

Heritage Forests Campaign

The Public vs. Powerful Corporate Special Interests

Summary of Public Comment on the Bush Administration's Plan to Change the Roadless Area Conservation Rule

In January 2001, the Clinton administration approved the Roadless Area Conservation Rule, a policy that protects 58.5 million acres of undeveloped national forest land from most commercial logging and road building. The rule is the product of more than 1.6 million public comments -- the most comments in federal rulemaking history -- 95 percent of which favored strong roadless protection.

On May 4, 2001, US Department of Agriculture Secretary Ann Veneman announced that the Bush administration would uphold the Roadless Area Conservation Rule, but would propose minor changes. On July 10, as part of this process, the USDA Forest Service issued an Advanced Notice of Proposed Rulemaking (ANPR), and conducted a 60-day comment period to solicit public input on ten "scoping" questions regarding roadless area protection. The comment period ended September 11, 2001. The responses were logged and analyzed for the Forest Service by a Content Analysis Team (CAT) based in Salt Lake City, UT. The Forest Service issued their final report on June 24, 2002, although it was dated, May 31, 2002.

This Heritage Forests Campaign Report is based on the organization's own analysis of the ANPR comments. In December 2001, a team from the Heritage Forests Campaign went to the Content Analysis Team's Salt Lake City offices to review the comments. The findings of this report represent a summary of the content of those comments and the constituencies that delivered them.

The Forest Service Report found that of the 726,440 responses submitted, 97 percent supported keeping the Roadless Area Conservation Rule as issued on January 12, 2001. The Forest Service did not do a state-by-state analysis of the comments. But, Heritage Forest Campaign's own analysis of the 687,000 comments it tracked shows that in all 50 states, an overwhelming majority, including the Intermountain West, support keeping the rule.

However, in its analysis, the Forest Service discounted comments that were not "original responses"—which they defined as "five or more letters consisting of identical text, submitted by different people." Based on this criterion, the Forest Service determined that only 52,432 were "original" and ignored more than 90 percent of the comments that were submitted. These are legitimate forms of expression and ones most used by citizens, many of who neither have the time or the opportunity to submit more detailed comments.

The overwhelming majority of public comments submitted in response to the Forest Service ANPR expressed strong support for the roadless rule approved in January 2001 and opposed making changes to the policy. Ordinary Americans and public interest organizations submitted the vast majority of the supportive public comments. By contrast, representatives of large corporations and conservative politicians submitted the few comments expressing opposition to the roadless rule. Such stark findings, taken in context of Bush administration actions over the past year to dismantle core national forest protections, reveal that the Bush administration is apparently more responsive to comments from political allies and corporate special interests than to the wishes of ordinary Americans and non-partisan public interest organizations.

SUPPORT FOR THE ROADLESS AREA CONSERVATION RULE

The Heritage Forests Campaign's analysis found that the overwhelming support for protecting roadless areas of the national forests was broad-based and geographically diverse. The supporting comments were in the form of detailed letters, hand-written letters, personalized and generic e-mails, and postcards. Some responded to all 10 questions; most were responses that expressed clear support for upholding the roadless rule as it was originally published. The comments were geographically balanced and came from all 50 states. Comments in support of the rule came largely from:

Citizens: The overwhelming majority of comments in support of the rule came from citizens from all 50 states, some of whom took the time to write handwritten letters or send a personal email. It should be noted that more than 2100 hand-written comments were received from Alaskans, home of the Tongass National Forest, where about 9 million acres of areas protected by the roadless rule are located.

Members of Congress and other elected officials: The rule received strong support from elected leaders. Forty-two Members of Congress and more than 220 state legislators and county officials were among the elected officials who submitted comments in support of the rule.

Environmental organizations: A virtual "who's who" of national, state and local environmental organizations and forest watch groups filed comments in support of the rule, including the Wilderness Society, the Sierra Club, Natural Resources Defense Council, Alaska Rainforest Coalition, Idaho Conservation League, Oregon Natural Resources Council, Washington Wilderness Coalition, Southern Utah Alliance, and Southern Rockies Forest Network.

