

# BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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USDA-Forest Service--CAT  
Attn: Roadless ANPR comments  
P.O. Box 221090  
Salt Lake City, Utah 84122

Dear Sirs and Madams:

## **COMMENTS REGARDING ROADLESS AREA CONSERVATION RULE**

I am submitting comments on behalf of the Board of Directors of the Blue Ridge Environmental Defense League regarding the U.S.D.A. Forest Service Roadless Area Conservation Rule as published in Vol. 66, No. 132, Tuesday, July 10, 2001 of the Federal Register. BREDL is a regional, community-based, non-profit environmental organization. Our founding principles are earth stewardship, environmental democracy, social justice, and community empowerment. BREDL has chapters throughout the southeastern United States. Our members rely on the recreational use, scientific attributes and life-sustaining benefits of all national forest lands, especially the local areas of the George Washington and Jefferson National Forests, Cherokee National Forest, Pisgah and Nantahala National Forests, Francis Marion and Sumter National Forests and Chattahoochee National Forest.

The Forest Service Roadless Area Protection Policy was finalized on January 5, 2001. Nationwide, only 58.5 million acres of the total 192 million acres of national forest land is included as inventoried roadless areas. The Roadless Policy would only affect 713,600 inventoried roadless acres of the total 4,288,164 national forest acres in Virginia, Tennessee, North Carolina, South Carolina (Andrew Pickens Ranger District), and Georgia. The inventoried roadless acres represent a mere 16.64 percent of the total forest acres in these southeastern states. With only 2 percent of timber coming from the national forests in these states, the roadless policy will have no significant impact on the timber industry.

This policy strictly adhered to the federal rulemaking comment process with ample opportunities for public comment. Nationwide, 600 public meetings were held with nearly 1.7 million public comments given. The public is overwhelmingly in support of the Roadless Policy as finalized in January 2001. In Virginia, 98.3 percent of 45,513 comments provided were in support of the Policy. In Tennessee, 97.7 percent of 8,795 comments supported the Policy. In North Carolina, 97.4 percent of 25,185 comments supported the Policy. In South Carolina, 96.3 percent of the 5,692 comments given supported the Policy. In Georgia, 96.5 percent of 14,617 comments were in support of the Roadless Policy.

Despite this record-breaking public involvement and support for the Roadless Policy, the current Federal Administration is attempting to undermine the will of the people. The federal government has not only re-opened the rule-making process for unclear reasons, it has flat out refused to fight for the Policy in the judicial system. The current Administration has not reasonably shown why it has re-opened an issue in which the overwhelmingly majority of Americans voiced their approval. The following ten questions that are out for public comment were already addressed in the Final Roadless Area Conservation Rule and previous comment period. Changing the Roadless Area Conservation Rule will return these vital areas to a decision-making process that historically has not offered any protection.

## **TEN QUESTIONS IN FEDERAL REGISTER NOTICE**

### **1. What is the appropriate role of local forest planning as required by NFMA in evaluating protection and management of inventoried roadless areas?**

Forest planning has not provided protection of roadless areas. That is very clear. In fact, local forest planning has destroyed 2.8 million acres of roadless areas throughout the U.S. over the last 20 years. Current forest plans allow for road construction, logging, and other development in 34.3 million acres out of the 58.5 million inventoried roadless areas. This leaves almost 60 percent of the roadless areas in the Roadless Policy unprotected. According to the Forest Service, an additional 6 million acres could be lost over the next 20 years. It is extremely evident that the local planning process has not protected roadless areas; instead, it is eroding these vital acres at an alarming rate. Ensuring the conservation and protection of inventoried roadless areas meets the Forest Service goal of managing lands for multiple uses and, more important, meets the mandate of the American people who overwhelmingly want these areas protected.

### **2. What is the best way for the Forest Service to work with the variety of States, tribes, local communities, other organizations, and individuals in a collaborative manner to ensure that concerns about roadless values are heard and addressed through a fair and open process?**

Since BREDL was founded we have advocated that governing bodies listen to legitimate public concerns. In our 17 year history we have encountered numerous situations where the public was shut out. However, this is not one of those occasions. On the contrary, the Forest Service went through the legal, fair and open process in gathering public comments. We commend the Forest Service in providing ample notice and opportunity for the public to comment. Over 600 public hearings were held nationwide including at least one in every national forest. No other federal agency has gone to such positive lengths in providing information and gathering public comments. In the future, we can only hope that all drafts of important rules from all agencies

utilize the process as effectively as the Forest Service did during the Roadless Area Conservation Rule process which ended in January 2001.

