and present and future resources.

There is no doubt that there are roadless areas that should be removed from active forest management, however there are also roadless areas that need forest management. Management can be completed without building roads, but roads can, and often do reduce the cost of forest management operations. We note that three of the alternatives the Forest Service is considering could prohibit management all together. This could have disastrous consequences.

The proposed Roadless Areas in Wasatch County should not be considered for Roadless Designation because the areas do not meet the criteria for Roadless Areas. The areas are scattered with several road prisms, mining sites, utility corridors, bounded by State Highways, and have roads intruding into the areas that are "cherry stemmed". With the extensive historical use, the possibility for these areas to provide essential roadless characteristics is minimal. Both motorized and non-motorized recreational use, mineral extraction, utility lines such as gas lines and power lines, and transportation routes are clearly evident as historical and current uses on aerial photography and travel maps in the proposed Roadless Areas. This clearly demonstrates that these areas are not "roadless".

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It is clear that the public, the Administration, and the Congress all have differing views about the purpose of the Forest Service and the lands for which it has stewardship responsibilities. Until we resolve these fundamental questions as a nation, efforts such as the Roadless Initiative will fail. The environmental laws and regulations that govern the activities of public natural resource agencies are intended to protect against environmental degradation that can result from poorly planned or constructed forest roads. Decisions about roads in all public forests should be made at the local level, under an overarching legal framework. The manager on the ground, with input from the public, is able to make decisions about roads based on existing laws and regulations, the values of the public and Forest.

We suggest that it is appropriate to consider changing the status of roadless areas from multiple use management to some type of restricted use, on a case-by-case basis. We stand ready to resolve on a case-by-case basis, specific management issues that exist on our County's landscapes.

We support the "No Action" alternative. The Roadless designations remove people from the land, discriminate against the handicapped, elderly, and children, destroy economic, cultural, historic, and recreational opportunities, and impair the County's ability to provide essential services to protect the health, safety, and welfare of citizens. These designations also lock up natural resources, and prevent resource management.

Wasatch County hopes these comments will be useful in the decision making process on this issue, and looks forward to working with State and Federal Agencies to obtain prudent management and multiple use on these public lands.

Sincerely,

T. LaRcn Provost
Chairman, Board of County Commissioners

Michael Kohler
Board of County Commissioners

Ralph Duke
Board of County Commissioners

Cc:/ Julie King, Heber Ranger District
Angela Sanders, U.S. General Accounting Office



WAYNE COUNTY ECONOMIC DEVELOPMENT COUNCIL

USDA FOREST SERVICE
Attention: Roadless Areas Proposed Rule

Dear Chief Dombek:

This letter is in response to the Forest Service Roadless Area Conservation Proposed Rule, and is written on behalf of the Wayne County Economic Development Council.

Wayne County, located in south-central Utah, is home to Capitol Reef National Park, parts of the Fishlake and Dixie National Forests, Bureau of Land Management lands, and a section of Canyonlands National Park. Actually, 97% of Wayne County belongs to federal and state governments, which severely restricts economic development activities which could increase the county's tax base.

With a population estimated at 2,390 (1996), Wayne County has the second lowest population density in the state. Wayne County's 1996 unemployment rate of 5.5 percent is higher than the state average of 3.5 percent. The county's 1996 per capita income, \$13,740, is significantly lower than the state's \$19,244, which is lower than the national figure of \$24,169. According to the US Census Bureau (1990), 16.4% of Wayne County citizens live below the poverty level.

The above facts and figures are important to indicate that we are a classic rural gateway community -- with all of the benefits and challenges.

We need access to our forest lands. We encourage you to consider the following:

1. Impact of no multiple use in Wayne County is FAR greater than the study indicates. Please consider the impact on a local basis -- not simply a national one which shows 250 jobs lost. The study indicates a timber harvest reduction of 2% on a national basis -- but to Wayne County, that figure is much more in the 80-90% range.
2. National Forests have long been managed as multiple use -- it is extremely difficult now to restrict their use to wilderness only.
3. Without proper harvesting procedures, the forests will provide an environment for pine beetles and other insects -- which will ultimately result in total resource waste.
4. Wayne County needs small timber sales -- our logging operations are not in the scale of Georgia-Pacific -- we are small, family companies attempting to steward a sustainable resource.
5. Locally, if the Roadless proposal is enacted, approximately 60% of the total acreage will not be available for use as a sustainable resource.