Hunting and Fishing organizations: A number of hunting and fishing organizations, including the Izaak Walton League, Trout Unlimited, Wildlife Management Institute, submitted comments as the Forest Roads Working Group, which reinforced their interest in a national roadless policy. Other wildlife organizations and enthusiasts submitted independent comments in support of the rule as well.

Outdoor recreation industry and groups: The Outdoor Industry of America, representing outdoor retailers from across the country, joined the comments submitted by

the Forest Roads Working Group supporting a national roadless policy. In addition, the International Mountain Biking Association submitted comments opposing changes to the roadless rule.

Religious Leaders: Leaders from The Coalition on the Environment and Jewish Life, Eco-Justice Ministries, North American Coalition for Christianity and Ecology, the Hartford Seminary, Episcopalian Church, Good Samaritan Church, Methodist Church, Evangelical Church, Lutheran Church, Baptist Church submitted comments in support of maintaining the rule.

Academics and Scientists: Over 40 prominent scientists from around the nation expressed support of this protection policy. Among these are international scholars such as Stephen J. Gould, Professor of Zoology and Geology at Harvard University; Thomas E. Lovejoy, Chief Biodiversity Advisor and the World Bank and Counselor to the Smithsonian Institution; and Gary S. Hartshorn, Professor at Duke University and Executive Director of the Organization for Tropical Studies.

Major Arguments in Support of the Rule

The organizations and individuals, which submitted comments in support of the rule, cited a number of reasons why the rule should remain as it was issued on January 12, 2001. These include:

The Roadless Area Conservation Rule is the result of the most extensive public rulemaking in history and enjoys overwhelming support from the majority of Americans.

“The Roadless Area Conservation Rule was developed through the most extensive public involvement in the history of federal rulemaking or environmental review. The Forest Service held more than 600 public hearings throughout the country including at least one in every national forest. More than 1.6 million Americans’ submitted official comments, of which more than 95% supported the strongest possible protection for remaining roadless areas. “The states, tribes, local communities, and the general public had ample opportunity to review and comment on the proposal. The final Roadless Area Conservation Rule addressed many of the views expressed during the public comment period and incorporated many of the suggested changes.”

-- *Representative Maurice Hinchey, ANPR Comments, August 16, 2001*

“The procedures that led to the existing Rule included an exhaustive public participation process, over two dozen public hearings held across the state – many in rural communities near the proposed roadless areas – and over 60,000 comments from Washington State citizens. Reopening the Rule would be an unnecessary repetition of this process.”

-- Governor Gary Locke, *State of Washington, ANPR comments, September 7, 2001*

“The Forest Service conducted an unusually extensive public, participation process in California to solicit public input. The agency held 63 public meetings through the state. Support for the roadless area rule was and remains widespread and strong in California. Public opinion polling conducted in the state indicated that support was approximately 3 to 1 statewide. Approximately 140,000 public comments were submitted on the draft proposal from California; the overwhelming majority were in support.”

-- *State of California Department of Forestry and Fire Protection, ANPR Comments, September 5, 2001*

“The lengthy and inclusive public process which resulted in the rule would reassure decision-makers of the public support for the Roadless Area Conservation Rule. These forestlands, owned by all Americans, provide important amenities to the nation, ranging from timber to clean water to recreational opportunities. All of these values are important. The key is balance. The Roadless Area Conservation Rule allows continued logging on most Forest Service lands; it only protects 31% of these lands for other values.”

-- *Commissioner Maria Rojo de Steffey, Multnomah County Oregon, ANPR Comments, August 27, 2001*

Local forest planning has proven inadequate to protect roadless areas.

“The final rule struck a good balance . . . I am troubled, however, that the questions raised in the Advanced Notice of Proposed Rulemaking, will weaken this landmark rule. Allowing this policy to be selectively modified through the forest planning process will undermine protection of vital watersheds and wildlife habitat for future generations. The case-by-case approach the administration seems dedicated on imposing is not only contrary to the will of the vast majority who commented on this policy but is, in fact, a proven failure.”

