

July 11, 2006

By Mail:

Chief, USDA Forest Service
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By Ground Delivery:

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Re: **NOTICE OF APPEAL**
Filed pursuant to 36 C.F.R. 217.
Revised Record of Decision – Revised Land and Resource Management Plan;
Final Environmental Impact Statement for the Cleveland National Forest
Notice of Decision dated: April 21, 2006

Dear Chief:

The California Resources Agency and the California Department of Forestry and Fire Protection (collectively, “appellants” or “Resources Agency”) hereby timely appeal the Revised Record of Decision for the Land and Resources Management Plan for the Cleveland National Forest (the “Revised Plan”). The Notice of Decision was published on April 21, 2006, in the Sacramento Bee and notice of availability of the Final Environmental Impact Report (“FEIS”) (No. 20060139) was given in 71 Fed. Reg. 20660 (Apr. 21, 2006).

I. APPELLANTS’ INFORMATION

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II. FINAL DECISION WHICH IS THE BASIS OF THE APPEAL

Appellants object to, and therefore appeal, the final decision of Lead Agency, U.S. Department of Agriculture, Forest Service, Pacific Southwest Region, Bernard Weingardt, Regional Forester, Responsible Officer in regard to the Revised Plan.

III. FINAL DOCUMENT IN WHICH DECISION IS CONTAINED

The final decision is documented in the Revised Record of Decision signed by the Regional Forester on April 3, 2006. The Revised Plan is one of four Land and Resource Management Plans for the Southern California National Forests issued on the same date and supported by a combined FEIS.

IV. PORTION OF DECISION SUBJECT TO APPEAL

The portion of the decision subject to appeal is the adoption of the Revised Plan for the Cleveland National Forest and the accompanying FEIS, and specifically the provisions of the Revised Plan and FEIS addressing roadless areas. The Resources Agency is aware that other parties may also file administrative appeals regarding the Revised Plan. The Resources Agency's appeal is limited to the issues addressed herein and is not intended to take a position on any other matters that may be raised by other appellants.

V. REASONS FOR OBJECTION/APPEAL

For the reasons explained below, the Regional Forester's adoption of the Revised Plan for the Cleveland National Forest and the accompanying FEIS are inconsistent: (i) with the Forest Service's commitment to the State of California ("State") made via correspondence from Regional Foresters, (ii) with applicable principles of the National Forests Management Act ("NFMA") and its implementing regulations, (iii) with the Forest Service's Final Rule regarding "Special Areas; State Petitions for Inventoried Roadless Area Management; Roadless Area Conservation National Advisory Committee," promulgated at 36 CFR Part 294 (the "2005 Roadless Rule"), and (iv) with the National Environmental Policy Act ("NEPA"). Therefore, the Revised Plan must be modified to eliminate the inconsistencies by preserving the roadless characteristics of Inventoried Roadless Areas ("IRAs") within national forests in the State until the Forest Service promulgates a state-specific roadless rule.

A. Certain Land Designations in the Land and Resource Management Plan Conflict with the Forest Service's Statewide Commitment to California Regarding Roadless Areas

As detailed below, in various correspondence the Forest Service made specific commitments to the State relating to IRAs in national forests within the State. In essence, two Regional Foresters committed to preserving the roadless characteristics of lands within IRAs until a state-specific roadless rule has been promulgated. The State has moved forward to petition for such a state-specific roadless rule. However, the Forest Service has not adhered to its commitments. Instead, it issued the Revised Plan, which would allow the construction and reconstruction of roads on lands within IRAs in one of the four Southern California national forests. This aspect of the Revised Plan creates a conflict not only with the Forest Service's letters of correspondence, but also with NFMA and the Forest Service's 2005 Roadless Rule.¹

1. The Forest Service's 2005 Commitments Regarding Roadless Areas

On January 24, 2005, Mike Chrisman, California's Secretary for Resources, wrote to Regional U.S. Forester Jack Blackwell regarding the protection of roadless areas in all National Forest System lands in California. (A copy of Secretary Chrisman's January 24, 2005, letter is attached hereto as Attachment 1.) Secretary Chrisman's letter noted that the interim policy for those areas, Interim Directive 1920-2004-1, was set to expire in January 2006. That Interim Directive, since extended through July 16, 2007, recognizes that roadless areas contain important environmental values and that, with limited exceptions, interim management should preserve their roadless characteristics. (Interim Directive 1920-2006-1 [FSM 1925.03].) Secretary Chrisman's letter requested that the Forest Service promulgate a rule that provided at least the same level of protection as the Interim Directive, with specified modifications.