The Final Rule incorporated and addressed many of the concerns expressed during the comment period. With nearly 1.7 million citizens submitting official comments and with 95 percent of those comments in support of strong protection for these remaining roadless areas, we can not understand why the present Administration would attempt to second-guess the will of the people of the United States of America. We submit that if the situation were reversed, that is, if 95 percent of 1.7 million commenters opposed roadless area protection, the Forest Service and Administration would not re-open the process to gather additional comments from formatted questions. Furthermore, we are convinced that this Administration and the courts would rule that we had had ample opportunity through the normal process to voice our concerns.

**3. How should inventoried roadless areas be managed to provide for healthy forests, including protection from severe wildfires and the buildup of hazardous fuels as well as to provide for the detection and prevention of insect and disease outbreaks?**

The best and preferred way to maintain healthy roadless areas is to keep them roadless! According to the Forest Service less than 2 percent of inventoried roadless areas are at a combined risk from insects, disease, and fire. The Forest Service has successfully controlled 98 percent of wildfires in roadless areas without constructing roads. Even with the above facts, the Roadless Area Conservation Rule already provides exceptions to address wildfires, emergencies and forest health. In fact, the majority of human caused forest fires begin along roadways. This is another redundant question that has already been adequately addressed during the previous public commenting process.

**4. How should communities and private property near inventoried roadless areas be protected from the risks associated with natural events, such as major wildfires that may occur on adjacent federal lands?**

According to the Forest Service less than 2 percent of inventoried roadless areas are at a combined risk from insects, disease, and fire. The Forest Service has successfully controlled 98 percent of wildfires in roadless areas without constructing roads. Even with the above facts, the Roadless Area Conservation Rule already provides exceptions to address wildfires, emergencies and forest health. In fact, the majority of human caused forest fires begin along roadways. Local managers, on a site-specific basis, already have leeway under the Roadless Area Conservation Rule. This is another redundant question that has already been adequately addressed during the previous public commenting process.

**5. What is the best way to implement the laws that ensure States, tribes, organizations, and private citizens have reasonable access to property they own within inventoried roadless areas?**

This question is nothing more than a blatant attempt by the current Administration to inflame uninformed citizens. The Roadless Area Conservation Rule has no effect on access to state and private land inholdings. Roadless Areas are no different from any other national forest lands regarding access by inholders. The Federal Register notice states, "This rule does not affect a State's or private landowner's right of access to their land." (66 Fed. Reg. p. 3253). Furthermore, Section 294.12(b)(3) of the rule specifically allows road construction and reconstruction when the Forest Service determines that "a road is needed pursuant to reserved or outstanding rights, or as provided by statute or treaty."

**6. What are the characteristics, environmental values, social and economic considerations, and other factors the Forest Service should consider as it evaluates inventoried roadless areas?**

This question has already been addressed by the Forest Service. The public commenting process for the Roadless Area Conservation Rule identified roadless area values as clean drinking water, fishing and swimming, rare wildlife habitat, large undisturbed landscapes, barriers to weeds and pests, scientific research, open space and unspoiled vistas, and Native American religious and cultural observances. Approximately 85 percent of the revenue generated from national forests comes from recreational activities. That is more than five times the amount generated by timber harvesting. The GAO has reported that the Forest Service timber program lost \$995 million just between the years of 1992 and 1994. Currently, U.S. Parks and woodlands provide an estimated \$100 billion in recreational benefits each year, and nearly 330,000 jobs. In addition, human health benefits both physically and emotionally from these recreational opportunities and unspoiled areas.

**7. Are there specific activities that should be expressly prohibited or expressly allowed for Inventoried Roadless Areas through Forest Plan revisions or amendments?**

Except for obvious forest health and public safety cases, road construction and commercial logging should be prohibited in inventoried roadless areas. Roadless areas should have additional protection from off-road vehicle use and hard-rock mining. Any additional exemptions from the local forest planning process would greatly undermine the Roadless Rule.

**8. Should inventoried roadless areas selected for future roadless protection through the local forest plan revision process be proposed to Congress for wilderness designation, or should they be maintained under a specific designation for roadless area management under the forest plan?**

This is yet another worthless question. By law, all forest plans must evaluate all roadless areas for Wilderness potential, then make Wilderness recommendations to Congress. There is no need to address this in the Roadless Area Conservation Rule. The Rule allows, as it should, for the Wilderness Designation process to continue as it has for many years.

