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United States
Department of
Agriculture

Forest
Service

Washington
Office

201 14th & Independence, SW
Post Office Box 96090
Washington, DC 20090-6090

File Code: 1300

Date: January 5, 2001

Route To:

Subject: Release of the Roadless Area Conservation Final Rule

To: All Employees

President Clinton announced, and Secretary Glickman has signed, the Roadless Area Conservation Final Rule. In addition, the new roads policy was finalized yesterday after more than two years of work. Both of these rules have required countless hours of dedicated work on the part of Forest Service employees throughout the country. Both of these rules were shaped by the involvement of literally millions of people. I want to personally thank everyone who has contributed their time, passion, and energy to their completion.

Details and specific information about the roadless rulemaking is available at www.roadless.fs.fed.us. Over the past decade or longer, the Forest Service has made the transition from emphasizing resource development and production to focussing on conservation, stewardship and restoration. The roads rule's emphasis away from new road construction toward managing a transportation system, providing safe access through improved maintenance of the existing roads system is emblematic, of that shift.

Similarly, completion of the roadless rule signifies the shift away from the timber controversies of the past over roadless entry and old growth harvest. This year we received a budget increase of over 40% and plan to hire as many as 5,000 part-time and full-time employees. I believe the agency has never been better positioned to make the case to the American people that we can both protect the most pristine and rare of wildlands while employing active forest management to protect communities, habitat, and municipal watersheds from fire and insects and disease.

This is a proud day for the Forest Service. Thanks for all that you do.

MIKE DOMBECK
Chief



Roadless Area Conservation:
An Investment For Future Generations
Mike Dombeck, Chief of the Forest Service
January 5, 2001

More than a year ago, I sought and welcomed President Clinton and Secretary Glickman's assistance in protecting roadless areas of the National Forest System. Political affiliation made no difference to me – or to the land. Protecting wild and unfragmented landscapes is a bipartisan American tradition, one that rises above ideology. It is a uniquely American idea born of our uniquely American heritage. Europe has its great castles and works of art, Africa its ancient pyramids, and cultures. Here in America we have our wild places, the first home of Native Americans. These untamed landscapes are what remain of the pioneer spirit that shaped this nation's character.

Almost a century ago, President Theodore Roosevelt stood on the rim of the Grand Canyon and said, "Leave it as it is. The ages have been at work on it and man can only mar it." Much the same can be said about our remaining roadless areas. Since the first Forest Reserves were created in 1891, through 20 presidencies – 12 Republican and 8 Democrat – this great body of public land we celebrate today, a vital 58.5 million acres of our treasured National Forests and Grasslands, remain roadless. President Clinton's decision reaffirms the long-standing policy of his distinguished predecessors – that this great nation will keep some of its land the way the Lord created it.

In the past two centuries, this nation has chosen to use its natural resources to build its homes, feed its people, and defend its shores. At the same time, we have chosen to set aside the most extensive network of public lands, designated wilderness, monuments, parks, and refuges for wildlife and fish of any nation on earth. Conservation is nothing if not about choices left for future generations.

Today, we conclude a public process that is based on the direct input of more than 1.5 million people – but in a larger sense reflects the views of tens of millions of other Americans. The collective will of the American people has driven our decision to protect roadless areas.

The decision is based on sound science, and more than a year of analysis by some of the foremost researchers in their fields. But our decision also makes plain common sense. Consider:

- We are presently saddled with a maintenance backlog of about \$8.4 billion on our existing road system. Faced with such liabilities, no private landowner in the world would continue investing in new road construction.
- We presently supply less than 4 percent of the nation's timber from all of our national forestlands combined. Of that modest 4 percent, only a tiny fraction – 6 percent – will be affected by roadless area conservation. That's one-quarter of 1

percent. Similarly, National Forests supply less than 4 tenths of one percent of the nation's oil and gas, and far less from roadless areas.

Is it worth one-quarter of 1 percent of our nation's timber supply, or a fraction of a fraction of our oil and gas to protect 58.5 million acres of wild and unfragmented land in perpetuity? Seventy-five years ago, another Forest Service employee, Aldo Leopold, answered that question. "Such a policy would not subtract even a fraction of one per cent from our economic wealth, but would preserve a fraction of what has, since first the flight of years began, been wealth to the human spirit."

This is a conscious choice made with an eye toward the future. As we witness the march of urbanization and the development of wild places, we can take comfort in the knowledge that we have given at least some of our remaining undeveloped land – a piece of our pioneer heritage – lasting protection. Through that choice, we pay tribute to those who have come before and preserve their legacy for those who will follow.

Let me be clear. Roadless area conservation will in no way diminish our wildland firefighting capabilities, and it will in no way affect existing permits, contracts, or rights of access. Moreover, I want to emphasize that timber harvest will continue in much of the National Forest System. This rule signifies a shift away from the timber controversies of the past that were typified by cutting old growth and developing roadless areas. Today, a growing consensus is building about the need to protect the most pristine forests while using timber harvest to make our other forests healthier, communities safer, and economies more resilient.

Roadless area conservation is a down payment on the well-being of future generations. Under this new rule, more than 58.5 million acres of roadless areas will continue to cleanse the water for downstream use by millions of Americans nationwide. They will continue to serve as a refuge for native plant and animal species and a bulwark against the spread of nonnative invasive species. As a baseline for natural habitats and ecosystems, they will continue to offer rare opportunities for study, research, and education. Finally, they will continue to offer terrific opportunities for hunting, fishing, and other dispersed forms of recreation on large, undisturbed landscapes where visitors can find privacy and solitude. As Aldo Leopold once put it, our remaining unroaded wildlands are a national treasure, a "wealth to the human spirit."

This is a proud moment in Forest Service history. My heartfelt gratitude goes out to the hundreds of Forest Service employees who helped make this happen.



File Code: 1910-1

Date: JAN - 5 2001

Mr. John T. Spotila
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Eisenhower Executive Office Building
Room 350
17th Street and Pennsylvania Avenue, Northwest
Washington, D.C. 20503

Re: Response to Information from DOE on
Effects of Roadless Rule on Mineral Leasing

Dear Mr. Spotila:

The Department of Energy has raised concerns about the potential impacts on leasable energy minerals if the Roadless Area Conservation Final Rule at 36 CFR 294 does not allow road building in support of exploration and development for these leasable minerals. In addition, the Department of Energy and the Office of Management and Budget received several letters from mining interests outlining their concerns with the Preferred Alternative identified in the Final Environmental Impact Statement for Roadless Area Conservation.

Upon being informed of these concerns, the Forest Service immediately requested its interdisciplinary team to evaluate the information provided by the Department of Energy in accordance with agency procedures under the National Environmental Policy Act for new information. The Forest Service has met with and discussed these concerns with the Department of Energy and your office.

This letter summarizes the points that were submitted by the Department of Energy and other commentators after release of the Final Environmental Impact Statement, and provides the agency response to those points. After careful review of the provided information, the agency has concluded that there is no change in the magnitude of the effects as disclosed in the Final Environmental Impact Statement.

Background

The Final Environmental Impact Statement recognized that alternatives prohibiting road construction and reconstruction in inventoried roadless areas would limit future exploration and development of leasable mineral resources in those areas (Volume 1, page 3-255). Portions of inventoried roadless areas with existing leases would be exempt from the prohibition on road construction. Areas under lease would continue to be exempt in the future, as long as the areas are re-leased immediately upon expiration of an existing lease.

The analysis in the Final Environmental Impact Statement focused on impacts to coal, phosphate, and oil and gas resources, based on input from the national forests and grasslands and from public comment on the Draft Environmental Impact Statement and Proposed Rule (May 10, 2000; 65 FR 30276). Comment received from the Department of Energy on the Draft



Environmental Impact Statement focused only on transmission line corridors. Potential economic impacts related to existing coal and phosphate operations with known plans to expand into inventoried roadless areas were quantified in the Final Environmental Impact Statement (Volume 1, pages 3-308 through 3-324). Areas of known high potential for coal, phosphate, and oil and gas were also discussed (Volume 1, pages 3-254 through 3-260). Estimates of undiscovered resources for oil and gas, and for coal resources in some regions, were presented. No attempt was made to estimate the proportion of undiscovered resources in inventoried roadless areas because of the high degree of uncertainty of these estimates.

Since the Final Environmental Impact Statement was published, the Department of Energy has questioned whether a Roadless Area Conservation Final Rule would have significant economic impacts on the future availability of energy resources, particularly for natural gas and coal. They provided an analysis of potential impacts related to oil and gas resources, and compiled information on coal resources as well.

