

# 11. ROADS

General..... 120  
 Access..... 121  
 Definitions..... 122  
 Temporary Roads ..... 126  
 Road Maintenance ..... 126  
 Road Classification ..... 127  
 Open Roads ..... 127  
 Roads in RARE II Areas..... 127  
 Roads Other Than Forest Service Roads..... 128  
 Close Roads..... 128  
 Decommission Roads ..... 128  
 Construct and Reconstruct Roads ..... 129  
 Alternatives..... 131  
 Accessibility..... 131  
 Environmental Effects of Roads..... 131  
 Data ..... 132  
 Legal Sufficiency ..... 132  
 Other Concerns ..... 133

## General

### *1. The Forest Service should keep roadless areas roadless in perpetuity.*

**Response:** The purpose of the proposal identified in the Roadless Area Conservation DEIS is to provide lasting protection for inventoried roadless areas. The DEIS alternatives proposed to do this by prohibiting road construction and reconstruction within inventoried roadless areas. Exceptions listed on p. 2-13 in the DEIS include, public health and safety, CERCLA response or restoration, reserved or outstanding rights, or realignment for environmental reasons; and a geographical exemption for the Tongass National Forest (DEIS p. 2-13).

### *2. The Forest Service should restore roadless areas to their natural condition and create new roadless areas by removing roads. The Forest Service should purchase lands for restoration.*

**Response:** The Roadless Area Conservation DEIS addressed inventoried roadless area restoration as an alternative considered but eliminated from detailed study in Chapter 2 (p. 2-18).

Creation of new roadless areas through removal of roads or through purchase of lands and subsequent removal of roads is outside the scope of this rulemaking effort. The Notice of Intent, published in

October 1999, and the purpose and need in Chapter 1 of the DEIS, state that the objective of this effort is the protection of current inventoried roadless areas and unroaded areas that have not yet been inventoried, rather than creation of roadless areas.

The likelihood that unroaded areas may be created as a result of implementing this rule in conjunction with other Forest Service initiatives and rules is addressed in the DEIS on pp. 3-240 through 241. This section has been expanded in the FEIS.

### *3. Areas with primitive roads, jeep trails, or classified roads should not be disqualified from roadless designation.*

**Response:** The environmental analysis of the roadless rule and alternatives used the current validated maps of inventoried roadless areas (DEIS and FEIS Volume 2). Some of these areas contained old roads and roads constructed since the last inventory, as the DEIS stated (p. 3-16). See also Responses 27 and 80. Further consideration of roadless areas and their characteristics is within the scope of forest and grassland planning under the new Planning Regulations (36 CFR 219).

### *4. The Forest Service should modify the statement in the Draft EIS, “the proposed action would prohibit road construction and reconstruction in inventoried roadless areas” to “prohibit road construction and reconstruction in unroaded portions of inventoried roadless areas...”*

**Response:** In the FEIS we corrected any contradictions between the DEIS Summary and the text of the alternatives in DEIS Chapter 2. In the FEIS, the alternatives treat all portions of inventoried roadless areas the same. Also see Response 13 in the Planning section.

### *5. The Forest Service should clearly define how the buffer zone around existing roads will be established.*

**Response:** The DEIS alternatives do not address standards for buffer width. The action alternatives prohibit road construction and reconstruction in inventoried roadless areas. The FEIS describes the effects of the alternatives on the existing road system. See also Response 3.

## Access

### ***6. The proposed rule will restrict public and non-Federal access for recreation, fire control, police, emergency personnel, and forest management activities.***

**Response:** The prohibitions analyzed in the DEIS range of alternatives would not restrict public, State, or local access from the existing transportation system. The effects on access by the proposed action along with the other alternatives were discussed in Chapter 3 of the DEIS. A section that summarizes the effects on access has been added to the FEIS.

The action alternatives would prohibit road construction and reconstruction in inventoried roadless areas. The alternatives do not prohibit use or maintenance of existing roads. They do not prohibit construction, reconstruction, maintenance or use of trails. Alternatives 1 and 2 do not prohibit timber harvest or any other use (DEIS p. A-27, sections 294.11 and 294.12 in the proposed rule). Prohibitions prevent new road construction, and reconstruction of existing roads to a higher standard, in inventoried roadless areas. In that respect, opportunities for additional access would be reduced.

The alternatives in the DEIS do not make road management decisions to directly close or decommission roads. The determination of existing road management objectives would be addressed in the anticipated final Roads Policy. Under the proposed Roads Policy, managers would be required to do a roads analysis when making road management decisions, including making a determination if unclassified roads are needed and should be classified, designated as a trail, or decommissioned.

The combined effects of these policies along with other proposed agency initiatives were discussed on pp. 1-16 and 3-240 in the DEIS. The FEIS includes additional analysis on the combined cumulative effects of the proposed Roadless Rule, proposed Roads Policy, the Planning Regulations and other agency initiatives.

### ***7. The Forest Service should address the future disposition and use of unclassified roads.***

**Response:** The alternatives do not prohibit the use or maintenance of existing unclassified roads. The

Roadless Rule's procedures do not make decisions on closure or decommissioning of unclassified roads. However, reconstruction of unclassified roads in inventoried roadless areas is prohibited by the action alternatives. The inventory, analysis, and management of unclassified roads is addressed under the Forest Service's proposed Roads Policy. Under that policy, managers would be required to do roads analysis when making road management decisions, including making a determination if unclassified roads are needed and should be classified, designated as trails, or decommissioned. See also Response 6.

### ***8. The Forest Service should open roads on private lands that are closed or gated when those roads access National Forest System lands.***

**Response:** The proposed Roadless Rule does not make management decisions on existing roads. Such decisions for existing roads will be addressed under the anticipated final Roads Policy.

Within the national forest or grassland boundaries there are often scattered parcels owned by States, private, and other non-Federal entities. Road access to National Forest System lands through these lands or across private lands adjacent to the national forests requires a right-of-way or other access agreement with the other landowner. Gates or closure of these access routes to the public is dependent upon the access rights obtained for each specific case from the other landowner.