We urge you to continue in the multiple-use arena, and to take steps to reward responsible stewardship.

Thank you for your consideration.

Nan Groves Anderson
Director

CAET RECEIVED

JUN 17 2000



SIX COUNTY ASSOCIATION OF GOVERNMENTS

Sevier County Courthouse
250 North Main
Richfield, Utah 84701
Telephone: (435) 896-9222
Fax: (435) 896-6951

OFFICE OF EXECUTIVE DIRECTOR
PLANNING AND COMMUNITY DEVELOPMENT
AGING/HUMAN RESOURCES
ADMINISTRATIVE SERVICES

17261

17261

DIIS 5

July 11, 2000

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

PAET RECEIVED
JUL 17 2000

Subject: Comments Regarding Roadless Area Conservation Proposal

Attention: Roadless Area Conservation Proposed Rule

The Six County Association of Governments (SCAOG) appreciates the opportunity to provide comments concerning the Roadless Area Conservation proposed rule.

The SCAOG comprises the rural counties of Juab, Millard, Piute, Sanpete, Sevier and Wayne in Central Utah. Collectively there are 54 entities and two Native American bands. Through inter-local agreements, the SCAOG administers 22 federal, state, and local programs. Of these programs, community development and economic enhancement are crucial responsibilities of the Agency.

As local officials of a jurisdiction with over 80 percent of publicly managed lands, it is imperative that federal directives correlate with local land use plans. The Land Use Plans of each of the respective counties within the SCAOG specifically states the need for multiple-use of public lands.

Numerous industries and their employees rely upon natural resources from public lands for their livelihood. These include mineral extraction, timber harvesting, grazing, recreation, and tourism. To be efficient, the majority of these require the use of existing roads or the development of new roads. The proposed rule greatly inhibits, and could eventually stop, the utilization of these natural resources. Therefore, it is the opinion of the SCAOG that the proposed rule will lead to a direct conflict with multi-use and local county land use plans.

Another concern of the SCAOG is that of safety. With the cataclysmic amount of fuel on Forest Service lands, most foresters agree that it is only a matter of time until a conflagration occurs. The proposed rule limits the ability of fire fighters and emergency personnel to deal with such an event, resulting in destruction and contamination of water sheds, devaluation of personal property, floods, and unnecessary erosion. All of which can result in an insurmountable cost to local tax payers.

Juab • Millard • Piute • Sanpete • Sevier • Wayne

After careful review of the alternatives associated with the proposed rule, the SCAOG adamantly supports Alternative One (1), which states that there be no prohibition of activities in inventoried roadless areas. All other Alternatives will result in direct controversy with current local plans.

If we can provide additional information relating to our concerns, please don't hesitate to contact me at 435-427-3227 or Mr. Russell Cowley, Six County AOG Executive Director, at 896-9222, ext. 12.

Sincerely,

Eddie Cox
Commissioner Eddie Cox
SCAOG Board Chair

D-1-1-5

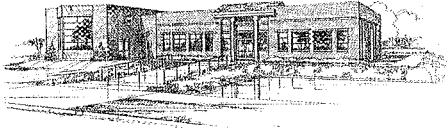
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SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS

Mike Milovich
Chairman

William D. Howell
Executive Director



777 SOUTH CARBON AVE.
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MEMORANDUM

CAET RECEIVED

MAY 2 2000

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TO: USDA Forest Service - CAET
ATTN: Roadless
P.O. Box 221090
SLC, UT 84122

FROM: Mike Milovich *Mike Milovich*

DATE: May 18, 2000

SUBJECT: Response to Forest Roadless Initiative

The Southeast Utah Association of Local Governments is a voluntary association of four counties and nineteen municipalities. The Association is formed, in part, for the purpose of representing the views of member jurisdictions with respect to the proper care and management of natural resources in our area and upon which we depend, in large measure, for our livelihoods and quality of life. It is for this reason and in this context that the following comments are offered in response to the request for comment issued at 36 CFR Part 294 (RIN 0596-AB77), Special Areas, Roadless Area Conservation.