Impacts on Oil and Gas Resources

1. Estimate of Inventoried Roadless Areas Within High Potential Oil and Gas Play Areas

Using a contractor, Advanced Resources International, Inc., the Department of Energy undertook an analysis that focused on the potential impacts to undiscovered oil and gas resources in the two United States Geologic Survey-defined Rocky Mountain regions. Overlaying United States Geologic Survey play areas on Forest Service maps of inventoried roadless areas, the Department of Energy estimated the acres of inventoried roadless areas in each of the play areas. The calculations of oil and gas resources that are estimated to lie beneath inventoried roadless areas are tied to these acreage estimates.

Advanced Resources International, Inc.'s geospatial analysis used United States Geologic Survey map data for the oil and gas play areas. The oil and gas play map data used in this analysis are very coarse and were prepared at a variety of map scales. The coarse-scale of the oil and gas play area data results in a positional accuracy of plus or minus 1 to 5 miles on the ground. In comparison, the Forest Service maps of inventoried roadless areas were compiled at a fine scale with positional accuracy of plus or minus 100 feet. Combining the coarse scale play areas with the higher resolution inventoried roadless areas introduces a large degree of uncertainty as to the true overlap of oil and gas plays and inventoried roadless areas where inventoried roadless areas fall along the boundaries of play areas. Therefore, the estimates of the acreage of inventoried roadless areas in some play areas are uncertain.

2. Estimates of Oil and Gas Resources Beneath Inventoried Roadless Areas

The Department of Energy's analysis assumes that oil and gas resources are homogeneously distributed across the play areas (except in the two play areas where natural gas potential was estimated at the township level). Under this assumption, the key factor in estimating the percentage of these resources in the play areas is the percent of inventoried roadless area acreage in the play area. The Department of Energy's analysis did use terrain information to refine estimates with respect to access. Areas within inventoried roadless areas were subdivided into

categories having less than 30 percent slope and those having greater than 30 percent slope to estimate difficulty of access. This terrain modeling partially accounts for lower geologic potential in steep terrain.

Generally, oil and gas resources are found in basinal areas as opposed to mountainous terrain. As stated in the 1999 National Petroleum Council study entitled, *Natural Gas: Meeting the Challenges of the Nation's Growing National Gas Demand*, page J-9:

"Consistent with implied geology, Forest Service areas (which tend to be mountainous) have lesser amounts of resource than basinal areas. Further, CAs [calibration areas] that overlie both basinal and mountainous terrains show an uneven distribution of resource with respect to the total area of the CA. . . ."

In addition, location of dry wells and producing wells tend to follow distinct patterns. The 1995 United States Geologic Survey data used for this analysis includes geographic locations of both dry wells and wells that are producing oil and gas in these play areas. Using this information, the Forest Service generated geographic information system maps showing the location of these wells in the play areas, in inventoried roadless areas, and with terrain data. The plots show the vast majority of the well locations are found in valley bottoms or plateaus, not on the steep mountainous terrain typically found on National Forest System inventoried roadless areas in the Rockies. The maps clearly illustrate that oil and gas exploration patterns have not been evenly distributed. The maps also indicate that exploration activity has been lowest in areas of steep terrain, which may be a result of difficult physical access, high economic costs for exploration and development, and access limitations related to environmental concerns.

Using the homogeneity assumption, the Department of Energy analysis estimated that about 11.3 trillion cubic feet of natural gas and 550 million barrels of oil could potentially underlie inventoried roadless areas. Based on their figures of total undiscovered resources within the 208 Rocky Mountain play areas examined, estimated resources beneath inventoried roadless areas account for about 3.5 percent of undiscovered gas and almost 7 percent of undiscovered oil resources. Of the play areas that contain inventoried roadless areas, an estimated 9.3 trillion cubic feet of gas occur in just 9 of the play areas. It seems likely that even if resources do underlie inventoried roadless areas, they would be among the last areas entered for exploration and development for the reasons described above.

3. Estimates of Economically Recoverable Resources

The original Department of Energy analysis focused on technically recoverable resources. A further analysis was provided that estimated the economically recoverable portion of those resource estimates for natural gas, based on a range of gas prices. The analysis estimated that between 68 and 78 percent of the technically recoverable resources could be economically recovered, depending on the resource type and the price of gas. The Department of Energy estimated that recovery of those resources could be worth between 23 and 34 billion dollars.

These numbers and values assume these resources would be developed in the future, if available.

If exploration and development did occur, it would likely be 5 to 10 years before any production would occur, because oil and gas leasing is a lengthy process. Therefore, the value would not be realized in the near future, and any production would be spread over multiple years in the future. Even if all of the recoverable reserves were produced, they would account for only about 6 months of national production. Second, it is unlikely that exploration in inventoried roadless areas would be a high priority because of existing access issues independent of the Roadless Area Conservation Final Rule.

Currently, the National Forest System plays a minor role in providing natural gas resources, only about 0.4 percent of national production (76.4 billion cubic feet) in 1999. It is reasonable to assume, under the current demand conditions, that there will be increased interest for development of natural gas resources on federal lands and elsewhere. However, it is not likely that inventoried roadless areas will be a significant contributor to oil and gas resources in the near future. Some of these areas are not currently available for leasing, as a result of Congressional or agency management decisions. Therefore, the likelihood of resources being recovered from inventoried roadless areas, even in the absence of a Final Rule, seems small, except where leases already exist. From data collected from the affected national forests and grasslands, approximately 759,000 acres considered to have high oil and gas potential in inventoried roadless are already under lease. This further reduces any potential economic impact.

Impacts on Coal Resources

The Final Environmental Impact Statement described the coal production from National Forest System lands as accounting for about 7 percent of national production in 1999. The analysis acknowledged the increasing national demand for coal, particularly the low-sulfur coal found primarily in the Western States. About 2.5 million acres of coal-bearing rock were estimated to occur in inventoried roadless areas in the Interior West.

The analysis focused on two national forests that identified existing coal mining operations that could be affected by a prohibition on road construction and reconstruction in inventoried roadless areas. Information was provided by these national forests, and by one coal operator in Colorado during the public comment period on the Draft Environmental Impact Statement.

1. Effects on the Grand Mesa, Uncompahgre, and Gunnison National Forests

The Final Environmental Impact Statement identified potential economic impacts on the West Elk Mine, based primarily on information from the mine's operator, Arch Coal, on production levels and the need to expand through road construction into contiguous inventoried roadless areas for future production. Economic impacts provided in the Final Environmental Impact Statement are based on assuming production would continue at the current level of approximately 7 million tons of coal per year. The economic effects associated with the current operation include 361 direct jobs and 2,119 total jobs. Annual income effects were estimated to be \$26 million in direct income and \$89 million in total income. If the mine were required to close because of reduced access to adjacent reserves, these jobs and associated income would be lost.

Arch Coal provided further input on West Elk Mine indicating that an estimated 200 million tons of reserves would become unavailable because they underlay inventoried roadless areas. In addition, the company believes that 50 million tons of coal on the existing lease could not be mined without road construction.

The Department of Energy provided information on two additional mines currently operating on the Grand Mesa, Uncompahgre, and Gunnison National Forests that could be affected. Neither company provided comments to the agency during the public comment period on the Notice of Intent or the Draft Environmental Impact Statement. Both mines are adjacent to inventoried roadless areas.

On March 27, 2000, the United States Department of the Interior, Bureau of Land Management issued a Record of Decision for leasing two lease tracts and approving an exploration license in the area involving these two mines on the Grand Mesa, Uncompahgre, and Gunnison National Forests. The area covered by one of the lease tracts and the exploration license does not include inventoried roadless areas. The Record of Decision includes a stipulation for the other lease tract that indicates access will be contingent on a Roadless Area Conservation Final Rule for the portion in an inventoried roadless area. According to a letter from Arch Coal, one of these mines (Oxbow) just obtained a new coal lease that partially includes an inventoried roadless area. Given that a lease exists, the road prohibitions will not apply to the inventoried roadless acres covered by the lease. Although these mines' future potential expansions into inventoried roadless areas could be affected, the Forest Service was not able to estimate the extent of such impacts because no data has been provided to indicate the future production goals in inventoried roadless areas.

A final concern by Arch Coal that was emphasized by the Department of Energy was the potential effect on users of this low-sulfur, high BTU coal, primarily electric utilities in the East. According to the Department of Energy, many utility and industrial boilers have been designed to blend the western coal with other higher sulfur coal to meet their Clean Air Act compliance goals. The Department of Energy was unable to estimate the availability of substitute sources of coal if supply from existing mines is reduced in the future.

The impacts of a reduced supply from these three currently producing mines in Colorado on the overall supply of low-sulfur, high BTU coal used by some utility companies are difficult to predict. The three mines in Colorado account for about 16 million tons of production annually, which is about 2 percent of the coal consumed by utilities in 1999. Existing leases should be sufficient to meet current contracts with utilities. The majority of coal production in Colorado comes from federal leases. The three mines described are significant contributors to the total federal production. If reserves in inventoried roadless areas are not accessible, it is unknown whether coal reserves would be developed in alternate locations. Other parts of the western United States, which contain very little inventoried roadless acres, such as Wyoming's Powder River Basin, also produce low-sulfur coal and might be a substitute source.