The DEIS prohibition alternatives as well as the proposed Roads Policy would preserve existing access through private lands to NFS lands. Neither rule directly proposes modifying access through privately owned lands. A discussion of the proposed Roads Policy and its relationship to this rule occurs on p. 1-16 and 3-240 of the DEIS. See also Response 12 in the Lands section.

### ***9. The Forest Service should comply with the Surface Transportation Assistance Act of 1978.***

**Response:** Title 23 US Code 205 directs the use of funds to pay for forest development roads and trails. As discussed in Response 8, the prohibition alternatives do not make road management decisions. They do preserve reasonable access to private lands by statute, treaty or pursuant to reserved or outstanding rights. The prohibition alternatives do

not conflict or prevent access to land owned by non-Federal entities. See also Response 8.

**10. Providing adequate, regulated access will be much less expensive than the cost of enforcement required to stop the creation of roads and trails where access to public land is diminished.**

**Response:** The effects of the alternatives analyzed in the DEIS on costs of law enforcement were addressed on p. 3-19. No increase in costs is expected as a direct or indirect result of this proposed rule.

**11. Roaded access to National Forest System lands is a key part of the western way of life and a legacy to future generations.**

**Response:** The proposed rule will not restrict or eliminate any existing access. It will affect future decisions about access into inventoried roadless areas. The effects of the range of alternatives were discussed throughout Chapter 3 in the DEIS. A section has been added to the FEIS to summarize and display the effects of the different alternatives on access. See also Response 6.

**12. If a road is of historical or scenic significance, the Forest Service should not take away access.**

**Response:** The range of alternatives does not make road management decisions for existing roads. The proposed Roadless Rule will not make decisions on decommissioning or closing roads that are of historical or scenic significance. The proposed Roads Policy provided a framework for addressing future access on these roads. See Responses 6, 45 and 46.

**13. The Forest Service should modify the statement “no roads or trails would be closed because of the prohibitions” to “no classified roads would be closed because of these prohibitions” on page S-1 of the Draft EIS.**

**Response:** The range of alternatives analyzed in the DEIS Chapter 3 does not address road management policies. The proposed Roadless Rule by itself would not close any roads, classified or unclassified, or restrict existing access. See also Response 6.

**14. The Forest Service should revise Section 294.12(b)(3) to read, “A road is needed pursuant to**

**reserved or outstanding rights or as permitted by statute, treaty or other authorities.”**

**Response:** Section 294.14(1) of the proposed rule in Appendix A of the DEIS stated that the rule does not suspend or modify any existing permit, contract, or other legal instrument authorizing the use and occupancy of National Forest System lands. Therefore, existing authorized uses will be able to continue to maintain and operate within the parameters of their current authorization. Also, in response to public comment, the FEIS has some added mitigation requirements to clarify the authorization for construction and reconstruction of roads for permitted mineral leasing and for State highway projects. The decision-maker may choose these mitigations in the final rule. Adding the wording “other authorities” to the proposed rule would not be necessary. See also Response 52 in Planning and Response 5 in the Lands section.

**15. The final rule should preserve public use of airports and aviation activity within inventoried roadless areas.**

**Response:** The alternatives in the DEIS and FEIS do not affect airports or aviation activities within inventoried roadless areas. Uses other than road construction, reconstruction, and timber harvest would be assessed during land and resource management planning based on the procedures identified in the new Planning Regulations.

## Definitions

**16. The Forest Service should clarify the definition of “roadless.”**

**Response:** The term “roadless” was used to identify the areas addressed in the DEIS. The definition of roadless area in the DEIS (p. G-6) was changed, based on public comment, to better reflect how the term was used in the proposed rule and DEIS. The definition that appears in the FEIS is:

*Roadless Area. A generic term, which includes inventoried roadless areas, and unroaded areas.*

This now appears in the Glossary of the FEIS.

**17. The classification of “roadless ”does not mean there should be no roads or trails in the area.**

**Response:** See Response 16. The action alternatives do not make decisions on the management of existing roads and trails. The proposed Roads Policy addresses the management and maintenance of existing roads. This proposed Roadless Rule does not restrict the construction and reconstruction of trails within roadless areas, and it does not prohibit road maintenance. See also Responses 6 and 16.

**18. The Forest Service should clarify the definition of a “road.”**

**Response:** A number of comments asked that the difference between a road and a trail be clarified, and that the difference between a classified and unclassified road be clarified. Some made suggestions for how these definitions should be changed. The proposed Roadless Rule would adopt the same revised definitions of road, classified road, unclassified road, and temporary road that are contained in the anticipated final Roads Policy. The Forest Service has modified the proposed definitions based on public comment to provide clarity. This FEIS and Glossary reflect these changes. The definitions are:

*Road. A motor vehicle travelway over 50 inches wide, unless designated and managed as a trail. A road may be classified, unclassified or temporary.*

*Classified roads. Roads wholly or partially within or adjacent to National Forest System lands that are determined to be needed for motor vehicle access, such as State roads, County roads, privately owned roads, National Forest system roads, and roads authorized by the Forest Service that are intended for long term use.*

*Unclassified roads. Roads on National Forest System lands that are not managed as a part of the forest transportation system (such as unplanned roads, abandoned travel ways, off-road vehicle tracks which have not been designated and managed as a trail), and those temporary roads no longer under permit or other authorization.*

*Temporary roads. Roads authorized by contract, permit, lease, or emergency operation, not intended to be a part of the forest transportation system and not necessary for long-term resource management.*

A trail must be included in the National Forest System trail system and can be over or under 50 inches wide. A trail is for the purposes of travel by foot, stock, or trail vehicles. Forest Development Trails as defined in 36 CFR 212.1 and 261.2 are those trails wholly or partly within or adjacent to, and serving the National Forests and other areas administered by the Forest Service that have been included in the Forest Transportation Atlas. A general definition for a trail and other trail management related definitions are in the Forest Service Manual, Chapter 2350. The definition of a trail has been added to the FEIS glossary and a discussion added to Chapter 3.

