

## Introduction

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

---

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





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

F I I [ ] 5

56457

CAET Review  
Jul 17 2000

JUL 14 2000

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

56457

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;

564  
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

56457  
**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).

56457

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,

56457

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**

56457

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*.

56457

#### 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.





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.<sup>1</sup> See, Fed. Reg. at 30285-30286.

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

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

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

The primary case on the consideration of direct versus indirect impacts for RFA purposes in promulgating regulations is Mid-Tex Electric Co-op Inc. v. 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

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

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

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

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

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

#### *Direct Impacts on Small Entities*

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

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

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

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

<sup>4</sup> *Id.*  
<sup>5</sup> Advocacy notes that FS may be arguing that the RFA does not apply because the use of FS property for harvesting natural resources is a future activity that may or may not occur, depending on the decision of the forest planners. While this argument may have some validity, it is not necessarily convincing. Some of the land that is being placed off limits by the initiative was originally targeted for resource harvesting. As a result of this rule, forest planners will not be able to allow the original tentative multiple use plans to be implemented. Small entities may have relied on the original plans in making business decisions. This issue should be addressed.

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

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

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

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

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

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

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

<sup>8</sup> Testimony of Laura Skauter, 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**

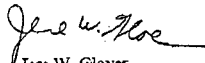
The Office of Advocacy recognizes the importance of protecting the environment, conserving our national forests, and preserving the natural beauty of the area. However, there is also a significant public interest in allowing access to natural resources in order to preserve our economic base. The potential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

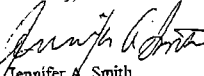
Thank you for the opportunity to comment on this proposal. If you have any questions, please feel free to contact us. Please place a copy of these comments in the record.

Sincerely,



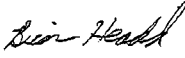
Jere W. Glover  
Chief Counsel  
Office of Advocacy

Sincerely,



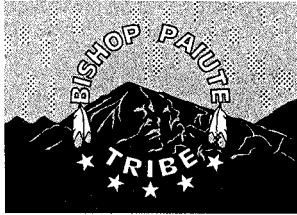
Jennifer A. Smith  
Assistant Chief Counsel  
for Economic Regulation &  
International Trade

Sincerely,



Brian Headd  
Economist

Cc: Charles Rawls



# BISHOP TRIBAL COUNCIL

44672

44672



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,

*M Bengochia*  
Monty Bengochia, Chair  
Bishop Tribal Council

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

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

T T 3 5

29958

K I C

13987

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:

- 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".

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

**FACT RECEIVED**  
**JUL 17 2000**

Dear Sirs:

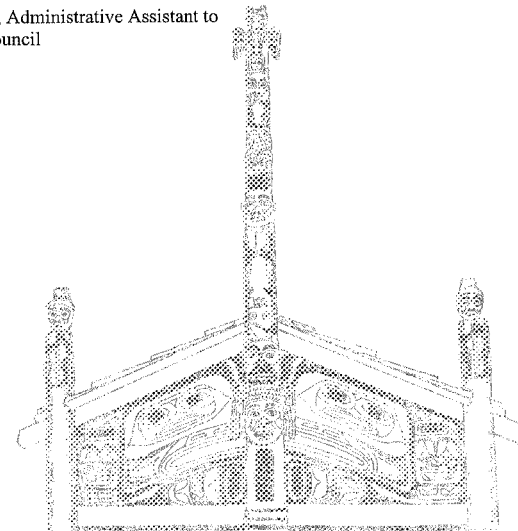
At a duly convened meeting on July 10, 2000, Ketchikan Indian Corporation Tribal Council authorized the submission of the attached Position Statement regarding the roadless.

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

Sincerely,

Cheryl Haven, Administrative Assistant to  
KIC Tribal Council

Enclosure



KIC

13987

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

06-21-2000 07:42

541 273 6496

JELD-WEN

P.01/02

06-21-2000 07:43

541 273 6496

JELD-WEN

10116



### The Klamath Tribes

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

7 7 2 5

CAET RECEIVED

JUN 29 2000

June 19, 2000

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

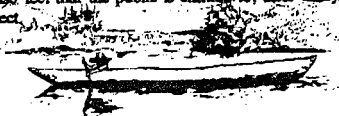
Dear Secretary Glickman:

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

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

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

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



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

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

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

Sincerely,

Allen Foreman  
Tribal Chairman  
The Klamath Tribes



10116

19309

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



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

07/17/2000 15:05 FAX

003

19309

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.

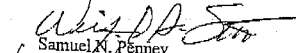
07/17/2000 15:05 FAX

004

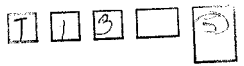
19309

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

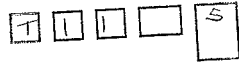
to the public (the cost of building and maintaining the road was greater than the amount received for the timber). We believe that the greater value of the land lies in its ability to provide fish and wildlife habitat.

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



44005

5

44005

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.

44005

**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.

44005

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

44005

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

7

44005

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

8

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.

44005

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.

44005



44005

◆ 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 al<sup>1</sup>, Martin<sup>2</sup>, Murphy and Koski<sup>3</sup>, Murphy and Hall<sup>4</sup>, Murphy and Meehan<sup>5</sup>, Wipfli<sup>6</sup>).

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

44005

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

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

<sup>2</sup> Martin, D.J., M.E. Robinson and R.A. 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.

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

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

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

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

JUL. 14. 2000 2:18PM

7 2 7 13

NO. 443 P. 2/3

JUL. 14. 2000 2:18PM

NO. 443 P. 3/3

43972

43972

# 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.

**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.

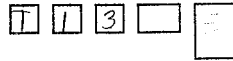
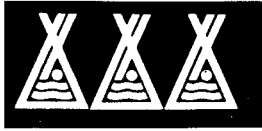
*Larry A. Weisman*  
Sitka Tribe of Alaska - Tribal Chairman

Attest:

*Doreen Jones*  
Sitka Tribe of Alaska - Tribal Secretary

CAFT RECEIVED

JUL 17 2000



43550

43550

**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

C:\WINDOWS\TEMP\roadlessproposedrule.wpd

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

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

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

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

Sincerely,

Brad Nye  
Off-Reservation Habitat Policy Advisor

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

C:\WINDOWS\TEMP\roadlessproposedrule.wpd

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.



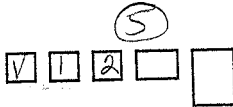
CARY LOCKE  
Governor

STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 753-6780 • TTY/TDD (360) 753-6466

July 14, 2000

Mike Dombeck, Chief  
USDA Forest Service  
P.O. Box 221090  
Salt Lake City, Utah 84122



Dear Mr. Dombeck:

I am writing to express the support of the state of Washington for the Forest Service's (FS) proposed Roadless Area Conservation Rule and the Preferred Alternative in the accompanying Draft Environmental Impact Statement (EIS).

Our support for the proposal is based on the great ecosystem benefits of large unroaded areas and the agency's inability to adequately maintain its existing road system. Undisturbed landscapes in roadless areas of 5,000 acres or more provide high quality water and fish and wildlife habitat. While we see similar potential value in parcels between 1,000 and 5,000 acres, we support the proposed approach of having local planning determine whether road building would be appropriate in uninventoried roadless areas. Local planning, with citizen involvement, is also a reasonable way of establishing allowable uses in roadless areas.

