

US Department of Agriculture
PRESS CONFERENCE ON ROADLESS AREA CONSERVATION RULE
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REMARKS AS DELIVERED BY SECRETARY VENEMAN

Good Afternoon everyone. Big Crowd today. I'm very pleased to be here today with our new Chief of the Forest Service, Dale Bosworth. It's the first time we've made an appearance together, and it's nice to be able to officially in front of all of you welcome him to the new position at the department.

We're here today to announce the department's decision to uphold the Roadless Area Conservation Rule. Through this action, we are reaffirming the Department of Agriculture's commitment to the important challenge of protecting roadless values.

Providing roadless protection for our national forests is the right thing to do. And because it's the right thing to do, it's important to do it right, for the land, for people, for communities, for states, and for the country as a whole.

During the last 2 months the department has been reviewing this rule. We've listened to the concerns of states, tribes, local communities, interested parties, and the courts. We agree that we need a common sense approach to roadless protection. One that addresses legitimate concerns in a fair and reasonable way. As you know, we are filing a status report later today in the federal district court in Idaho where one of several legal challenges against the roadless rule is being heard. Our proposed approach will maintain the protections of the current roadless rule while addressing the reasonable concerns about the rule. The rule will go into effect as scheduled on May 12.

In June, we will propose amendments to the rule consistent with the following principles:

First, informed decision making to ensure the rule is implemented with more reliable information and accurate mapping. This includes drawing on local expertise and experience through the local forest planning process

We will work with states, tribes, local communities and the public through a process that is fair, open and responsive to local input and information.

We will protect forests to ensure that the potential negative effects of severe wildfire, insect and disease activity are addressed.

Additionally, it is important that we protect communities, homes, and property from the risk of severe wildfire and other risks that might exist on adjacent federal lands.

There has been a great interest in the issue of conserving roadless areas. Likewise, there are concerns about how we do it. The approach we are announcing today balances these needs.

It upholds the rule while ensuring a responsible and reasonable approach to implementation.

I want to thank you all for being here. The Chief and I will be happy to answer some of your questions. And for background purposes, our staff will be available following this briefing to answer some of the more detailed questions that you may have. Thank you.

Mr. Doyle.

QUESTION. Could you flush out the timeline for the modifications that you will be making to the rule?

Veneman: Well the process that will be used will be an amendment to the current rule, and that will be the whole notice and comments and proposed rulemaking. We anticipate that we will have those amendments ready to propose in June. Then it depends upon the amount of time that you allow for public comment. Usually that's at least 60 to 90 days. Following that, it depends upon how many comments you get in, in response to the new proposal. And depending upon how many comments you get in depends upon how long you then review the rule before you would then put something in final form. So as with any normal rule making process it is hard to anticipate the exact timeline. I can tell you we are shooting for June to have a proposal out for public comment.

QUESTION. Madame Secretary, with all the problems with this rule, why not propose a brand new one and will you now defend in federal court the merits of this rule against the lawsuit by of the State of Idaho, Boise Cascade and others?

Veneman: Well, what's happening with the papers we've filed today, the U.S. government is opposing the issuance of the preliminary injunction, and with the specific statements that we're going to go forward with the amendments to the rule to hopefully correct what the court has pointed out may be deficiencies in the current rule. The court order issued an order on April 5, which laid out several concerns with the rule as it currently stands.

QUESTION. (Inaudible)

Veneman: It's not just the Administration, these are concerns--we've had a tremendous amount of input on this rule since we came into office in January and that is and I think there have been a lot of concerns addressed on both sides since this rule started to be addressed. But communities, states, tribes, individuals, tremendous amount of mail that's come in on this, requests for meetings, meetings with people so there is a lot of interest in this on both sides and what we're trying to do is create an approach that is very balanced, and takes into account all the concerns and comes up with a common sense way to implement a roadless policy that makes sense for the future.

