



“Voice of the Western Slope since 1953”

A coalition of counties, communities, businesses & individuals

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FOREST “ROADLESS RULE” DECISION

98-3 PL 2

WHEREAS the USDA Forest Service implemented the Roadless Areas Conservation Rule, a regulation that substantially restricts most forms of access and use on 58.5 million acres, or fully 1/3 of the National Forests; and

WHEREAS the Roadless Rule was implemented through a flawed rulemaking process which denied critical information from the public (including the boundaries of recommended roadless areas) prior to the end of the comment period, thereby preventing State and Local governments and other interested parties and persons from meaningfully participating in the rulemaking process; and

WHEREAS in a July 14, 2003, decision Federal District Judge Clarence A. Brimmer for the District of Wyoming held that the rulemaking violated the National Environmental Policy Act (NEPA) in several instances, in particular for failure by the Forest Service to:

- Provide critical information including roadless area identification and boundaries;
- Extend the comment period for the scoping process to permit additional critical information to be provided the public;
- Allow the State of Wyoming, which had requested cooperating agency status, to participate as such and failing to explain the reason for its denial;

WHEREAS Judge Brimmer also found that the Forest Service’s “hasty and flawed” rulemaking which limited use of 58.5 million acres of “roadless” areas despite the existence of roads and previous roaded use within their boundaries violated the 1964 Wilderness Act by establishing de facto wilderness areas without action by Congress; and

WHEREAS Judge Brimmer’s injunction prohibited the Secretary of Agriculture from implementing the Roadless Rule as contemplated and finalized by the Clinton Administration in 2001; and

WHEREAS the Secretary of Agriculture, in the wake of Judge Brimmer’s injunction, enunciated a new draft Rule in June 2004, under which Governors would have the opportunity to work with USDA on collaborative state-specific rulemakings for the conservation and management of Roadless Areas. Specifically, Governors would be asked to submit petitions identifying which areas should be managed as Roadless, as well as ways to protect public health and safety, reduce wildfire risks to communities and critical wildlife habitat, maintain

critical infrastructure, such as dams and utilities, and assure citizens access to private property for those lands in close proximity to Roadless Areas; and

WHEREAS of the 14,509,000 acres of national forest system land in the State of Colorado, fully 4,433,000 acres were set aside from most forms of use as part of the Roadless Area Conservation Rule, making the disposition of the Roadless issue of supreme importance to the State of Colorado;

NOW THEREFORE BE IT RESOLVED that CLUB 20 continues to oppose the Roadless Area Conservation Rule issued in 2001 due to the lack of meaningful public participation involved in the rulemaking and the resulting adverse economic consequences of that rule; and

BE IT FURTHER RESOLVED that CLUB 20 supports the 7/14/03 decision by Federal District Court Judge Clarence Brimmer holding that the Roadless Area Conservation Rule violated the National Environmental Policy Act (NEPA); and

BE IT FURTHER RESOLVED that CLUB 20 endorses the May 2005 Final Rule issued by the Secretary of Agriculture to remedy legal flaws in the Roadless Rule by affirmatively seeking out the input of State and local leaders, particularly Governors; and

BE IT FURTHER RESOLVED that CLUB 20 supports the efforts of the Roadless Review Task Force (created by the Colorado legislature in 2005) to facilitate an intensive dialogue involving a broad-base of stakeholder groups to make reasoned and thorough judgments in the form of recommendations to the Secretary of Agriculture as to the most appropriate management strategy for all lands covered by the 2001 Roadless Rule within the State of Colorado, and specifically encourages the Task Force to:

- seek a balanced solution to the Roadless debate in Colorado, giving appropriate weight to LOCAL economic and social values during its deliberations,
- consider Forest and local governmental planning documents, and
- recognize all valid existing rights on these lands.

BE IT FURTHER RESOLVED that CLUB 20 urges the Governor and Secretary of Interior to secure the funding necessary to implement these roadless management recommendations as soon as possible.

Adopted March 6, 1998

Amended September 5, 2003

Amended September 10, 2004

Amended September 9, 2005