**19. The Forest Service should clarify the definition of roadless area with regards to four-wheel drive tracks.**

**Response:** Four-wheel drive tracks may not exclude an area from the roadless inventory. The process for making that decision is established in the new Planning Regulations. See also Response 6 and Response 7 in the Data section.

**20. The Forest Service should define “unroaded area,” and “other unroaded area.”**

**Response:** The DEIS (p. 2-2) defined “unroaded areas” and “other unroaded areas”:

*Unroaded areas. Any area without the presence of a classified road. The size of the area must be sufficient and in a manageable configuration to protect the inherent values associated with the unroaded condition. These areas have not been inventoried and are therefore separate from inventoried roadless areas. They are referred to as “other unroaded areas” in this document.*

“Other unroaded areas” were further defined using several criteria and examples in paragraph 294.13 (b) (2) of the proposed rule (DEIS p. A-28). As the proposed rule stated, identification of unroaded areas is done “in the judgment of the responsible official” as part of the forest or grassland plan revision.

In the FEIS, to clear up confusion, we have discontinued use of the term “other unroaded areas” and replaced it with a clarified definition of “unroaded areas”:

**Unroaded area.** Any area, without the presence of a classified road, of a size and configuration sufficient to protect the inherent characteristics associated with its unroaded condition.

This FEIS definition may be further modified in the final rule, in response to public comment. See also Response 7 in the Data section.

**21. The Forest Service should clarify its use of the phrase, “the roaded portion of the inventoried roadless area.”**

**Response:** The term “roaded portion of the inventoried roadless area” was not clearly defined in the DEIS and led to confusion of the Roadless Rule’s intent. The FEIS does not refer to the terms “roaded portions” or “unroaded portions” of inventoried roadless areas, in order to eliminate any ambiguity. It simply refers to “inventoried roadless areas” and “unroaded areas,” and they do not overlap. The changes are based on public and agency comment and do not have any impact on the effects analysis documented in the DEIS. Also see Response 20.

**22. Roaded areas identified as part of the roadless areas on national forests ought to be included in the proposed rule for no more road building.**

**Response:** The intent of the action alternatives is to prohibit any additional road construction and reconstruction in inventoried roadless areas, except under the circumstances listed in paragraphs 294.12 (b) (1) through (b)(4) and paragraph 294.12 (c) of the proposed rule in Appendix A of the DEIS, and under the mitigation requirements identified in Chapter 2 of the FEIS. See also Response 21 and Response 51.

**23. The Forest Service should clearly define “new” road construction.**

**Response:** The Roadless Rule will adopt the revised definition for road construction anticipated in the final Roads Policy. The FEIS Glossary will reflect these changes. The definition is as follows:

*Road Construction.* Activity that results in the addition of forest classified or temporary road miles.

**24. The Forest Service should reevaluate its definition of “reconstruction.”**

**Response:** The alternatives for the Roadless Rule and the FEIS adopt the revised definition for reconstruction anticipated in the final Roads Policy, which will modify the definition, based on public comment, in order to provide clarity. The FEIS reflects these changes. The definitions are:

*Road reconstruction.* Activity that results in road improvement or realignment of an existing classified road.

*Road improvement.* Activity that results in an increase of an existing road’s traffic service level, expands its capacity, or changes its original design function.

*Road realignment.* Activity that results in a new location for an existing road or portions of an existing road, including treatment of the old roadway.

**25. The Forest Service should clarify the definitions of “standard passenger vehicles” and a “road” as well as how they were used in the Wilderness Act.**

**Response:** The term “standard passenger-type vehicle” comes from Forest Service Handbook 1909.12 and is part of the inventory criteria used to determine if areas qualify for the inventory of potential Wilderness. The National Forest Management Act directs the Forest Service to inventory for potential Wilderness as part of the forest and grassland planning process.

The Roadless Rule will not make any changes to the Wilderness inventory criteria defined in Forest Service Handbook 1909.12 or to any of the regulations or policies governing forest planning or the Wilderness inventory process. The term “standard passenger-type vehicle” was not used in the DEIS or in the Roadless Rule.

The definition of a “road” as used in this FEIS and rule will not conflict or interfere with the process of inventorying areas for Wilderness consideration. See also Response 18.

**26. The Forest Service should clarify the definition of “maintenance.”**

**Response:** The alternatives adopt the definition for road maintenance anticipated in the final Roads

Policy. This document modified this definition based on public comment. The definition is:

*Road maintenance. The ongoing upkeep of a road necessary to retain or restore the road to the approved road management objective.*

Policy governing road management objectives is described in FSM 7712. In general, road activities that maintain or restore a road to its approved function, design standard, or maintenance level are considered to be maintenance. The effects section (pp. 3-18 and 3-19) in the DEIS has been expanded in the FEIS to include a discussion about what activities would be allowed as road maintenance and which would be prohibited as reconstruction.

**27. *Supposed roadless areas actually have roads, but have been removed from Forest Service inventories to ensure closure of the land.***

**Response:** As indicated in the DEIS (p. 3-16), about 8% of the inventoried roadless areas contain about 9,660 miles of existing roads. Some of these roads predate the RARE and RARE II inventories, while others have been constructed where individual forest plans have allowed development. National Forest System roads have not been removed from Forest Service inventories as a result of this proposal. See also Responses 28 and 42.

**28. *The Forest Service should refer to areas with pre-inventory roads as semi-roadless areas and clarify how they will be affected by this rule.***

**Response:** The action alternatives in the FEIS prohibit road construction and reconstruction in inventoried roadless areas.