-- *Representative James P. Moran, ANPR Comments, September 10, 2001*

“Local forest planning has proven inadequate by itself to protect roadless areas on a national scale. Some 2.8 million acres of inventoried roadless areas have been lost due to road construction and resource development, including logging and mining. Of the 58.5 million acres of inventoried roadless areas remaining nationwide, more than half (or 34.3 million acres) is currently open to road construction.

“For the International Mountain Biking Association, the Roadless Area Conservation Rule is a model of what is needed on our public lands: a new instrument in the kit of legal tools available to protect lands from development. The Roadless Area Conservation Rule provides new flexibility, while accomplishing the goal of preservation.”

-- *International Mountain Biking Association, ANPR comments, September 7, 2001*

“Allowing local forest planning to decide the fate of roadless areas to the local forest planning process has largely failed to protect these areas in Colorado. Under forest plans now in placed, new roads could be built on nearly 80 percent of the remaining roadless acreage here. And in fact, since the RARE II inventory in 1977, hundreds of thousands of acres of Colorado forests have become logged, roaded, or otherwise lost their roadless character.”

-- *Land and Water Fund of the Rockies, ANPR Comments, August 30, 2001*

“It is disingenuous for the Bush administration to suggest that local forest planning will adequately protect roadless areas. The administration is simultaneously revising the forest planning regulations to greatly weaken existing environmental safeguards and public participation opportunities. There is no reason to believe that roadless areas will be protected by future forest planning any better than they have in the past.”

-- *Northwest Ecosystem Alliance, ANPR Comments, September 10, 2001*

Scientific evidence supports the permanent designation of roadless areas as critical to protecting natural habitat, wildlife, and the ecosystem process.

“We write this letter to emphasize that the preponderance of scientific data and knowledge supports a strong Roadless Area Conservation Rule.

“Species are being lost at a rate 11,000 times faster than the natural rate of extinction. Much of the loss is caused by destruction of forest habitats, here and around the world. Tens of million of acres of American forests are being used for industrial forestry, which conserves some biological values, but compromises the natural habitat. As users of wood and paper products, we support the industrial use of our national forests, but only where representative areas of natural habitat have been set aside to assure the continued viability of native species and ecosystem processes. Permanent designation of the roadless areas as biodiversity reserves will be a major step in assuring representation of our protected system, which will in turn assure that the loss of species and ecosystem functions will be minimized.”

-- *Russell E. Train, Chairman Emeritus, World Wildlife Fund and nine scientists, ANPR Comments, September 6, 2001*

“Protection of roadless areas is the cornerstone of secure wildlife habitat for Montana’s ecologically and culturally important wildlife species such as elk, mule deer, mountain goat and bighorn sheep.

“In addition, these areas provide quality habitat for threatened species as the grizzly bear and lynx and helps avoid listing other species such as wolverine. Protection of these areas help assure long hunting seasons for sportsmen, and high quality water for native fish populations, including listed species such as bull trout. They provide a quiet, natural experience for those seeking quality hunting or wildlife viewing opportunities.”

-- *Montana Wildlife Federation, ANPR Comments, September 26, 2001*

In his letter calling for inclusion of a prohibition on logging and road construction in the final rule, Dr. David S. Lee, ornithologist and Curator of Birds at the North Carolina State Museum of Natural Scientists, confirms that forest interior birds are particularly sensitive to disturbances created by logging. In the southern forests, which are critical Neotropical migratory songbird breeding habitat and migration flyway, timber activities create edges which, particularly in eastern forests, facilitates cowbird parasitism of the nests of other birds.

“In my view, the current roadless areas are in many instances of marginal, practical economic value, and are of significant value in terms of hazard mitigation, watershed issues, climatic amelioration (particularly evapotranspiration and surface roughness in relation to precipitation), and the maintenance of minimal critical habitat. Through virtually any calculation, the long-term economic value of maintaining (and enlarging) roadless areas significantly exceeds the value of eliminating or reducing them.”

-- Jeffrey A. Gritzner, Chairman, Department of Geography, The University of Montana, ANPR Comments, September 7, 2001.