Overall, the nation has abundant coal reserves. The low-sulfur reserves are concentrated in the western United States. The State of Colorado has an estimated 11 billion short tons of low-sulfur coal (some of which is sub-bituminous coal or lignite) in the demonstrated reserve base, of which

about 6 billion short tons are estimated to be economically recoverable. Other western states with abundant low-sulfur coal reserves include Montana and Wyoming. Most of this low-sulfur coal is also low BTU coal, so the volume of coal required to generate the same amount of electricity is higher. Utilities may need to use alternative strategies to comply with Clean Air Act standards – such as emissions trading – if they choose to use high-sulfur, high BTU coal, or install scrubbers to reduce emissions. Given the availability of other low-sulfur coal, options for emissions trading, and scrubber technology, reductions in the supply of low sulfur, high BTU coal from inventoried roadless areas would not have a detrimental effect on air quality.

2. Effects on the Manti-LaSal National Forest

The Final Environmental Impact Statement identified three tracts with known reserves that would likely be available for leasing in the absence of a Final Rule. The agency provided estimates of reserves, but did not estimate economic impacts, because the areas are not currently under lease. During the public comment period on the Draft Environmental Impact Statement, no operators indicated a need for access to contiguous reserves in inventoried roadless areas to continue existing operations.

Arch Coal provided further comments on effects associated with these tracts in Utah. In one tract, the company currently owns about 1,500 acres of private surface and coal. They operate a mine adjacent to another tract that includes some existing coal leases. The third tract is currently not under lease.

Several commentators on the Draft Environmental Impact Statement, including the Governor of the State of Utah, had questions about access to State-owned coal in two of the three tracts identified on the Manti-LaSal. The right to a certain amount of coal was conveyed to the State of Utah in a coal exchange associated with creation of the Staircase Escalante National Monument. As discussed in the Final Environmental Impact Statement, access based on existing rights would not be affected by a Final Rule. An additional concern was raised that the agreement for the State coal is limited to 22 million tons. Once this amount is mined, the coal reverts to federal ownership.

As explained in the Final Environmental Impact Statement, access to coal held under existing rights is guaranteed. Access to reserves in federal ownership not under lease could be affected by the Final Rule, depending on the need for new roads. The rights of the State of Utah would be recognized.

Impacts on Phosphate Resources

The Final Environmental Impact Statement identified potential impacts on future phosphate mining on the Caribou National Forest, the only area of active phosphate mining on National Forest System lands. The Final Environmental Impact Statement acknowledged that phosphate production from the Caribou National Forest accounts for about 12 percent of national production, and is used to supply regional producers of phosphate fertilizer products and elemental phosphorous. The analysis included an estimate of 873.3 million tons of phosphate resources in inventoried roadless areas, and a description that about 8,000 acres of the area of

"known phosphate lease areas" are within inventoried roadless areas.

In a letter to the Office of Management and Budget, the National Mining Association provided estimates of phosphate reserves in the States of Idaho, Wyoming, Utah, and Montana that would potentially be impacted by a Final Rule. The company currently mining on the Caribou National Forest made these estimates. No documentation was provided for the basis of the estimates. However, their estimate of resources that could be mined using open pit methods (the method used on the Caribou National Forest) was less than the phosphate resource estimate for inventoried roadless areas in the Final Environmental Impact Statement.

The quantified economic effects described in the Final Environmental Impact Statement relating to phosphate mining were limited to potential effects on an existing mine if operations could not be expanded into contiguous inventoried roadless areas. Within 2 years, impacts associated with closing that mine were estimated to be 185 direct jobs and 976 total jobs, with associated income effects of \$10 million of direct income and \$39 million of total income. The probability of this impact is highly uncertain, since the resolution of a lease appeal and approval of another lease that is not in an inventoried roadless area would eliminate the need in the near future to move into areas currently not under lease.

In the longer term, the analysis acknowledged that prohibitions on road construction and reconstruction would reduce future phosphate development on the Caribou National Forest.

Conclusions

The information provided by the Department of Energy and others provided additional context to the analysis. However, none of the information alters the conclusions of the Final Environmental Impact Statement about the effects on leasable minerals.

Thank you for your time and help in assisting us in determining the magnitude and nature of the Department of Energy's comments on the effects of a Roadless Area Conservation Final Rule.

Sincerely,



MIKE DOMBECK
Chief

cc:

Mr. William Hochheiser, Department of Energy
Ms. Dinah Bear, Council on Environmental Quality
Ms. Ann Miller, Environmental Protection Agency

Enclosures (13):

1. Advanced Resources International presentation entitled, *Undiscovered Natural Gas and Petroleum Resources Beneath Inventoried Roadless and Special Designated Areas on Forest Service Lands* (November, 2000)
2. Arch Coal, Inc., letter to William Hochheiser, Department of Energy, dated November 15, 2000
3. Arch Coal, Inc., letter to Jefferson Hill, Office of Management and Budget, dated November 15, 2000
4. David D. Fredley, *Report Concerning the Cumulative Effects of the Roadless Conservation Proposal of the U.S. Forest Service and the 3809 Rulemaking of the U.S. Bureau of Land Management*, dated November 16, 2000
5. National Mining Association letter to John T. Spotila, Office of Management and Budget, dated November 17, 2000
6. National Mining Association letter to Jefferson Hill, Office of Management and Budget, dated November 20, 2000
7. Crowell & Moring LLP, letter to Jefferson Hill, Office of Management and Budget, dated November 21, 2000
8. William Hochheiser, Department of Energy, electronic message to Tammy Croote, Office of Management and Budget, dated November 30, 2000
9. Advanced Resources International, Inc., memorandum to William Hochheiser, Department of Energy, entitled, *Economically Recoverable Natural Gas Resources Beneath Inventoried Roadless Areas on Forest Service Lands, Analysis and Results* dated December 7, 2000
10. Advanced Resources International, Inc., memorandum to William Hochheiser, Department of Energy, entitled, *Undiscovered Natural Gas and Petroleum Resources Beneath Inventoried Roadless and Special Designated Areas on Forest Service Lands, Analysis and Results*, dated December 7, 2000
11. Advanced Resources International, Inc., memorandum to William Hochheiser, Department of Energy, entitled, *Viability of the Montana Folded Belt Play*, dated December 7, 2000
12. Forest Service, *Named Roadless Areas with the Top Nine Plays*, dated December 11, 2000
13. National Mining Association, letter to Mike Dombeck, Forest Service, dated December 8, 2000



United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O. Box 96090
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File Code: 2760

Date: JAN 11 2001

Secretary Babbitt
United States Department of the Interior
1849 C St. NW
Washington, DC 20046

Enclosed is an application for withdrawal of the Siskiyou National Forest. This application is to withdraw the area from operations under the mining laws. Please process it in a timely manner.

Sincerely,

MIKE DOMBECK
Chief



APPLICATION FOR WITHDRAWAL, 43 CFR 2310.1-2
Siskiyou National Forest

1. **APPLICANT:**

Office of the Chief
Forest Service
U.S. Department of Agriculture
201 14th Street, S.W. at Independence Ave., S.W.
Washington, D.C. 20250

2. **DELEGATION OF AUTHORITY:**

The Chief of the Forest Service has been delegated authority by the Secretary of Agriculture to initiate withdrawals.

3. **AGENCY ADMINISTERING LANDS SUBJECT TO APPLICATION:**

USDA Forest Service.

4. **TYPE OF WITHDRAWAL REQUESTED:**

This request is for a withdrawal from mineral entry under the United States mining laws. The purpose of limiting operations under those laws is to maintain other public values in the area including protection of threatened and endangered species, and preservation of outstanding botanical and scenic values.

5. **DESCRIPTION OF THE LANDS:**

All National Forest System lands in the Siskiyou National Forest. This includes a total of 1,093,953 acres of National Forest System lands in part or all of the following Meridians, Townships, and Ranges:

Humboldt Meridian - California - 33,260 acres

T. 47 N., R. 3, 4, 5 and 6 E.

T. 48 N., R. 4, 5, and 6 E.

Willamette Meridian - Oregon - 1,060,693 acres

T. 31 S., R. 10 and 11 W.

T. 32 S., R. 10, 11, 12, 13, and 14 W.

T. 33 S., R. 10, 11, 12, 13, and 14 W.

T. 34 S., R. 9, 10, 11, 12, and 13 W.

T. 35 S., R. 8, 9, 10, 11, 12 and 13 W.

T. 36 S., R. 7, 8, 9, 10, 11, 12 and 13 W.

T. 37 S., R. 8, 9, 10, 11, 12 and 13 W.

T. 38 S., R. 8, 9, 10, 11, 12 and 13 W.

T. 39 S., R. 5, 6, 9, 10, 11, and 12 W.

T. 40 S., R. 5, 6, 7, 9, 10, 11, and 12 W.

T. 41 S., R. 5, 6, 7, 8, 9, 10, 11, and 12 W.

Existing withdrawn lands (described below) are included in the above gross figures.

