



DRAFT Agenda
Roadless Areas Review Task Force: Deliberative Meeting #1
Department of Natural Resources
1313 Sherman, 3rd Floor Conference Room
Denver, Colorado
12:00 p.m. – 6:00 p.m.

Objective:

- **Formulate draft recommendations for SJ/PSI Forests**
- **Agree on suite of issues to be resolved on GMUG**

12:00 Welcome, Introductions, and Agenda review

12:10 Forest Service Presentation-

- Clarify geographical and management prescriptions under the 2001 Rule and under existing land management plans

12:45 Discussion/Clarifying Questions for Forest Service

1:15 Overview: Petition Requirements – Josh Penry

1:20 Starting Point for Deliberations/Approach

- Geography, Management Objectives and Prescriptions of the 2001 Rule, (as amended by subsequent forest plans/revisions/amendments)
- Task Force will seek clarification of/or variance to that geography, management objectives and prescriptions as justified by TF deliberations

1:25 San Juan National Forest

- Location/Description of Lands
 - FS presentation on latest map revisions
- Management Requirements
 - 2001 Rule starting point
 - Where/whether/how to amend these based on public input-using revised conflict analysis tool

Issues/uses specific to SJ:

- Fire prevention and forest health management
- Commercial timber harvest
- Existing leases (oil, gas and minerals)
- Recreation/wildlife interface- (Hermosa Creek)
- Effects on Fish and Wildlife
- Commercial timber harvest

3:00 Pike San Isabel National Forest

- Location/Description of Lands
 - Maps: most recently revised version (FS)
- Management Requirements (FS)

Roadless Areas Review Task Force: Deliberative Meeting #1

- 2001 Rule starting point
- Where/whether/how to amend these based on public input-using revised conflict analysis tool

Issues/uses specific to PSI:

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| <ul style="list-style-type: none">➤ Fire prevention and forest health management (urban/wild interface)➤ Proposed/pending leases (Spanish Peaks)➤ Watershed protections➤ Recreation/Wildlife interface (Front Range Area) |
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5:10 GMUG

Clarifying Issues to be resolved

5:30 Issues/uses of potential statewide applicability

- Existing leases
- Fire prevention and forest health management
- Proposed/pending leases
- Boundary adjustments
- Motorized use- maintenance of and enforcement on existing roads
- Watershed protection
- Water facilities/storage-construction and maintenance
- Livestock grazing permits
- Recreation/wildlife interface
- Private in-holdings
- New and rebuilding of roads for recreation

6:00 Adjourn



**Roadless Areas Review Task Force
Deliberative Meeting #1
Pike, San Isabel & San Juan National Forests
February 10, 2006
Denver, Colorado
Meeting Summary**

AGREEMENTS

The Task Force agreed the following issues will serve as the basis for deliberations:

- Pike and San Isabel National Forests - 1) Roadless inventory boundaries; 2) Timber and treatment for fire fuels and insects; 3) gas leases; 4) use of off road vehicles; 5) wildlife and critical habitat; 6) access and management of water facilitates; and 7) watershed protection.
- San Juan National Forest (SJ) - 1) Roadless inventory boundaries; 2) timber/logging; 3) coal bed methane development in HD Mountains roadless area; 4) road repair and building; 5) access and management of water facilitates; 6) invasive species; and 7) motorized use on east side of Hermosa roadless area.

PRESENTATIONS

Three presentations were delivered to the Task Force: 1) Forest Service – clarification on 2001 rule and roadless inventory process; 2) Colorado Division of Wildlife (DOW) – brief summary of a report of field staff comments and recommendations (not the official recommendation of DOW); and 3) Colorado Geological Survey – clarification on the process for developing the minerals maps provided to the Task Force.

1) FOREST SERVICE PRESENTATION - USFS staff Richard Stem, Rocky Mountain Deputy Regional Forester, and Julie Schaefer, Social Scientist, provided an overview on the Forest Service roadless inventory process (please see appendix). Key themes covered included: the history of boundary definitions; how roadless inventory is used as a tool; general statistics (i.e. acres of National Forest land in Colorado; designated Wilderness, current Inventory Roadless Areas (IRA) and IRAs managed as roadless); forest specific statistics (GMUG, PSI and SJ); how an area becomes an inventoried roadless area; roadless area management; and roadless summary of use/access and restrictions under the 2001 rule. The Forest Service also provided a matrix to clarify the 2001 rule (please see appendix).

Question – When was the Forest Service handbook on the criteria for inventory updated?

Answer – The interim rule was issued in June. Most of the changes were based on technological changes.

Question – Are roads built in roadless areas?

Answer – Road building is managed through Forest Plan management themes. Generally, Themes 1,2, and 3 do not allow or encourage road building, although there are site specific exceptions. Themes 4, 5, 6, 7, and 8 do allow road building in order to provide for management opportunities.

Question – Why do you find roads in roadless areas?

Answer – Over time, roads are built for management purposes. Through the Forest Plan Revision process many areas with system roads are removed from the Roadless Inventory. This is why the more recent the Forest Plan the less classified roads there are in IRAs .

Question – Which is more restrictive, Forest Plans or the 2001 rule?

Answer – Depending on the management theme overlaid by the Forest Plan, Plans may be more restrictive than the 2001 rule. The 2001 rule did not allow any road building or commercial timber harvest in any IRA – most other uses would have continued. Some management themes are more restrictive to protect specific resources or provide a variety of opportunities.

Question – Under the 2001 rule, can a rancher move into a roadless area with a CAT to build or rebuild a fence?

Answer – Yes, in the 2001 rule this is allowable with the ranchers existing permits; walking a CAT into a roadless area is not considered building a road (unless there are sensitive plants present).

Question – Under the 2001 Rule, are temporary or permanent roads restricted for timber harvest?

Answer – Neither temporary nor permanent road construction is allowed.

Question – Has the Forest Service determined the meaning of “uncharacteristic wildfire”?

Answer – No, Forest Service has not clarified the term “uncharacteristic”.

Question – Are roadless areas hands-off areas?

Answer – No they are not hands-off, the level of activity depends on the management theme prescribed to a specific area. In those themes allowing for road building or commercial timber harvest in an IRA, projects are required to be documented through the EIS process to account for the significant change to roadless character that would occur.

Question – If a road is built in a roadless area, when is that area removed from the roadless inventory?