In his response to Secretary Chrisman's letter, on January 27, 2005, Regional Forester Jack Blackwell gave assurances to the State that Forest Service would respect the protections of the Interim Directive and the modifications Resources Agency had specified so that roadless areas would remain roadless. (See January 27, 2005, letter from Regional Forester Jack Blackwell, attached hereto as Attachment 2.)

In the January 2005 letter, the Regional Forester explained that the Forest Service anticipated completing a new roadless rule and agreed to the State's specific requests to protect and manage roadless areas. Specifically, the Regional Forester stated that: (a) the Chief of the Forest Service had not approved, and had no plans to approve, any road construction in roadless areas in California pursuant to the Interim Directive pending completion of a final roadless rule; (b) maps of roadless areas would be updated and shared with the State; (c) the Forest Service would work with the State to decommission certain types of existing roads in these areas, while providing limited road access for

¹ The Resources Agency is aware that the California Attorney General and officials from other states are prosecuting a judicial challenge to the issuance of the 2005 rule. The State of California's petition for a final roadless rule reserves all rights in the event that judicial relief is ordered regarding the 2005 rule.

appropriate purposes under other circumstances; and (d) that limitations on roadless areas should not compromise firefighting efforts, consistent with existing authority

2. The Final 2005 Roadless Rule Recognizes the Importance of State Input

After the exchange of letters, the Forest Service promulgated the 2005 Roadless Rule, (36 C.F.R. Part 294, Subpart B), which specifically recognized the importance of a particular state's input and policies when it promulgated the current process for formulating management policies for roadless areas in national forests:

USDA is committed to conserving and managing inventoried roadless areas and considers these areas an important component of the NFS. The Department believes that revising 36 CFR part 294 by adopting a new rule that establishes a State petitioning process that will allow State-specific consideration of the needs of these areas is an appropriate solution to address the challenges of inventoried roadless area management on NFS lands.

States affected by the roadless rule have been keenly interested in inventoried roadless area management, especially the Western States where most of the agency's inventoried roadless areas are located. Collaborating and cooperating with States on the long-term strategy for the conservation and management of inventoried roadless areas on NFS lands allows for the recognition of local situations and resolutions of unique resource management challenges within a specific State. Collaboration with others who have strong interest in the conservation and management of inventoried roadless areas also helps ensure balanced management decisions that maintain the most important characteristics and values of those areas. (70 Fed. Reg. 25653, 25655 (May 13, 2005).)

3. The Revised Plan's Provisions for IRAs Violate the Forest Service's Commitment

Notwithstanding Regional Forester Blackwell's commitment in his January 2005 letter, and the direction in the 2005 Roadless Rule to consider state input, the Revised Plans for the four Southern California forests designate hundreds of thousands of acres within IRAs as being suitable for road construction and reconstruction.

The Forest Service's allocation of land within IRAs to various land use zones is disclosed in Table 548 of the FEIS. According to this Table, the Revised Plans allocate 253,584 acres of IRAs to a "Back Country" land-use zoning designation, 245,209 acres of IRAs to

a “Back Country Motorized Use Restricted” designation, and 38,511 acres of IRAs to a “Developed Area Interface” designation. (See FEIS, Vol. I, Table 548, ch. 2, p. 66.)² Part 2 of the Revised Plan for each of the four Southern California National Forests discloses that the “Back Country” and “Developed Area Interface” land use zoning designations allow any and all “road construction or re-construction” while the “Back Country Motorized Use Restricted” designation allows for “road construction or re-construction” for authorized uses. (See Angeles National Forest Strategy, Table 2.1.3; Cleveland National Forest Strategy, Table 2.2.3; Los Padres National Forest Strategy Table, 2.3.3; San Bernardino National Forest Strategy, Table 2.4.3.)