Washington has experienced significant environmental harm from the existing network of FS roads. We have suffered stream siltation, erosion, and habitat damage, as the agency's budget for road management and proper abandonment failed to keep up with its enormous road system. We would like to see the FS invest more of its funds in proper maintenance of current roads, rather than construction of new roads in roadless areas.

Better protection of national forest lands in Washington is a critical component of our work to promote salmon recovery and clean water. Often, these areas are the headwaters of our streams and rivers, and their condition greatly affects downstream habitat and health. Your agency's recognition that it must limit additional road building is a step in the right direction.

Thank you for the opportunity to comment on this matter. We appreciate the efforts the FS has made to solicit public input on the scope and content of its new policy, and urge that once you have weighed the public's views, you proceed with rule adoption and EIS completion by the end of the year.

Sincerely,

Gary Locke  
Governor



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

JENNIFER M. BELCHER  
Commissioner of Public Lands

July 14, 2000

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

Subject: Comment on Roadless Area Conservation Draft Environmental Impact Statement and Proposed Rule

Thank you for giving the Washington State Department of Natural Resources (DNR) the opportunity to comment on the Forest Service's plan for the management of roadless areas. We commend the Forest Service on its effort to conserve precious resources within these areas virtually untouched by roading.

The Department has two main concerns with the proposal. One is road access to DNR-managed public trust properties. The other is the Forest Service's road maintenance budgeting, both in roaded portions of the inventoried roadless areas, and on roads which the Forest Service and DNR cost share.

Access

DNR manages state trust lands for income to public beneficiaries. Some of these lands are adjacent to, or surrounded by, proposed roadless areas. We have noted that the Forest Service plans to honor existing legal rights of access through the roadless areas, and we expect that our current negotiations for access to trust lands near the Mount Baker-Snoqualmie National Forest will be successful (not through areas proposed roadless). There are, however, some trust parcels that are vulnerable to future lack of access because there are currently no easements in place. The properties of concern are listed on page 3 of this letter.

We cannot find a clear statement of how the proposal would affect landowners who are surrounded by, or adjacent to, proposed roadless areas as it relates to needed access through roadless-designated lands. In Chapter 3, under "Real Estate Management", the DEIS states that under Alternatives 2 through 4, "...a potential effect on non-recreation special uses may result in a limited number of proposals or future proposals from being considered for authorization..." and that "special uses may be authorized in inventoried and other unroaded areas when the use and occupancy is consistent with the management objectives of an area's roadless values." (Page 141.) It is not clear whether access to adjacent lands is considered a "non-recreation special use", and also unclear whether such use would possibly be considered "consistent with the management objectives of an area's roadless values."

Therefore, we suggest the following:

- The Final EIS should address the affects of the prohibition of road construction on an adjacent landowner's future access, and also discuss mitigation, which may include:
  - special exceptions for the granting of road easements to landowners who are landlocked or for whom no other access options exist, and

Page 1 of 3

1111 WASHINGTON ST SE ■ PO BOX 47000 ■ OLYMPIA, WA 98504-7000  
FAX: (360) 902-1775 ■ TTY: (360) 902-1125 ■ TEL: (360) 902-1000  
Equal Opportunity/Affirmative Action Employer



Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

17285

19297

DNR-managed Public Trust Properties  
Vulnerable to Lack of Access  
Resulting from Proposed Roadless Designation

| Property Descriptions<br>DNR Properties Affected                     | Adjacent to (National Forest) | DNR Region | Comments   |
|--|-------------------------------|------------|--|
| Sections 1, 12, 11, 14, 23, 26, 34,<br>Township 39N, Range 42E, W.M. | Okanogan                      | Northeast  | Bounded on the west by Tardah Creek and on the east by proposed roadless area. Due to topography, it may be difficult to maintain a road system on state land. |
| Section 36<br>Township 40N, Range 42E, W.M.                          | Okanogan                      | Northeast  | Surrounded by proposed roadless area; currently no developed access.   |
| Section 16 (E2 SE4)<br>Township 39N, Range 42E, W.M.                 | Okanogan                      | Northeast  | Surrounded by proposed roadless area; currently no developed access.   |
| Section 36<br>Township 27N, Range 18E, W.M.                          | Wenatchee                     | Southeast  | Surrounded by proposed roadless area; currently no developed access.   |
| Section 27 (portion of NE4)<br>Township 7N, Range 43E, W.M.          | Unatilla                      | Southeast  | Surrounded by Forest Service land, a portion is adjacent to proposed roadless area; currently no developed access.   |
| Section 16<br>Township 7N, Range 39E, W.M.                           | Unatilla                      | Southeast  | Nearly surrounded by proposed roadless area; currently no developed access.  |
| Sections 22, 28<br>Township 6N, Range 5E, W.M.                       | Gifford Pinchot               | Southwest  | Due to steep terrain, future access to portions of these sections may be requested.  |

Page 3 of 3

SBLL 1

17285

the Forest Service's willingness to purchase or exchange adjacent properties where an exception is not possible under the roadless designation.

- The proposed rule under §294.12 should include an exception which says the Forest Service would not prevent adjacent or landlocked property owners from access to their properties, if crossing an inventoried roadless area is the only reasonable access.

Maintenance

We also have concern about the Forest Service's diminishing road maintenance budget, [in FY 2000 the Forest Service received "...less than 20% of the funding needed to maintain its existing road infrastructure..." (page 3-13)] and the plan to shift funds away from the proposed roadless areas (page 3-19).

The DEIS does not address adverse environmental impacts if existing roads are not adequately maintained in light of the acknowledged downward budget trend for road maintenance. On page 3-94, under Alternative 2, the DEIS states, "(O)verall, effects to conservation of species and maintenance of biodiversity would be beneficial, with no adverse direct, indirect, or cumulative effects are (sic) anticipated." This statement may be true for reduced road construction and use, but not necessarily true for abandoned roads not formally removed and left to decay. If roads are abandoned but not removed, negative water quality impacts downstream result, possibly impacting federally listed threatened, endangered, and proposed species, both on and off Forest Service land.

The Final EIS should address the impact on the environment of limited funding for road reconstruction and abandonment in the roaded portions of inventoried roadless areas. It should identify those areas where existing roads will no longer be used, and address impacts from whether and how those roads are removed.

Also, a correction may be warranted on page 3-16 where prohibition alternatives are discussed. Under Alternative 1 on page 3-16, the DEIS states that approximately 300 miles of road construction and reconstruction is planned in inventoried roadless areas over the next five years. On page 3-17, a larger figure, 1,444 miles, is used to describe the same activity. Subsequent tables 3-4 and 3-5 support the larger figure.

Finally, although this is not a direct comment on the DEIS, we are concerned about the maintenance of the many roads that the Department and the Forest Service cost share, and that an action the magnitude of the Roadless Area Conservation proposal may lead to further reductions in maintenance funding. We expect that the Forest Service is committed to improving the budgetary support of road maintenance, and that there will continue to be a fair sharing of costs for the maintenance of roads on which we share responsibility.

If you have questions, you may contact Dave Dietzman at (360) 902-1633.