QUESTION. Can you lay out a bit what that rule might look like? Given what the deficiencies that you think exist in this rule, what types of things would be different under the rule that you would issue after the amendments in June?

Veneman: Well what I tried to lay out today were the principles, which I think you also have contained in the press release. I can't tell you what-it's a little early at this point to say beyond the principles that we've laid out what the rule would contain. But it would contain an opportunity for more local input in the specific areas that are being considered. The forest planning process would be one of the processes that would be looked at in terms of getting expertise and experience as we look at the mapping processes and so forth there is a lot of concern about the maps that have been proposed and how accurate they are.

QUESTION. I guess I'm especially interested in the Alaska litigation, but as a general matter. Do you anticipate using these proposals here as a basis for trying to settle the outstanding legislation that's out there, Alaska, Idaho, and other places?

Veneman: I wouldn't say that this is going to be a basis for settlement, this is to address the roadless rule particularly. In Alaska as you know better than I, if you've been covering Alaska public radio, there are a number of lawsuits that are pending. There is a lawsuit pending on the forest plan that was--that planning process was initiated a few years ago. That's in litigation. There's also separate litigation that's been put forward by the state of Alaska with regard specifically to this roadless rule. So I can't tell you at this point where all those actions are going to go from here. The lawyers obviously are very involved in this whole process. But again, hopefully what we're proposing today will help to create the kind of input that will help this issue get resolved overall. The Alaska thing I think is much bigger than the roadless issue though.

QUESTION. You say that you want to turn some of this back to the actual forest planning process. But those regulations are under review as well. What will that mean for the roadless protection?

Veneman: Well, first of all it's important to note that what we're proposing today is that the—the rule will go into effect. And then through the local processes there will be the opportunity to look at the actual rule as it goes forward with regard to specific forests. Now, I might have the Chief comment on this a little bit because he's been obviously out running forests, he's been dealing with this on the ground. So I'll ask Chief Bosworth to comment just a little further on this.

Bosworth: We are going to be looking at the planning rule and seeing whether we need to make some changes in the planning rule. And whenever we come out with some adjustments to the planning rule, then we'll be implementing those. So I don't really see that there's a direct connection between the planning rule and the roadless rule.

QUESTION. But the planning rules ultimately will be used to guide the roadless policies on the individual forests?

Bosworth: That is correct.

QUESTION. But those are in limbo too. But there's no connection?

Bosworth: Well, once we complete any kind of change in the planning rule, then whatever that process is, would be the process that MAY be used to make adjustments in the roadless rule.

QUESTION. (Inaudible)

Veneman: Are you familiar with...I'm not familiar with the Sante Fe issue.

Bosworth: In a general sense, what we're going to be trying to do is get better information locally, and find mapping errors that there may be and make adjustments. But in the end, what we're trying to do is preserve roadless values. And that's going to be the objective. So there may be some local information that is going to help, but local input and local data doesn't drive everything. There is still a national constituency and a national interest.

QUESTION. In the end, because of what you're doing today, will there be more logging and more energy extraction from the forests than there would have been if the Clinton policy remained as it was drafted?

Bosworth: You know, I think it'd be too early to say whether there'd be more. But I think it's really important to remember that there was very very little logging that was proposed even prior to the roadless rule in these roadless areas. Like 2/10 of one percent or something like that was all that was proposed over the next five years. So it's just too soon to say whether there'd be any kind of adjustments at all, but I can't imagine a significant change because we weren't planning on doing that even two or three years ago.

QUESTION. The state of Idaho contended and the Judge provisionally agreed that the public comment period was insufficient, that there were violations of 3 federal laws in the way that this was formulated. If you're going to have to amend this, how much longer will it take until you actually promulgate a final rule even assuming that the state of Idaho and the other parties find that sufficient or go along with that—don't challenge it further in court

Veneman: I'm not sure what the state of Idaho is going to do in terms of challenging the current decision today or the subsequent decisions; you'd have to ask them that. But again, what we will plan to do is try have a proposed amendment to the rule, which is again a proposed rule process by June. And depending upon what the comment period is, which usually somewhere between 60 to 90 days in normal rulemaking. Then it depends upon how many comments we get in on the rule in terms of how much time it takes to analyze it. But the important thing about the decision today is that the current roadless rule remains in effect until that process is complete, assuming we're not otherwise prohibited from going forward.