Answer – During the next Forest Plan revision process. Forest Plan revisions are required every 10-15 years. The revision requires a new inventory for consideration of lands for Wilderness designation.

Question – What are system roads? What are administrative roads?

Answer – The term used for legal roads is National Forest System Roads. All roads that are managed for use are considered system roads. In Region 2, we do not have ‘administrative roads’, but we do have some system roads which are closed to general public use and are maintained and accessed for specific permittees, landowners, or other special uses.

Question – How does the 2001 rule impact Forest Health management?

Answer – Forest Service has recognized hot spot areas – areas suffering from drought and overstocking, and allocates funds to those areas, to treat as many acres as possible. All stands are reaching the same age at the same time, couple that with a drought and insect infestation and it causes a lot of management issues. The Forest Service cannot stop a beetle epidemic, but can try to treat as much area as possible to limit the potential for catastrophic fires around towns and infrastructure. Such activities would be permitted within IRAs depending on Forest Plan specific management themes. Under the 2001 rule, these management activities are more limited in inventoried roadless areas, only activities which would not require a temporary or permanent road, or commercial timber harvesting would be allowed.

Question – What is the process to deny or approve a pending lease?

Answer – Forest Service identifies areas available for lease and the stipulations or restrictions to those leases consistent with the management theme. The industry requests leases from Bureau of Land Management. Then the parcel requested is reviewed by Forest Service field staff to ensure the parcel is configured accurately and has the appropriate stipulations and terms are attached. The field staff sends their data to Forest Service regional office who forwards it to the Bureau of Land Management. The GMUG pending leases are being handled under the existing Forest Plan.

Question – Is the 2001 Rule more restrictive for leases?

Answer – Under the 2001 Rule, leases issued after 12 January 2001 would have prohibited all surface occupancy. Since the 2001 Rule was over turned, Forest Service has continued to lease lands in roadless areas based on Forest Plan direction.

Question – What are the statistics on roadless areas based on?

Answer – The numbers/statistics in the Forest Service table are based on Forest Plans data.

Question – What management would occur if there was no rule?

Answer – As the statistics show, about 55% are managed in a theme that would retain roadless character and 45% are managed in themes that allow for road building construction of infrastructure, commercial timber harvest, and other types of resource use or development.

Question – How would the 2001 Rule effect grazing permit renewals?

Answer – The 2001 Rule would not effect current allotments, uses, or renewals, where road construction is not necessary.

2) DIVISION OF WILDLIFE

Division of Wildlife (DOW) presented and briefly summarized their Report to the Task Force. The report is a compilation of DOW field staff comments that address Task Force questions and petition requirements. Part one is general comments that relate to all Colorado Forests and part two is the specific comments on each Inventoried Roadless Area for the GMUG, SJ and PSI National Forests assembled by the Field Operations Branch District, Areas and Regional Managers and the Wildlife Protection Branch biologists representing aquatic, terrestrial and conservation sections. It was emphasized that the report does not represent DOW's official position. (To access the report on the DOW website under Land/Water: <http://wildlife.state.co.us/LandWater/Roadless/>)

Question – Do the comments say that they are in support of roadless areas?

Answer – They say that an inventoried roadless area should be protected, preserved and considered for the benefit to wildlife.

Question – What does the report say regarding which inventories to manage - all 4.4 acres under the 2001 rule or ground-truth inventories?

Answer – The report supports either the 2001 rule or the 2005 rule as long as wildlife values are considered.

Question – There is a CD for all the PSI comments. Is there one for the San Juan?

Answer – The PSI is two to three years from a Forest Plan revision so the CD is preliminary recommendations or a summary. This allows the Plan revision process to unfold. The San Juan's comments have been summarized during their current Plan revision process, so there was no need for a CD of all comments.

Question – Are these DOW recommendations? How should the Task Force consider the report? What weight should the Task Force give to the recommendations?

Answer – They are field recommendations only and not the official Division position. The DOW director may or may not support the field recommendations. The official DOW statement needs to be reviewed by all levels with differing perspectives and needs. The official statement is expected to be released in the spring. The report should be considered data to answer previous Task Force questions and inquires.

3) COLORADO GEOLOGICAL SURVEY BRIEFING

Vince Mathews briefly summarized the minerals maps provided to the Task Force and explained how they were developed. They began with existing areas and development for oil and gas, minerals, permitted mines etc. Then they looked at the U.S. Geological Survey re-evaluation of resource potential – suitability of conditions, and statistically possible areas.

Question – Was economic feasibility considered?

Answer – Yes some economics was included in the method. The method is very complicated and was recently changed in 2000. USGS also identified resources available for the next generation.

Question – Why aren't potential fields currently active?

Answer – The potential is statistically based on the similarities with the conditions of existing fields, but they are not exactly the same.

Question – Is there information on how likely a potential resource would be to accessed?

Answer – Individual organizations hire experts to assess each potential, but there is no general information source.

DELIBERATIONS

STARTING POINT

Josh Penry, Representative from Grand Junction and co-sponsor of SB 243, clarified that the starting point for Task Force deliberations is the 2001 Rule. This starting point takes into account the Forest Service's work in gathering public comments/input on the 2001 rule. It was clarified that the Task Force needs eight votes to make a recommendation.

PIKE AND SAN ISABEL NATIONAL FORESTS

Steve Smith started the Task Force deliberations with a summary of issues and possible solutions following his clarifying conversation with the Forest Service on the Pike and San Isabel National Forests (PSI). The Task Force added a few key issues then discussed the issue of inventoried boundaries in-depth and touched briefly on the others.

Issues

1. Roadless Inventory Boundaries – potential boundary changes

Key Discussion

Inventory

- The citizen inventory will be considered during the Forest Plan revision public process

- Conducting a new inventory is a requirement of the Forest Plan revision. This allows Forest Service to assess lands suitable for Wilderness designation and other land characterizations
- Forest Plan revision processes use experts and field work to test assumptions for land use decisions
- The opportunity for Forest Service to confer with citizen groups' is possible on the PSI because they are about to begin their forest plan revision process, but this is not true for all forests

Criteria

- Forest Service has not yet analyzed the citizen group's inventory and criteria. This needs to go through the plan revision process
- There are criteria to inventory an area as roadless. Changing the criteria is very different than determining if lands meet the criteria. If the Task Force were to try to change the criteria, they would need to recommend Colorado exemptions from the national criteria.
- Only one criteria is different between the Forest Service and the citizen group – road buffer, Forest service is 300 feet and the citizen group is 100 feet
- Is the Task Force ready to legitimize one group's work over another?