Sincerely,



Kaleen Cottingham  
Deputy Commissioner of Public Lands

KC:gg

Page 2 of 3



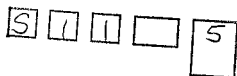
STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600  
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

17255

July 12, 2000

USDA Forest Service, CAET  
Attn: Roadless Areas Proposed Rule  
PO Box 221090  
Salt Lake City UT 84112



CAET RECEIVED  
JUL 17 2000

Dear Sirs:

Thank you for the opportunity to comment on the draft environmental impact statement (EIS) for the Forest Service Roadless Area Conservation project (File Code: 1950-3). We have reviewed the draft EIS and have the following comments.

Washington State Department of Ecology is very concerned with the lack of road maintenance and abandonment activities being conducted by the US Forest Service. By Forest Service estimates, annual road maintenance activities are only 20 percent funded and the backlog is growing. As a result of this failure to appropriately manage roads within Forest Service ownership, many roads are literally falling off hillsides with devastating effects on clean water and fish.

Any proposal that includes the building of new roads—for emergency access or for other purposes—should also include solutions and identification of funding for how the Forest Service will adequately address road maintenance and abandonment activities for these and existing roads.

We also recommend that the final EIS evaluate the economics related to the lack of sufficient annual road maintenance funding and the backlog in need of attention. Money is better spent on preventing problems than on restoring damaged ecosystems. The EIS should address prevention costs versus the costs of restoration. The primary criteria for selection of a preferred alternative should be one that includes a funding source to bring all Forest Service roads within the State of Washington into compliance with state water quality standards as soon as possible, but no longer than fifteen years from now.

The Forest Service has many excellent and dedicated professionals committed to protecting water quality and fish, but they are overwhelmed by the scope of the problem. While the EIS should evaluate some planning criteria and elements, there are many activities that if funded, will effectively maintain the roads and protect water quality. For example, the regular cleaning of culverts and ditch lines is a straightforward activity that needs money rather than planning.

US Forest Service  
July 12, 2000  
Page 2

17255

If you have any questions, please call Mr. Mark Bentley with our Water Quality Program at (306) 407-7269.

Sincerely,

Rebecca J. Inman  
Environmental Coordination Section

EIS #003379

cc: Mark Bentley, SWRO  
Abbe White, SWRO

07/17/2000 09:17 3687892765

CAROLYN EDMONDS

PAGE 01

STATE REPRESENTATIVE  
32nd DISTRICT  
CAROLYN EDMONDS

State of  
Washington  
House of  
Representatives



19292  
CAPITAL BUDGET  
VICE CHAIR  
HEALTH CARE  
HIGHER EDUCATION

V 1 2 3 4 5

July 17, 2000

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

To Whom It May Concern:

As a member of the Washington State House of Representatives, I would like to voice my support for President Clinton's proposal to protect the roadless areas of our national forests. In so doing, I ask that the Forest Service to immediately prohibit road building and logging in all national forest roadless areas. In addition, these roadless areas must be permanently protected from environmentally destructive activities, such as mining, grazing, off-road recreational vehicle use, and ski area development.

The Washington State Legislature, with the leadership of Governor Gary Locke, has been working very hard on issues of salmon recovery. Protecting roadless areas in our natural forests will help this effort tremendously as it is one component of a comprehensive local, state and federal partnership necessary to protect our salmon.

A strong economic future for our region depends upon preserving our quality of life. Protecting roadless areas in Washington helps protect our citizens' quality of life by providing beautiful landscapes for recreation and education.

There are countless compelling reasons to protect the roadless areas in our national forests. From rainforest conservation to watershed stabilization and from salmon recovery to outdoor habitat preservation, protection of these areas is vital to maintaining our ecosystem. I ask, on behalf of the residents of the 32<sup>nd</sup> Legislative District in Washington State, that these areas be preserved and protected.

Thank you for your consideration of my comments and for your efforts to protect our national forests for generations to come.

Sincerely,

Carolyn Edmonds  
State Representative, 32<sup>nd</sup> Legislative District

LEGISLATIVE OFFICE: 305 JOHN L. O'BRIEN BUILDING, PO BOX 40600, OLYMPIA, WA 98504-0600 • (360) 786-7860  
TOLL-FREE LEGISLATIVE HOTLINE: 1-800-562-6000 • TDD: 1-800-635-9993  
DISTRICT OFFICE AFTER SESSION: 17062 MIDVALE AVE N, SUITE 202, SHORELINE, WA 98133 • (206) 368-4692  
PRINTED ON RECYCLED PAPER



4028

V 1 3 4 5

Control No: 4153942

April 17, 2000

Michael Dombeck  
Chief  
United States Forest Service  
P.O. Box 96090  
Washington, DC 20090

RECEIVED  
MAY - 2 2000  
DEPUTY CHIEF NFS

CAET RECEIVED  
JUN 08 2000

Dear Mr. Dombeck,

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a Washington State Representative, I understand the critical importance of intact and undamaged pristine wilderness areas. Washington is home to over three million acres of unprotected, wild federal forest lands that can still be preserved from unwise development through this policy.

The President's directive, and the public process that will produce a long-term policy, is fiscally responsible, environmentally prudent and reflects the high value Washingtonians place upon our publicly-owned open spaces and wild forests. The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal and want to see these areas protected. With over half of the federal forest land in Washington already open and vulnerable to logging, mining and other destructive practices, I feel that we must act now if we are to save these natural treasures for future generations. Washington is fortunate to have some of the nation's most impressive national forests. From The Olympic National Forest to the Eastern Cascades, Washington State is filled with some of the most spectacular remaining roadless areas in the country. These priceless backcountry jewels include places like Barclay Lake, Dark Divide and South Quinault Ridge on the Olympic Peninsula. Protecting them protects our natural heritage and ensures a vibrant future.

Protecting these scenic wilderness areas also makes sound economic sense. Our national forests already have over an eight billion-dollar backlog in maintenance costs for the existing network of 377,000 miles of logging roads, enough to circle the earth fifteen times. With taxpayers footing the bill for every mile of new road construction, it makes no sense to continue to build new roads at the public's expense when we can't even afford to maintain the ones we already have. Leaving roadless areas roadless not only saves tax dollars, but it also helps local economies. Roadless areas provide scenic vistas, hunting, camping, fishing, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public

LEGISLATIVE OFFICE: 317 JOHN L. O'BRIEN BUILDING, PO BOX 40600, OLYMPIA, WA 98504-0600 • (360) 786-7864  
TOLL-FREE LEGISLATIVE HOTLINE: 1-800-562-6000 • TDD: 1-800-635-9993  
E-MAIL: reardon\_aa@leg.wa.gov  
PRINTED ON RECYCLED PAPER





40256


Jul-17-00 09:36am From-

T-262 P.01/01 F-002

wealth than using them for extractive purposes.

In addition, roadless areas provide essential human services. These wild forests help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of our nation's water supply comes from national forests, with roadless areas producing the purest of that water. Many of Washington's cities and municipalities get their water supply from National Forest System Lands. These unlogged, unroaded areas also protect private property from landslides and flood damage. Of all the tactics being suggested to save salmon, this one is the cheapest and easiest, simply keep our wild forests wild.