The \$8.4 billion roads maintenance backlog should be addressed before building new roads in national forest roadless areas.

“Deciding to save or develop these areas on a forest-by forest basis is the very strategy that resulted in nearly 30 years of conflict, 386,000 miles of roads and an \$8.5 billion road maintenance backlog in the first place. Adoption of such an approach sends the signal that the Forest Service is now an agency that wishes to turn back the clock to the days when it catered to a few well placed interests, rather than one moving forward to meet the challenges of today.”

-- Representative James P. Moran, ANPR Comments, September 10, 2001

“I am writing to support the Forest Service's Roadless Area Conservation Rule, as it now stands. The USFS already has more than enough roads – 386,000 miles of them; some of them are well used for logging and recreation, many are in need of repair (\$8.4 billion worth) and many of them should in fact be closed. As a legislator overseeing Montana's roads (I chair the interim committee on Revenue and Transportation), I have a good sense of the costs of keeping up roads. The USFS needs to allocate more for maintaining roads (20% is not enough) and closing roads, not building them.”

-- Representative Ron Erickson, Montana House of Representatives, ANPR Comments, September 3, 2001

“Prior to the Roadless Rule, the Forest Service's decision about whether to open up roadless areas to industrial logging and roading were made by individual national forests... These piecemeal decisions converted more than half of all national forest lands to roaded and developed status, leaving the agency to deal with more than 380,000 miles of roads. Even with some slackening of the pace, in the past two decades 2.8 million roadless areas have been developed in national forests.”

-- Natural Resources Defense Council, ANPR Comments, September 11, 2001

“In regards to roads, building new roads in pristine wilderness areas does not make good economic sense, especially since the Forest Service cannot afford to maintain the roads

now used for logging. The current maintenance backlog is already over \$8 billion dollars with the Department of Agriculture facing a 7 percent budget cut for fiscal year 2002.”

-- *Representative Loretta Sanchez, ANPR Comments, September 7, 2001*

"I understand that the Forest Service has an \$8.5 billion roads maintenance backlog. Building new roads into roadless areas would be fiscally irresponsible and a double burden on the taxpayers."

-- *Doug Herrington, REP America Ohio State Coordinator, ANPR comments, September 5, 2001*

“At the same time, national forests in Colorado have a multi-million dollar backlog in road maintenance. Where the agency cannot keep its current “assets” in good repair, it makes little sense to permit new road construction in the most remote areas, where road construction is the most expensive.”

-- *Land and Water Fund of the Rockies, ANPR Comments, August 30, 2001*

The rule represents a balanced approach allowing road construction for public safety, fire, and public health, thinning for forest health and to reduce the risk of fire.

“Unambiguous as the record is, the Forest Service went to great lengths to avoid responding with more than the minimum necessary measures, limiting and incorporating numerous exceptions and exclusions into the Roadless Rule. The final Rule reflects an extraordinary effort to accommodate development interests and non-conservation values; while allowing for exigent circumstances, and delegating decision-making authority to individual national forest officials whenever possible.

“The Roadless Area Conservation Rule already provides exceptions that allow road-building and logging when needed to address concerns of wildlife and forest health. Roads can be built to protect public health and safety from imminent wildfire threats and other emergencies. The rule also gives local forest managers discretion, on a site-specific basis, to thin small-diameter trees when need to restore ecological processes, provide habitat for endangered species, and avert catastrophic wildlife. The rule honors all previous contracts, allows roads if deemed necessary for national security reasons, fire suppression or prevention, and private inland holders access to their property among other things. “

-- *The Wilderness Society, ANPR Comments, September 10, 2001*

The rule does not limit public access to national forests.

“All 58.5 million acres of National forest lands covered by the policy are open to the public for recreational purposes, allowing millions of Americans each year to enjoy hiking, hunting, fishing, cross-country skiing, horseback riding, backpacking and other outdoor activities. No existing roads are closed and all trails remain open to the public. The policy also places no restrictions on the use of off-road vehicles on any National Forest lands.”