The explanation of inventoried roadless areas has been expanded in Chapter 2 of the FEIS to clarify the status of “pre-inventory roads.” The prohibitions in the action alternatives would apply to the entire inventoried roadless area, including any roads within the inventoried area. The proposed Roadless Rule is based upon the most current mapping of inventoried roadless areas at the time of the release of the DEIS. Revisions were made to the maps between the DEIS and FEIS. These revisions were the result of the public comment process and the internal review process. The maps of inventoried roadless areas are located in Volume 2 of the FEIS. Chapter 3 in the DEIS (p. 3-16) estimated the miles and portions of

inventoried roadless areas containing roads. See Response 1 in the Data section.

**29. *The term “decommission” should be defined in the document.***

**Response:** The term “decommissioning” was defined in the DEIS Glossary on p. G-2. “Road Decommissioning” was defined on p. G-5. The effect of decommissioning a classified road or an unclassified road is to terminate the function as a road, and to mitigate the adverse impacts. The definition of decommissioning in the FEIS has been modified to be consistent with the anticipated final Roads Policy.

**30. *The Forest Service should mention the differences between the multiple levels of maintenance objectives, from hiking trails to single track, to unimproved dirt roads, to paved roads.***

**Response:** Based on public comment, several road and trail definitions have been modified or added to the FEIS to provide clarity, and a section has been added to both the transportation system and recreation section in the FEIS to further clarify terminology.

**31. *The Forest Service cannot legally use the terms ‘unroaded’ and ‘roadless’ in the language of the Roadless Rule. (Reference: Settlement Agreement between the United Four Wheel Drive Association and the U.S. Forest Service.)***

**Response:** The settlement agreement in the United Four Wheel Drive Association litigation states:

*The definitions set forth in 36 CFR 212.13 are intended for use in the context of that particular section, and are not intended for use outside that context. If Forest or Regions are using these or similar terms in other contexts, the responsible official should cite the basis for the definitions used and allow the public the opportunity to comment on the appropriateness of the definitions being used....*

The definitions in question have received public review and comment in the proposed Roads Policy and accompanying EA and in the proposed Roadless Rule and accompanying DEIS. Use of definitions contained in 36 CFR 212.13 (Interim Roads Rule) in this rulemaking effort is consistent with the

Settlement Agreement between United Four Wheel Drive Association and the US Forest Service.

**32. *The Forest Service should not encourage the philosophical shift reflected in the proposal to adopt the term "Forest Service roads." The Forest Service does not own Forest Service roads; they were built with public and private monies and managed by the Forest Service for the benefit and use of the American people.***

**Response:** The proposed Roadless Rule and FEIS use terminology and definitions that are consistent with terminology and definitions used in the proposed and anticipated final Roads Policy. The term "National Forest System Road" is used in the FEIS to refer to classified roads under the jurisdiction of the Forest Service. This is a change from the term "Forest Service road" that was used in the DEIS.

## Temporary Roads

**33. *The Forest Service should be consistent in how it treats temporary roads when delineating roadless areas for protection.***

**Response:** The proposed action and preferred alternative discussion on p. 2-13 in the DEIS stated that the prohibitions apply to temporary roads. The presence of a temporary road will not preclude an area from being considered as an "other unroaded area." These definitions were in section 294.11 of the proposed rule on pp. A-26 and 2-2 in the DEIS:

Temporary roads are defined as:

*Roads authorized by contract, permit, lease or emergency operation, not intended to be a part of the forest transportation system and not necessary for long-term resource management.*

See Response 18.

## Road Maintenance

**34. *The Forest Service should clarify whether road maintenance will be prohibited in inventoried roadless areas.***

**Response:** Road maintenance would be permitted under the range of alternatives, and as addressed in paragraph 294.12 (d) of the proposed Roadless Rule.

Specifically, the responsible official may maintain classified roads that were constructed in inventoried roadless areas prior to the effective date of this rule and those later constructed under exception or as a result of mitigation.

**35. *Any funds saved by ceasing maintenance of roads should be used to alleviate the effects of these roads.***

**Response:** Road maintenance funds are currently used to reduce adverse environmental effects of roads such as erosion control and decommissioning existing roads. These funds are also used for the upkeep of roads to provide for safe public access. The responsible local official makes road management decisions, which include the allocation and prioritization of road maintenance funding. This Roadless Rule does not change how road maintenance funds are allocated and used. See also Response 37.

**36. *The Forest Service should correct its estimate of the savings from reduced road maintenance to reflect recent expenditures on roads.***

**Response:** Road mileage and cost estimates have been updated in the FEIS. In addition, the discussion on p. 3-17 in the DEIS pointed out that unmet maintenance needs each year increase the maintenance backlog as roads deteriorate. Therefore, the cost of repairs continues to increase.

**37. *The Forest Service has not accurately portrayed its need for road maintenance funding. The agency is overestimating its need for additional road maintenance funding and using this as an excuse to close roads. Contributions from timber purchasers, cooperators, and volunteers are not being represented. The Forest Service is not efficiently utilizing its existing road maintenance funding.***

**Response:** The alternatives in the DEIS do not prevent the local responsible official from making road management decisions which include the allocation and prioritization of road maintenance funding. The purpose and need section in the DEIS, pp. 1-10 through 1-12, identified the current lack of funding to fully maintain the Forest Service road system as one of the reasons for undertaking this rulemaking action.

Annual maintenance needs along with capital improvement and deferred maintenance figures for roads come from the agency's March 1999 report to Congress titled "*Supporting Documentation on Maintenance and Improvement Needs.*" As stated in the report, estimates of needs were based on a "random field sampling of at least 2% of each national forest's roads." In FY 1999, the Forest Service began a 5-year initiative to inventory and conduct condition surveys on 100% of its 386,000-mile road system. Results from the first year of the initiative indicated that the annual maintenance and deferred maintenance estimates in March 1999 report are low and will increase as better data are collected and validated. See the footnote on p. 3-17 in the DEIS.

A more detailed discussion on road maintenance and funding – current and historic – has been added to the transportation system section of the FEIS. This section discusses and presents data on the road maintenance contributions made by Forest Service transportation system users and cooperators. See also Response 34.