The Forest Service’s allocation of land within IRAs to land use designations that allow road construction or reconstruction is also stated in a different section of the Revised Plans. (Angeles Management Plan Part 2, p. 13, Cleveland Management Plan Part 2, p. 12, Los Padres Management Plan Part 2, p.12; San Bernardino Management Plan Part 2, pp 13-14.) In these sections the Forest Service specifically adopt a classification (“1c”) for land within IRAs that “allows road construction or reconstruction.” According to the maps referenced in the Revised Plans, this “1c” roadless area designation applies to various portions of IRAs within all four national forest. (See Appendix C to each Revised Plan [Sept. 2005 IRA Alternative 4a Map].)

Whether the lands within IRAs designated as eligible for road construction and reconstruction are those set forth in Table 548, or those classified as 1c on specified maps, it is clear that this aspect of the Revised Plan is inconsistent with the Regional Forester’s commitment to the State, which requires protection of these roadless areas until a final state-specific rule has been promulgated.

4. Appellants Requested that the Regional Forester Amend the Plans' Provisions Because They Violate the Forest Service's 2005 Assurances and the 2005 Roadless Rule

The final Land and Resource Management Plan for each of the four Southern California forests were originally issued in September 2005 and then withdrawn. On March 15, 2006, Secretary Chrisman requested that the withdrawn plans be amended and reissued to conform to the Forest Service's January 2005 letter and the 2005 Roadless Rule. (A copy of Secretary Chrisman’s March 15, 2006, letter is attached hereto as Attachment 3.) Secretary Chrisman's comments pointed out the inconsistency between the commitments made in the Forest Service's January 2005 letter and the provisions of the plan permitting broader approval of road construction in some IRAs. Secretary Chrisman's letter also commented that the Forest Service was undertaking efforts to designate routes in IRAs and that it anticipated projects that could require roads in IRAs. Secretary Chrisman pointed out this information was not available to the public, thereby making it difficult for the public and decision-makers to evaluate all aspects of the plan and its environmental impacts.

² The adequacy and accuracy of these disclosures in the FEIS is discussed in the NEPA portion of this appeal (V.D), below.

5. The Regional Forester Letter Response and Reissuance of the Revised Plan Do Not Fulfill the Forest Service's Commitment to the State

Regional Forester Bernard Weingardt responded on April 4, 2006, reaffirming the Forest Service's January 2005 commitments (a copy is attached hereto as Attachment 4). However, the Forest Service declined to incorporate its commitments into the Revised Plan. On April 21, 2006, the Regional Forester issued the Revised Plan. As described in paragraph V.A.3 above, the Revised Plan permits approval of road construction and reconstruction in certain roadless areas, in conflict with Regional Forester's January 2005 commitment.

6. The State Submits a Petition under the 2005 Roadless Rule Generally Requesting the Protections Agreed to in the Forest Service's January 2005 Letter

Today, the State submitted a petition to the Forest Service under the 2005 Roadless Rule. (See Attachment 5.). The petition generally requests the same long-term protection for roadless areas that are reflected in the original exchange of letters with the Forest Service that were not incorporated by the Forest Service in the Revised Plan.

7. It is Undisputed that the Revised Plan Is Inconsistent with the Forest Service's Commitment to the State

The Regional Forester's April 2006 letter to Secretary Chrisman implicitly concedes that the allocation of land in the IRAs to land use designations allowing road construction and reconstruction in the Revised Plan is inconsistent with the Regional Forester's January 2005 letter. The April 2006 letter indicates that "[n]otwithstanding these zoning designations," the Forest Service is committed to complying with its commitment in the January 2005 letter.

Although the Resources Agency appreciates this commitment, it does not provide the protection of roadless areas in national forests sought by the State. Appellants are aware that the Revised Plan does not itself authorize construction of roads in roadless areas, but the Forest Service cannot ensure fulfillment of its commitment to the State on a project-by-project basis. For example, if Forest Service line personnel are ignorant of the Regional Forester's letter commitments, or attempt to go forward without further environmental review (for example, pursuant to categorical exemptions), the Forest Service could erroneously approve road projects allowed under the current Revised Plan but not allowed under its commitment to California. Therefore, the Revised Plan must be modified to incorporate the Forest Service's commitment to the State. Only if the Revised Plan prevents the construction and reconstruction of roads in IRAs can the State be assured that these roadless areas will be preserved pending the promulgation of a final state-specific rule.