-- *Representative Loretta Sanchez, ANPR Comments, September 7, 2001*

Roadless areas should be protected as part of God's handiwork and as a legacy for future generations.

"Roadless areas are too important as sources of clean drinking water, quality recreation, and fish and wildlife habitat for the rule to be changed. We should protect these wild areas as magnificent examples of God's handiwork and as part of a stewardship obligation set forth in our faith traditions."

-- *Religious Campaign for Forest Conservation, ANPR comments, August 8, 2001*

"I believe it was Joyce Kilmer who said, 'only God can make a tree.' Even more so are the wondrous works of a Creator who has intricately woven a web of life that is represented in these extraordinary temperate forest ecosystems. We have so much more to learn about the resilience built into the natural ecosystems wrought by God. We cannot achieve this if we allow these last remaining areas to be incrementally degraded in piecemeal decisions."

-- *Montana Association of Churches, ANPR comments, August 30, 2001*

The Roadless Rule represents a fiscally responsible approach to managing the public's land and makes economic sense.

"I am a registered Republican and a lifelong Westerner, I own and manage a forest agriculture business on private land (in rural Colorado) that is nearly surrounded by the Roosevelt National Forest. I am writing to express my concern about opening our national forest roadless areas to road building and commercial logging. The roadless areas are America's last unprotected wild places. They belong to every citizen in this country and every effort should be made to protect them from exploitation."

-- *Maya B. Elrick, Albuquerque, New Mexico, ANPR Comments, August 18, 2001*

"Monroe County, Indiana is fortunate to be the home of a portion of the Hoosier National Forests. We value the National Forest as a precious resource, and are very proud that it is located on hundreds of miles of land. I am writing on behalf of the many citizens in Monroe County who support the Roadless Area Conservation Rule. We certainly value the amenities roadless areas provide our society. We truly agree that inventoried roadless areas possess social and ecological values and characteristics that are becoming scarce in our nation's increasingly developed landscape. What better legacy can we leave our grandchildren than these areas of undistributed forestlands?"

-- *Brian O'Neill, President, Monroe County Board of Commissioners, ANPR Comments, August 16, 2001*

"As conservative Republicans, members of the Oregon Chapter of REP America feel that this administration needs to discourage further growth in an already bloated federal bureaucracy that continues to lose money building and maintaining roads that are better left unbuilt. Our national forests contribute much more to our economy as recreational resources than as a source of timber revenues. They also represent a precious part of our national heritage, in every way as important as our battlefields and historic sites."

-- *Aubrey Russell, Chair, Oregon Chapter, REP America ANPR Comments, September 11, 2001*

“My constituents live far from national forests, but they have a great stake in protecting roadless areas. The people I represent appreciate the magnificent beauty of untouched wild places that belong to all Americans. Protected roadless areas provide abundant opportunities for hunting, fishing, wildlife viewing. Citizens in my community want America’s last wild forests protected for their children and grandchildren. They don’t want to pay taxes to subsidize road-building and commercial logging.”

-- *Martha Marks, Lake County Board Member, ANPR Comments, August 14, 2001*

There are great economic benefits to providing roadless area protection, In fact, the greatest economic value of roadless areas lies not in the commodity extractive industries, but in their recreational value. Recreation-generated revenue in the national forests is now thirty times that of logging revenue. According to a Forest Service RPA report from 1995, recreation on public lands is projected to generate an estimated \$110 billion annually and sustain some 330 jobs in the year 2000. By comparison, timber harvest is projected to yield only \$3.5 billions on national forest lands.”

-- *Southern Appalachian Forest Coalition, ANPR Comments, September 7, 2001*

Protecting roadless areas in the Tongass National Forest is especially critical.

“I am writing to express my support for the Forest Service's historic rule to protect 58.5 million acres of roadless areas in our national forests, especially Alaska’s Tongass Rainforest.”

-- *Representative Peter Deutsch, ANPR Comments, September 10, 2001*

“The Rule grandfathers in an enormous pipeline of mostly roads area sales in the Tongass National Forest, amounting to a seven year “transition” supply, despite the immediate availability of substantial timber in previously roaded portions of the Tongass.”