1. The proposed rule making would prohibit road construction and reconstruction in most inventoried roadless areas of the National Forest System. This is a foolhardy proposition. Proper management of forests requires that there be flexibility in management opportunities. To relegate tens of millions of acres to a "one-size-fits-all" management stricture of such narrow and near sighted application is unwise. This is particularly so when such a myopic vision is applied by fiat from a handful of politically motivated policy makers in Washington. Individual forest plans must be responsive to local environmental conditions and to the needs of local communities and these plans must be sufficiently flexible to accommodate changes in these conditions. The proposed policy is the height of authoritarian pretension.
2. The proposed rule claims to "require" evaluation of roadless area characteristics "in the context of overall multiple-use objectives" during land and resource management plan revisions. This phraseology appears to be written in an attempt to suggest that the proposed roadless areas will be managed in a manner other than defacto wilderness. This "requirement" accomplishes nothing more than to distort and bastardize the traditional concept of multiple use. The commitment of tens of millions of acres of forest to the strictures attendant to roadlessness, by a

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handful of bureaucrats, at the behest of radical extremists, is anathema to responsive, adaptive management and therefore it is also anathema to multiple use.

3. This proposal is said to be in response to "strong public sentiment for protecting roadless areas." In fact, this proposal is in response to illegal and undue influence by a handful of special interests who have been given extraordinary access to the levers of government by corrupted officials who are unworthy of the positions of trust to which they have aspired. This entire process is an embarrassment to professional foresters and a shame upon a shameless administration. The tyrants who spawned and who advance this tyranny will find that the arrogance they exercise will bear bitter fruit through the unintended consequences of corrupt government; and they or theirs will, one day, find themselves victim of abuse by the corrupted governmental that they themselves engendered. "It is ever true that, where a malign principle is adopted, as long as the error is adhered to, it must continue to produce its baleful results." (U.S. Supreme Court, 1911)

4. The proposed policy claims benefits for biological diversity, wildlife habitat and forest health. There is no consideration for the fact that forests progress to climax where each of these qualities are most limited and then they die by one means or another. At this the process begins yet again. The proposed policy seems to be driven by the childish notion that forests are static. They are not. It is because forests are not static that man's management practices, including logging, can not only be beneficial but they also fit seamlessly into the natural processes of forests. The idea that logging will be permitted in these areas by means other than conventional, roaded means is a fraud. No one believes that logging will be either permitted or economically viable in these areas. Any suggestion to the contrary is merely an attempt at public deception. As a case-in-point, the Jacobs/Swale Vegetation Management Project scheduled by the Dixie National Forest in southern Utah was called off because of this policy. The Jacobs/Swale VMP was conceived by professional foresters familiar with the area; that is to say, by people who understand forest dynamics and who are familiar with this particular area unlike those conceited authoritarians who are dictating the foolish roadless policy. The professional Dixie foresters proposed the VMP with the understanding that it would create better wildlife habitat along with other benefits. With no apparent consideration, these benefits are swept aside in the quest for political gain under the pretense of environmental sensitivity.

5. It is said that this action responds to budgetary concerns and the need to balance forest management objectives with funding priorities. If it is the concern of the forest service to abandon costly and unrewarding ventures, then it is recreation that must be abandoned. The cost per recreational visitor day on the forest is \$1.07 while the revenue garnered by the forest service for this use is 14 cents per day. Annual losses due to recreation are estimated at \$355 million while losses due to logging are estimated at \$290 million. Any claim that the present initiative is budget based is hollow if there is not an accompanying reduction in recreation expenditures or an increase in revenues from that use. Active management by man is beneficial to forests. The

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proposed policy disregards and otherwise fails to consider the negative environmental consequences of denying man's active management of vast tracts of forests. The negative budgetary and environmental consequences of doing nothing can far exceed the costs, both environmental and economic, of active management. This is particularly true when secondary economic benefits to local and national economies are considered. Catastrophic wildfire, borne of non-management and lack of access, can, have and will continue to destroy habitat, watersheds, and biodiversity.