B. The Revised Plan Violates the NFMA and Part 219 Regulations Regarding Coordination with State Land and Resource Planning

The NFMA requires that the Secretary of Agriculture develop and maintain forest management plans "coordinated with the land and resource management planning of State . . . governments . . ." (16 U.S.C. § 1604(a).) The Revised Plan was developed pursuant to that statute and the implementing regulations of Title 36 of the Code of Federal Regulations, Part 219. (Revised Record of Decision, p. 2.) Under those regulations, the responsible Forest Service officer "shall coordinate regional and forest planning with the equivalent and related planning efforts of . . . State . . . governments." (36 C.F.R. § 219.7(b).) Pursuant to Section 219.7(c), those efforts must be specifically documented. An environmental impact statement for a forest management plan must specifically display the responsible officer's review of, among other things, the planning and land use policies of state government, including their "objectives . . . as expressed in their plans and policies," "an assessment of the interrelated impacts of these plans and policies," "a determination of how each Forest Service plan should deal with the impacts identified," and "where conflicts with Forest Service Planning are identified, consideration of alternatives for their resolution." (36 C.F.R. § 219.7(c)(1)-(4).)

Despite these provisions, the FEIS and Revised Plan do not even mention or address the State's expressed policies or objectives regarding roadless areas or the Forest Service's commitment to an interim management policy preserving areas within IRAs until a final rule is formulated for California national forest lands. Other federal agencies, state agencies, local governments, and the public lacked even basic information on these important issues, and cannot know if the Forest Service performed the review and coordination with the State of California's policies required by the NFMA and Part 219.

Given these circumstances, the Revised Plan is inconsistent with both the letter and spirit of the NFMA and its implementing regulations because it fails to address the Forest Service's previous commitments and the State's policy on roadless areas.

C. The Revised Plan's Failure to Coordinate With California's Roadless Areas Policies Runs Counter to the 2005 Roadless Rule's Recognition of the Importance of State-Specific Input and Policies

As noted above, the 2005 Roadless Rule formally recognizes the importance of specific state input on the management of roadless areas in national forests. (36 C.F.R. Part 294, Subpart B.) The State has submitted such a petition, which seeks a final rule for national forests in the State that is consistent with the Regional Forester's commitment in the January 2005 letter. The Forest Service recognized in its January 2005 letter that in California, this state-specific process will ultimately result in "developing a roadless rule that fully protects roadless values at least as successfully as the Interim Directive and in a fashion that meets the State's goal for protection of wild areas in California." (Attachment 4.) The current provisions of the Revised Plan run counter to the objectives

and policy of the 2005 Roadless Rule. By permitting approval of road construction in certain IRAs, the Revised Plan is inconsistent with the State's input.

D. The FEIS Does Not Comply With the National Environmental Policy Act

The adoption of the Revised Plan also violates NEPA, because the FEIS for the Revised Plan does not adequately and clearly disclose and analyze the impacts of authorizing road construction in roadless areas.

1. NEPA Requires a Meaningful Evaluation of the Environmental Impacts of Land Use Designations in a Land Management Plan

An EIS must present a full and fair discussion of significant environmental impacts, inform the decisionmakers and public of the reasonable alternatives to minimize adverse impacts and be supported by evidence that the agency has made the necessary environmental analysis. (40 C.F.R. § 1502.1.) The purpose of an EIS analyzing a management plan is "to evaluate the possibilities in light of current *and contemplated* plans and to produce an informed estimate of the environmental consequences . . ." (*Kern v. BLM*, 284 F.3d 1062, 1072 (9th Cir. 2002) [emphasis in original].) The scope of analysis must be appropriate to the action in question and NEPA requires analysis of environmental consequences as soon as it can reasonably be done. (*Id.*) If it is reasonably possible to analyze the impacts of a management plan in an EIS, the agency must perform that analysis. (*Id.*)

Here, the Revised Plan contains land use designations that will permit the construction and reconstruction of roads in hundreds of thousands of acres within IRAs. The FEIS failed to analyze adequately the direct and indirect environmental impacts of making these areas available for road construction.