-- *Natural Resources Defense Council, ANPR Comments, September 11, 2001*

OPPOSITION TO THE RULE

Comments that opposed the roadless rule as it was originally issued represented only a fraction of the comments that were submitted. Again, the comments included detailed letters, personalized and generic emails, and postcards. Major criticism of the rule came from the following quarters:

Timber and Forest Products Industry: The American Forest and Paper Association (AF&PA) and the American Forest Resources Council (AFRC), the major trade associations for the timber industry filed comments sharply criticizing the rule. Their comments were mirrored by those submitted by timber associations and individual companies. The timber industry, including AF&PA and Boise Cascade Corporation, has lawsuits pending in federal court over the rule.

Mining Industry: The National Mining Association, the trade association for the mining industry, filed comments in strong opposition to the rule. State and local mining associations had similar comments.

Off-Road Vehicles Advocates: The industry-backed Blue Ribbon Coalition and other users of off-road vehicles filed comments opposing the rule. The majority of the citizen comments opposing the rule also cited off road vehicles as their primary concern with the rule.

Helicopter Industry Association: In its comments, the trade association for the helicopter industry expressed thanks that the USFS was now taking “a more balanced approach” to forest management in roadless areas and warned that denying local forest managers authority to make the decisions would have an adverse impact on the industry.

Western Governors and Other Intermountain Western Elected Officials: A number of conservative Western governors and 51 local elected officials from the intermountain states commented in opposition to the rule.

Major Arguments in Opposition to the Rule

The comments filed by organizations and individuals opposing the rule cited a number of arguments to support their position. These included:

The Forest Service lacks the authority to create the Roadless Area Conservation Rule.

“The January rules violates the National Forest Management Act (NFMA), the Multiple-Use Sustained Yield Act (MUSYA), the Acts of Congress designating Wilderness areas in a State by releasing remaining roadless areas for multiple uses prescribed in forest plans (Statewide Wilderness Acts), and other laws as we allege in the lawsuit brought by AF&PA and 16 other plaintiffs . . .”

-- *American Forest & Paper Association ANPR Comments, September 6, 2001*

The Roadless Area Conservation Rule is legally flawed and violates the National Environmental Protection Act.

“American Forest Resource Council applauds your efforts to correct the Roadless Rule that was illegally adopted in the last days of the Clinton administration. The current rule is not only legally flawed but also betrays the public’s trust that decisions made concerning our federally owned lands would be made with the best interest of the land and its inhabitants in mind.”

-- *American Forest Resource Council, ANPR Comments, September 7, 2001*

“The Intermountain Forest Service Rocky Mountain Division supports the Forest Service’s efforts to fix the fatal flaws in the Roadless Area Conservation Rule... This rule is the product of a deeply flawed NEPA process, which was conducted without adequate or accurate information about the affected areas, and is contrary to the agency’s legal authority. The process also ignored substantive concerns raised by the public and by local, State, and Federal elected officials.”

--*Intermountain Forest Association, ANPR Comments, September 10, 2001*

“The rulemaking process resulting in the January 12 rule was a rushed process with a predetermined outcome. Decisions were made based on inadequate or incomplete information, and pertinent data was ignored. As mentioned above, binding NEPA regulations require that there “shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action...”

“In the rulemaking process resulting in the January 12 Rule the Forest Service completely failed to provide the public with adequate information on the details of the roadless area initiative to allow informed public comment on the scope of issues to be addressed or on the significance of issues related to the proposed action. How could the public possibly provide comments when the areas to be impacted by the proposed rule were not identified, and no information was provided on the location and size of the roadless areas to be studied or on environmental issues or alternatives? The environmental, social, and economic implications of the roadless rulemaking could not be properly analyzed in any environmental impact documents without this information.”

-- *Northwest Mining Association, ANPR Comments, September 7, 2001*

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

-- *Office of the Governor, State of Utah, ANPR Comments, July 17, 2001*

“As Public Lands Director of the BlueRibbon Coalition, I support our efforts to fix the deeply flawed Roadless Area Conservation Rule. This top-down policy was foisted on the American public without accurate information about the specific roadless areas “targeted” for “protection”. It ignored significant concerns raised by elected officials and the public.”