6. The proposed rule is claimed to provide "lasting protection" in the context of multiple-use management for inventoried roadless areas and other roadless areas within the National Forest System. The statement is intended to deceive the public. Protection can be defined in a multitude of ways. Denial of man's active management including logging is not necessarily "protection." In fact, denial of man's active management is, in most cases, the diametric opposite of "protection." In fact, the policy is driven not by a sincere and science based imperative for "protection" but rather it is driven by homophobia as in the fear and loathing of man and his works. As the word "protection" is used in the proposed rule, it implies that the forests are "unprotected" under current management. Yet again, this is an obvious attempt to deceive. The forests are protected in a multitude of ways by current law. The proposed rule is not a progressive step. It is a regressive step. It is a denial of real protection that derives from site specific, flexible, active management and it accomplishes nothing more than to place the forests and their inhabitants at risk.

7. The proposed rule is principally designed to placate strident special interests at the expense of the public, at the expense of public process and at the expense of the resource. The undue influence that the Clinton administration and the Forest Service have granted to special interests has violated the Administrative Procedures Act and the Federal Advisory Council Act. These violations are not assuaged by public hearings or a sham comment period after the fact. The process by which the proposed rule was concocted is corrupt. The potential environmental and social consequences of committing vast resources to its purposes render the proposed rule unethical if not amoral. Both the proposed rule and the process by which it is to be foisted upon the people and the land only further debase the institution of government. This is the true Clinton legacy of which all foresters can now claim a part. It is they, shielded by their self righteousness, who can claim ownership of this new method of rule making; but it is all of us and our progeny that will pay. Adoption of the policy, if that should be the eventual outcome of this "process," does not suggest or evidence popular understanding or support. It only demonstrates the power of tyrants and their co-conspirators at the helm of government and the near impossibility of affecting their expungement before they have wrought their damage.

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Gunnison City Corp.

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Mayor: Steven Buchanan
Council Men:
Vern Hatch
Mark Henline
Scott Hermansen
Brian Jensen
Rod Taylor

June 21, 2000



USDA Forest Service - CAET
PO Box 221090
Salt Lake City, UT 84122

To Whom It May Concern:

We, as Mayor and City Council of Gunnison City, want to register our voice **against** the proposed Roadless Initiative for the Manti-LaSal National Forest. We have Satterwhite Log Homes as a business in our city. This initiative would greatly harm their business and subsequently be reflected in our own local economy. Our citizens enjoy the National Forest and need access to it. We have cattlemen who graze their herds on the forest land. We have other residents who are employed in the mining and trucking industry. The mining operation is located in the Fishlake National Forest where this same roadless initiative is proposed. This initiative will have an adverse effect upon the residents of our city.

Sincerely,

Steven Buchanan, Mayor

Council Members:

CAET RECEIVED
JUN 24 2000



"Mary Donaldson"
 <mary@cut.net>
 07/15/00 04:06 PM

H 1 3 [] (5) *yes*
 29559 -
 To: <roadlessdeis@fs.fed.us>
 cc: <senator_hatch@hatch.senate.gov>,
 <senator@bennett.senate.gov>, <cannon.ut03@mail.house.gov>
 Subject: Roadless area conservation proposed rule

Doug Johnson
 Box 104
 Spring City, UT 84662

I support Alternative 1, No Action, No Prohibitions.

I am presently mayor of Spring City, Utah. Our culinary water comes from springs in Oak Canyon to the east of our city. We have received culinary water from those springs for more than 60 years. The springs are located on the Manti LaSal National Forest. It is necessary for the city to access the springs to maintain and sample them. The inability to access the springs would mean the death of our town as we have no other feasible water supply.