This bold and visionary proposal will have enormous benefits for the citizens of Washington, their children and grandchildren. Preservation of these dwindling scenic wildlands is vital to passing on our quality of life and our incomparable natural heritage to future generations. Therefore, as an elected official in Washington State, I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,  
  
Aaron Reardon  
State Representative  
38<sup>th</sup> District

STATE REPRESENTATIVE  
27th DISTRICT  
DEBBIE REGALA

State of  
Washington  
House of  
Representatives



V 1 2  5

19295  
NATURAL RESOURCES  
CO-CHAIRMAN  
APPROPRIATIONS  
JOINT LEGISLATIVE  
AUDIT & REVIEW COMMITTEE  
(LARC)

July 17, 2000

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

To Whom it May Concern:

I am State Representative Debbie Regala and currently represent the 27<sup>th</sup> Legislative District in the State of Washington. I am also Co-Chair of the House Natural Resources Committee.

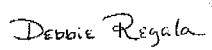
I am writing to strongly encourage further consideration of President Clinton's proposal for preserving roadless areas. I understand this proposal would prohibit road construction and reconstruction in inventoried roadless areas and require Forest Service officials to evaluate these areas as part of the forest planning process.

Washington State has a total of 9,202,000 acres of National Forest System Lands with 1,892,000 acres being inventoried roadless areas. Our natural resources are vital to this state and protecting these areas will certainly be beneficial environmentally, socially, and also economically.

Currently there is little interior habitat still available within our national forests. I believe it is vital we protect these roadless areas from any potential development. Roads are very intrusive on interior forest habitats. They promote invasion by exotic species and they negatively impact the biological processes of ecosystems. Keeping these areas roadless will be key to preserving the ecosystems which interior habitat dependent species rely upon.

In my current position I have had the opportunity to work with both timber industry and environmental interests. While there are some within the timber industry who feel this proposal goes too far and is too restrictive, I must disagree. If we do not preserve these untouched areas we will never be able to get them back.

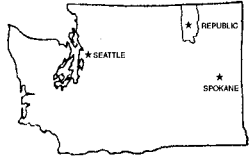
If you have any further questions please feel free to contact me at my office in Olympia. The number is 360-786-7974.

Sincerely,  
  
DEBBIE REGALA  
State Representative  
27<sup>th</sup> Legislative District

LEGISLATIVE OFFICE: 431 JOHN L. O'BRIEN BUILDING, PO BOX 40600, OLYMPIA, WA 98504-0600 • (360) 786-7974  
E-MAIL: reregala\_dc@reg.wa.gov  
PRINTED ON RECYCLED PAPER

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials



DENNIS A. SNOOK, Danville-District 1  
JAMES M. HALL, Republic-District 2  
GARY W. KOHLER, Inchelium-District 3



July 17, 2000

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

In regards to the Forest Service Roadless Areas Conservation Draft Environmental Impact Statement we would like to offer the following comments:

The proposed rule is in violation of the Small Business Regulatory Enforcement Fairness Act of 1996, which requires agencies to examine and mitigate for the impact a proposed rule will have on small businesses, small cities and small towns.

This proposed plan would eliminate mining, timber harvest, expansion of recreation facilities, non-recreational special uses including linear irrigation facilities, utility lines and communications sites that rely on road access to accommodate construction, operation and maintenance on over 54 million acres or 28% of National Forest Service lands. Wildfires resulting from the inability to treat fuels will affect on-site and downstream soil, water and air resources as well as destroy sustainable timber harvests.

These are just a few of the more important issues that we feel will have very direct negative impact on rural areas such as Ferry County. We insist that our comments be considered.

Sincerely,  
FERRY COUNTY BOARD OF COMMISSIONERS

*James M. Hall*  
JAMES M. HALL, Chairman

*Gary W. Kohler*  
GARY W. KOHLER, Member

*Dennis A. Snook*  
DENNIS A. SNOOK, Member

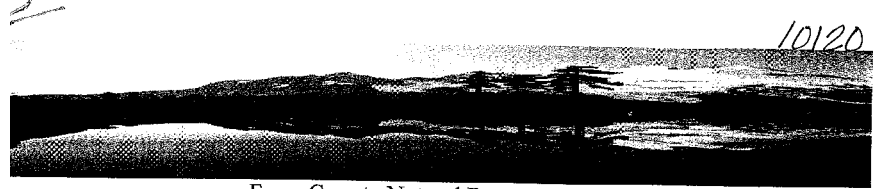
43726

FERRY COUNTY  
BOARD OF COMMISSIONERS  
and BOARD OF EQUALIZATION

350 EAST DELAWARE #5  
REPUBLIC, WASHINGTON 99166  
TELEPHONE (509) 775-5229 • FAX (509) 775-5230  
e-mail: ferry@coopext.cahe.wsu.edu

Lynne Baldwin  
Clerk of the Board

CAET RECEIVED  
JUN 17 2000

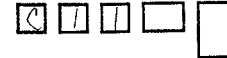


10120

Ferry County Natural Resource Board

350 East Delaware P.O. Box 115 Republic, WA 99166

June 22, 2000



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

Re: Forest Service Area Conservation  
Draft Environmental Impact Statement

The proposed rule is in violation of the Small Business Regulatory Enforcement Fairness Act of 1996. SBREFA requires agencies to examine and mitigate for the impact a proposed rule will have on small entities (small businesses, small cities, small towns). Under the law, federal agencies are required to determine whether a regulation has a **significant economic impact** on a substantial number of small entities. Inventoried roadless areas comprise over 54 million acres, or 28% of National Forest system land. (Forest Service Roadless Area Conservation DEIS Volume 1 Page S-1).

This plan eliminates mining, timber harvest, expansion of recreation facilities, non-recreational special uses including linear irrigation facilities, (ditches, canals, pipelines, utility lines (oil/gas pipelines, fiber optic and telephone lines, power lines and communication sites. These types of uses generally, but not always, rely on road access to accommodate construction, operation and maintenance. These type of uses occur within inventoried and unroaded areas. (Forest Service Area Conservation DEIS Page 3-141).

Approximately 2 million acres of inventoried roadless areas contain high priority watersheds identified in the ICBEMP for conservation. 5 million acres of inventoried roadless areas contain identified priority watersheds for conservation of bull trout and other species. (Forest Service Area conservation DEIS Page 3-79)

The Colville National Forest is categorized as high for Broad-scale Landscape Restoration Priorities (Interior Columbia Basin Supplemental Draft EIS Volume 1 Map 3-2 Page 94/Chapter 3)

CAET RECEIVED

JUN 28 2000



K 7 7 5

60341

1820 Jefferson Street  
PO Box 1220  
Port Townsend, WA 98368

Dan Harpole, District No. 1    Glen Huntingford, District No. 2    Richard Wojt, District No. 3

June 13, 2000

USDA Forest Service - CAET  
Attention Roadless Area Proposed Rule  
PO Box 221090  
Salt Lake City, UT 84122

Support of the Rule to Prohibit Road Building in Roadless Areas

I offer my support for this rule as follows:

- A) Lack of maintenance of 350,000 miles of forest service road is causing the loss of habitat.
- B) Keeping the promise of sustainable forests by farming and production from the cut over areas of the US that constitutes an area much greater than what's left.
- C) The undisturbed forest provides for more possibilities than timber production; such as, clean water, recreation, wildlife refuges and corridors, etc.
- D) The cost of extraction of timber is a negative. It is in the nations interest not to log again because the present logged and mined areas aren't being maintained.