QUESTION. Can you summarize for me in a nutshell how this plan will look different under Bush than it did under Clinton? I know you've discussed this, but just in a nutshell can you summarize for me?

Veneman: Well, again I would refer you back to the principles that I laid out in terms of local input, more accurate information, more accurate mapping. I mean it's difficult at this point to tell you how different it will look. It will have a more locally based look at each aspect of the effect of this rule. So that each forest will be looked at individually, so that the mapping will be looked at for accuracy, so that you will look at what makes sense in terms of the local input, the wildfire threat, the disease threat, the access for people who are inholders, all of those issues need to be considered. And it's difficult at this point to tell how much different it would look. I don't think it's going to be substantial, but certainly there would be the opportunity for this additional local input. Mike Doyle?

QUESTION. The local input will come following your proposed amendments in June, is that correct?

Veneman: Well, the proposed amendments in June will be amendments that would look at a process to go forward. And part of that process would be to include local input as you look at these roadless areas.

QUESTION. And if I could follow up. Then at that point, when the rule is still at its proposed stage, the local input would come in that will refine your final proposal?

Veneman: Well, the input that will come in during the proposed rule stage, in other words where the amendments are, what is proposed in June, obviously that's the federal register notice and public comment process. And so, that is certainly open to input from anyone on any part of the roadless rule itself. But what we would anticipate would be that the amendments to the rule would lay out a process for local input on local decisions on local areas.

QUESTION. Some environmental groups today are arguing that to allow the kind of local input that you're talking about would in effect undermine the whole point of the rule, that it would return the whole forest planning process back to a situation where there is no National policy and everything is done on a case by case basis. And that the rule would be totally undermined, and that what you're doing is undermining the rule without appearing to undermine it. Could you respond to that please?

Veneman: Well I think that one of the important things that must be remembered today, is if you look at the decision of the federal court in Idaho, that was made on April 5, it would indicate that if we don't do something to amend this rule, that the court may throw it out in its entirety. What we're trying to do is define some balanced way. to look at this and provide the kind of local input, and addressing the local needs of the specific forests. And so, I think that it's important to look at what may happen if we don't make some kind of adjustments, that the rule may be lost entirely.

QUESTION. Could you tell us something about the decision making that went into this, and White House involvement, Agriculture Dept, Justice Department. Who all took part, who made the final decision. And also, under best case scenario, how long do you think this new process will take, and do you see it all coming together at one time, or staggered with individual forests having different time tables?

Veneman: As to the decision making process, there have been a group of people that have been looking at options w/regard to the roadless rule over the course of the time we've been here. That's included interagency processes, it's included obviously the Justice Department because we're in litigation now on 6 lawsuits, the State of Idaho lawsuit is not the only litigation that has been filed against the roadless rule. There's been 5 other lawsuits as well. So obviously it's been Justice, it's been people from USDA. They've had some of the policy people, yes, from the WH that they've consulted with as well. And ultimately they came up with recommendations and options, which they brought to me for decision.

Oh, as to your timing issue. Could you just repeat the second part of your question? Oh, the best timing in terms of the...

Well, what we're talking about, it's difficult to say how long a rulemaking will take place. It's certainly not unusual for a rulemaking to go on for a year. But I can't give you a time certain on a rulemaking. If you looked at rulemaking at all, they're all over the place; there's rules that took 10 years to get out of departments. But I'm not saying it's going to take 10 years to finish this rule. We'd hope to move it as quickly as we can. But the rule as I said would hopefully put into place a process by which you could incorporate then local input as you look at individual forests. And so I don't see this on a forest by forest basis in terms of the rule, but ultimately the rule would hopefully then provide you the ability to look at it on a more localized forest by forest basis. Do you want to comment on that?