**38. *The Forest Service should explain who designs, constructs, and maintains logging roads.***

**Response:** The Forest Service is responsible for planning, design, construction contract administration, and maintenance of roads on National Forest System land. During the life of a timber sale, the Forest Service shares maintenance responsibilities with the timber purchaser. The maintenance responsibility may also be shared with commercial users of National Forest System Roads, such as those hauling logs from private lands. The Forest Service assures that roads meet current maintenance standards for environmental protection within the constraints of funding (DEIS pp. 3-13 and 3-15).

**39. *Rather than authorizing the removal of hazard trees in the exemption for public safety, the final rule should include guidelines for alternative hazard management strategies.***

**Response:** Establishing procedures for road maintenance and hazard tree removal are outside the scope of this rulemaking process because processes for making road management decisions are established in the proposed and anticipated final Roads Policy. Decisions about hazard tree removal

are made at the local ranger district level through project planning and road maintenance planning. See Response 18.

## Road Classification

**40. *The Forest Service should carry out the classification of roads on a regional basis.***

**Response:** The Roadless Rule does not address road management of the existing transportation system. These decisions would be made at the forest or grassland project level as established in the anticipated final Roads Policy. See also Response 6.

## Open Roads

**41. *The Forest Service should reopen all roads that have been closed and keep existing roads and trails open.***

**Response:** Management decisions for existing roads will be addressed under the anticipated final Roads Policy. The Roads Policy is intended to make the existing forest road system safe, responsive to public needs, environmentally sound, affordable, and efficient to manage. Under this policy, the responsible Forest Service official must conduct a science-based road analysis to determine the minimum road system needed to achieve National Forest System resource goals including identifying needed and unneeded roads. This analysis and the resulting decisions will be part of forest and grassland planning and project level planning. A discussion of the proposed Roads Policy and its relationship to this rule was on pp. 1-16 and 3-240 of the DEIS. See also Response 6.

## Roads in RARE II Areas

**42. *The Forest Service should recognize that temporary roads were not counted during the RARE process (an area was not excluded from consideration if it contained temporary roads), and so those roads should either not be closed now or the area should be removed from the inventoried areas.***

**Response:** The RARE and RARE II processes determined roadless areas, based in part on the transportation system existing at the time of the inventory. Some road construction and

reconstruction was later authorized. The Roadless Rule does not determine whether existing roads should remain in the inventoried roadless area. Any action to change road management objectives will be based on the proposed Roads Policy and made at the local level.

## Roads Other Than Forest Service Roads

**43. *The Forest Service should address the effect this Roadless Rule will have on State highways and other public roads.***

**Response:** The alternatives in the DEIS had an exception that allowed road reconstruction to correct environmental damage, or for public health and safety. In response to public comments, we have added to the FEIS mitigation options that allow for highway construction and reconstruction, through inventoried roadless areas, funded pursuant to Title 23 of the United States Code when it is in the public interest, and an exception to allow reconstruction needed to improve user safety on public roads.

Discussion of effects on State highway and other public road projects has also been added to the FEIS. See Chapter 3, the Forest Service Road System section.

## Close Roads

**44. *The Forest Service should act to close more roads. Roads should be closed to the public, yet available for administrative use such as fire suppression and logging. Roads should be open only to specific user groups and closed for water quality and wildlife protection.***

**Response:** The proposed Roadless Rule will not make road management decisions on closing existing roads because that is not within the scope of this proposal. See also Responses 6 and 41.

## Decommission Roads

**45. *The Forest Service should not decommission roads. Removing roads from the transportation inventory, especially in the inventoried roadless areas, is an inefficient use of taxpayer dollars, damaging to the environment, a reduction to forest***

***access, and a waste of investment in the existing road system; and***

**46. *The Forest Service should close or decommission roads to improve roadless area characteristics. The Roadless Rule should assure no net gain of road miles by requiring removal of equal mileage for every construction exemption.***

**Response:** The range of alternatives in the DEIS and FEIS does not make any decisions on decommissioning any roads because that is outside the scope of this proposal. Management decisions for existing roads and their potential for removal from the transportation system are addressed under the proposed Roads Policy. See also Response 6.

**47. *The Forest Service should allow unneeded roads to close themselves naturally.***

**Response:** Allowing a road to deteriorate without maintaining or decommissioning it increases the risk of adverse effects to the environment and public safety. Road decommissioning involves using various levels of treatments to restore unneeded roads to a more natural state and to mitigate environmental damage. Treatment options may include blocking the entrance, water barring, removing culverts, reestablishing drainage-ways, removing unstable fills, pulling back road shoulders, restoring natural contours and slopes, or other methods designed to meet specific conditions and objectives associated with the unneeded road. It also includes conversion of a road to designated trail. A definition of road decommissioning was on p. G-5 in the DEIS. See also Responses 45 and 46.

**48. *The Forest Service should address whether decommissioning roads would create a roadless area.***

**Response:** The proposed actions in the range of alternatives, if implemented, would not result in roads being decommissioned (see Responses 45 and 46), and would not result in the creation of new roadless areas. The discussion on the cumulative effects of the proposed Roadless Rule with other Forest Service proposed rules (pp. 3-240 and 3-241 in the DEIS) has been expanded in the FEIS.

**49. *The Forest Service should not cover roads with cut brush.***

**Response:** The rule does not prescribe individual road treatments. These decisions are made at the national forest, grassland, or ranger district level through project planning. See also Response 47.

**50. The Forest Service should pay construction companies that are part of the logging operations to repair or close roads to protect fish stocks.**

**Response:** The Forest Service does pay contractors for environmental protection when it uses or constructs a road for timber harvest. Environmental protection is part of every road or timber sale contract. The bid prices for timber sales reflect the cost of road construction, reconstruction, and maintenance, including environmental mitigation.