Flexibility for FS

- Flexibility for Forest Service to manage areas for insect, fire, urban/wild land interface etc., and not manage areas as de facto wilderness
- Legally the 2001 rule mandated how RARE II areas would be managed across the country and Forest Service learned to be cautious when going into roadless areas

Possible approaches/solutions for future discussions

- a. Recommend Forest Service and citizen groups to advance and consider citizen's plans during the Forest Plan revision process
- b. Recommend boundary changes are decided through the Forest Plan revision process
- c. Recommend acknowledging current inventory and citizen group's inventory and encourage Forest Service and the citizen group to talk

2. Timber and treatment for fire fuels and insects – how it works on the ground

Possible approaches/solutions for future discussions

- a. Clarify prescriptions and acknowledge the 2001 rule gives necessary authority for fuel/insects
- b. Add flexibility to manage for fuel/insects

3. Gas Leases – existing and pending

Possible approaches/solutions for future discussions

- a. Existing leases – 2001 rule, no conflict

4. Use of off-road vehicles – effect and potential effect on access
Possible approaches/solutions for future discussions
 - a. Acknowledge the 2001 Rule does not prohibit this use inside roadless areas
 - b. This is addressed in the Travel Management Plan

Additional Issues Identified by the Task Force

5. Wildlife and critical habitat – the conflict here lies in how the issue is framed
6. Access and management of water facilities
7. Watershed protection

AGREEMENT: The issues identified above will serve as the basis for formulating deliberations.

SAN JUAN NATIONAL FOREST

David Petersen provided the starting list of issues and possible solutions from his clarifying conversation with Forest Service (see the full text in the appendix). The Task Force touched on and added a few issues.

Issues

1. Roadless inventory/boundaries
2. Timber/Logging
Discussion
 - Flexibility for temporary roads
 - Concern that temporary roads either becomes an illegal road or take a long time to restore
3. Coal-bed methane development in the HD mountains roadless area
Discussion
 - The area has been leased for years. The issue is about operations. There will be a NEPA processPossible approaches/solutions for future discussions
 - a. Minimize damage through slant drilling and high standards for restoration requirements
4. Agricultural Access

Additional Issues Identified by the Task Force

5. Access to water storage facilities
6. Invasive species
7. Hermosa Roadless Area
Discussion
 - Conflict is motorized use on the east side, old roads, protecting plant species, opportunities for wilderness areas, etc.

AGREEMENT: The issues identified above will serve as the basis for formulating deliberations.

APPENDIX A: Forest Service Presentation

Please see website for presentation, under "Forest Service Roadless Inventory Process":

<http://www.fs.fed.us/r2/misc/roadless/index.shtml>.

APPENDIX B: Comparison of 2001 Roadless Conservation Rule, and Forest Plan Direction

	2001 Rule Direction ¹	Forest Plans/Project Decisions	Notes
Purpose/Background	<p>This rule is the starting point for Task Force Deliberations (Senate Bill 05-243, page 4)</p> <p>Purpose of the rule was to, ...establish prohibitions on road construction, road reconstruction, and timber harvesting in inventoried roadless areas (IRAs) on National Forest System (NFS) lands. (3244)</p>	<p>Under the Interim Directive (ID), the Arapaho-Roosevelt, Routt, Rio Grande, and White River are managing their IRAs according to their revised Forest Plans – any road construction or timber harvest that will require an EIS must have approval by the Regional Forester of their purpose and need prior to publication of the Notice of Intent (NOI).</p> <p>The GMUG has completed a Forest-wide Road Analysis Process, so road construction requirements under the ID are the same as Forests above. The Pike-San Isabel and San Juan are currently under revision of their Forest Plans and their Forest-scale road analysis and must follow the ID fully.</p>	<p>The Forest Plan provides the context for project development across all Forest Service System lands, including IRAs. Before implementation of any individual project, it must be consistent with Forest Plan direction and have completed appropriate NEPA analysis before decisions are made.</p> <p>Entry into an IRA requires an EIS for any ‘proposals that would substantially alter the undeveloped character of an IRA of 5,000 acres or more’ (FSH 1909.15, Chapter 20, section 20.6, class 3).</p>
Existing Uses	<p>The rule does not suspend or modify any existing permit, contract, or other legal instrument authorizing the use and occupancy of NFS lands. Existing authorized uses would be allowed to maintain and operate within the parameters of their current authorization, including any provisions regarding access. ... this applies to permits, contracts, or other legal instruments issued before the date of the publications of this rule in the Federal Register. (3259)</p>		

Resource Use	2001 Rule Direction ¹	Forest Plans/Project Decisions	Notes
Livestock grazing	<p>Does not affect current grazing allotment activities Existing authorized uses would be allowed to maintain and operate within the parameters of their current authorization, including any provisions regarding access. (3259)</p> <p>Under this final rule, management actions that do not require the construction of new roads will still be allowed, including activities such as ... grazing of livestock ... (3250)</p>	<p>Forest Plans do not change existing use, but consider suitable uses. Individual permits and grazing allotment plans may adjust existing use levels to address management and/or resource concerns. Such adjustments require NEPA analysis and documentation.</p> <p>Allotments within portions of IRAs will be allowed motorized access on a case by case basis for specific actions, and will require NEPA analysis and documentation.</p>	<p>If an IRA is designated as Wilderness in the future, grazing opportunities can be maintained.</p>
Utilities, water, electric, pipelines, cell towers (3rd party uses)	<p>The final rule retains all of the provisions that recognize existing rights of access and use. Where access to these facilities is needed to ensure safe operation, a utility company may pursue necessary authorizations pursuant to the terms of the existing permit or contract. (3256)</p> <p>Other, new non-recreation special uses may be limited in the future as well. Such special uses include communication sites and energy-related transmission uses (such as ditches and pipelines, and electric transmission lines). (3268)</p>	<p>Generally, during a Forest Plan revision, an attempt is made to determine where future pipelines or infrastructure will be needed, and then manage those areas in a theme that would allow construction as necessary to support utilities, inside and outside of IRAs.</p> <p>Forest Plans can be amended to accommodate specific developments of third party uses. Generally, access would be a low standard of road with required closure, and not open to public use.</p>	<p>Section 368 of the Energy Policy Act is developing a programmatic Environmental Impact Statement for designation of large, west-wide energy corridors. This is an interagency project involving Dept. of Energy, Dept. of Defense, BLM and USFS. Corridors (their centerline and overall width) will be identified for electricity, natural gas, oil and hydrogen energy transport. The Record of Decision (to be published in August, 2007) for the PEIS will amend affected Forest Plans.</p>