-- *BlueRibbon Coalition, ANPR comments, September 10, 2001*

“This is not a vote. Don’t pretend to make it a vote. You are asking for substantive comments to help with decision-making. If a group sends you 10,000 cards with the same comment, it counts as only one substantive comment. If you want a vote, get it on the ballot in every state. The only vote that counted took place in Florida last November.”

-- *Potlatch Corporation, ANPR Comments, September 5, 2001*

Roadless protection should be provided through the forest planning process because there is no “one size fits all” solution.

“All decisions regarding the status of national forest lands including inventoried and uninventoried roadless areas should be made at the local forest level during the legally mandated forest planning process.”

-- *Boise Cascade Corporation, ANPR Comments, September 6, 2001*

“Forest management decisions must be made at the local forest planning level, since the most up-to-date and accurate information and data regarding forest uses and conditions is only available at the forest level. The NFMA mandated forestland and resource management planning process should be the primary tool for evaluating and establishing management direction for the inventoried roadless areas.”

-- *American Forest and Paper Association, ANPR Comments, September 6, 2001*

“Northwest Mining Association has maintained from the outset, beginning with the proposed Interim Rule published on January 28, 1998, that a national one-size-fits-all rule to manage roadless areas within the National Forest System was unnecessary and a wrong-headed approach to conservation roadless values as may be appropriate. We maintain that the best approach to managing roadless values is to use the Forest Planning Process and make those decisions on a site-specific basis under the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA).”

-- *Northwest Mining Association, ANPR Comments, September 7, 2001*

“Kennecott reiterates its support for individual forest- plan decisions for management of roadless areas. Decisions for roadless areas should be considered on a case-by-case basis at the project level where roads are allowed by the current forest management plans . . . National policy directed out of Washington, DC should not take away the discretion of building roads from a local Forest Supervisor.”

-- *Kennecott Minerals, ANPR comments, September 10, 2001*

“With regard to national forests for which a forest plan has recently been completed, and national forests for which a forest plan is currently being prepared, the forest planning process is the appropriate venue for consideration of issues related to roadless areas.”

-- *Western Governors’ Association, Policy Resolution 99-030 (sponsors Hull, Geringer, Janklow, and Kempthorne) Submitted as part of ANRPR comments, September 10, 2001*

“We are still mystified why the Department needs a new rule at all. The National Forest Management Act (NMFA), an existing law, clearly provides for public input to forest plans on a forest-by-forest basis. NFMA provides for a public involvement process (local, regional, and national) whereby anyone interested in the management of a particular forest can comment on, and be directly involved in, the management of those lands.”

-- *Clark County Idaho Board of County Commissioners, ANPR Comments, September 4, 2001*

The presence or absence of a road does not create a special place.

“First and foremost, American Forest and Paper Association does not believe that the presence or absence of a road creates a ‘special place’ on the national forests.”

-- *American Forest and Paper Association, ANPR comments, September 6, 2001*

“Forest management decisions must be made at the local national forest level based upon accurate information and data regarding current and future uses, forest health conditions, water quality, fish and wildlife habitat management and other site-specific information. The presence or absence of a road or a certain class of road should not be the sole factor in determining any land allocation decision. . .”

-- *Boise Cascade Corporation ANPR comments, September 6, 2001*

The Roadless Rule violates the 1872 Mining Law and mining should be exempted from any new national roadless rule.

“The Forest Service has only limited regulatory authority over mineral resources governed by the 1872 Mining Law, as amended. This limited authority simply does not permit designation of roadless areas in a manner than unreasonably interferes with exploration for and development of minerals.”

-- *National Mining Association, ANPR comments, September 20, 2001*

“Please know that the Companies were actively involved in the rulemaking activities leading to the Roadless Rule. It is from that perspective, in particular, that the companies urgently recommend that the Forest Service rescind the Roadless Rule and complete a new rulemaking. At a minimum the Forest Service should exempt mining on National Forest lands in any new iteration of a nationwide Roadless Rule.