6. EXISTING WITHDRAWALS:

Approximately 267,000 acres (24%) of the Siskiyou National Forest are currently withdrawn from mineral entry. Nearly 232,000 of these acres are within existing wilderness. The remainder are within 73 administrative and recreation sites; and 19 other areas such as botanical, geological, and archeological areas; National Park buffers; and Wild and Scenic Rivers.

There is also one pending application for a withdrawal on the North Fork Smith Wild and Scenic River. The temporary segregation is currently in place pending a decision on this withdrawal. This segregation will expire in early 2002.

7. PUBLIC PURPOSE OR PLAN OF USE

The area will be managed for its high botanical, fishery, wildlife, cultural, and aesthetic qualities. This area will also be managed for recreational use consistent with the above qualities.

These resources and related activities will continue to be managed in accordance with the Siskiyou National Forest Land and Resource Management Plan as amended by the Northwest Forest Plan.

8. EXTENT OF WITHHOLDING & SEGREGATION PERIOD:

These lands are requested to be segregated from settlement, sale or location under the United States mining laws for two years in accordance with 43 CFR 2310.2(a). During this period, the USDA Forest Service will complete the necessary NEPA analysis, develop the case file, and submit it to the Secretary of the Interior in accordance with 43 CFR 2310.3-2.

9. TEMPORARY LAND USE TO BE ALLOWED DURING SEGREGATION:

All operations consistent with the Siskiyou National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan, which are consistent with the United States mining laws and other applicable laws and take place on mining claims located before the date of publication of the segregation notice could continue.

10. ANALYSIS OF OTHER METHODS OF PROTECTION:

Neither rights-of-way nor cooperative agreements are effective tools for a withdrawal of this magnitude.

The vast majority of operations conducted under the United States mining laws on the Siskiyou National Forest are small scale prospecting, and apparently recreational rather than commercial in nature. Existing regulations do not provide an effective means to reduce the numbers of or eliminate such operations while the lands remain subject to the operation of the United States mining laws. Although existing regulations provide a mechanism to contest the validity of mining claims, they do not provide a means, following a successful mineral contest, to prevent another, or even the same, claimant from locating another mining claim for the same ground.

Indeed, the commercial value of the mineral resource, which is the issue examined in a mining claim contest, is not the readily apparent motivation for the vast majority of the operations being conducted on the Siskiyou National Forest pursuant to the United States mining laws. Even if the United States were to contest the mining claims and establish that the lands have no mineral value, or that claimants who have found minerals on the lands have not discovered valuable deposits of those minerals, it would not remove the claimants' evident motivation to continue the search for minerals on these lands. The recreational opportunities presented by mineral collection activities would still exist and the exploration for valuable mineral deposits would continue. Without a withdrawal, new mining claims would continue to be located and operations could continue on all existing claims, even those on which the discovery of a valuable mineral deposit has not been made. This would require the United States to continuously challenge new and re-located mining claims which threaten the unique resources of the Siskiyou National Forest.

Mineral withdrawal is the only mechanism available which would allow the agency to effectively prohibit all forms of prospecting, exploration, and, subject to valid existing rights, mining operations on the Siskiyou National Forest.

11. DURATION OF WITHDRAWAL:

The withdrawal is proposed for 20 years' duration, to permit maximum public enjoyment of the botanical, fishery, riverine, wildlife, recreational, and scenic resources of the area.

12. ALTERNATIVE SITES:

No known alternate sites exist.

This area is one of only seven in North America regarded as an area of global botanical significance. Its significance lies in its high concentration of rare, sensitive, threatened, and endangered plant species, many of which are found nowhere else in the world.

This area is unique in its concentration of Congressionally-designated Wild and Scenic Rivers. These include some of the last river systems on the west coast of the United States where native, naturally producing salmon and steelhead populations are not impacted by direct hatchery supplementation.

13. WATER NEEDS:

None

14. RECORD AVAILABILITY:

Records relating to this application can be examined at the Siskiyou National Forest headquarters at Medford, Oregon.

15. PRELIMINARY IDENTIFICATION OF MINERAL RESOURCES IN THE AREA:

The Siskiyou National Forest is a geologically diverse area with occurrences of gold, silver, nickel, chrome, cobalt, copper, manganese, molybdenum, mercury, coal, and limestone. Of these, nickel, cobalt, chrome, manganese, and mercury are classified as strategic minerals. Gold, silver, nickel, cobalt, chromite, and copper deposits occur in such amounts as to have supported exploration and mining operations in the past, and could support such operations in the future depending on economic incentives. Manganese, molybdenum, and mercury occur in small, insignificant, deposits.

Approximately 145,300 acres (13%) of the Siskiyou National Forest show evidence of high mineral concentration. These lands are concentrated in the eastern half of the Siskiyou National Forest, with notable concentrations in the southeastern quarter. Mineral concentrations are low or unlikely on approximately 648,300 acres (59%), primarily in the western half of the Forest.



United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O.Box 96090
Washington, DC 20090-
6090

File Code: 2300-1/1510/6520

Date: JAN 11 2001

The Honorable Brian Baird
U.S. House of Representatives
1721 Longworth House Office Building
Washington, D.C. 20515-4703

Dear Congressman Baird:

Thank you for your November 10, 2000, letter regarding the 20th anniversary season at Mount St. Helens National Volcanic Monument (NVM). Your efforts to facilitate a dialogue among the communities, agencies, and interested people contributed immensely to successful outcomes. Solutions for the long-term must include creative alternatives and incorporate a wide variety of interests. The partnership between the Gifford Pinchot National Forest and Washington State Parks and Recreation Commission to operate Mount St. Helens Visitor Center at Silver Lake represents a creative solution to retaining services while reducing Federal costs.

Over the years, the Forest Service has received Congressional support to build visitor centers with earmarked construction funds. However, critical operations and maintenance dollars have not increased commensurately. Partnerships, volunteers, and other human resource programs are being utilized to help meet public recreation needs. The gap between funding to support such large facilities and programs and their costs continues to grow. For this reason, the Forest Service imposed a national moratorium on building new visitor centers in 1994. The moratorium remains in effect today. The situation is similar at all of the Forest Service's 57 major visitor centers with several centers facing potential closure in the coming year.

In your letter, you presented two specific requests for the Mount St. Helens National Volcanic Monument. I hope the following responses sufficiently address your concerns:

- 1. "I request your assistance in ensuring that the Mount St. Helens National Volcanic Monument receives adequate funding in FY 2001 to effectively provide recreational services to the communities on the east side of the mountain."**

The Regional Forester of the Pacific Northwest Region supports bridging the transition to long-term Federal funding levels. The Gifford Pinchot National Forest developed the FY 2001 NVM public service program with a clear awareness of community interests and strived to balance services provided geographically around the NVM.

During FY 2000, the Forest Service provided an additional \$700,000 above the Forest level allocation to ensure an adequate level of programs and services for the 20th anniversary season. The Forest Service also committed an additional \$365,000 over the Forest allocation for FY 2001.



Pending unusual weather or circumstances, the Gifford Pinchot National Forest is expected to be able to provide the public services described to your staff.

2. "I request your assistance in revising the fiscal allocation formula to provide adequate overall long-term funding for the Monument."

Your letter accurately states that FY 2001 budget levels for the NVM are expected to be lower than FY 2000. Although overall recreation funding to the Forest Service increased in FY 2001, available funds at the NVM are anticipated to decrease due to the following reasons:

- a) Fee demonstration revenue estimates are expected to decrease commensurate with visitation levels after a significant anniversary year (a standard occurrence in the industry); and,
- b) The reduction in *supplemental* funding from \$700,000 additional monies in the 20th anniversary year to \$365,000 for FY 2001.

The current allocation of recreation funds to the Pacific Northwest Region and all regions is the result of applying a standard set of allocation criteria. The Region allocates recreation funds within the Region using the national formula, modified to place additional emphasis on special areas, urban national forests, visitor centers and facilities. The Gifford Pinchot National Forest benefits from these modifications with a higher level of funding to the Forest and Mount St. Helens NVM.

Prior to the allocation of \$700,000 in additional funds during FY 2000, the Gifford Pinchot National Forest received the second largest allocation of recreation operations funding of all the national forests in the Pacific Northwest Region. Any decision to further increase the proportion of funds allocated to the Gifford Pinchot National Forest would lead to a decrease in funding available for other units and would adversely affect important recreation programs on national forests elsewhere in Washington and Oregon.