	<i>[note – this is not a complete prohibition of future uses]</i>	There are a wide variety of third party uses, each with different policies and authorities. Each needs to be considered on a case by case basis. Access for new uses need not be on a road, or motorized.	
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Resource Use	2001 Rule Direction ¹	Forest Plans/Project Decisions	Notes
OHV access	<p>Under this final rule, management actions that do not require the construction of new roads will still be allowed, including activities such as ... off-highway vehicle use where specifically permitted ... (3250)</p> <p>The rule did not close any roads or off-highway vehicle trails. (3253)</p> <p><i>The 2001 rule allows motorized trails (less than 50 inches wide) within IRAs, and did not prohibit the construction of new or reconstruction of trails, motorized or non motorized.</i></p>	<p>Forest Plans contain a variety of allowances and restrictions for OHV use. The 2005 Travel Management Rule requires designation of roads, trails, and areas that are open to motor vehicle use. Designations will be shown on a Motor Vehicle Use Map (MVUM) and at that time, any motorized use off of these designated routes except by permit, will be illegal. All Forests are to publish their MVUM by September, 2009.</p>	<p>If an IRA is recommended for addition to the Wilderness system, all motorized and mechanized use of that area would no longer be allowed.</p>
Outfitter/Guide	<p>The final rule retains all of the provisions that recognize existing rights of access and use. (3256)</p> <p><i>Outfitter and guides generally do not build roads or cut timber, so the limitations of the 2001 rule would not have impacted existing operations.</i></p>	<p>Outfitter/Guide permits will be issued as commercial capacity* is available on a Forest, and as such commercial activity is compatible with management themes prescribed to each IRA.</p> <p>As of January 2006, only the PSI, Rio Grande, and San Juan Forests have completed capacity analyses.</p>	<p>* Capacity analyses are completed by drainage, considering management under the Forest Plan, the recreation opportunity spectrum, and the need for commercial opportunities for public use of an area. The capacity analysis determines the number of commercial permits, use days, and group sizes available for each area.</p> <p>Forest recreation capacity analyses are likely to be a limiting factor for outfitter guides in IRAs as well as on general Forest lands.</p>

<p>Recreation Special Uses – Ski Areas</p>	<p>The final rule retains all of the provisions that recognize existing rights of access and use. (3256)</p> <p>Road construction and timber harvest for expansion of ski areas resorts, or other recreation developments in inventoried roadless areas would be allowed under §294.24(a) ... subject to existing Forest Service procedures, if special use permits are in existence prior to the date of publication of this rule in the Federal Register. (3260)</p>	<p>Forest Plans define a special use area boundary for larger developments (e.g. lodges, concessionaire campgrounds, ski areas), and the Master Plan, completed under NEPA, describes the types of development, including roads and timber harvest/vegetation management, that will be allowed under the operating permit.</p>	
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Resource Use	2001 Rule Direction ¹	Forest Plans/Project Decisions	Notes
Private land/in-holding or State access	<p>This rule does not affect a State's or private landowner's right of access to their land. (3253)</p> <p>The rule provided for the construction and reconstruction of roads in inventoried roadless areas where needed pursuant to existing or outstanding rights, or as provided for by statute or treaty, including R.S. 2477 rights, access to in-holdings under ANILCA provisions, or circumstances where a valid right-of-way exists. (3253)</p>	<p>Reasonable access for State and private lands is required in policy (ANILCA).</p> <p>Individual requests for access still require an authorization from the Forest Service to ensure legal access.</p>	<p>Private lands that are surrounded by Federal lands have a right to reasonable use and enjoyment of that property, so Forest Service will provide reasonable access. Such access does not mean a road is required, or that the access would be motorized. The route and type of access are decided by the Line Officer on a case by case basis.</p>
Locatable minerals	<p>Under this final rule, management actions that do not require the construction of new roads will still be allowed, including activities such as ... development of valid claims of locatable minerals ... (3250)</p> <p>Access for the exploration of locatable minerals pursuant to the General Mining Law of 1872 is not prohibited by this rule. Nor is reasonable access for the development of valid claims pursuant to the General Mining Law of 1872 prohibited. (3253)</p>	<p>Access and development of locatable minerals is required in policy (General Mining Law of 1872).</p> <p>This allows for roaded and motorized access to any lands that are open to mineral entry. A valid claim is not required.</p>	<p>Site specific NEPA is required and can outline actions to be taken after mineral activity to close and obliterate roads and rehabilitate any ground disturbance.</p> <p>IRAs that are designated by Congress as Wilderness will be withdrawn from mineral entry.</p> <p>Other withdrawals of lands need to petition the BLM and show a resource value greater than the potential value of the mineral.</p>

Resource Use	2001 Rule Direction ¹	Forest Plans/Project Decisions	Notes
<p>Leasable minerals Oil and Gas (Coal)</p>	<p>Existing leases are not subject to the prohibitions ..., allows road construction needed in conjunction with the continuation, extension, or renewal of a mineral lease of lands that were under lease by the Secretary of the Interior as of the date of publication of this rule in the Federal Register (January 12, 2001). Additionally, road construction needed in conjunction with the continuation, extension, or renewal of a mineral lease of lands that [were] under lease by the Secretary of the Interior as of January 12, 2001, or for a new lease issued immediately upon expiration of the existing lease would be allowed. (3256)</p> <p>The Rule does not supersede land management plan prescriptions that prohibit road construction. This exception only applies to lands in IRAs that are currently under mineral lease. (3256)</p> <p>New road construction associated with leases issued after January 12, 2001 in IRAs would not be allowed.</p> <p>Mineral leasing activities not dependent on road construction, such as directional (slant) drilling and</p>	<p>Under direction of the Forest Service oil and gas regulations, each Forest/Grassland is required to complete an oil and gas leasing decision through the NEPA process, open to public participation and comment (36 CFR 228.102). Leasing decisions must be consistent with the applicable Forest/Grassland plan, and may be incorporated into the plan through plan revision or amendment under the 1982 planning rule or stand as independent project-level NEPA decisions under the 2004 planning rule.</p> <p>Implementation of a leasing decision consists of BLM listing lease parcels for sale after the Forest Service verifies that each parcel has had adequate NEPA per the analysis for the leasing decision, is consistent with the applicable Forest/Grassland plan, and is configured with stipulations as required in the leasing decision.</p> <p>Currently – the AR has completed an oil and gas leasing decision for the Pawnee National Grassland and some of the Forest. Most of</p>	<p>Since the 2001 Rule was rescinded, development of oil and gas resources in IRAs has occurred under existing Forest Plan direction. While 2001 is no longer a viable starting point for the Task Force when considering oil and gas leasing, the State Petition can identify a new starting point for any criteria or restrictions on future oil and gas leasing decisions in IRAs.</p> <p>Under the Mining and Minerals Policy Act of 1970, the National Forests and Grasslands have an essential role in contributing to an adequate and stable supply of mineral and energy resources while continuing to sustain the land's productivity for other uses and its capability to support biodiversity goals.</p>