“The Companies submit that they and the U.S. mining industry, in general, will be significantly impaired in their ability to exercise legal rights to explore and develop valuable coal and local le hard rock mineral deposits on National Forest lands if the Forest Service maintains the Roadless rule. Thus the Companies support a new rulemaking to address the flaws and unlawful aspects of the Roadless Rule.”

-- *Arch Coal, Inc., Anglo Gold North America, Inc. Pacificorp, Stillwater Mining Company ANPR Comments, September 10, 2001*

The roadless rule should not deny state and private landowners access rights.

“All non-federal entities should have complete and unencumbered access to their lands. Greater effort needs to be made by the Forest Service to ensure that legal access to all private and other public lands is maintained.”

-- *Governor Judy Martz, State of Montana, ANPR Comments, September 10, 2001*

“The U.S. Constitution contains in its 5th Amendment a 'takings' clause that probably already addresses this issue... The net effect of not allowing citizens to access their own property is just the same as stealing the deed for said property from them in the middle of the night. Without allowing roads, compensation is the only justifiable alternative.”

-- *National Lumber and Building Material Dealers Association, ANPR comments, August 21, 2001*

The roadless rule has a negative effect on local industry and economies.

“Economic viability and profit should not be treated as bad things. Proper forest management can and should make money. Down-playing the potential for the taxpayer to realize tens of million of dollars in revenue does not make sense. For example, a conservative estimate suggests the Forest Service in Montana could be generating revenues in excess of costs on the order of over \$100 million dollars annually while still meeting all environmental requirements and commitments.

“Small, independent mills and wood product companies depend heavily on National Forest lands for their raw minerals. Because of the competition these companies provide,

they play a critical role in the stability of lumber and wood product prices. Without this competition the market is at the mercy of giant timber companies with private timber holdings and Canadian imports. Most of the independent manufacturers will not survive the roadless rule as it is written. Without them, the concept of affordable housing in the United States will be severely jeopardized.

“Harm to local economies is demonstrated in a statistical analysis prepared by the Office of Management and Budget (OMB). According to OMB, implementation of the final Rule will cost local communities 480 jobs directly related to timber operations and \$11.7 million in direct timber-related income (\$21 million total income). State governments will lose up to \$1.4 million per year in receipts from timber sales.”

-- *Helicopter Association, ANPR Comments, September 10, 2001*

“The North Dakota Petroleum Council, was, and still is, opposed to the Roadless Initiative and urges the Forest Service to repeal this rule or exempt oil and gas from the Roadless Initiative. The rule will have a devastating impact on the oil and gas industry in North Dakota and drastically impacts the economy and well-being of the state as a whole.”

-- *North Dakota Petroleum Council, ANPR comments, September 6, 2001*

“It would be inefficient, and may not be in the public interest, for the Forest Service to proceed with any rulemaking proposal that tinkers with the margins of the January 2001 roadless area rules “Forest management decisions must be made at the local national forest level based upon accurate information and data regarding current and future uses, forest health conditions, water quality, fish and wildlife habitat management and other site-specific information. The presence or absence of a road or a certain class of road should not be the sole factor in determining any land allocation decision. ”

-- *Boise Cascade Corporation, ANPR Comments, September 6, 2001*

“Roadless Areas should be evaluated for wilderness designation. Where that designation is not warranted, the lands should be open up for multiple use, including road construction. We are unclear what protections are being offered for designated roadless areas, and if they are needed.”

--*Office of the Governor, State of Montana ANPR Comments, September 10, 2001*

Conclusion

This report exemplifies the overwhelming public support from environmentalists, scientists, recreation and wildlife organizations and enthusiasts, religious leaders, and ordinary citizens for protecting our last undeveloped national forests through the Roadless Area Conservation Rule. In stark contrast, timber, mining, and other extraction interests and their allies strongly favor the rule’s undoing. The future of the rule will depend on which side the Bush administration decides to support.