Bosworth: That localized forest by forest basis may take several years, depending upon the revision schedule that each forest has to revise their forest plan. I believe that the schedule that we have currently in place calls for it's like 11 years from now by the time the last forest plan will be revised. Now those may be adjusted, we may have some adjustments in our schedule. But as individual forests revise their plans or do some amendments, it takes several years. So it's not something that is going to all happen all at one time.

QUESTION. Just to follow up on that, so will a forest be under the roadless protection until its plan comes up? And also if you could say what will happen with the lawsuit in Idaho now, what plays out with the lawsuit? Have they agreed to settle?

Veneman: This is not a settlement to the lawsuit. I mean I don't know where this litigation or any of the other 5 cases goes. Again what we've tried to propose is a process by which we believe this could go forward, obtain some of the local input, take into account many of the issues that have been addressed. And I really don't know where the

lawsuits will go, as I said there are several of them pending. But I'll ask the chief to just comment how this will play out from a local perspective.

Bosworth: Would you say that last part of the question again?

QUESTION. You were saying that the most distant forest plan was say 11 years down the road. Does say that forest that is 11 years down the road, does that remain under the roadless plan, under the roadless rules for 11 years until it's forest plan comes up?

Bosworth: Well again, a lot of this is going depend upon this procedural amendment that we're coming up with. But I can sort of envision I guess that there be a possibility of using the forest plans, the revisionary amendment process, to make changes to incorporate local decisions making. That would be one of the possibilities. If that's the if that is the case, then the existing roadless rule would be in place until those changes are made. Well in fact they would be in place after those changes are made, but there may be adjustments based upon that.

QUESTION. Forest planning has been in effect now for over 20years, and thus far it has not been able to resolve this roadless issue. Why do you feel like the planning process will help resolve it now?

Bosworth: I've been with the Forest Service for 35 years, and we've been struggling with roadless issues during that whole period of time. And I'm not naive enough to say, "Yeah but now we have the magic bullet that's going to solve all the problems." We have the roadless rule that's in place, it will be in place and implemented on the 12th. We're looking for some ways to make sure that we can implement that satisfactorily and I think this is as good of a hope as I've seen of being able to carry through with that and provide the roadless protections that we should be providing. But I certainly don't want to imply that I think that we've found the magic answer yet.

QUESTION. Under the new process that will allow local input, where will the final authority to change the individual forest plan rest. Will it be with you? Who will make that final decision?

Bosworth: Under our previous planning regulations, regional foresters made the decision on forest plans. And under the new planning regulations that came out that we're going to take a hard look at, that allowed forest supervisors to make those decisions on forest plans. So that depending upon what we come out with as we relook at the plans. But they'll be made by either a regional forester which would be like a regional director from most agencies standpoint, the decisions were made at that level.

QUESTION. Chief Bosworth, could I just follow up on that, in the past you spoke out in favor of the Clinton....You talked about the importance of...Your predecessor, Chief Dombeck, was a strong advocate of these Clinton rules. Are you really comfortable with this decision?

Bosworth: Yeah I am comfortable with this decision. Again what I'm really ticked about on it is that we're going to be implementing the roadless rule. I have felt that,

being concerned there may be, again I know that there is errors in mapping. You know, when you look across the whole country and try to do a map of all roadless areas in a very short period of time and covering as many acres as what we covered, you know that there is going to be some errors here and there. And you know that there's some conditions on the ground that really weren't considered. And I think that the implementation of this rule needs to find some way then to look at that info locally and look at better maps and find out whether or not there's some adjustments that need to be made, So I think it's a real good approach. Yeah, I am supportive of it.

END.