Sincerely,

Richard Wojt,  
Commissioner

BOCC/RW/d

CAET RECEIVED  
JUN 15 2000

17280



K 7 2 5

King County Executive  
RON SIMS

|                              |                   |         |                  |            |   |
|------------------------------|-------------------|---------|------------------|------------|---|
| NATURE SAVER™ FAX MEMO 01616 |                   | Date    | 7/17             | # of Pages | 2 |
| To                           | US Forest Service | From    | King County      |            |   |
| Co/Dept                      |                   | Co      | Executive Office |            |   |
| Phone #                      |                   | Phone # | (206) 206-4140   |            |   |
| Fax #                        | 877-703-2494      | Fax #   | (206) 206-0194   |            |   |

July 17, 2000

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

To Whom It May Concern:

As County Executive of the 1.7 million residents in King County, I am writing in strong support of President Clinton's Roadless Area Plan. I believe that prohibiting construction of new roads within inventoried roadless areas now is vital to the long-term economic and environmental health of the Pacific Northwest.

Since 1980, the population of King County has increased by 500,000. This rapid population growth has been driven by companies like Microsoft, Immunex and Real Networks. Their presence here is directly attributable to the preservation of wilderness areas like the Alpine Lakes and Forest Service roadless areas. The scenic beauty and the solitude provided by these areas defines the character of Puget Sound. As this Region becomes more densely populated, it is imperative that permanent protection of the few remaining wild places be secured, forever.

This action will also assist in a critical effort to restore Pacific Salmon species listed under the Endangered Species Act. The scientific community has told me that one of the first actions we must collectively pursue is to protect the remaining high quality habitat within the region. Protection of these roadless areas is an effective way to partner with state and local government in the preservation of Salmon.

The Roadless Area Plan starts, but does not finish the job. There are several magnificent areas in the Northwest which have not been inventoried which deserve immediate protection. They include large expanses of the Middle Fork Snoqualmie Valley, its pristine Pratt River, Lake Annette and Mt. Index. These wild places will be subject to permanent environmental damage by activities like mining and road building unless the Forest Service acts, now to protect them.

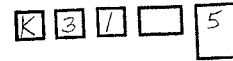
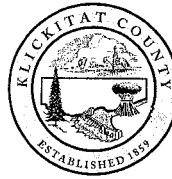
07/17/00 14:51 206 205 5805

K C EXEC OFFICE

002/002

USDA Forest Service - CAET  
July 17, 2000  
Page 2

17280



KLICKITAT COUNTY  
BOARD OF COUNTY COMMISSIONERS



205 S. COLUMBUS AVENUE, ROOM 103, MS-CH-04, GOLDENDALE WASHINGTON 98620 • FAX 509 773-6779 • VOICE 509 773-4612  
DONALD G. STRUCK, DISTRICT #1  
JOAN FREY, DISTRICT #2  
RAY THAYER, DISTRICT #3

0343

In conclusion I believe the existing network of 380,000 miles of roads in our National Forests is enough. Permanent protection of the 60,000 roadless acres by this proposal, plus key additions of currently uninventoried lands is absolutely essential for the continued health of King County's 1.7 million residents.

Thank you for the opportunity to comment on the Roadless Area Plan. If you have any questions on this regionally important issue, please contact me, at (206) 296-4040, or Mark Sollitto, Senior Policy Analyst, at (206) 205-0705.

Sincerely,

Ron Sims  
King County Executive

cc: Tim Ceis, Chief of Staff, King County Executive Office  
Stephanie Warden, Director, Office of Regional Policy and Planning  
ATTN: Mark Sollitto, Senior Policy Analyst

June 14, 2000

JUN 21 RECD  
CAET RECEIVED  
JUN 22 2000

REC'D FOREST SERVICE  
JUN 20 2000  
CHIEF'S OFFICE

Mike Dombeck, Chief  
United States Forest Service  
P.O. Box 96090  
Washington, D.C.

Dear Chief Dombeck:

We, as Commissioners of Klickitat County, State of Washington, wish to go on record opposing any further restrictions on traditional uses of Federal lands such as the **Roadless Area Conservation Proposal**. We, as a rural county, depend on a resource-based economy, i.e. timber, ranching, farming, and on a growing recreation presence year round (snowshoeing, snowmobiling, dog sledding, cross country skiing during the winter months; and hiking, camping, huckleberry picking, and all other summer recreation.) All of these activities are presently actively pursued along the County's western boundary in the Gifford Pinchot National Forest. The communities of Trout Lake, Glenwood, BZ Corners and Bingen-White Salmon rely heavily on the revenues generated by these activities.

We are not opposed to protecting the environment...we encourage it. But, we encourage it through wise and thoughtful resource management. Our National Forests are one of our greatest treasurers. But they must continue to be protected in a way that allows access for the average citizen and a continuing use of the resources which are vital to the local and national economies.

We realize that this initial proposal is directed toward the roadless areas identified in the Rare II Studies conducted several years ago. These have been in a roadless category since that time. Our major concern is that this is the first step in enlarging the Wilderness system on National Forest Lands.

Multiple use was one of the guiding principals of the Forest Service for many years. It worked very well then, and would continue to do so if given the proper importance and support.

We encourage you to carefully weigh all the effects of your decision in this matter, including the needs of the people who live, work and enjoy our great Northwest and other areas where this initiative would apply.

6343

LEWIS COUNTY COMMISSIONERS



LEWIS COUNTY COURTHOUSE  
360 NW NORTH ST. MS:CMS01  
CHEHALIS, WASHINGTON 98532-1900  
(360) 740-1120 • FAX: (360) 740-1475  
TDD: (360) 740-1480

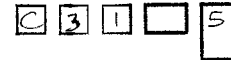
10040

RUSS WIGLEY  
First District  
RICHARD GRAHAM  
Second District  
DENNIS HADALLER  
Third District

Connie Robins, C.P.A.  
Budget Officer

Sheila Unger  
Office Manager

July 6, 2000



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

CAET RECEIVED  
JUL 10 2000

Dear Sir:

Thank you for the opportunity to comment on Roadless Area Conservation Project. The Board of County Commissioners would like to endorse the preferred alternative, # 2 as outlined in the proposed Roadless Area Conservation Project. We are in favor of this alternative in which road construction and reconstruction would be prohibited in the inventoried roadless areas.

We have reviewed this matter carefully and it does not appear to be a big factor or one that would be a negative impact to the citizens of Lewis County.