The recently completed National Recreation Agenda outlines an approach for the future. The Forest Service is implementing a new Budget Formulation and Execution System that will be used with the FY 2003 budget formulation process. This budget approach will: (a) allow us to build budgets that reflect field-level program capabilities; (b) improve the credibility of information we provide Congress and the American people; (c) improve our Agency's accountability for performance; and, (d) strengthen budget formulation linkages to the Strategic Plan, annual performance measures, and the Natural Resource Agenda.

It is imperative to continue working together to find long-term solutions to issues confronting this national treasure. The Forest Service will continue to assist the NVM in reducing costs, seeking alternative funding, reviewing the fee demonstration program, and expanding the use of volunteers and partnerships. The agency will continue to work with partners and community leaders to develop long-term solutions for financial stability at the Mount St. Helens NVM. The Forest Service has worked closely with its partners and communities around the volcano for two decades and is committed to continuing this teamwork in the decades to come.

The Honorable Brian Baird

Page 3

If you have further questions or concerns about the Mount St. Helens NVM, Pacific Northwest Regional Forester Harv Forsgren and his staff and the Washington Office staff are available to assist you. Please don't hesitate to contact them.

I would like to express my appreciation for your acknowledging the assistance given to you and your staff by the employees of the Gifford Pinchot National Forest and the Pacific Northwest Region. Forest Service employees are exceptionally committed professionals, and it is gratifying when their efforts are recognized.

Thank you again for your letter and for the energy you have invested in facilitating collaborative discussions on this significant national monument.

Sincerely,

A handwritten signature in cursive script that reads "Mike Dombek". The signature is written in dark ink and is positioned above the printed name and title.

MIKE DOMBECK
Chief



INFORMATIONAL MEMORANDUM FOR SECRETARY

FROM: Michael Dombeck
Chief

SUBJECT: Interpretive rule for the Planning Rule

FILE CODE: 1900

Mike Dombeck

JAN - 4 2001

ISSUE:

Questions have been raised regarding the interpretation and application of the administrative appeal and review processes set out in the transitional language provided in the recently revised planning regulations at 36 CFR Part 219. As a consequence, there is a need to clarify how the appeal procedures are to be applied during the transitional period.

BACKGROUND:

On November 9, 2000, the Secretary of Agriculture adopted a final rule to revise land and resource management planning at 36 CFR Part 219 and to remove obsolete regulations for the administrative appeal of plan decisions at 36 CFR Part 217. The intended effects of the final rule are to clarify the requirements of paragraph (b) of §219.35. The recently finalized planning rule established an objection process to replace the appeals process embodied in 36 CFR Part 217. Section 219.35 of the final rule sets forth the requirements during the transition period for the two appeals processes. Questions have been raised about the interpretation and application of administrative appeal and review process provided in §219.35. There is a need to clarify that the responsible official has the option to select either the administrative appeal and review procedures of 36 CFR Part 217 which were in effect prior to November 9, 2000, or the new objection process, when completing a plan amendment or revision that was initiated under the 1982 regulations.

SUMMARY:

The Forest Service is moving forward with the publication of an interpretive rule to clarify the recently revised planning regulations. Adoption of an interpretive rule would make explicit the procedures that citizens and entities may use to appeal or object to plan revisions or amendments subsequent to the recent revision of planning regulations at 36 CFR Part 219.





United States
Department of
Agriculture

Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 1010

Date:

JAN - 4 2001

The Honorable Albert Gore
President of the Senate
Washington, D.C. 20510

Dear Mr. Gore:

Enclosed is a copy of the final interpretive rule for National Forest System Land and Resource Management Planning; Review of Decisions to Amend or Revise Plans, which has just been sent to the Office of the Federal Register for publication. The rule will be effective on the date of publication. The Congressional rulemaking report accompanying this letter provides a summary of this rulemaking.

Questions about this rule may be addressed to our Regulatory Officer, Marian Connolly, at (703) 605-4533.

Sincerely,

MIKE DOMBECK
Chief

Enclosures (2)





United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

COPY

JAN 12 2001

INFORMATIONAL MEMORANDUM FOR THE SECRETARY

FROM: Mike Dombeck
Chief

SUBJECT: Santa Ana River Project Interchange, California

ISSUE:

Approval of an interchange of approximately 773 acres of land under the jurisdictional control of the Department of the Army in return for approximately 943 acres, consisting of 108 acres of fee lands and 835 acres of perpetual flowage easement rights, presently a part of the San Bernardino National Forest.

DISCUSSION:

The land being transferred to the Department of the Army is required for the purpose of a flood control reservoir to protect Los Angeles, California, and involves the construction, operation, and maintenance of the Seven Oaks Dam and attendant facilities on land lying within the San Bernardino National Forest. The transfer of lands associated with the Sevens Oaks Dam, and other similar facilities located on other National Forest lands, was provided for in a Memorandum of Agreement between the Secretaries of the Army and Agriculture dated August 13, 1964.

SUMMARY:

This action is being recommended under the authority of the "Interchange with Department of Defense Act of July 26, 1956", (P.L. 84-804, 70 Stat. 656, as amended; 16 U.S.C. 505a, 505b), a copy of which is enclosed. The proposed interchange is in the public interest as it will provide for the more efficient and effective management of both areas. This interchange is not controversial with the public. The two respective Secretaries must submit their intention to make the interchange to Congress. The interchange does not become effective until after the 45-day oversight period required by law. This interchange is effective upon publication of the Joint Order in the Federal Register. The Secretary of the Army has already signed the documents required.



Accordingly, we enclose:

1. Seven original copies of the order interchanging jurisdiction of lands discussed above;
2. The original of letters to the Speaker of the House of Representatives and the President of the Senate, giving notice of the intention of our two Departments to make the interchange; and
3. Maps showing the lands involved.

Enclosures

Interchange With Department of Defense

Act of July 26, 1956 (P.L. 84-804, 70 Stat. 656, as amended; 16 U.S.C. 505a, 505b)

Interchange of Lands

Sec. 1. The Secretary of Agriculture with respect to National Forest System lands and the Secretary of a military department with respect to lands under the control of the military department which lie within or adjacent to the exterior boundaries of a unit of the National Forest System are authorized, subject to any applicable provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) to interchange such lands, or any part thereof, without reimbursement or transfer of funds whenever they shall determine that such interchange will facilitate land management and will provide maximum use thereof for authorized purposes: *Provided*, That no such interchange of lands shall become effective until forty-five days (counting only days occurring during any regular or special session of the

Congress) after the submission to the Congress by the respective Secretaries of notice of intention to make the interchange. (16 U.S.C. 505a)

Laws Applicable

Sec. 2. Any National Forest System lands which are transferred to a military department in accordance with this Act shall be thereafter subject only to laws applicable to other lands within the military installation or other public works project for which such lands are required and any lands which are transferred to the Department of Agriculture in accordance with this Act shall become subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended. Lands interchanged under the authority of this Act shall be deemed to include interests in lands. (16 U.S.C. 505b)



SECRETARY OF THE ARMY
WASHINGTON

The Honorable Dan Glickman
Secretary of Agriculture
Washington, D.C. 20250

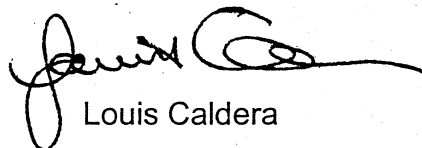
Dear Secretary Glickman:

This letter is in reference to the proposed interchange of lands between our Departments, pertaining to properties lying within and adjacent to the San Bernardino National Forest and the Santa Ana River Project, California.

Transmitted for your action are the original and three copies of the Joint Interchange Order, which will effect the interchange, along with our signed letters to the President of the Senate and the Speaker of the House of Representatives, designed to give notice of the interchange.

If the letters and Joint Order meet with your approval, please sign and dispatch them. After the expiration of the 45-day waiting period required by the authorizing act, we understand that your office will publish the Joint Order in the Federal Register, thereby consummating this interchange. Please return one signed copy of the above documents to this office and advise me of the date of publication of the Order in the Federal Register.

Sincerely,



Louis Caldera

Enclosures



The Honorable Albert Gore, Jr.
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

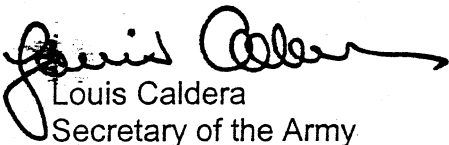
Pursuant to the provisions of the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b), we hereby give notice in duplicate of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of Army civil works and National Forest lands lying within and adjacent to the San Bernardino National Forest and the Santa Ana River project.

A copy of the order making the proposed transfer of jurisdiction and maps illustrating the lands to be interchanged by the agencies are enclosed. This order will be effective upon its publications in the Federal Register, but will not be so published until 45 days have elapsed from the receipt of this letter.