	<p>underground development, would not be affected by the prohibition. (3265)</p>	<p>the AR has low potential for oil and gas occurrence. The GMUG, White River, Rio Grande, and PSI have completed oil and gas leasing decisions and leases are currently being sold and issued on these forests. The San Juan does not have an oil and gas leasing decision in place, so no new leases are being listed for sale until the appropriate NEPA is completed. Operations currently proposed on the San Juan are on existing leases. The Routt has an oil and gas leasing decision in place, but must address some issues related to Lynx before implementing the decision in some areas.</p> <p>Only the GMUG has potential for coal development. Existing mines on that Forest can be expanded through the Lease by Application process, in which NEPA for a lease application is conducted on a case-by-case basis.</p>	
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Resource Use	2001 Rule Direction ¹	Forest Plans/Project Decisions	Notes
Personal or administrative use of wood	Allows timber cutting, sale, or removal for personal or administrative use... Personal use includes activities such as Christmas tree and firewood cutting. Administrative use includes providing materials for activities such as construction of footbridges and fences. (3258)	Personal or administrative use of wood will depend upon the theme prescribed to the IRAs within the Forest Plan.	Generally, these activities take advantage of existing road systems – it would not be economical to build a road for this type of use.
Wilderness	RARE II was to identify roadless and undeveloped land area in the NFS and to determine their uses for both Wilderness and other resource management and development. The purpose of the 2001 Rule was to conserve existing IRAs and their important values by limiting road construction and reconstruction, and timber harvesting.	For each Forest Plan revision, the Roadless Inventory is updated, and from the IRAs, individual areas are recommended for Wilderness designation to Congress. Additional Wilderness is revisited with full public involvement every 10-15 years.	Any IRA designated by Congress as Wilderness would be managed under the 1964 Wilderness Act. Some existing uses would be eliminated from these specific areas.

Resource Use	2001 Rule Direction ¹	Forest Plans/Project Decisions	Notes
Forest health	<p>Forest health treatments for the purposes of improving threatened, endangered, proposed, or sensitive species habitat or maintaining or restoring the characteristics of ecosystem composition and structure, such as reducing the risk of uncharacteristic wildfire effects, will be allowed where access can be gained through existing roads or by equipment not requiring roads. (3250)</p> <p><i>This restricts Forest Health treatments to accessible areas, rather than areas most in need, or where treatments would be most effective. Similarly, this restricts the selection of treatments to those that do not require a road, or removal of biomass, rather than selecting the best treatment for each situation. The 2001 rule does not allow a comparison of the allowed treatments with the potential beneficial results of other treatments requiring roaded access.</i></p>	<p>Treatment of vegetation for forest health issues will depend upon the theme prescribed to the IRAs within the Forest Plan.</p> <p>Project specific amendments to treat large scale, unforeseen events, such as an insect infestation, can be completed for one time management activities in areas where the Forest plan may not allow treatments.</p>	<p>Any actions taken will require site specific NEPA analysis and documentation.</p> <p>If the 2001 rule had gone forward, the subjective language, such as ‘uncharacteristic’, would have created significant debate in implementation. Clarification of such subjective terms would be useful, if the idea is to be carried forward for future management, and to ensure effective treatments.</p>
Emergency/ Fire suppression	<p>Allows road construction and reconstruction in IRAs when a road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event (3253)</p> <p>This DOES NOT constitute permission</p>	<p>In general, access for fire suppression considers restrictions or limitations of those management themes prescribed to each IRA by the Forest Plan.</p> <p>In the case of an imminent threat to life or property, fire crews can</p>	<p>For fire suppression or emergency access, the building of a road or reconstruction would likely consist of opening an existing user created road or trail, or reopening a road previously closed – all of which would be restored after the emergency had</p>

	<p>to engage in routine forest health activities, such as temporary road construction for thinning to reduce mortality due to insect and disease infestation. (3255)</p>	<p>request vehicle or motorized access into an area and with concurrence from the Line Officer, enter an area without existing access for suppression activities.</p>	<p>passed. Any new roads would be temporary, and in the case of a fire break created by a bulldozer – these would be restored after the emergency had passed. Interpretation of ‘imminent threat’ can be difficult. Line Officers need to consider if potential destruction of grazing improvements, utility corridors, or other infrastructure constitutes an imminent threat to life and property.</p>
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Resource Use	2001 Rule Direction ¹	Forest Plans/Project Decisions	Notes
<p>Hazardous fuels treatments/ Small diameter vegetation mgt</p>	<p>Hazardous fuels treatment in IRAs is not prohibited by this rule, so long as road construction or reconstruction is not necessary. ...Such management activities are expected to be rare and to focus on small diameter trees. (3258) “Under this final rule, management actions that do not require the construction of new roads will still be allowed, including activities such as timber harvesting for clearly defined, limited purposes ...” (3250)</p> <p>The cutting, sale, or removal of trees must be clearly shown through project level analysis to contribute to the ecological objectives described in §294.13 (b)(1), or under the circumstances described in paragraphs (b)(2) through (b)(4). Such management activities are expected to be rare and to focus on small diameter trees. (3257)</p> <p>The intent of the rule is to limit the cutting, sale, or removal of timber to those areas that have become overgrown with smaller diameter trees. (3257)</p> <p>In all cases, the cutting, sale, or removal of small diameter timber will be consistent with maintaining or</p>	<p>Treatment of hazardous fuels and management of small diameter trees will depend upon the theme prescribed to the IRAs within the Forest Plan.</p> <p>Under the ID, any harvesting activity that requires an EIS will need to receive approval by the Regional Forester of the purpose and need before the NOI is released.</p> <p>The GMUG, San Juan, and Pike-San Isabel will need to adhere fully to the ID until their Forest Plans are revised.</p> <p>Project specific amendments to treat large scale, unforeseen events can be completed for one time treatment activities where not previously allowed under the Forest Plan.</p>	<p>The 2001 Rule emphasizes that treatment of fuels would be rare, and focused on small diameter. Depending on how often ‘rare’ is to be defined, and what ‘small diameter’ is determined to be, activity allowed under the 2001 Rule will be constrained, and may be not effective in management of hazardous fuels.</p> <p>Communities that have completed their Community Wildfire Protect Plans through a collaborative process may have had to adjust the treatments desired in IRAs around their communities in accordance with road access limitations of the 2001 Rule.</p>