We would also urge the Forest Service to continue the up-keep on the existing trails to keep them open and accessible so that our citizens can to use these areas.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY WASHINGTON

*Dennis Hadaller*  
Dennis Hadaller, Chairman

*Russ Wigley*  
Russ Wigley, Member

*Richard Graham*  
Richard Graham, Member

DH:smu

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington

*Joan Frey*  
Joan Frey, Chairman

*Donald G. Struck*  
Donald G. Struck, Commissioner

*Ray Thayer*  
Ray Thayer, Commissioner

Cc: Dan Glickman, Secretary of Agriculture  
Bruce Babbitt, Secretary of the Interior  
Senator Slade Gorton  
Senator Patty Murray  
Congressman Richard "Doc" Hastings  
Congressman Brian Baird  
Greg Cox, District Ranger



**SKAMANIA COUNTY  
BOARD OF COMMISSIONERS**

Skamania County Courthouse  
Post Office Box 790  
Stevenson, Washington 98648  
(509) 427-9447 FAX: (509) 427-7365  
TDD Relay Service (800) 833-6388

43570

JUDY A. CARTER  
District 1

EDWARD A. McLARNEY  
District 2

AL McKEE  
District 3

K B L [ ] 9

June 26, 2000

**CAET RECEIVED**  
**JUL 14 2000**

USDA Forest Service-CAET  
Attention: Roadless Area Proposed Rule  
PO Box 221090  
Salt Lake City, UT 84122

To Whom It May Concern:

Skamania County, which contains approximately 60% of the Gifford Pinchot National Forest and is comprised almost exclusively of forested land, has several concerns about the potential impacts roadless area designations.

First, but not necessarily in order of priority, roadless designations should not impact the ability of private timber owners or the Washington State Department of Natural Resources to access their lands. All private landowners and other agencies should be allowed access to practice intelligent stewardship on their properties.

Second, the ability to prevent, control, and extinguish wildfires should not be hampered or curtailed by a roadless policy. Because our county is all timber, including a large percentage of the urban areas, wildfires are a very real concern.

Third, Skamania County is depending more and more on visitors from outside our area for economic support. Closing down areas can have a definite effect on the ability of hunters, fishermen, elderly persons and the handicapped to enjoy the total landscape with other members of their social groups and/or families.

Fourth, our Search and Rescue people and our Sheriff's Department are being called upon more and more to find people who are lost or help people who are injured in the national forest. A good road system is very important for facilitating rescue operation sand for helping both the lost and the searchers in recovery operations.

43570

Last, but certainly not least, we are very concerned about a balanced approach to providing habitat for wildlife. Without a common sense timber stewardship program across the landscape, how are we going to provide habitat for the many fringe-dwelling animals that depend on open areas for their very survival?

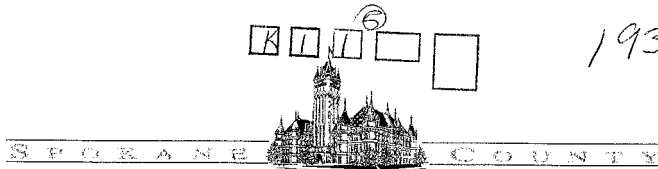
We apologize for these comments not being more specific to actions that might be taken in the suggested roadless areas, but we have not had the time to run down the people who could address our concerns for each area. However, we will try to follow up with more specific requests and in the meantime will depend on you to see that the above concerns are addressed.

Thank you

*Edward A. McLarney*  
Edward A McLarney, Commissioner  
Chairperson

*Judy A. Carter*  
Judy A. Carter  
Commissioner

*Albert McKee*  
Albert McKee  
Commissioner



OFFICE OF COUNTY COMMISSIONERS  
JOHN ROSKELLEY, 1ST DISTRICT • KATE MCCASLIN, 2ND DISTRICT • PHILLIP D. HARRIS, 3RD DISTRICT

July 7, 2000

Forest Service - CAET  
P.O. Box 22190  
Salt Lake City, UT 84122

RECEIVED  
JUL 12 2000

Attention: Roadless Area Conservation Proposed Rule

Thank you for the opportunity to comment on the US Forest Service Roadless Area Conservation Proposed Rule concerning maintaining our last remaining roadless areas in our national forest lands. Spokane County citizens have access to many of our local national forests in northeast Washington and northern Idaho and many would like to see a comprehensive plan that protects these remaining roadless areas.

In light of the recent information where the Forest Service acknowledged a deficit of \$88 million lost in timber sales due in part to road construction, further degradation of our national forests based on traditional policy is unacceptable. Our country should not be in the business of corporate welfare and subsidizing timber companies. We should be in the business of managing our lands for a variety of uses, including recreation, timber management, wildlife and resource protection.

We must take a strong stand and protect the last remaining wilderness areas left to ensure protection for wildlife and large eco-systems, so important to a healthy environment, clean air and water. Inclusion of roadless areas of five thousand acres and greater in the Northwest Forest Plan is just a small step in the right direction protecting these national resources. In reality, we should take the next step and protect inventoried areas of one thousand acres and greater and not allow any type of commercial logging, such as by helicopter or highline.

Spokane County citizens recently voted to tax themselves by a strong majority to preserve conservation lands within our county. Our citizens know how important riparian areas, wetlands and large tracts of forest and brush are to maintain the same quality of life we now enjoy. In a larger sense, roadless areas provide that same potential for preservation to the country as a whole.

Again, I strongly urge you to adopt as the final policy the Roadless Area Conservation Proposed Rule with the removal of the helicopter and highline logging.

Sincerely,

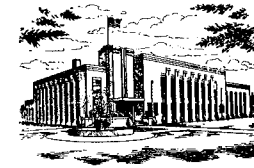
*John Roskelley*  
John Roskelley  
Spokane County Commissioner, District 1

19314

Fran Bessermin  
District No. 1

Vickie L. Strong  
District No. 2

Fred Lotze  
District No. 3



Stevens County Commissioners  
215 South Oak St., Rm #214  
Colville, WA 99114  
Phone (509) 684-3751  
Fax (509) 684-8310

14 3 1 5

July 12, 2000

Scott Conroy, Project Director  
USDA Forest Service, CAET  
P.O. Box 221090  
Salt Lake City, UT 84122

RECEIVED  
JUL 17 2000

Re: Roadless Areas Proposed Rule

Dear Mr. Conroy:

Please consider this letter as our comments on the proposed Roadless Area Draft Environmental Impact Statement and Proposed Roadless Area Conservation Rule. We are very concerned about the impact of these proposals on our local communities, local economies and our way of life. We urge much more study and analysis of likely impacts to communities such as ours where timber management is a primary occupation.

We are also disappointed about the lack of a collaborative process in the development of this roadless initiative. We do not feel that the voices of communities such as ours are being considered or listened to. It appears that the outcome of these processes is predetermined and the Forest Service is simply going through the motions of asking for public comment. We hope this is not the case.

We have additional concerns regarding procedures, legality, science, misleading and incorrect information, and lack of real local flexibility. Additionally we urge the Forest Service to consider how your current process is negatively affecting the public's

USDA Forest Service  
July 12, 2000  
Page 2 Of 2

trust in your agency and your credibility. To restore lost trust and confidence may prove to be difficult should the need for a truly collaborative process ever be necessary.

