

[Federal Register: October 19, 1999 (Volume 64, Number 201)]

[Notices]

[Page 56306-56307]

From the Federal Register Online via GPO Access [wais.access.gpo.gov]

[DOCID:fr19oc99-27]

DEPARTMENT OF AGRICULTURE

Forest Service

National Forest System Roadless Areas

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service is initiating a public rulemaking process to propose the protection of remaining roadless areas within the National Forest System. This proposed rulemaking responds to strong public sentiment for protecting roadless areas and the clean water, biological diversity, wildlife habitat, forest health, dispersed recreational opportunities and other public benefits they provide.

The proposed rulemaking also responds to budgetary concerns expressed about the national forest road system. Building roads into roadless areas is expensive, and the public has questioned the logic of building new roads into roadless areas when the Forest Service receives insufficient funding to maintain its existing road system. Indeed, the Forest Service has a growing \$8.4 billion maintenance and reconstruction backlog and receives only 20 percent of the annual funding it needs to maintain its existing 380,000 mile road system to environmental and safety standards.

To assist in determining the scope and content of a proposed rule, the agency will prepare an environmental impact statement to analyze: (1) The effects of eliminating road construction activities in the remaining unroaded portions of inventoried roadless areas on the National Forest System; and (2) the effects of establishing criteria and procedures to ensure that the social and ecological values, that make both inventoried roadless areas and other uninventoried roadless lands important, are considered and protected through the forest planning process. Public comment is invited on the scope of the analysis that should be conducted, on the identification of alternatives to the proposal, and on whether the rulemaking should apply to the Tongass National Forest.

DATES: Comments should be received in writing by December 20, 1999.

ADDRESSES: Send written comments to the USDA Forest Service-CAET, Attention: Roadless Areas NOI, P.O. Box 221090, Salt Lake City, Utah 84122 or by e-mail to roadlessareasnoi/wo_caet@www.fs.fed.us.

Comments received in response to this solicitation, including names and addresses when provided, will be considered part of the public record on this proposed action and will be available for public inspection and copying.

FOR FURTHER INFORMATION CONTACT: Project Team Leader, Scott Conroy, Attention: Roadless Areas NOI, USDA Forest Service, P.O. Box 96090, Washington, DC 20090-6090, (703) 605-5299.

SUPPLEMENTARY INFORMATION:

Background

Although they make up only a small percentage of the nation's total land-base, roadless areas are critically important for the long-term ecological sustainability of the nation's forests. Roadless areas serve as reference areas for research, as a barrier against invasive plant and animal species that harm native species, and as aquatic strongholds for fish of great recreational, subsistence, and commercial value. Roadless areas often provide vital habitat and migration routes for numerous wildlife species and are particularly important for those requiring large home ranges, such as the grizzly bear and wolf. Many roadless areas also act as ecological anchors, allowing nearby federal, state, and private lands to be developed for economic purposes.

The public has rightfully questioned whether the Forest Service should build new roads into roadless areas when it lacks the resources needed to maintain its existing road system. The current national forest road system includes 380,000 miles of road, enough road to circle the globe more than 15 times. But the agency currently has a road reconstruction and maintenance backlog of approximately \$8.4 billion.

In addition to the monetary costs, the environmental costs of road construction in roadless areas remain visible and potentially damaging for decades. Road construction increases the risk of erosion, landslides, and slope failure, endangering the health of entire watersheds that provide drinking water to millions of Americans and critical habitat for fish and wildlife. Growing scientific information demonstrates that road construction and other development in these sensitive areas can allow entry of invasive plants and animals that threaten the health of native species, increase human-caused fire, disrupt habitat connectivity, and otherwise compromise the attributes that make roadless areas socially valuable and ecologically important.

On January 28, 1998, the agency proposed revising the National Forest Transportation System regulations. Specifically, the purpose was to consider changes in how the road system is developed, used, maintained, and funded (63 FR 4350-4351). On the same day, the agency

proposed a rule to suspend temporarily road construction and reconstruction in certain unroaded areas (63 FR 4352-4354). In response to the January 28, 1998, Federal Register notices, the agency received over 80,000 public comments. The agency published a final rule, referred to as the ``interim rule'', that temporarily suspended road construction and reconstruction in unroaded areas on February 12, 1999 (64 FR 7290-7305).

