

November 12, 2004

Content Analysis Team  
USDA Forest Service  
P.O. Box 221090  
Salt Lake City, UT 84122  
Sent via email to [trvman@fs.fed.us](mailto:trvman@fs.fed.us)

Re: Proposed Rule for Designated Routes and Areas for Motor Vehicle Use

Dear Chief Bosworth and Content Analysis Team:

I am writing in behalf of the Appalachian Trail Conference (ATC) to comment on the proposed rule change that would replace the Roadless Area Conservation Rule with a state petitioning process for inventoried roadless area management. We appreciate the opportunity to share our thoughts and concerns.

ATC is a private, nonprofit, educational organization established in 1925 to promote and coordinate citizen as well as public-agency efforts to design, construct, and maintain the Appalachian Trail (A.T.)—a long-distance footpath extending 2,174 miles from Maine to Georgia.

The Appalachian Trail was designated by the Congress as one of the nation's first national scenic trails with passage of the National Trail System Act in 1968. A variety of cooperative agreements and memoranda of understandings among the departments of Interior and Agriculture, the National Park Service and the USDA Forest Service, and the Appalachian Trail Conference have served to memorialize the long standing cooperative relationships among those parties toward the administration and management of the Appalachian National Scenic Trail. Approximately 950 miles or 43 percent of the Trail is on National Forest System lands. ATC's staff and volunteers work closely with National Forest System staff in the eight national forests from Maine to Georgia that host sections of the Trail. Those relationships are valued, as is the fact that the Trail has been recognized as a special land-use management feature of those forests.

Based on these shared interests and investments, ATC and our 32,000 members, as well as our 31 affiliated Trail-maintaining clubs whose volunteers each year contribute more than 65,000 hours in service in the affected National Forests along the Trail, have a strong interest as stakeholders who will be directly impacted by the proposed rule change.

ATC believes the proposed rule, if adopted, would adversely affect the management of inventoried roadless areas along or near the Appalachian Trail, other trail systems, and the resource values associated with millions of acres contained within roadless areas in the National Forest System, including many thousands of acres in the eastern United States.

While the provision for a petition from the state is the most problematic aspect of the rule, there are other problems as well. Therefore, ATC submits its strong opposition to the proposed rule, supported by the following detailed comments for your consideration.

ATC's Comments on the proposed "state petitioning process for inventoried roadless area management:"

- *Public involvement in the proposed process is inadequate.* The proposed rule does not include explicit requirements for public involvement in evaluating the merits of any state petition. The notice of proposed rulemaking appears to ignore or to dismiss the substantial amount of public comment and participation that occurred through the development of the earlier 2001 rule, including ample opportunities for participation and comment by the states.
- *Expertise in critical areas is not included in the process, though the notice of proposed rulemaking acknowledges such expertise may be needed.* The notice of proposed rulemaking that accompanies the proposed rule allows for the possibility of the creation of an advisory committee to assist the Secretary in evaluating any petitions. It notes that such a committee could consist of members with expertise in fish and wildlife biology and management, forest management, outdoor recreation, other important disciplines, as well as state and local governments. However, no such advisory committee requirement currently appears in the proposed rule language.
- The fact that the proposed rule does not require the formation of an advisory committee of independent subject-area experts to assist the Secretary in evaluating the merits of a petition gives the appearance, at least, that such *decisions could be made on largely political grounds.*
- *The proposed process conflicts in scale with the resources under consideration.* The emphasis in the proposed rule on a state-specific focus ignores the fact that some inventoried roadless areas include lands in more than one state, and that many roadless-area values (e.g., watershed protection, wildlife habitat) have multi-state significance. Both the notice and the proposed rule place too great an emphasis on the role of the states in influencing the management direction affecting what, in many cases, *represent nationally significant roadless-area lands and resources.*
- *The proposed process threatens to undermine the significant investment of federal agencies and stakeholders and our collective gains made producing the Forest Plans.* The information required to support a state petition as outlined in the proposed rule is entirely too skeletal, especially in view of the fact that management practices advocated by a petition, if incorporated in a state-specific rulemaking, would override management prescriptions for affected roadless areas that were developed through a highly deliberative forest planning process spanning many years, with broad public participation, and incorporating the multidisciplinary views of many subject-area experts. The information required to support a state petition should be similar in scope and depth to the information examined through the forest planning process.

While such detailed information is not required in the language of the proposed rule, if it were, it is highly questionable whether most states would be willing to expend the resources necessary to assemble such information, especially in the narrow 18-month window provided by the proposed rule. Further, the 2001 Roadless Area Conservation Rule included a provision stating that it did not compel the amendment or revision of any existing land or resource management plan. No such explicit provision appears in the proposed rule.

- There is no requirement that any petitioning state should absorb the costs of analyses involved with evaluating petitions or any state-specific rulemakings that might arise from a petition. *Consequently, the proposed rule would further add to the workload of an already overburdened agency and staff.*
- *The cost-impact estimates provided in the notice of proposed rulemaking appear unrealistically optimistic.* For example, it is estimated that the time required to fully evaluate a state petition is likely to be less than 1,000 hours. The estimates also completely ignore any additional staff/time requirements associated with any NEPA compliance associated with any proposed state-specific rulemaking.
- The implicit assumption underlying the proposed rule is that it will somehow reduce or eliminate lawsuits, appeals, and the contentious nature of roadless-area management issues in general. Given the history of roadless-area management, this assumption also appears unrealistically optimistic.

In closing, ATC acknowledges the success of the forest planning process as completed and ongoing throughout the National Forest System. Not only would the proposed rule adversely affect the management of inventoried roadless areas along or near the Appalachian Trail, other trail systems, and the resource values associated with millions of acres contained within roadless areas in the National Forest System, it would compromise the success of the forest planning process.

Again, thank you for the opportunity to comment on this important issue.

Sincerely,

David N. Startzell  
Executive Director

cc: Director of Recreation and Heritage Resources Dave Holland  
Region 8 Director of Recreation Ann Christensen  
George Washington and Jefferson National Forests Supervisor Bill Damon  
Cherokee National Forest Supervisor Tom Speaks  
National Forests in North Carolina Forest Supervisor John Ramey  
Chattahoochee National Forest Supervisor Kathleen Atkinson  
White Mountain National Forest Supervisor Tom Wagner  
Green Mountain National Forest Supervisor Paul Brewster