It appears to us the current proposals are generated more from political expediency rather than balanced environmental protection and healthy forest stewardship. In conclusion, we are very concerned about this roadless initiative and the failure to honestly identify and consider the potential impacts to communities such as Stevens County.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
OF STEVENS COUNTY, WASHINGTON

*Fred Lotze*  
Chairman Fred Lotze

*Fran Bessermin*  
Commissioner Fran Bessermin

*Vickie L. Strong*  
Commissioner Vickie L. Strong

BOCC:lme

BOCC:pc  
cc: Colville Forest Supervisor, Nora Rasure

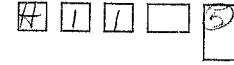
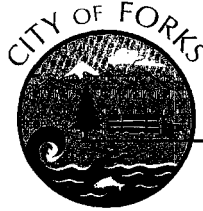
17265

07/14/00 18:27 206 374 9430

CITY OF FORKS

002

43971



P.O. Box 1998 • 500 East Division • Forks, Washington 98331-1998  
(360) 374-5412 • Fax: (360) 374-9430 • Web: www.forkswashington.org

Chief Mike Dombeck  
United States Department of Agriculture  
Forest Service  
Washington Office  
201 14<sup>th</sup> & Independence, SW  
Post Office Box 96090  
Washington, D.C. 20090-6090

13 July 2000

**CAFT RECEIVED**  
JUL 17 2000

RE: Public comments on the proposed Roadless Area Conservation Project

Dear Chief Dombeck:

On behalf of the City of Forks I would like to thank you for the opportunity to provide comment on the proposed Roadless Area Conservation Project (RACP) that is under consideration by the Forest Service. As you are aware, Washington's Olympic Peninsula is closely associated with the growth, harvest, and regrowth of timber on private, state, and federal lands. For us, any further shift in policy on the Federal forests is an issue of concern, since such shifts tend to impact our community, our economy, our schools, and our County's roads. The proposed RACP is one such project that I believe will have a negative impact upon our community and other rural timber communities in and about the proposed roadless areas in Washington State.

Before getting into specific concerns with the RACP, I want to address an overall issue that the RACP raises in my mind. That is a fundamental question to you and the Nation of whether or not we want to see our Forest Service and its associated lands function as a working forest with all of the various mixed uses associated with that concept or to move closer and closer to a forest that is primarily functioning as parkland and wilderness preserve? The concern is that we are seeing more and more activity by the Service that is indicating that it and the Executive Office would like to have its National Parklands, Wilderness Preserves, Roadless Areas, and recreational forests managed by rules, judicial edicts, or environmental special interests that would prevent the actual cutting of trees. Unfortunately, the RACP will only add to the inability of the Service to actually produce timber in quantities that would reduce the U.S.' demand for imported timber products where environmental rules are less stringent or important. The fundamental question I raised above, however, needs to be addressed with some finality across the Nation's forests. With that said, I would now like to turn to the actual RACP and the various options discussed within the EIS documents.

The City would support Alternative 1 as its preferred option. This ensures that all of the Forest Service properties not already set aside or taken off base would still be available for timber production and harvest for current and future generations needing wood products. This option would ensure that some 9,714 jobs are maintained in Region 6 that would generate over \$279 million dollars of direct or indirect income in the rural parts of Oregon and Washington. It would also ensure that approximately \$35 million dollars are paid to the two states' schools and counties. The



43971

timber stands in the proposed roadless areas would then become a part of the overall harvest of the Service. This is the preferred option in our opinion.

Alternative 2 – the Services preferred option – undermines one of the original purposes of the national forests – a resource for the providing of wood and revenue to a growing nation. The Services' "Preferred Alternative" reduces the land base that could be made available for timber production. Alternative 2 represents a loss of 800 MMBF in harvestable timber across all national lands versus the No Action alternative. This 800 MMBF represents many more jobs and economic spinoffs than are reflected within the Tables found at 3-186 and 187. Since the cost of harvests under Alternative 2 will increase by 3-5 times (see page 3-115), it is highly unlike that the projected harvest volumes relied upon in the analysis of Alternative 2 will actually be met. In addition, there is a presumption that harvests would actually occur. With continual judicial decrees becoming the default management policy of the Service, such an assumption may in actuality be wishful thinking.

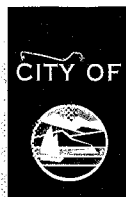
Alternatives 3 and 4 are radical in their scope and their impact. If they were to be adopted it is certain that rural communities across this nation would suffer even more. More rural workers would be displaced, more jobs lost, more homes foreclosed, more communities threatened with extinction. Between 1990 and 1995 there was a nationwide drop by 47% of the timber harvested off of the National Forests. These two proposals would only increase that drop and would be in contradiction to some of the fundamental objectives associated with the National Forests.

On behalf of the City of Forks, I strongly urge you to consider the adoption of Alternative 1 – the no action alternative.

Sincerely,

*Phil Arbeiter*  
Phil Arbeiter  
Mayor

Cc: Congressional Delegation



# CITY OF PORT ANGELES

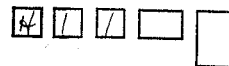
WASHINGTON, U. S. A.

CITY MANAGER'S OFFICE

19317

(5)

July 10, 2000



CAET RECEIVED

JUL 12 2000

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

Dear Forest Service:

The City of Port Angeles hereby files its objection to the proposed roadless forests initiative that would impact the Olympic Peninsula. This action was authorized through unanimous approval by the City Council at their 6/19/00 meeting. The thrust of our concern is the further eroding of our natural resource based industry with additional restrictions, and the fact that this far-reaching impact is being implemented without the benefit of debate in representative government but through administrative action.

We are very fortunate to be able to both live and work in such a beautiful part of Washington State that has access to areas of forest harvest as well as wilderness preservation. While there will always be strong positions on this issue of forest management, we have always found ways to seek collaborative compromise through the communication, respect, and diplomacy of an open system of public involvement and representation. We believe that all representative stakeholders should be afforded this opportunity and political process of open debate rather than a more restrictive administrative process. In addition, we are concerned that the perception of this initiative having minimal impact upon the local economy is overly simplified. Our schools receive a fraction of the timber revenue once enjoyed, our natural resource based industries employ a fraction of the workforce they once enjoyed, and our economies still struggle to retain and attract that diversity so enjoyed by the Puget Sound Region. Additional regulations mean additional expense to sustaining the fragile timber industry we have remaining, especially as they compete with other areas of our country and world for raw materials.

In addition, we see the Roadless initiative as an issue that will further add to the negative economic impacts resulting from the collapse of the Forest Service Road Maintenance Program. Together with the Roadless Plan, these two issues will lead to a significant decline of total harvest acres.

We urge the emphasis to be on sustaining current practices that are already restrictive due to National Park and Forest regulatory requirements rather than adding this new initiative. Through collaborative management of our natural resources, we believe our local community will be better served and sustained through a more balanced approach to forest management for both preservation and the regeneration of this valuable natural resource.