The purpose of this Joint Order is to interchange approximately 773 acres of land under jurisdictional control of the Army to the U.S. Department of Agriculture, Forest Service for ongoing Forest Service programs; and approximately 943 acres, consisting of 108 acres of fee lands and 835 acres of perpetual flowage easement rights, under the jurisdictional control of the Forest Service to the Army for improved management. The Forest Service lands include those that may be inundated, lands up to the project take elevation, and lands best managed by the Corps of Engineers. The Army lands are those within a congressionally-designed National Forest managed by the Forest Service.

This action will be in the public interest because it will consolidate the above lands into a more efficient and effective administration pattern for both Departments. All public uses of the area will be better served without overlapping or duplicating activities of the Forest Service and the Corps of Engineers. The interchange will improve management, coordination and utilization of Federal lands in the area.

Sincerely,


Louis Caldera
Secretary of the Army

Dan Glickman
Secretary of Agriculture

Enclosures

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:


Pursuant to the provisions of the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b), we hereby give notice in duplicate of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of Army civil works and National Forest lands lying within and adjacent to the San Bernardino National Forest and the Santa Ana River project.

A copy of the order making the proposed transfer of jurisdiction and maps illustrating the lands to be interchanged by the agencies are enclosed. This order will be effective upon its publications in the Federal Register, but will not be so published until 45 days have elapsed from the receipt of this letter.

The purpose of this Joint Order is to interchange approximately 773 acres of land under jurisdictional control of the Army to the U.S. Department of Agriculture, Forest Service for ongoing Forest Service programs; and approximately 943 acres, consisting of 108 acres of fee lands and 835 acres of perpetual flowage easement rights, under the jurisdictional control of the Forest Service to the Army for improved management. The Forest Service lands include those that may be inundated, lands up to the project take elevation, and lands best managed by the Corps of Engineers. The Army lands are those within a congressionally-designed National Forest managed by the Forest Service.

This action will be in the public interest because it will consolidate the above lands into a more efficient and effective administration pattern for both Departments. All public uses of the area will be better served without overlapping or duplicating activities of the Forest Service and the Corps of Engineers. The interchange will improve management, coordination and utilization of Federal lands in the area.

Sincerely,


Louis Caldera
Secretary of the Army

Dan Glickman
Secretary of Agriculture

Enclosures

DEPARTMENT OF THE ARMY
DEPARTMENT OF AGRICULTURE

SANTA ANA RIVER, CALIFORNIA

JOINT ORDER INTERCHANGING ADMINISTRATIVE JURISDICTION OF
DEPARTMENT OF THE ARMY LANDS AND NATIONAL FOREST LANDS

By virtue of the authority vested in the Secretary of the Army and the Secretary of Agriculture by the Act of July 26, 1956, (70 Stat. 656; 16 U.S.C. 505a, 505b) it is ordered as follows:

(1) The lands under jurisdiction of the Department of the Army, described in Exhibits H, I, and K and shown in Exhibits A and J (maps are on file and available for public inspection in the Office of the Chief, USDA Forest Service, Washington, D.C.), which lie within and adjacent to the San Bernardino National Forest, California, are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture subject to outstanding rights or interests of record and to such flooding as may occur from the operation of the Santa Ana River Project.

(2) The land under the jurisdiction of the USDA Forest Service, described Exhibits B, C, and E and shown on Exhibits A and D (maps are on file and available for public inspection in the Office of the Chief, USDA Forest, Washington, D.C.), which lie within and adjacent to the Santa Ana River Project, Seven Oaks Dam, California, are hereby transferred from the Secretary of Agriculture to the jurisdiction of the Secretary of the Army.

(3) Pursuant to Section 2 of the aforementioned Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to the laws applicable to the Department of the Army lands comprising the Santa Ana River Project, California. The Department of the Army Lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

This order will be effective as of the date of publication in the FEDERAL REGISTER.



SECRETARY OF THE ARMY

SECRETARY OF AGRICULTURE

DATE

DATE



United States
Department of
Agriculture

Forest
Service

Pacific
Southwest
Region

Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9130 Text (TDD)

File Code: 5500
Route To: Director of Lands

Date: December 20, 2000

Subject: Seven Oaks Dam Interchange – USDA, forest Service & Department of the Army

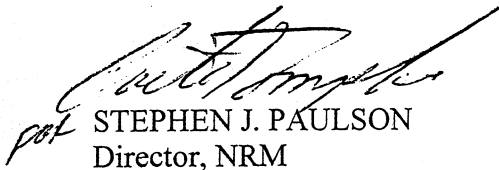
To: Chief

The RO has reviewed the "Memorandum of Understanding Between the USDA, Forest Service and Department of the Army" for the proposed Interchange of lands related to the Seven Oaks Dam on the San Bernardino NF. It appears to be acceptable for signature by the Forest Service. There were several corrections needed in the typing and these corrections have been passed on to Bob Colangelo at the Corps of Engineers.

Attached is a copy of a letter dated December 19th, 2000 from the Forest stating they are satisfied with conditions of the MOU and inspections/legal descriptions of the property.

Based on the recommendation of the Forest and a review of the MOU and Interchange Order I am recommending that the Forest Service proceed with the Interchange as currently formatted.

If you have any questions please contact Mike Miller, RO Group Leader for Land Adjustment @ 707.562.8961.


STEPHEN J. PAULSON
Director, NRM

Enclosure – letter from Forest

Cc: Dave Sherman – WO Lands





United States
Department of
Agriculture

Forest
Service

San Bernardino
National Forest

1824 S Commercenter Circle
San Bernardino, CA 92408
909-383-5588 (Voice)
909-383-5770 (FAX)
909-383-5616 (TTY)

File Code: 5500
Route To:

Date: December 19, 2000

Subject: Seven Oaks Dam Interchange – USDA, Forest Service & Department of the Army

To: Brent Handley, Acting Director of Lands

I have reviewed the wording of the "Memorandum of Understanding Between the USDA, Forest Service and Department of The Army" drafted to support an interchange of lands related to the construction of the Seven Oaks Dam. The Army has signed the document and I believe it to be in the Forest Service's interest to sign. The MOU is essentially the document originally developed by the Region with more specificity as to signatories. These changes are minor and add clarity to the document. Several typos were noted and passed onto the Corps. Again, these are not significant. The MOU signed by the Corps, presently on Dave Sherman's desk, is the one I am recommending to be executed.

I am also satisfied with the documents now in the Regional Office that support the interchange. I have reviewed the "Resolution to the Board of Supervisors by the San Bernardino Flood Control District" declaring Flood Control District Property and Easement Rights surplus to District Needs. The Board approved "the Recommendation." The "Grant Deed with Attachment A," granting to the United States of America the described real property, has been prepared by the County, reviewed by us, and will be signed today, December 19, 2000, at 10:00 a.m. It will be recorded immediately after the signing. The Corps has cleared the two questions that surfaced from the preliminary title reports regarding an outstanding trust and maintenance agreement to our satisfaction.

We have documented the site inspections and we are satisfied with the parcel descriptions and the suitability executing the interchange with the Department of the Army.


GENE ZIMMERMAN
Forest Supervisor



**MEMORANDUM OF UNDERSTANDING
BETWEEN
UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE
AND
DEPARTMENT OF THE ARMY
REGARDING
CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE SEVEN OAKS DAM
SANTA ANA RIVER MAINSTEM FLOOD CONTROL PROJECT**

WHEREAS, there exists a Memorandum of Agreement between the Secretaries of the Army and Agriculture relative to management of land and water resources at water development projects of the Corps of Engineers located within, or partly within, the National Forest System, dated 13 August 1964; and

WHEREAS, according to Public Law 99-662, the Water Resources Development Act of 1986, the Department of the Army enters into this Memorandum of Understanding for the purpose of flood control in constructing, operating, and maintaining the Seven Oaks Dam and attendant facilities on land located within the San Bernardino National Forest under the jurisdiction of the Forest Supervisor, San Bernardino National Forest; and

WHEREAS, the Chief, United States Department of Agriculture Forest Service, is responsible for administration of National Forest system lands within and adjacent to the project area, Seven Oaks Dam, Santa Ana River Mainstem Flood Control Project (Project); and

WHEREAS, the Department of the Army, Corps of Engineers is responsible for the overall planning, design, and construction of the Project; and

WHEREAS, the Department of the Army, Corps of Engineers is responsible for the operation and maintenance of the Project for approximately three years after construction, and thereafter said responsibility is to be assumed by the Project Local Sponsors, acting as the Secretary of the Army's agent for this propose.

NOW, therefore, in consideration of the mutual obligations herein set forth; the Department of Agriculture, acting by and through the Chief, Forest Service, and the Department of the Army, acting by and through the Assistant Secretary of the Army, through its local agent the U. S. Army Corps of Engineers, Los Angeles District, agree to the provisions contained in the following Sections I - III.