## Construct and Reconstruct Roads

**51. The Forest Service should allow the redesign or reconstruction of existing roads.**

**Response:** The range of alternatives in the DEIS prohibit road reconstruction in the unroaded portions of inventoried roadless areas, with exceptions listed in paragraphs 294.12 (b)(1) through (b)(4) and paragraph 294.12 (c) of the proposed Roadless Rule. These exceptions are for: public health and safety, CERCLA response or restoration, reserved or outstanding rights, or realignment for environmental reasons. Road reconstruction within other areas of National Forest System lands is not prohibited. A discussion of the effects on existing roads began on p. 3-18 of the DEIS. In the FEIS, the prohibition on road construction would apply to the entire inventoried roadless area. See Response 21.

The proposed Roadless Rule also allows existing roads to be maintained. For consistency, the range of alternatives adopts the definition of road maintenance used in the anticipated final Roads Policy. This definition will be modified between proposed and final rule, based on public comment on the proposed Road Policy in order to clarify what was meant by road maintenance. Road maintenance includes restoring a road to its road management objectives (for example, approved design function and standard). See also Response 26.

Road reconstruction decisions not prohibited by this rule would be made through the appropriate level NEPA analysis, including a science-based roads analysis. Performing a roads analysis, as a basis for

road reconstruction decisions, is required under the proposed Roads Policy. Discussion of the proposed Roads Policy and its relationship to this rule was on pp. 1-16 and 3-240 of the DEIS and has been expanded in the FEIS.

**52. Consider the environmental benefits of road construction.**

**Response:** Each of the resource sections in Chapter 3 in the DEIS addressed the beneficial and adverse effects of road construction and reconstruction and discussed effects of access foregone under the action prohibition alternatives. The analysis of the data collected for activities planned over the five years in inventoried roadless areas, presented in Chapter 3 of the DEIS, found that most environmentally beneficial activities such as habitat restoration and watershed restoration would not be dependent on road construction or reconstruction. There would be small increases in the risks and costs associated with fire suppression, prescribed fire, and insect and disease outbreaks.

Roads do provide access for a number of environmentally beneficial activities such as fire suppression, prescribed fire, fish and wildlife habitat improvements, and treatment of insect and disease outbreaks. Chapter 3 in the FEIS has an added section that summarizes and expands the discussion on access, both the effects of the alternatives on access and the benefits of roads for providing access.

**53. The Forest Service should obtain funding for road reconstruction and maintenance. This would replace the need to close roads and is preferable to expending resources to build new roads.**

**Response:** The Roadless Rule's range of alternatives does not affect the Forest Service annual appropriations and budgeting process, nor would it affect ongoing initiatives to increase road related funding.

The Forest Service's Natural Resource Agenda sets clear priorities, for the Forest Service Strategic Plan and with the guidelines of the Government Performance and Results Act of 1993. One of the four key areas in the Agenda is National Forest Systems roads. Seeking additional funding sources for the transportation system is one of the four actions set forth for forest roads.

**54. *The Forest Service should explain what criteria were used to determine that road construction and timber harvest qualify as prohibited acts.***

**Response:** The criteria were described beginning on p. 1-10 in the DEIS. Based on appropriate scientific research material and data, road construction, reconstruction, and timber harvest activities were identified because these activities occur on a national scale. They have the greatest likelihood of altering landscapes, often cause significant landscape fragmentation, and result in immediate, irretrievable, and long-term loss of roadless characteristics. Information was also available to analyze the effects at the national scale.

**55. *The Forest Service should not construct or reconstruct roads in national forests.***

**Response:** Section 294.12 of the proposed rule prohibits road reconstruction in the unroaded portions of inventoried roadless areas, with the exceptions listed in paragraphs 294.12 (b)(1) through (b)(4) and paragraph 294.12 (c). These circumstances are for public health and safety, CERCLA response or restoration, valid existing rights granted in statute or treaty, or pursuant to a reserved or outstanding right, or realignment for environmental reasons; and except on the Tongass National Forest (DEIS Appendix A, p. A-27). Road construction and reconstruction within other areas of National Forest System lands is not prohibited and is outside the scope of this proposal. A discussion of the effects on existing roads began on p. 3-18 of the DEIS. See also Response 21.

Road construction and reconstruction decisions not prohibited by this rule would be made through the appropriate level NEPA analysis including a science-based roads analysis. Performing a roads analysis, as a basis for road reconstruction decisions, would be required under the proposed Roads Policy. A discussion of the proposed Roads Policy and its relationship to this rule was on p. 1-16 and 3-240 of the DEIS. The FEIS updates this discussion.

**56. *The Forest Service should address the impact of the proposed rule on road construction in inventoried roadless areas.***

**Response:** The effects on the forest transportation system were discussed on pp. 3-18 and 3-19 in the DEIS. The specific effects of road construction and

reconstruction on individual resources were discussed in the remaining sections of Chapter 3 in the DEIS. The FEIS contains the most up-to-date information on the number of road miles that will be prohibited under the action alternatives and the miles that would go forward under the exceptions and potentially under the mitigation options.

**57. *The Forest Service should not proceed with any currently planned road construction projects in roadless areas until the final decision is made.***

**Response:** The Forest Service issued an 18-month suspension on road construction and reconstruction in most inventoried roadless areas. This interim rule was effective beginning March 1, 1999. It expired on September 1, 2000. This final interim rule temporarily suspended decision-making regarding road construction and reconstruction in many roadless areas within the National Forest System. Its intended effect was to retain resource management options in those unroaded areas subject to the suspension from the potentially adverse effects associated with road construction, while the Forest Service develops a revised Roads Policy.