**9. How can the Forest Service work effectively with individuals and groups with strongly competing views, values, and beliefs in evaluating and managing public lands and resources, recognizing that the agency can not meet all of the desires of all the parties?**

The Roadless Area Conservation Rule has the overwhelming support of American citizens. The Roadless Rule attempts to balance these opposing views. The majority of National Forest land is already open to logging, mining, drilling, and road construction. Nationwide, only 18 percent is designated as Wilderness. According to the Southern Appalachian Assessment, only 1 percent (430,000 acres) of the Southern Appalachian region is designated wilderness. There are over 160,000 miles of roads in the Southern Appalachians. The Roadless Rule is a meager attempt at trying to give nature and future generations a fighting chance by protecting the remaining 31 percent of national forest lands.

**10. What other concerns, comments, or interests relating to the protection and management of inventoried roadless areas are important?**

The current Administration needs to protect these last remaining roadless areas for current and future generations to enjoy. It should stop trying to undermine the Rule and the American public. Any attempts to weaken this Rule either executively, legislatively or judicially should be halted and/or defended. Roadless Areas in Alaska's Tongass National Forest should be included in the Roadless Rule. It's time to listen to the American people!

**SOME OF THE INVENTORIED ROADLESS AREAS IN THE SOUTHEAST**

The Southern Appalachians is one of the most important and diverse areas of biodiversity in the U.S. Despite the significant importance of this area, only 4 percent of federal lands are comprised of wilderness and roadless areas, according to the Southern Appalachian Assessment. Between 1970 and 1990, the region's population grew 28 percent.

In the Southern Appalachians, 9,500 miles of logging roads dissect the national forests. This is double the length of interstate miles found in Alabama, Georgia, North Carolina, South Carolina, Tennessee and Virginia. Around 2,200 Southern Appalachian towns and cities rely on our national forests' watersheds for safe, clean drinking water. Many of these watersheds are within roadless areas.

With increasing residents and easy access by the country's eastern population, it is crucial that the inventoried roadless areas in the Roadless Area Conservation Rule be protected. The Roadless Area Conservation Rule, as finalized in January 2001, would protect many special and vital areas such as the following.

## **George Washington and Jefferson National Forests**

The proposed Ernie Dickerman Wilderness Area along Shenandoah Mountain. This area of 65,000 acres, as proposed by the Forests of the Central Appalachians Project, includes the 6,519 acres of the Ramseys Draft Wilderness. According to their research, this area is habitat for the Paper Birch, Red Crossbill, Cowknob salamander, and contains old-growth forest. It would honor a great man who spent his life fighting to preserve lands so future generations can enjoy them.

Radar Mountain, above Reddish Knob, is an important area for a number of rare plants according to the Virginia Division of Natural Heritage.

Seng Mountain area is home to Rowlands Creek Falls and contains two creeks sustaining wild brook trout. It is a secluded area in which 95 percent of the area shows little or no signs of human alteration, according to the Forest Service. As recent as 1996, this area was threatened by a new four-lane highway.

Raccoon Branch features Dickey Knob which overlooks the small community of Sugar Grove. It contains several hundred acres of potential old-growth and offers solitude with 95 percent of this area retaining unspoiled qualities.

Portions of the popular Mt. Rogers NRA Crest Zone are potential additions to the Little Wilson Creek Wilderness. This area receives high recreational use while maintaining low road density and its naturalness. It includes areas of old-growth and serves as critical habitat for the Virginia northern flying squirrel, fringed scorpion-weed and great Indian plantain.

The Crawfish Valley, also referred to as Bear Creek, contains several hiking trails, including the Appalachian Trail, and horseback riding trails. The Forest Service characterizes 88 percent of the area as retaining unspoiled scenic beauty. Bear Creek is home to many uncommon and endangered aquatic creatures including the Tennessee dace, bigeye chub, striped shiner, saffron shiner, mirror shiner, black sculpin, and banded sculpin. It also contains around 2,355 acres of possible old-growth.

Garden Mountain offers scenic views into the historic Burke's Garden area. Twenty-four miles of the Appalachian Trail traverses the area. Over 95 percent of the area has retained its unspoiled scenic beauty and contains over 1700 acres of potential old-growth. Stunning cliffs and rock formations are in the area.

Brush Mountain East maintains 90 percent of its scenic beauty. Nearby is the monument to Audie Murphy, a World War II hero whose plane crashed on the mountain.

## **Cherokee National Forest**

London Bridge is an important water source for the residents of Sutherland. This 3,431 acres offer views of Doe Valley, Rogers Ridge, and Mount Rogers.