	<p>improving one or more of the roadless area characteristics as defined in §294.11. (3257)</p> <p><i>The 2001 Rule restricts roaded access and limits the variety of treatments and removal of biomass. Treatment areas would be opportunistic access points, rather than where the treatment would be most effective, or most needed.</i></p>		
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Resource Use	2001 Rule Direction ¹	Forest Plans/Project Decisions	Notes
Timber cutting	<p>“Allows timber to be cut, sold or removed in the portions of IRAs where roadless values and characteristics have been substantially altered due to road construction and subsequent timber harvest after the area was inventoried.” (3251) *</p> <p>The rule allows timber cutting, sale, or removal in IRAs when incidental to implementation of a management activity not otherwise prohibited by this rule – trail construction or maintenance, removal of hazard trees adjacent to classified roads for public health and safety reasons, fire line construction for wildland fire suppression or control of prescribed fire, survey and maintenance of property boundaries, other authorized activities such as ski runs and utility corridors, or for road construction and reconstruction where allowed by this rule. (3258)</p>	<p>Commercial timber harvesting activities will depend upon the theme prescribed to the IRAs within the Forest Plan.</p> <p>Under the ID, any timber activity that requires an EIS will need to receive approval by the Regional Forester of the purpose and need before the NOI is released.</p> <p>The GMUG, San Juan, and Pike-San Isabel will need to adhere fully to the ID until their Forest Plans are revised.</p>	<p>*Generally, this would apply to the P-SI, until their Forest Plan revision updates the Roadless inventory.</p> <p>If the 2001 rule had gone forward, the subjective language, such as ‘substantially altered’, would have created significant debate in implementation. Clarification of such subjective terms would be useful, if the idea is to be carried forward for future management.</p>
Road construction or reconstruction	<p>“This final rule prohibits road construction, reconstruction, and timber harvest in IRAs because they have the greatest likelihood of altering and fragmenting landscapes, resulting in immediate, long-term loss of roadless area values and characteristics.” (3244)</p>	<p>Development of additional road systems will depend upon the theme prescribed to the IRAs within the Forest Plan.</p> <p>Under the ID, any road construction or reconstruction activity that requires an EIS will need to receive approval by the Regional Forester of the purpose</p>	<p>Additional road building under the Forest Plan is also subject to the Road Analysis Process and the 2005 Travel Management rule.</p>

	<p><i>The 2001 Rule prohibits construction of all temporary roads as well as system roads.</i></p> <p>Exceptions to the ban on road construction in IRAs, 1) in the case of imminent threat to life or property, 2) CERCLA related activities, 3) for reserved or outstanding rights, statute, or treaty, 4) realignment or repair to prevent resource damage, 5) reconstruction for safety, 6) Federal Highway project, 7) existing mineral lease. (3272)</p>	<p>and need before the Notice of Intent is released.</p> <p>The GMUG, San Juan, and Pike-San Isabel will need to adhere fully to the ID until their Forest Plans are revised.</p>	
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¹ Unless otherwise noted, all page numbers refer 36 Federal Register, CFR Part 294, Special Areas; Roadless Area Conservation; Final Rule, January 12, 2001.

APPENDIX B: Steve Smith's Clarification of Issues on the Pike and San Isabel National Forest

To: **COLORADO ROADLESS AREAS REVIEW TASK FORCE**
From: **STEVE SMITH**
Re: **SUMMARY OF POTENTIAL TOPICS OF CONFLICT**
PIKE & SAN ISABEL NATIONAL FORESTS

February 9, 2006

Since our public comment meeting in Pueblo, I have had some clarifying and enlightening conversations with Pike & San Isabel National Forest Supervisor Bob Leaverton, with staff from Upper Arkansas and South Platte Project, and with commodity and motor recreation forest users. Following are some key points from those conversations, points that may help us in our deliberation over draft recommendations tomorrow.

Roadless inventory

As we had already heard from Supervisor Leaverton at the Pueblo meeting and as he has confirmed this week, there appears to be no reason to reduce the boundaries of inventoried roadless areas in the Pike & San Isabel. The inventory of 667,400 acres identifies lands that physically qualify as roadless (generally stated, areas with no national forest system roads—5,000 acres in size if free-standing, smaller if adjacent to designated wilderness), and no new system roads have been added to the existing inventory. Therefore, all areas in the existing inventory still qualify.

Meanwhile, citizen organizations, led by the Upper Arkansas and South Platte Project (USAPP), have conducted extensive and seemingly professionally done independent inventories of roadless lands in the P&SI. In their presentation at our Pueblo meeting and in documents that they have submitted to the Forest Service, these groups suggest adjustments to the Forest Service's roadless inventory. In some instances, the UASPP found that small portions of Forest Service inventoried roadless areas are no longer roadless and should be dropped from the inventory. In other instances, the UASPP recommends additions to the inventory—a net increase of 365,800 acres, found primarily in 16 locations.

The Forest Service recommends that the task force not presume to pass judgment on those recommended additions, leaving that, instead, to public comment and collaboration processes related to the upcoming forest plan revision. On the other hand, the supervisor also contends that that forest planning process will not include an update of the roadless inventory. The Forest Service would prefer to look at the suggested roadless additions and then respond to characteristics found there through the new forest plan's general array of management provisions.