The U.S. Court of Appeals for the Ninth Circuit has already ruled on the level and type of environmental analysis required under NEPA for a plan that establishes different land use designations for roadless areas. In *California v. Block* 690 F.2d 753 (9th Cir. 1982), the Forest Service undertook a Roadless Area Review and Evaluation project ("RARE II") to inventory and classify roadless areas for proposed designation or study as protected wilderness. (*Id.*, pp. 757-58.) If a roadless area was not proposed for designation or study as protected wilderness, RARE II classified that area as "non-wilderness." A "non-wilderness" classification permitted the Forest Service to entertain development proposals concerning those areas. (*Id.* p. 762.) The Forest Service argued that the EIS for RARE II need contain only a generalized discussion of the environmental impact of a non-wilderness classification, since separate EIS's would be prepared on any specific projects proposed in those areas. (*Id.*)

The Ninth Circuit disagreed. The court noted that if the Forest Service classified a land area as non-wilderness, the Forest Service would not revisit this classification for ten to fifteen years, at which time a new forest plan would be prepared. (*Id.*, pp. 762-63.) During that time, the Forest Service would give no consideration as to whether the land

areas should be managed to preserve their wilderness characteristics. The court concluded that under NEPA, the Forest Service's "decisive allocative decision must therefore be carefully scrutinized now and not when specific development proposals are made." (*Id.*, p.763.)

Given the court's conclusion that the Forest Service needed to give careful scrutiny to its classification of land areas as non-wilderness, the court found the EIS' discussion of impacts insufficient. The court noted that the EIS did not contain information on habitat areas less than 50,000 acres in size, wildlife types and quantity, the presence of rare and endangered species, or any unique characteristics of an area. (*Id.*) Rather, the Forest Service had identified each roadless area only by location and acreage, basic landform and ecosystem types, the number of wilderness-associated species in the area, and a numerical rating of its wilderness attributes. (*Id.*, p. 763.) This level of review did not meet NEPA requirements.

2. The FEIS' Analysis of the Revised Plan's Provisions on Road Construction in Roadless Areas is Inadequate

Under the standard set forth in *California v. Block*, the Forest Service's analysis of its land designations is clearly inadequate. In *Block*, the Forest Service had generally classified areas as eligible for study for wilderness, or not eligible for such studies. Here, the Revised Plan has made much more specific designations of land within IRAs as being eligible for road construction or reconstruction. The Forest Service's land use designations adopted in the Revised Plans clearly delineate how the lands will be managed and the anticipated level of public use on those lands. (Angeles Management Plan, Part 2, p. 3; Cleveland Management Plan, Part 2, pp. 2, 5; Los Padres Management Plan, Part 2, pp. 2, 5; San Bernardino Management Plan, Part 2, pp. 2, 5.) And yet, the environmental information provided about the affected roadless areas in the FEIS is more cursory than in the RARE II environmental analysis discussed in *Block*.

In essence, the FEIS only attempts to present one piece of information on roadless areas allocated to designations that allow road construction and reconstruction: namely, the number of acres so allocated, regardless of the areas' location, terrain, national forest, habitat use, or other unique or relative characteristics. (FEIS, p. 66.) The FEIS provides its information on IRAs in tables in Appendix D and in a brief mention in the narrative. The Appendix D tables disclose the relative acreage of each roadless area assigned to a particular land use zone. (FEIS Appendices, Appendix D, pp. 154-173.)³ Appendix D also identifies over a hundred roadless or undeveloped areas by name, acreage, and ratings of "low, moderate, or high" for their wilderness "capability, availability, and

³ The Revised Plan indicates that IRAs constitute a "special overlay designation" that overlays the land designation zones. If there is a conflict between a special overlay designation and an underlying land designation zone, the more stringent requirements control. (Angeles Management Plan Part 2, p. 12, Cleveland Management Plan Part 2, p. 10, Los Padres Management Plan Part 2, p.11; San Bernardino Management Plan Part 2, p 12.) The Revised Plan further indicates that the IRAs have been modified to indicate various prescriptions, including "1c" which identifies lands within IRAs that are allocated to a prescription that permits road construction and reconstruction. The discussion of the effect and role of the various IRA classifications in the Revised Plans is not clear. It cannot be determined what land use restrictions if any are imposed by the IRA special overly designation, or the "1c" classifications. Therefore, it is difficult for the decision-maker, other public agencies, and the public to determine from the present FEIS how (or if) the new IRA classifications affect the underlying land use zones to permit or proscribe road construction and, therefore, determine the acreage of IRAs where roads will actually be permitted.

need.” (FEIS Appendices, pp. 150-153.) The focus of this analysis is on whether the areas would be recommended for wilderness designation or allocated to an alternate land use. (*Id.*, pp. 149, 174.) There is no analysis of the environmental impact of making areas of the IRAs eligible for road construction.