I am familiar with Forest Service policy in the past that has been interpreted by Forest Service staff personnel in ways that was never intended by the writer of the policy. Any alternative selected in this matter other than Alternative 1 (No Action, No Prohibitions) will foster situations in which our city will have to fight with over-zealous Forest Service personnel in order to maintain our water system.

The Forest Service Roadless Initiative is the latest effort by the Clinton administration to declare wilderness area without having to go through the proper legal channels to do so.

Spring City can support nothing other than Alternative 1, and we will fight adoption of any other proposal. I would like to receive any letters, decisions or publications regarding this issue at:

Doug Johnson, Mayor
 Spring City Municipal Corporation
 Box 189
 Spring City, UT 84662

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July 10, 2000

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

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 MAIL RECEIVED
 JUL 13 2000

Dear Chief Dombeck,

As mayor of Springdale, Utah, I would like to begin by thanking you for taking this historic initiative towards the protection of the remaining unspoiled roadless areas in our National Forests. I believe that the Roadless Protection Plan has the potential to offer real protection to our last wild forests in Utah and across the country. However, the alternatives offered in the Draft Environmental Impact Statement do not go far enough to achieve the essential goal of true preservation of our forests, for our families and for our future.

These pockets of wild lands offer some of the places Utah families treasure most for hiking, hunting, fishing and camping; they provide clean drinking water to millions of Americans; and they provide habitat for wildlife including salmon and grizzly bear.

Our wild places are disappearing just as quickly as congestion is choking our urban centers. Natural quiet and unspoiled scenic vistas are becoming increasingly rare, and ever more precious to our communities. Wild forests provide outstanding recreational opportunities for tens of millions of Americans in Utah and throughout the country. Use of these areas in Utah by campers, hikers, fishers, hunters, backcountry skiers, wildlife observers, and seekers of spiritual renewal continues to grow exponentially.

Utahns are no strangers to the innumerable values of our wild forests. The Wasatch Front is a playground for most of the state's residents and its wilderness areas provide us with our clean water. The La Sal Mountains of the Manti- La Sal National Forest are one of our most famous backdrop images and Boulder Mountain of the Dixie National Forest has been called the "throne of the Colorado Plateau."

Public opinion polls across the country have shown overwhelming support for protecting roadless forests and ending logging in these last wild places. This support is strong not only across party lines - Republicans support strong roadless protection by two-to-one, but also throughout the nation. In states with the greatest concentrations of national forest roadless areas, support for protection runs particularly high, according to a dozen polls conducted in recent months.

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While I am encouraged by the draft plan's call to an end of roadbuilding in these roadless areas, there are some glaring omissions, which should be corrected in the final plan. First, the final plan should include ALL roadless areas, inventoried and uninventoried, of 1,000 acres or more.

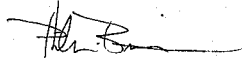
The draft plan also allows for logging and mining to continue in these roadless areas. I would encourage you to include an end to logging and exploitive extractive industries within these roadless areas. To ensure the preservation of the natural wild characteristics of our forests these destructive practices should be stopped within the roadless areas.

The final plan should also end off-road vehicle use in roadless areas. Hikers, anglers, hunters, and campers go to the National Forests in Utah to escape the onslaught of machines, noise, and pollution. There are over 400,000 miles of roads throughout the National Forest system, ample space for ORV use. These remaining roadless areas should be reserved for other forms of recreation, which require solitude, quiet, and undisturbed wildlife.

Also, the final plan should afford the same levels of protection for the Tongass National Forest, in Alaska. The Tongass is the world's largest intact temperate rain forest and is currently the most threatened National Forest in the United States.

I am grateful for the opportunity to submit my comments and participate in this historic protection initiative. I want to thank you for taking the time to hear my point of view and I hope you will incorporate my recommendations into your final plan.

Sincerely,



Phillip Bimstein
Mayor, Town of Springdale

PKB/ws