**58. *The Forest Service should allow road construction, when needed, as long as it is done to minimize environmental impacts.***

**Response:** The DEIS Chapter 3 discussed the beneficial and adverse effects of prohibiting road construction in the unroaded portions of inventoried roadless areas. In particular, p. 3-15 stated:

*All management activities associated with the Forest Service road system are required to comply with relevant statutes such as the Clean Water Act, National Environmental Policy Act, and Endangered Species Act. In addition, it is the agency's policy to use the best available scientific information and best management practices for planning, designing, construction, and maintaining roads (36 CFR 212) regardless of where the road is located. Implementation of these policies can minimize, but not entirely eliminate, adverse environmental effects.*

**59. *The Forest Service should limit exceptions for road construction in the proposed rule.***

**Response:** Some of the exceptions proposed in the DEIS are required by existing law. A description of

the environmental effects of the exceptions was added to the FEIS, in Chapter 3.

**60. The Forest Service should address inconsistent estimates of road construction in the DEIS.**

**Response:** Estimates of road miles used in the DEIS have been updated in the FEIS, using current data collected from Forest Service field units. Efforts have been made to make sure their use is consistent throughout the document.

## Alternatives

**61. A well-designed transportation access system is needed so the Forest Service can actively manage forests to provide a sustainable level of wood products and recreational opportunities.**

**Response:** The DEIS considered the inherent values of roadless areas (devoid of road construction or timber harvest). A complete discussion of active and passive (natural) management has been added to the fire management section of the FEIS. The DEIS described the effects of the alternatives on timber production and recreation in Chapter 3. For further information regarding this concern, please refer to Responses 61 and 63 in the Social section.

**62. The Forest Service should consider an alternative that allows road construction or reconstruction, continued access, and multiple use management.**

**Response:** This is the no action alternative.

This analysis also considered but eliminated from detailed study a broad array of individual alternatives. One alternative would have allowed and encouraged development activities, including road construction in all roadless areas. This alternative was not studied in detail because it does not meet the intent of the project's purpose and need to protect and conserve inventoried roadless areas. Future proposals for road construction and reconstruction would be considered on a case-by-case basis at the project level where allowed by current land management plans. The no action alternative was detailed on pp. 2-4, 2-7, and 2-10 of the DEIS.

**63. The Forest Service should prohibit road construction and reconstruction including temporary road construction in all portions of**

**inventoried roadless areas, including the "roaded" sections.**

**Response:** The action alternatives in the DEIS would prohibit road construction and reconstruction within unroaded portions of inventoried roadless areas. Based on public comment, the agency dropped the distinction between roaded and unroaded portions between the DEIS and the FEIS. These alternatives were amended to simplify the intent to maintain the current roadless characteristics of the inventoried roadless area. As a result, local responsible officials could only authorize road construction or reconstruction in any portion of inventoried roadless areas under one of the exceptions or mitigations to be listed in the final rule.

The definition of "road construction" now includes activities that result in the addition of classified or temporary road miles to the forest transportation system. See the Glossary in FEIS Volume 1. See also Responses 21 and 23.

## Accessibility

**64. The Forest Service needs to provide road access for persons with disabilities.**

**Response:** The alternatives and their prohibitions on road construction, reconstruction, and timber harvest are consistent with the Rehabilitation Act and the Americans With Disabilities Act. They will not place restrictions on existing roaded access. They will not prohibit existing or limit future access by trail. The DEIS described the alternatives' effects on people with disabilities (pp. 3-206 through 3-208).

## Environmental Effects of Roads

**65. Fewer roads will lower the amount of litter, trash, and human waste in the backcountry.**

**Response:** The DEIS did not address the effects of the alternatives on littering or illegal dumping on National Forest System lands because those effects are outside the scope of the analysis. The *Transportation Specialist Report (May 2000)*, which can be found in the project record, discussed illegal dumping. The specialist report found that dumping is a random, unpredictable occurrence and as such would not be useful as a measure between the proposed alternatives.

**66. Data should be presented to support the assertion that the existing road system is having a significant negative effect on the environment or to quantify that impact. The Forest Service should demonstrate and quantify how the existing road system is significantly affecting the environment.**

**Response:** The effects of road construction on the environment were documented in the individual resource sections in Chapter 3 of the DEIS. The conclusions in Chapter 3 were based on a variety of sources referenced in the DEIS in the references section, and on the judgment of qualified resource professionals. Additional information and references have been added to the FEIS.

**67. The Forest Service should provide a quantitative evaluation of factors related to the transportation system.**

**Response:** The discussion of the affected environment and environmental consequences of road construction and reconstruction have been clarified and expanded in Chapter 3 of the FEIS. Site-specific factors such as the number of stream crossings per mile of road, and miles of road construction or reconstruction needed per million board feet to timber harvest, are highly variable from any one national forest to another. These factors are dependent upon site-specific conditions including topography, geology, vegetation, climate, and status of the existing transportation system. Evaluation of these site-specific factors is outside the scope of this analysis. See also Response 66.

**68. The Forest Service overstated the effects of roads being built in inventoried roadless areas by discounting the fact that many are closed or decommissioned after use.**

**Response:** Chapter 3 in the FEIS has been modified to describe what roads would be prohibited, and what roads would go forward under the alternatives. It describes the longer-term effects due to a large percentage of the timber related roads being closed after use. Where necessary, tables and numbers have been updated with the latest data, and the effects analysis has been expanded. These changes have not altered the conclusions reached on the effects of or range of the alternatives analyzed in detail in the DEIS.

**69. The DEIS fails to analyze the cumulative effects, including historic and future road construction trends, of the proposed action on the Chugach National Forest.**

**Response:** The alternatives in the DEIS look at prohibiting certain activities in inventoried roadless areas: road construction, reconstruction, and timber harvest. They do not propose making land use allocations, nor do the alternatives commit resources that would result in irreversible or irretrievable effects on the land. Land uses will be determined through local forest and grassland planning, including appropriate uses and management for individual inventoried roadless areas. The FEIS contains expanded and updated cumulative effects analyses.

## Data

**70. The Forest Service should use data supplied by the public in this analysis.**

**Response:** The best available data were used by the Forest Service to develop the DEIS. In some cases this included information and data supplied by non-governmental groups. Information supplied by the public has been considered in the FEIS. See the reference section in the FEIS for the numerous sources of information that supported the environmental analysis.

