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Proposed FS roadless rule for Colorado rouses criticism

The Forest Service last week proposed a new rule for managing roadless national forest land in Colorado that would allow more road construction than does an existing rule.

The State of Colorado, which believes it has a veto of the plan, is watching the Forest Service closely, said Mike King, deputy director of the Colorado Department of Natural Resources. He said the Forest Service proposal may open for surface occupancy 57,000 acres of oil and gas leases and may open other facilities for road construction, against the state's wishes.

King told PLN that in regards to the oil and gas leases, the proposal could run crosswise to a Sept. 19, 2006, injunction from U.S. District Court Judge Elizabeth D. Laporte in Northern California that blocked a Bush administration roadless rule. "The proposal could make the land available," said King. "We're not pleased but we're working with the Forest Service."

Separately, he said, "The governor recommended limited access for utilities, water projects, grazing and other uses. He intended for the access to be narrow. There was some concern that those lands would be more open than the governor recommended."

Acting on a petition from the state, the Forest Service proposed regulations and a draft EIS July 25 that has drawn sharp criticism from sportsmen groups and environmentalists, as well as the state. The Forest Service Roadless Area Conservation National Advisory Committee held a briefing on the State of Colorado petition July 29 and reviewed the petition the next day.

The Theodore Roosevelt Conservation Partnership (TRCP) said the proposal disagrees with recommendations from Gov. Bill Ritter (D-Colo.) and asked him to reject it. "Gov. Ritter asked for a roadless rule that is '93-95 percent' consistent with current roadless protections, yet what the federal government delivered substantially weakens those guidelines," said TRCP Roadless Initiative

Manager Joel Webster. "The governor must intervene on behalf of the state's residents and fish, wildlife and backcountry to fix or suspend this problematic management plan."

Colorado's King said the governor believes he has authority to veto the Forest Service proposal, if necessary. "In making the petition formal and requesting the regulations in the spring of last year the governor made a request that the State of Colorado be allowed to withdraw the petition at any time," he said.

The proposed Colorado rule would replace a 2001 Clinton administration national rule that allows minimal road construction and timber sales in 58.5 million acres of roadless forest across the country. The Colorado draft rule was prepared under a Bush administration policy that invites governors to

petition for state specific rules for managing national forests within a state.

The proposed Colorado rule would apply to 4.013 million of 4.4 million acres of roadless areas in the state. The other roadless areas would not be managed under the Clinton rule, but would be managed by forest management plans.

The proposal would allow road construction for existing oil and gas leases. TRCP said that would allow the construction of roads on 57,000 acres of backcountry. The proposal would also allow new oil and gas leasing but would forbid the construction of roads to the new leases; access would be restricted to directional drilling or helicopters. Environmentalists said the proposal would allow BLM to issue 97 new oil and gas leases on 87,000 acres that existing law forbids.

The Forest Service rule said that some timber cutting would be allowed for forest health projects "to meet needs described in Community Wildfire Protection Plans or, if a CWPP is not in place, within the Wildland Urban Interface."

Complained William H. Meadows, president of The Wilderness Society, "The meetings in Washington are Bush's latest attempt to weaken strongly-supported protection for the state's 4.4 million acres of undeveloped roadless lands."

Technically, a May 13, 2005, Bush administration roadless area rule that established the state petition process is null and void because judge Laporte issued an injunction against it on Sept. 19, 2006. That injunction restored the 2001 Clinton administration rule.

However, the administration is working around the court's ruling by processing state petitions under the Administrative Procedures Act. On the table are petitions from the governors of Idaho and Colorado that would reverse in part the Clinton administration ban against most road construction.