Sincerely,

*Michael Quinn*

Michael Quinn  
City Manager

C:\OFFICE\WPWIN\MYFILES\TIM\roadless.area.wpd

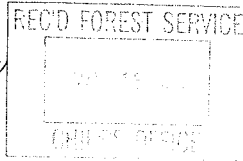
321 EAST FIFTH STREET • P. O. BOX 1150 • PORT ANGELES, WA 98362-0217  
PHONE: 360-417-4500 • FAX: 360-417-4509 • TTY: 360-417-4645  
E-MAIL: CITYMGR@CI.PORT-ANGELES.WA.US



Seattle City Council 2818

M 8 1 1 5

NFS

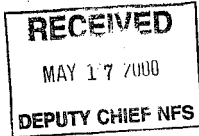


2818

May 12, 2000

MAY 17 RECD

Michael Dombeck, Chief  
United States Forest Service  
P.O. Box 96090  
Washington, DC 20090



CAET RECEIVED  
JUN 0 1 2000

Dear Mr. Dombeck:

We urge you to adopt a policy that protects roadless areas in our national forests. Pristine wilderness areas are a vital part of our Northwest heritage and future, particularly in light of the recent listing of the Chinook Salmon as a threatened species. Washington is home to over three million acres of unprotected, wild federal forest lands that can still be preserved from unwise development.

Protecting scenic wilderness areas makes sound economic sense. Our national forests already have a backlog of over eight billion dollars in maintenance costs for the existing network of 377,000 miles of logging roads (enough to circle the earth fifteen times!) We cannot continue building new roads at public expense when we lack the funds to maintain the ones we already have. Leaving roadless areas roadless not only saves tax dollars, it helps local economies. Roadless areas provide recreational opportunities that can retain current residents and businesses and attract new non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting wilderness will lead to more public wealth than using it for extractive purposes.

In addition, roadless areas provide essential human services. These wild forests help recharge aquifers and are often in the headwaters of municipal watersheds like Seattle, providing clean water with lower water treatment costs for local residents. In fact, it has been estimated that 80 percent of our nation's water supply comes from national forests; the purest of that water flows from roadless areas. These unlogged roadless areas also protect private property from landslides and flood damage. Of all the tactics being suggested to save salmon, simply keeping our wild forests wild is one of the cheapest and easiest.

We urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be served if you succeed in establishing such a strong forest protection policy.

Sincerely,

*Margaret Pageler*  
Margaret Pageler  
City Council President

*Jim Compton*  
Councilmember Jim Compton

*Richard Conlin*  
Councilmember Richard Conlin

*Jan Drago*  
Councilmember Jan Drago

*Nick Licata*  
Councilmember Nick Licata

*Richard McIver*  
Councilmember Richard McIver

*Judy Nicastro*  
Councilmember Judy Nicastro

*Peter Steinbrueck*  
Councilmember Peter Steinbrueck



OFFICE OF THE CITY COUNCIL - CITY OF SEATTLE

28912

28912

July 14, 2000

0 9 1 5

RECEIVED  
JUL 17 2000

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

Dear Chief Dombeck:

We are writing to encourage you to strengthen the proposed Roadless Area Conservation Plan because of the enormous potential it could have on Seattle's salmon restoration efforts, our citizen's quality of life and our local economy. Over the past year, more than half a million other citizens have asked for a national policy that permanently protects roadless areas one thousand acres and larger on all national forests from logging, road building, mining, and other destructive activities. We were very encouraged by President Clinton's October 13 remarks and the Administration's intent to permanently protect what remains of our wild forest heritage across the National Forest System.

Washington State has over three million acres of unroaded national forest lands at stake under the current proposal. The benefits to protecting all unroaded national forest lands are clear to the citizens of Seattle and the greater Puget Sound region:

- 1) Given the existing salmon crisis, *all* layers of government are going to be forced to make difficult (and sometimes expensive) changes to the way we manage our natural resources. The City of Seattle recently solidified a Habitat Conservation Plan with the federal government protecting fish and wildlife values in the Cedar River watershed. Seattle water-users are sacrificing by paying higher utility costs to protect endangered salmon. We are asking the federal government to do their fair share in helping Seattle protect salmon: by protecting prime fish habitat found in national forest roadless areas.
- 2) The City of Seattle benefits tremendously from the superior quality of life found in the Pacific Northwest. Families, individuals and businesses choose to locate and work in our city because of the incredible recreational and aesthetic values that are found in our "Cascade backyard." (Of particular importance is the booming

recreational industry, led by Seattle native REL.) For example, the beautiful Barclay Lake roadless area in the Mt. Baker / Snoqualmie National Forest is just over an hour's drive from Seattle, allowing families the opportunity to experience wild forests just outside the city. Protecting unroaded areas in our local national forests will contribute to the economic and cultural vitality of our great city.

While we appreciate the tremendous effort the Forest Service has made in developing the proposed rule and Draft EIS, we are very disappointed about three major deficiencies of the proposal. First, it does not prohibit logging within inventoried roadless areas. Second, it exempts the roadless areas in the Tongass National Forest from the national prohibition on road construction. Third, it provides no immediate protection for the uninventoried roadless areas greater than 1,000 acres. In addition, the policy does not protect roadless areas from mining or dirt bikes and other off-road vehicles.

These weaknesses cause the proposed policy to fall far short of the "strong and lasting" protection for roadless areas that President Clinton called for in October. However, we believe that the information and alternatives contained in the Draft EIS provide a compelling scientific and legal basis for selection of a final policy that adequately protects roadless areas.

We strongly urge you to adopt a final rule and preferred alternative that is consistent with the following recommendations:


- 1) Immediately prohibit road building and logging (for both commodity and non-commodity purposes) in all national forest roadless areas. Of particular concern are popular recreation areas for Puget Sound residents in the Wenatchee (Devils Gulch, particularly popular with Seattle mountain bikers) and Gifford Pinchot (Dark Divide) National Forests that are currently under threat from logging.
- 2) Do not exempt the Tongass National Forest from the national prohibition on road building and logging. As America's largest national forest and the heart of the last great temperate coastal rainforest on earth, protection of the Tongass' roadless areas is a key test of our country's commitment to rainforest conservation.
- 3) Provide interim protection from road building, logging, and other destructive activities for all non-inventoried roadless areas of 1,000 acres or more, pending local forest plan revisions. Nearly half of Washington State's roadless areas are currently non-inventoried. The White Chuck Bench Trail, also in the Mount Baker / Snoqualmie National Forest, about 2 hours from Seattle just south of Darrington is a popular uninventoried roadless area that deserves greater protection. With pristine ancient forest lining the trail along the White Chuck River and some of the only old-growth ponderosa pine trees west of the Cascades, this untouched parcel of roadless forest deserves permanent protection regardless of the Forest Service's failure to properly categorize it as "inventoried".

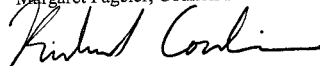
28912

- 4) Permanently protect all roadless areas from all environmentally destructive activities, including mining, off-road recreational vehicle use, and ski-area development.

President Clinton's roadless area directive represents an historic opportunity for the Forest Service to create a magnificent legacy of wild forestlands for present and future generations. We urge you to make the necessary changes in the final rule and EIS to realize this vision.

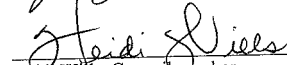
Sincerely,

  
Margaret Pageler, Council President

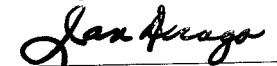
  
Richard Conlin, Councilmember

  
Nick Licata, Councilmember

  
Judy Nicastro, Councilmember

  
Heidi Wills, Councilmember

  
Jim Compton, Councilmember

  
Jan Drago, Councilmember

  
Richard McIver, Councilmember

  
Peter Steinbrueck, Councilmember

cc The Washington State Congressional Delegation