The FEIS' narrative discussion of the impacts of permitting road construction in roadless areas is equally limited. The FEIS' text is limited to explaining to the public and decision-maker that, at the time of the EIS preparation, no new roads could be constructed in roadless areas (with certain exceptions) and that the adoption of the plan will determine the disposition of these areas. (FEIS, p. 280.)

Finally, the FEIS also refers the reader to reports on a multi-forest-scale roads analysis process (“RAP”). The RAP report is limited to a discussion of opportunities and priorities for national forest road systems, and does not address the environmental effect of permitting new road construction in roadless areas. (FEIS, pp. 280-81.)

Block makes it clear that this analysis is inadequate under NEPA. As noted above, the RARE II EIS in *Block* identified each roadless area by location and acreage, basic landform and ecosystem types, the number of wilderness-associated species in the area, and a numerical rating of its wilderness attributes. The court found this information to be inadequate under NEPA. But the present FEIS does not even provide this information. Moreover, the *Block* court required information regarding habitat areas less than 50,000 acres in size, wildlife types and quantity, the presence of rare and endangered species, or any unique characteristics of an area. The FEIS does not provide this information.

The need for a fuller analysis of the impacts of the Forest Service's assignment of acreage within IRAs to land designations that allow road construction is evident. As indicated by *California v. Block*, it is not possible to conduct an adequate review of the environmental impacts of land management plan designations without having some specific information on the environmental characteristics affected by such designations. Roadless areas here are spread across four national forests that contain a wide range of terrain, habitat, and features.⁴ It is not enough to know only the number of acres affected by a land use designation.⁵

The FEIS need not contain the same detail of analysis as would be required for the approval of a specific road construction project in a particular area. However, since the Revised Plan (unless amended) dictates where road construction is appropriate in roadless areas, the FEIS must provide, at a minimum, the information required by the court in *California v. Block* for the RARE II EIS. This information is required to address both the direct impacts on particular areas and the indirect effects of permitting road construction that may lead to development of the area, thereby affecting its attributes and resources.

⁴ The FEIS generally acknowledges the impacts of road construction, but explains that they will vary depending on the type of habitat and landscape affected. (FEIS, pp. 111-13, Appendix D, p. 154.)

⁵ The forest-wide maps attached to each Revised Plan only indicate the general location of the various IRA land use prescriptions. This information, as well as summary information on each IRA not included or described in the FEIS (but to which the reader is referred), likewise does not suffice to disclose the impact of permitting road construction in the various IRAs.

3. The Forest Service Can Cure the Present Inadequacy of the Analysis Under NEPA by Modifying the Revised Plan to be Consistent with its Commitment to the State.

As noted above, the FEIS for the Revised Plan is deficient because it fails to provide the required level of analysis of the environmental impacts of allocating roadless areas to land use designations allowing road construction and reconstruction. The deficiency stems from the Forest Service's inappropriate allocation of areas within IRAs to designations allowing road construction and reconstruction. If the Forest Service revises the Revised Plan to reflect its letter commitment to the State to preserve the status quo of roadless areas on an interim basis, the Revised Plan will not presently give rise to these environmental impacts, thus deferring (and potentially mooting) the NEPA issues raised in this letter.⁶

VI. CONCLUSION

The Resources Agency appreciates the Forest Service's reaffirmation of its commitment in the Regional Forester's April 6, 2006, letter. (Attachment 4.) However, as this letter explains, the Forest Service must modify the Revised Plan in order to cure its inconsistency with the Forest Service's commitment to the State and with the policy and principles set forth in the NFMA and the 2005 Roadless Rule. Moreover, such a modification of the Revised Plan is necessary to cure the deficiencies in the FEIS. Specifically, the Land Management Plan should be revised to reflect that all acres of IRAs currently designated to Back Country, Back Country Motorized Use Restricted, and Developed Area Interface, or otherwise open to approval of road construction are subject to the Forest Service's commitment in its January 2005 and April 2006 letters.

Respectfully submitted,

Mike Chrisman, Secretary
CALIFORNIA RESOURCES AGENCY

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[ONE COPY]

⁶ As noted, the Resources Agency's appeal only addresses certain issues and it does not take a position on whether the requested changes would impact any other objections raised by any other appellant.