**71. The Forest Service should reevaluate the number of roads from forests in New England and the Mid Atlantic regions.**

**Response:** The roadless rule does not deal with the existing road system. The proposed Roads Policy addresses direction for inventory and management of the existing road system. See also Responses 6 and 80.

## Legal Sufficiency

**72A. The Forest Service is usurping local authority, specifically the powers to vacate roads, when it obliterates roads, paths, or ways.**

**Response:** None of the alternatives would close or decommission (obliterate) any roads or trails. Site-specific decisions to close or otherwise decommission a road would follow local planning processes consistent with the Forest Service's

anticipated final Roads Policy. These include appropriate analysis, documentation, and public involvement (including local governments).

The DEIS and FEIS alternatives provide an exception for road construction and reconstruction pursuant to reserved or outstanding rights or as provided for in statute or treaty (DEIS p. 2-4). In certain specific instances, these may include highway rights-of-way granted under R.S. 2477.

This proposal is consistent with the Roads and Trails Act, RPA, and other laws that authorize the Forest Service to construct and maintain, and operate its transportation system. Also see Response 41 in this section and Response 4 in the Lands section.

**72B. The Forest Service definition of roadless may be inconsistent with State law, specifically, Wyoming's.**

**Response:** Wyoming Statutes 24-3-101 and 24-3-201 apply to County roads, not National Forest System roads. The Roadless Rule does not propose to close any County roads and is not in violation of Wyoming State Statute 24-3-201. The Roadless Rule would not restrict existing access. See Response 6.

**73. The Proposed Rule is contrary to the intent of the Roads and Trails Act and the Forest and Rangeland Renewable Resources Planning Act.**

**Response:** The rule is consistent with the Roads and Trails Act and with RPA. The Roads and Trails Act allows for road construction; it does not require it. The Forest and Rangeland Renewable Resources Planning Act requires an assessment of the nation's renewable resources. Neither act prescribes or prohibits roadless or unroaded management.

The proposed rule does not restrict access on the existing transportation system. See also Response 6.

## Other Concerns

**74. The Forest Service should halt reconstruction of the Loop Road in Fremont County, Wyoming.**

**Response:** The reconstruction of the Loop Road is a Forest Highway project for which the Federal Highway Administration has the lead. The 7-mile reconstruction project is not within an inventoried roadless area; therefore, this concern is not within the

scope of this EIS. The Draft EIS for the Loop Road project was released in the summer of 2000. Similar comments concerning the Loop Road were received in response to that DEIS.

**75. A five-year moratorium should be declared on all road and highway construction or reconstruction in the USA.**

**Response:** The Roadless Rule applies only to National Forest System lands. Construction or reconstruction of County, State, and national highways outside of national forests or grasslands is beyond the scope of the Roadless Rule.

**76. Traffic should be reduced and eliminated in highly used national parks.**

**Response:** The National Park Service, under the Department of Interior, is a separate agency from the U.S. Forest Service, which is under the Department of Agriculture. Traffic management in National Parks is beyond the scope of this proposal.

**77. The USDA should finish their decision of Collier Hollow Rd #2780; it is holding up utilities from being installed.**

**Response:** The decision on the Collier Hollow road is a specific decision not within the scope of this analysis. A decision has been made to build the road. The road plans and specifications have been completed, and a contract package to build the road is being prepared. Please contact the George Washington and Jefferson National Forests for more information specific to this project.

**78. The Forest Service should implement the use of plastic culverts for road construction and maintenance to extend design life and decrease costs.**

**Response:** The proposed roadless conservation rule does not affect design standards for individual road projects. This proposal is not within the scope of this analysis.

**79. The Forest Service should spend weekends or evenings patrolling and controlling traffic. Personnel could be rotated on weekend-evenings instead of only working 8 to 5 on weekdays, with check-in and check-out at the office by five or earlier.**

**Response:** This proposal is outside the scope of this Roadless Area Conservation Rule. During the appropriate seasons, local Forest Service offices have employees at work seven days a week and more extensive hours in the field, but without office staffing. For example, law enforcement offices and fire crews may provide patrols on weekends and after hours.

**80. *The Forest Service should carry out a new road inventory; this inventory should include historic roads.***

**Response:** National forests and grasslands are currently in the process of updating their inventories of existing roads. Requirements for road inventories are outside the scope of this proposal. The proposed Roads Policy addresses requirements for road inventories, including the requirement to inventory existing classified, unclassified, and temporary roads. These inventories will include geo-spatial data, physical attribute data, and information on the condition of the roads. The current updating of road inventories is to be completed within five years.

**81. *The Forest Service should explain if all existing roads, forest routes, and four-wheel drive routes from the most recent USGS maps have been identified.***

**Response:** The verification of USGS mapping of existing roads and four-wheel drive routes on National Forest System lands is beyond the scope of this EIS. Information used in this analysis on existing NFS roads within inventoried roadless areas, and total miles of existing NFS roads within each Forest Service region, are based on current inventory information.

**82. *The Forest Service should identify projects affected by the (interim roads rule) moratorium and explain what analysis has been done on them.***

**Response:** The effects of the interim road rule were disclosed in an environmental assessment published March 1999 and titled “Interim Rule Suspending Road Construction in Unroaded Areas of National Forest System Land.” This interim rule was discussed on p. 3-241 in the DEIS. The interim road rule expired on Sept 1, 2000.

**83. *The Forest Service should consider introducing other forms of transportation into the forests, limiting the number of visitors allowed, and imposing user fees.***

**Response:** Consideration of the introduction of other means of access by National Forest visitors, such as busses, trains, and trams, is outside the scope of this rulemaking’s purpose. Also, means of limiting the number of people allowed to visit certain areas, and imposing user fees as a means to limit access and use of national forests and grasslands are outside the scope of this analysis. These access considerations can be accomplished at the local level through forest and grassland and project planning efforts responding to site-specific issues.

*End of Roads Section*