Beaverdam Creek contains several sizeable pockets of old-growth. Beaverdam Creek, for which the area is named, is a beautiful whitewater trout stream surrounded by a lush forest. The Hellbender salamander, Carolina saxifrage, and Carolina Hemlock can be found in this 6,230 acres.

Rogers Ridge contains the Rogers Ridge Scenic Area in addition to areas north and south. Several trails cross the area offering spectacular views of area mountain ranges. Silverling, Robbins ragwort, Rock scullcap, Roan rattlesnake root, Fraser's sedge and Mountain bitter cress are some of the rare species of the area.

The Bald Mountain area is outstanding bear habitat. It is also home to several rare plants including Piratebush, Turkey beard, John's cabbage, and Marsh marigold. The Appalachian Trail crosses through the area which also has several water falls.

Bald River offers one 1,737 acres area as an extension to the existing Bald River Gorge Wilderness. Another adjacent area of over 9,000 acres offers the chance to completely protect a watershed in a mostly natural condition. Cascades are plentiful along the numerous streams. Many water recreational and sportsmen activities occur in the area.

## **Pisgah and Nantahala National Forests**

Bald Mountains includes both Big Creek and Seng Ridge comprising 13,000 acres along the Tennessee and North Carolina border. It offers outstanding black bear habitat and native brook trout can be found in the streams.

Linville Gorge Wilderness extension to the east contains the headwaters of Irish Creek and Rusell Creek. The North Carolina Mountain-to-Sea Trail crosses along the western border.

Upper Wilson Creek lies north of the proposed Lost Cover Wilderness. Possible old-growth and Wilson Creek, a very popular trout stream, can be found in the area.

Black Mountains contains several rare species and has been a top priority for wilderness designation.

Jarrett Creek contains the headwaters to its namesake Jarrett Creek as well as Pritchard Creek. Several trails can be found in the area.

Mackey Mountain offers black bear habitat and good trout fishing in Curtis Creek.

Woods Mountain is 11,000 acres and is habitat for cerulean warbler and mountain golden heather.

Cheoah Bald is an area of 13,000 acres containing the Appalachian Trail, Nantahala River, Nantahala Gorge, and Cheoah Bald.

Wesser Bald contains the Appalachian Trail and its various communities include chestnut oak forest, high-elevation red oak forest, montane oak-hickory forest and low-elevation rocky summit.

Snowbird is a top priority for wilderness designation and contains Snowbird Creek which is a wild and scenic river candidate.

### **Francis Marion and Sumter National Forests**

Elliott Rock I and II potential Wilderness areas. These 2000 acres contain a critical watershed for the Chattooga River which is a popular trout stream. It contains botanical richness, high scenic qualities, and backcountry values.

Rock Gorge is 11,000 acres (6,500 acres in South Carolina and 4,500 acres in Georgia) of virtually undisturbed, wild land. It contains several trails and waterfalls including an 80 foot waterfall along King Creek. Old-growth, native brook trout, and black bear habitat are found in this area.

Hell Hole Bay Wilderness 890 acres extension to the south.

Little Wambaw Swamp Wilderness 530 acres extension west to Wambaw Swamp Wilderness.

## **Chattahoochee National Forest**

Rock Gorge is 11,000 acres (6,500 acres in South Carolina and 4,500 acres in Georgia) of virtually undisturbed, wild land. It contains several pockets of old-growth along with several threatened and endangered species.

The Rabun Bald area is named after Georgia's second highest peak. Over 1,600 acres of old-growth as well as several creeks are found in this area. A number of significant botanical sites are within the boundary.

Patterson Gap is a rugged area of many high peaks including Wolf Knob, 3,979 ft. elevation. Persimmon Creek and Howard Branch provide wild trout. A high mountain bog is located in the southern portion.

Kelly Ridge-Moccasin Creek contains Moccasin Creek, a 1A primitive trout stream and is considered one of the largest and most important streams in the Chattahoochee Forest. Trails and streams are found throughout the area which also contains old growth sections.

Springer Mountain is the main feature of this 12,000 acres. It serves as the southern terminus of the Appalachian Trail.

Mountaintown is a popular area for fishing, hunting, and camping. It is rich with botanical species including the purple fringed orchid, mountain camellia, and yellow lady's slipper.

Sincerely,

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sources: Forest Service Roadless Area Conservation FEIS, Nov. 2000; Southern Appalachian Assessment, July 1996; The Wilderness Society's Mountain Treasures; Forest Service Roadless Inventories; Virginians for Wilderness; American Lands; Southern Environmental Law Center; Virginia Forest Watch and Blue Ridge Environmental Defense League.