I. Responsibilities of the Parties:

A. The **USDA FOREST SERVICE** Shall:

1. Provide such technical assistance to the Department of the Army, Corps of Engineers as is necessary to ensure that planning, design construction, operation, and maintenance of the Project will comply with the San Bernardino National Forest Land and Resources Management Plan;
2. Transfer by interchange (Interchange With Department of Defense Act of July 26, 1956, 70 Stat. 656, 16 U.S.C. Section 505a and 505b) to the Department of Army, National Forest System lands containing approximately 108.28 acres required for the Project, as shown on the attached Exhibited A and described in 2a through 2c below and more fully described in the attached Exhibited B:
 - a. The dam site including the Government Canyon drainage structure within S1/2 Section 33, T1N, R2W, and the N1/2 Section 4, T1S, R2W, and the outlet works tunnel within N1/2 Section 4, T1S, R2W;
 - b. The damsite within the NW 1/4 NW 1/4 Section 4 T1S, R2W; and
 - c. The spillway within E1/2 Section 4, T1S, R2W;
3. Grant permanent flowage easements as described in 3a and 3b and grant permanent road easements as described in 3c.
 - a. An area subject to periodic flooding downstream of the spillway containing approximately 42.52 acres, described as a portion of SE 1/4 Section 4 and a portion of N 1/2 of the NE 1/4 Section 9, T1S, R2W, as shown on Exhibit A and more fully described in Exhibit C.
 - b. The reservoir for the Seven Oaks Dam lying within Sections 2, 3, 4, and 5, T1S, R2W and Sections 26, 27, 33, 34, and 35, T1N, R2W and containing approximately 792.85 acres, as shown on Exhibit D and more fully described in Exhibit E. This flowage easement estate contains only a small portion of land subject to permanent inundation, for the debris pool. The vast majority of the reservoir shall be for occasional flooding only.
 - c. Grant a permanent road easement to use and maintain certain roadways for project access including those on Exhibit A for the purpose of construction, operation, and maintenance of the Project, which are more particularly described as:
 - (1) Use and maintenance of Alder Creek Road (Forest Service Road 1N16) within Sections 5 and 6, T1S, R2W; and
 - (2) Use and maintenance of the Warm Springs Road within Sections 3 and 4, T1S, R2W.

4. Provide sufficient right in certain real property to the Department of the Army, U. S. Army Corps of Engineers by way of Special Use Permits:

a. Authorize (36 CFR 228, Subpart C) by separate instrument, Department of the Army, U. S. Army Corps of Engineers to extract impervious borrow materials if and when needed from approximately 170 acres of National Forest System lands within S1/2 Section 10, T1S, R2W, to extract pervious borrow materials from approximately 71.47 acres of National Forest System land in NE 1/4 Section 4, NW 1/4 Section 3, T1S, R2W, and the SW 1/4 Section 34 T1N, R2W, and to extract rockfill and rock from approximately 28.82 acres of National Forest System lands in the NE1/4 Section 4 T1S, R2W, and SE 1/4 Section 33 T1N, R2W, all as shown on Exhibit A and described more thoroughly at Exhibit F.

b. Authorize (Organic Administration Act of June 4, 1897), by Special Use Permit, the Department of Army, U. S. Army Corps of Engineers to establish, operate, and maintain two disposal sites within E1/2 Section 4, T1S, R2W, and one disposal site within the W1/2 Section 4, T1S, R2W as shown on Exhibit A and more fully described in Exhibit G.

5. Following the completion of the interchange of lands provided for in this Memorandum, the Forest Supervisor, San Bernardino National Forest, shall administer National Forest System lands within and adjacent to the Project (including, but not limited to, the area within the high water level of the flood reservoir of the Seven Oaks Dam) in accordance with the San Bernardino National Forest Land and Resource Management Plan.

B. The DEPARTMENT OF THE ARMY Shall:

1. Plan design, construct, operate and maintain the Project in compliance with the San Bernardino National Forest Land and Resource Management Plan, and the General and Feature Design Memoranda, and the Operation and Maintenance Manual for the Project.

2. Transfer by interchange (Interchange with Department of Defense Act of July 26, 1956), to the Forest Service, all property as specified in that portion of Section 5, T1S, R2W containing approximately 616.68 acres as shown on Exhibit A and described in Exhibit H and approximately 19.31 acres described as a portion of the W1/2 of SW1/4 of NW1/4 Section 4 as shown in Exhibit A and more fully described in Exhibit I. Also included is Filaree Flat within Section 15, T1N R1W containing approximately 137.52 acres as shown in Exhibit J and more fully described in Exhibit K.

3. Reimburse the Forest Service for all costs, both direct and administrative, incurred for work performed as described in Sections I.A.1, 2, 3, and 4 of this Memorandum.

4. Ensure that any necessary relocations will be conducted in accordance with applicable law in the event the rights of Southern California Edison Co. and Bear Valley Mutual Water District within or otherwise are affected by the Project.

5. Provide road maintenance for those portions of Alder Creek Road and Warm Springs Canyon Road required for Project access, per annual maintenance schedule prepared by the Department of the Army, U. S. Army Corps of Engineers and conduct maintenance as defined in the maintenance schedule.

II. It is Mutually Agreed That:

A. The Department of the Army and the Department of Agriculture will each designate a representative to coordinate Project activities with the management of affected National Forest System lands and resources. Both parties to this agreement shall closely coordinate efforts to ensure compliance with the San Bernardino National Forest Land and Resource Management Plan, the General and Feature Design Memoranda for the Project, and all applicable laws, regulations, and executive orders;

B. Both parties to this agreement shall meet at least annually to exchange information on the progress of the Project during the previous year, the proposed schedule of work of the subsequent year, operation and maintenance needs of the Project, required liaison and technical assistance to be provided between the parties for the subsequent year, proposed National Forest management within and adjacent to the Project and provide a road maintenance schedule for National Forest system roads required for access;

C. Both parties mutually acknowledge: (a) The purpose of the project is flood control; (b) The reservoir area, up to the high-water level, may be subject to periodic flooding; and (c) For purposes of facilitating the operation and maintenance of the outlet works tunnel, a minimal pool may be retained.

D. The Department of the Army right to access and use of National Forest System lands, as described in section IA above, shall be presumed to apply to the Project Local Sponsors, if and when they assume Project Operation and Maintenance responsibilities on behalf of the Corps.

III. Effective Date, Amendment and Fiscal Limitation

A. This Memorandum of Understanding shall be effective upon execution by the Deputy Assistant Secretary (Installations and Housing) of the Army and the Chief, USDA Forest Service.

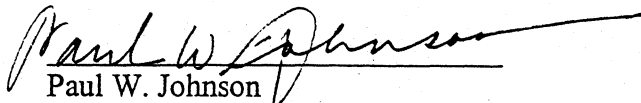
B. This agreement may be amended or canceled by written consent of both parties to this Agreement upon such terms and conditions which are mutually acceptable to and approved by the Forest Supervisor, San Bernardino National Forest, and the U. S. Army Corps of Engineers, Los Angeles District Engineer.

C. Nothing herein contained shall be construed to require either party to make payment or expenditures in excess of appropriations authorized by law.

Approved by:



Chief, Forest Service
U.S. Department of Agriculture



Paul W. Johnson
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA(I&E)

January 12, 2000
Date



United States
Department of
Agriculture

Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 2600/1900

Date: JAN 16 2001

Route To:

Subject: New Presidential Executive Order and Memorandum of Understanding for the Conservation of Migratory Birds

To: Regional Foresters, Station Directors, Area Director, IITF Director and WO Directors

Migratory bird conservation is fast becoming a primary emphasis in our efforts to advance species conservation in the Agency. Toward that end, I want you to be aware of a new Presidential Executive Order and a Memorandum of Understanding for migratory birds.

On January 10, 2001, President Clinton signed an Executive Order outlining responsibilities of federal agencies to protect migratory birds (copy attached). The Executive Order will:

- Enhance coordination and communication among federal agencies regarding their responsibilities under the four bilateral treaties (with Canada, Mexico, Japan, and Russia) on the conservation of birds;
- Provide broad guidelines on migratory bird conservation responsibilities and require that more detailed guidance be developed via Memoranda of Understanding between the U.S. Fish and Wildlife Service and federal agencies within 2 years;
- Incorporate national level planning for bird conservation into agency activities and provide the formal support for agencies to enhance coordination and cooperation; and
- Apply to the Departments and Agencies of the federal government including the Departments of Agriculture, Interior, Commerce, Transportation, Energy, Defense and the Environmental Protection Agency.

As a complementary measure in implementing provisions of the Executive Order, the Forest Service and the U.S. Fish and Wildlife Service have developed an interagency Memorandum of Understanding (MOU) (copy attached). The MOU identifies specific activities that will contribute to conserving and managing migratory birds and their habitats over the next 2 years. This MOU will serve as a mechanism to advance bird conservation in the Forest Service while development of more detailed guidance is underway. A subsequent MOU between the U.S. Fish and Wildlife Service, the Forest Service, and other federal agencies will be developed to address all requirements of the Executive Order within two years.