This appears to create a bit of a Catch-22. The task force could, on one hand, suggest that citizens take their inventory results—and corresponding recommendations for increasing the

roadless inventory—into the forest planning process. On the other hand, that process, as currently described, includes no opportunity for increasing that roadless inventory.

A possible solution for the task force's recommendations would include: 1) affirmation of the existing Forest Service roadless inventory for P&SI; 2) encourage citizen groups to carry their roadless inventory recommendations into the upcoming forest planning process; and 3) recommend that the Forest Service to look carefully at those citizen recommendations and consider making additions to the roadless inventory.

Another possible solution would be to simply recommend to the governor that he include in his petition all of the lands included in both the Forest Service existing inventory plus some or all of the additional lands recommended by the citizen groups. This approach could result in the subsequent Colorado-specific roadless rulemaking process considering these citizens-recommended lands for inclusion.

Timber and treatment for fire fuels and insect effects

In his presentation at our Pueblo meeting, Supervisor Leaverton also stated that management direction for the existing P&SI roadless is sufficiently provided in the text of the 2001 Roadless Area Conservation Rule. No changes to the provisions in 2001 rule are needed.

The only possible exception to that statement, he explained, relates to fire fuels reduction and to removal of trees killed by insects. Mr. Leaverton said at the meeting and in conversations since that the 2001 rule gives him sufficient authority to pursue those projects, which would involve tree-cutting and possible construction of temporary roads in certain roadless areas. Anticipating that such projects might be controversial, perhaps because of varying interpretations of the 2001 rule, Mr. Leaverton asked the task force to consider clarifying relevant provisions in that rule.

Such clarification, he says, would allow for the selective construction of temporary roads (for administrative logging purposes only), for prompt closure and reclamation of those roads, and for the selective removal of trees to reduce fuels in certain wildland-urban interface areas.

According to the Forest Service, those WUI areas that do or may need treatment are found in eleven of the agency's 212 roadless units, variously located near Beulah, Woodland Park, and Rampart Range. Those units combine for a total of 90,418 acres. The Forest Service expects, however, that the steep geography will limit roads incursions around the edges in most instances.

Perhaps conveniently, certainly coincidentally, these units that the Forest Service has highlighted for fuels treatment corresponding closely to the areas listed as having logging potential by Kelsey Alexander of Colorado Forest Products Association when she spoke at the Pueblo meeting. The Colorado Cattlemen's Association representative to the Pueblo meeting also recommended maintaining opportunities for reducing wildfire risk.

Meanwhile, UASPP staff tell me that they would support appropriately and carefully worded allowances for fuels treatment in selected roadless units, if that language is clear that all new roads would be temporary and would be promptly and thorough removed and reclaimed after the fuels treatments are completed (as noted above).

A possible solution on this topic is to simply note that the 2001 rule provides for cutting of trees and for selective road building in response to fire danger, and leave it at that.

Another possible solution would be to craft language clarifying authority to take temporary roads into select, specified roadless units in the P&SI. Since it is not likely that we will be able to finish that exact text of such language on Friday, it might be worth agreeing on this approach in principle, leaving final language to editing efforts between Friday and the formulation of final recommendations.

Gas leases

At the Pueblo meeting, the Forest Service noted that several oil & gas leases exist within a handful of roadless units. In a conversation since, Mr. Leaverton noted that there have been no drilling activities or drill permit applications for those leases. He also observed that the areas in question are generally steep geography. As a result, he believes that nearly all, perhaps all, drilling (if it occurs) will be done directionally from outside the roadless areas boundaries.

A possible solution is to simply note that the 2001 rule recognizes valid existing rights and allows for road building if necessary for honoring those rights. It would be helpful to add language encouraging the Forest Service (and other agencies involved) to press for that directional drilling approach, staying off the surface of roadless areas.

Off-road vehicles

At the Pueblo meeting, Dolph Montgomery of Colorado Off-Highway Vehicle Coalition presented a very thoughtful and professional description of ORV riders' concerns about access to national forest trails. His presentation did not include description of any particular places where ORV riders feel restricted by roadless areas management. He did recommend that all trails in all roadless areas should be opened to ORVs.

The Forest Service notes that travel management decisions are made in a planning process separate from that affecting roadless areas management decisions. Meanwhile, the one restriction that the 2001 rule puts on motor use in roadless areas is its prohibition on construction of new full-size roads. The Forest Service's conclusion is that ORV use decisions should be left to the agency's travel management planning process and need not, and should not, be addressed by the roadless task force or in the governor's petition.

A possible solution here is to simply follow that Forest Service advice, to leave those decisions to a separate process, to note that, in any case, the 2001 rule does not itself limit ORV access to roadless areas.

I hope that this report helps provide at least some background and starting points for our Friday discussion of the Pike & San Isabel discussion. Thanks.

APPENDIX C: David Peterson's Clarification of Issues on the San Juan National Forest

FROM: David Petersen
TO: Fellow Roadless Taskforce members via Keystone
RE: San Juan NF clarifications
2-6-08

In hopes of facilitate productive Taskforce deliberations on the 10th, I met last week with San Juan NF Supervisor Mark Stiles, and separately with plan revision leaders Thurman Wilson and Dave Baker, and also with GIS specialist Jessey Tase. Dave Baker will be the San Juan's representative in Denver on the 10th. Our discussions focused on clarifying the Forest's positions on the four most likely areas of controversy re SJNF IRAs, and suggesting possible resolutions:

1. IRA Boundaries: San Juan Citizen's Alliance has done extensive ground-truthing (as have SJNF personnel) and has worked with SJNF on IRA boundary adjustments throughout the ongoing forest plan revision process. According to planner Dave Baker, the exchange has been process-oriented and positive, based more on information-sharing than on controversy, and often quite detailed and "on the ground" in nature. The Alliance and SJNF met again last week and according to the Alliance's Amber Clark: "While a few areas of difference remain to be worked out, we are generally pleased with the revised IRA boundaries and urge the Taskforce to accept them as a starting point rather than the 2001 inventory," which relied heavily on old RARE map-based inventories and was significantly flawed. Boundary adjustments reflect both give and take, and break out like this:

- a. 2001 roadless (with subsequently designated wilderness areas subtracted) — **543,528** acres.
- b. Current inventory: 5000 acres and greater — 523,270 acres;
- c. 2500-5000 acres — 33,975;
- d. adjacent to wilderness (smaller than 5000 acres) — 33,890;
- e. total — **591,135**.
- f. Netting a gain to roadless of 47,607 acres. I've already sent Keystone the updated map, and larger printed versions will be provided to us at Denver.