In commenting on the National Forest System Transportation System rule and the proposed temporary suspension rule, members of the public expressed serious concerns that are relevant to this proposal (64 FR 7290). Among those key concerns are beliefs that:

- The temporary suspension of road construction/reconstruction should be made permanent.
- Continued entry into roadless areas will decrease the amount of wildlife habitat available by increasing fragmentation.
- The temporary suspension does not go far enough to protect all roadless lands across the National Forest System.
- The temporary suspension should not have included exemptions such as the Tongass National Forest and those areas covered by the President's Forest Plan.
- Economic and social effects will result from reductions in commercial timber harvest and other commodity production.
- Temporary suspension of road construction and reconstruction essentially expands the wilderness system.
- Denying access to roadless areas violates the Alaska National Interest Land Conservation Act.

The interim rule provided a ``time out'' for the agency to develop a long-term road management strategy and to consider more fully public concerns about roadless areas and road management. As a consequence, the

[[Page 56307]]

Forest Service is taking the following actions.

First, in the next several weeks, the agency will publish proposed changes to the National Forest System Transportation System rules at 36 CFR Part 212 and to Forest Service Manual direction. This proposed rule is designed primarily to better manage the existing national forest road system. It would also establish new procedural requirements to help managers make more informed decisions concerning entry into roadless areas. A draft environmental assessment will accompany the proposed rule.

Second, the agency is beginning a two part process, outlined in this Notice of Intent, to initiate a public rulemaking process that proposes protection of remaining National Forest System roadless areas.

Proposal

The Forest Service proposes to promulgate a rule that would initiate a two part process to protect roadless areas. If adopted, part one would immediately restrict certain activities, such as road

construction, in unroaded portions of inventoried roadless areas, as previously identified in RARE II and existing forest plan inventories.

Possible alternatives to be considered in the draft environmental impact statement for part one may include:

- Prohibiting new road construction and reconstruction projects in the remaining unroaded portions of inventoried roadless areas;
- Prohibiting new road construction and reconstruction projects and commercial timber harvest in the remaining unroaded portions of inventoried roadless areas;
- Prohibiting the implementation of all activities, subject to valid existing rights, that do not contribute to maintaining or enhancing the ecological values of roadless areas in remaining unroaded portions of inventoried roadless areas; and
- Making no change in current policy (No action alternative).

Part two would establish national direction for managing inventoried roadless areas, and for determining whether and to what extent similar protections should be extended to uninventoried roadless areas. After approval of a final rule, the direction for part two would be implemented at the forest plan level through the plan amendment and NEPA process. This national direction would guide land managers in determining what activities are consistent with protecting the important ecological and social values associated with inventoried roadless areas. It would also guide land managers in determining what activities are appropriate in uninventoried roadless areas that have important ecological and social values.

Possible alternatives to be considered in the draft EIS for part two include:

- National procedures and criteria that address how land managers at the forest plan level should manage activities, other than those addressed in part one, in inventoried roadless areas;
- National procedures and criteria that address how land managers at the forest plan level should manage uninventoried roadless areas so as to protect their unroaded characteristics and benefits.

Possible alternatives include:

- a. Protecting unroaded areas based on their ecological characteristics;
- b. Protecting existing unroaded National Forest System lands that are at least 1,000 acres in size and contiguous to unroaded areas of 5,000 acres or more on all other Federal lands;
- c. Protecting existing unroaded areas of at least 1,000 acres;
 - No change in current policy (No action alternative).

Alternatives may consider certain exemptions under specific situations. In light of the recent revision of the Tongass National Forest Land management plan and the transition in the timber program in Southeast Alaska, we specifically solicit comments on whether or not the proposed rule should apply to the Tongass National Forest and, if so, whether inventoried Tongass roadless areas should be covered under part one of the rule or only under part two.

Proposed NEPA Scoping Process

This Notice of Intent initiates the scoping process. As part of the

scoping period, the Forest Service solicits public comment on the nature and scope of the environmental, social, and economic issues related to the proposed rulemaking that should be analyzed in depth in the Draft Environmental Impact Statement. Comments on this proposal and possible alternatives should be sent to the Content Analysis Enterprise Team (CAET) at the address shown earlier in this notice. Dates and locations of scoping meetings will be announced shortly.

The Importance of Participating in Scoping

The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage, but are not raised until after completion of the final environmental impact statement, may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed policy participate by the close of the 60-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the draft environmental impact statement.

Time Frame

Upon completion of the scoping process, a draft environmental impact statement will be prepared. The draft environmental impact statement and proposed rule are expected to be available for public review and comment in Spring 2000, and a final environmental impact statement and final rule will follow.

The Responsible Official

The Responsible Official is Mike Dombeck, Chief, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

Dated: October 14, 1999.
Mike Dombeck,
Chief.
[FR Doc. 99-27300 Filed 10-18-99; 8:45 am]
BILLING CODE 3410-11-M