Possible resolution: With the two most interested parties in agreement to go with the revised IRA boundaries, they would seem to have solved this issue for the Taskforce: We should accept and work from the revised boundaries as reflected on SJNF map provided electronically in the accompanying attachment, and in larger print form on the 10th.

- 2. Logging:** At the Durango Taskforce hearing, Norm Birtcher, of the Western Excelsior sawmill at Mancos, testified that available timber outside roadless areas is sufficient to continue supplying small local logging operations such as his "if managed appropriately" by the Forest Service. Likewise, SJNF feels confident it can continue to satisfy Bircher and other local sawmills with existing (roaded) access. Again, there appears to be no visible controversy here, with both sides in tentative agreement. Even so, Supervisor Stiles would be grateful for prescriptions that allow more flexibility in authorizing small commercial logging events within IRAs that require no roads and have overall long-term ecological and "social" benefits to the forest.

Possible resolution: Prescriptions that focus on achieving overarching management goals while avoiding surface disturbance in IRAs will be most beneficial in the long run. The activity of limited logging does not in itself necessarily result in a loss of the ecological and social values of an IRA. For example, in some situations such as dense stands of ponderosa pine that fall well outside their historic range of variation, the removal of some trees through limited and selective logging or other means may be appropriate not only for fire or disease prevention, but also to restore the ecological function of the unit, enabling natural processes to once again prevail. In contrast, the lasting impacts of road construction often interfere with both natural processes and the social/recreational values of IRAs. Therefore, logging prescriptions for IRAs should provide more local supervisory flexibility toward addressing the desired condition of ecological function and the prevalence of natural processes. Activities such as road building, which interfere with these goals in the mid- to long term should not be authorized. Ideally, all existing IRAs in the San Juans will be left intact, while using prescriptions to provide the forest with more flexibility to authorize small logging operations — such as just beyond the buffer zone, or farther in via helicopter — that do not require new roads or reconstruction of existing roads. Prescribe for limited, ecologically justifiable commercial logging without roads, and without requirement for EIS.

- 3. HD Mtns. IRA and coal-bed methane development:** Our discussion on this, the most contentious and confusing roadless arena on the SJNF and perhaps in the state, focused largely on clarifications for me, and by extension for the Taskforce, to wit: Existing leases within the HD IRA trump the 2001 rule and cannot be denied. Roads will be built and wells drilled. SJNF has committed to work with industry to minimize surface intrusion and ecological corruption by encouraging slant drilling and other lowered-impact approaches, barring public motorized access on gas roads, and high standards for post-extraction restoration. Regarding issuing new leases, which continued roadless status would help preclude, SJNF concurs with the majority public, DOW, and local government sentiment that, in Supervisor Stiles words, “the HDs have special characteristics that should be preserved. For discussion purposes,” Stiles continues, “I think the Taskforce should know that even though we will be obligated to authorize some level of drilling and road construction within the HDs [according to existing leases and rights], we do not see a reason to view it as a ‘sacrifice area.’ We hope to manage the gas development likely to occur in the near- and mid-terms in a way that keeps a significant portion of the IRA intact and essentially roadless in the short term, and preserves our ability to return the HDs to something close to their current state, functionally if not aesthetically, in the long term. The recognition of the special values of the HDs, and striving to one day recover the ecological function that may be lost through gas development, is key to our ability to insist on significant mitigation.”

Possible resolution: The Taskforce must acknowledge that much of the HD Mtns. IRA is encumbered by valid existing rights to develop oil and gas resources and that industry is greatly interested in developing these resources. However and at the same time, the HD IRA is among the best remaining lower-elevation intact ponderosa pine forests in all of Colorado. Additionally, the HD IRA plays a critical role in connecting high and lower elevation wildlife ranges and comprises crucial wintering habitat for deer, elk, and other important species. Recognizing that

some significant level of road construction and surface disturbance due to gas development within the IRA is likely, the Taskforce can help the SJNF with its goal of making the best of a tough situation by recommending that the HD IRA be managed as a roadless area subject to valid existing rights and that road construction, public motorized access, and other surface disturbance be mitigated in such a way as to allow restoration and recovery of the current character and function of the HD IRA in the long term.

- 4. Road repair and building in existing IRAs:** I wanted to clarify this issue in response to concerns voiced by one Taskforce member that the 2001 rule's proscriptions against road building and reconstruction in IRA's could, somewhere down the line, obstruct public motorized access, for example ORV access to trailheads inside IRAs and/or traditional access for ranchers to conduct facility maintenance. The Forest concurs with the following basic facts:
- a. Since all existing roads in the San Juan NF's updated IRAs are unclassified — mostly old logging trails and illegal ORV two-tracks (“jeep roads”) — they are excluded from any maintenance and would not be repaired even if they weren't within IRAs. Of the 5 levels of system or classified roads on national forests outside IRAs, SJNF currently is budgeted to maintain only the two highest classes. Concern about road deterioration and repair within IRAs, thus, is both a non sequitur and a non-issue.
 - b. “Where ranchers use roads to access their developments, those areas are not included in the new IRA inventory.” (Stiles) If they “walk” equipment in from classified roads — for example, drive rather than trailer a backhoe, with buckets and blades lifted — “they would be allowed to continue to do so.” Here again, nothing stands to be lost due to IRA roads deterioration.
 - c. There are no legally designated trailheads within roadless areas, so yet again, no access stands to be lost via long-term deterioration of non-classified and largely illegal roads within IRAs.
 - d. The 2001 rule prescribes forest supervisor discretion in constructing or reconstructing temporary non-classified roads into IRA's, as deemed necessary for fire prevention, disease control, and other priority management activities.

Possible resolution: As deemed necessary, clarify the above areas on confusion via revised prescription.

To recap, my hope and intent in providing these clarifications is that they will speed and simplify Taskforce deliberations on the San Juan NF, where public approval of current forest supervision is high, where public, government, DOW, and the Forest itself largely agree on long-term management goals, and where little seems broke and in need of Taskforce fixing. In the specific case of the SJNF at least, all evidence points to prescriptive prescriptions.