Please share this information widely with your employees. The Forest Service is uniquely poised to provide conservation leadership for migratory birds. Your support and active involvement is critical to achieving this important goal.

MIKE DOMBECK
Chief



Enclosures

THE WHITE HOUSE

Office of the Press Secretary

Immediate Release
2001

For
January 11,

EXECUTIVE ORDER

RESPONSIBILITIES OF FEDERAL AGENCIES
TO PROTECT MIGRATORY BIRDS

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of the purposes of the migratory bird conventions, the Migratory Bird Treaty Act (16 U.S.C. 703-711), the Bald and Golden Eagle Protection Acts (16 U.S.C. 668-668d), the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347), and other pertinent statutes, it is hereby ordered as follows:

Section 1. Policy. Migratory birds are of great ecological and economic value to this country and to other countries. They contribute to biological diversity and bring tremendous enjoyment to millions of Americans who study, watch, feed, or hunt these birds throughout the United States and other countries. The United States has recognized the critical importance of this shared resource by ratifying international, bilateral conventions for the conservation of migratory birds. Such conventions include the Convention for the Protection of Migratory Birds with Great Britain on behalf of Canada 1916, the Convention for the Protection of Migratory Birds and Game Mammals-Mexico 1936, the Convention for the Protection of Birds and Their Environment- Japan 1972, and the Convention for the Conservation of Migratory Birds and Their Environment-Union of Soviet Socialist Republics 1978.

These migratory bird conventions impose substantive obligations on the United States for the conservation of migratory birds and their habitats, and through the Migratory Bird Treaty Act (Act), the United States has implemented these migratory bird conventions with respect to the United States. This Executive Order directs executive departments and agencies to take certain actions to further implement the Act.

Sec. 2. Definitions. For purposes of this order:

(a) "Take" means take as defined in 50 C.F.R. 10.12, and includes both "intentional" and "unintentional" take.

(b) "Intentional take" means take that is the purpose of the activity in question.

(c) "Unintentional take" means take that results from, but is not the purpose of, the activity in question.

(d) "Migratory bird" means any bird listed in 50 C.F.R. 10.13.

(e) "Migratory bird resources" means migratory birds and the habitats upon which they depend.

(f) "Migratory bird convention" means, collectively, the bilateral conventions (with Great Britain/Canada, Mexico, Japan, and Russia) for the conservation of migratory bird resources.

(g) "Federal agency" means an executive department or agency, but does not include independent establishments as defined by 5 U.S.C. 104.

(h) "Action" means a program, activity, project, official policy (such as a rule or regulation), or formal plan directly carried out by a Federal agency. Each Federal agency will further define what the term "action" means with respect to its own authorities and what programs should be included in the agency-specific Memoranda of Understanding required by this order. Actions delegated to or assumed by nonfederal entities, or carried out by nonfederal entities with Federal assistance, are not subject to this order. Such actions, however, continue to be subject to the Migratory Bird Treaty Act.

(i) "Species of concern" refers to those species listed in the periodic report "Migratory Nongame Birds of Management Concern in the United States," priority migratory bird species as documented by established plans (such as Bird Conservation Regions in the North American Bird Conservation Initiative or Partners in Flight physiographic areas), and those species listed in 50 C.F.R. 17.11.

Sec. 3. Federal Agency Responsibilities. (a) Each Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations is directed to develop and implement, within 2 years, a Memorandum of Understanding (MOU) with the Fish and Wildlife Service (Service) that shall promote the conservation of migratory bird populations.

(b) In coordination with affected Federal agencies, the Service shall develop a schedule for completion of the MOUs within 180 days of the date of this order. The schedule shall give priority to completing the MOUs with agencies having the most substantive impacts on migratory birds.

(c) Each MOU shall establish protocols for implementation of the MOU and for reporting accomplishments. These protocols may be incorporated into existing actions; however, the MOU shall recognize that the agency may not be able to implement some elements of the MOU until such time as the agency has successfully included them in each agency's formal planning processes (such as revision of agency land management plans, land use compatibility guidelines, integrated resource management plans, and fishery management plans), including public participation and NEPA analysis, as appropriate. This order and the MOUs to be developed by the agencies are intended to be implemented when new actions or renewal of contracts, permits, delegations, or other third party agreements are initiated as well as during the initiation of new, or revisions to, land management plans.

(d) Each MOU shall include an elevation process to resolve any dispute between the signatory agencies regarding a particular practice or activity.

(e) Pursuant to its MOU, each agency shall, to the extent permitted by

law and subject to the availability of appropriations and within Administration budgetary limits, and in harmony with agency missions:

(1) support the conservation intent of the migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions;

(2) restore and enhance the habitat of migratory birds, as practicable;

(3) prevent or abate the pollution or detrimental alteration of the environment for the benefit of migratory birds, as practicable;

(4) design migratory bird habitat and population conservation principles, measures, and practices, into agency plans and planning processes (natural resource, land management, and environmental quality planning, including, but not limited to, forest and rangeland planning, coastal management planning, watershed planning, etc.) as practicable, and coordinate with other agencies and nonfederal partners in planning efforts;

(5) within established authorities and in conjunction with the adoption, amendment, or revision of agency management plans and guidance, ensure that agency plans and actions promote programs and recommendations of comprehensive migratory bird planning efforts such as Partners-in-Flight, U.S. National Shorebird Plan, North American Waterfowl Management Plan, North American Colonial Waterbird Plan, and other planning efforts, as well as guidance from other sources, including the Food and Agricultural Organization's International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries;

(6) ensure that environmental analyses of Federal actions required by the NEPA or other established environmental review processes evaluate the effects of actions and agency plans on migratory birds, with emphasis on species of concern;

(7) provide notice to the Service in advance of conducting an action that is intended to take migratory birds, or annually report to the Service on the number of individuals of each species of migratory birds intentionally taken during the conduct of any agency action, including but not limited to banding or marking, scientific collecting, taxidermy, and depredation control;

(8) minimize the intentional take of species of concern by: (i) delineating standards and procedures for such take; and (ii) developing procedures for the review and evaluation of take actions. With respect to intentional take, the MOU shall be consistent with the appropriate sections of 50 C.F.R. parts 10, 21, and 22;

(9) identify where unintentional take reasonably attributable to agency actions is having, or is likely to have, a measurable negative effect on migratory bird populations, focusing first on species of concern, priority habitats, and key risk factors. With respect to those actions so identified, the agency shall develop and use principles, standards, and practices that will lessen the amount of unintentional take, developing any such conservation efforts in cooperation with the Service. These principles, standards, and practices shall be regularly evaluated and revised to ensure that they are effective in lessening the detrimental effect of agency actions on migratory bird populations. The agency also

shall inventory and monitor bird habitat and populations within the agency's capabilities and authorities to the extent feasible to facilitate decisions about the need for, and effectiveness of, conservation efforts;

(10) within the scope of its statutorily-designated authorities, control the import, export, and establishment in the wild of live exotic animals and plants that may be harmful to migratory bird resources;

(11) promote research and information exchange related to the conservation of migratory bird resources, including coordinated inventorying and monitoring and the collection and assessment of information on environmental contaminants and other physical or biological stressors having potential relevance to migratory bird conservation. Where such information is collected in the course of agency actions or supported through Federal financial assistance, reasonable efforts shall be made to share such information with the Service, the Biological Resources Division of the U.S. Geological Survey, and other appropriate repositories of such data (e.g., the Cornell Laboratory of Ornithology);

(12) provide training and information to appropriate employees on methods and means of avoiding or minimizing the take of migratory birds and conserving and restoring migratory bird habitat;

(13) promote migratory bird conservation in international activities and with other countries and international partners, in consultation with the Department of State, as appropriate or relevant to the agency's authorities;

(14) recognize and promote economic and recreational values of birds, as appropriate; and

(15) develop partnerships with non-Federal entities to further bird conservation.

(f) Notwithstanding the requirement to finalize an MOU within 2 years, each agency is encouraged to immediately begin implementing the conservation measures set forth above in subparagraphs (1) through (15) of this section, as appropriate and practicable.

(g) Each agency shall advise the public of the availability of its MOU through a notice published in the Federal Register.

Sec. 4. Council for the Conservation of Migratory Birds. (a) The Secretary of Interior shall establish an interagency Council for the Conservation of Migratory Birds (Council) to oversee the implementation of this order. The Council's duties shall include the following: (1) sharing the latest resource information to assist in the conservation and management of migratory birds; (2) developing an annual report of accomplishments and recommendations related to this order; (3) fostering partnerships to further the goals of this order; and (4) selecting an annual recipient of a Presidential Migratory Bird Federal Stewardship Award for contributions to the protection of migratory birds.

(b) The Council shall include representation, at the bureau director/administrator level, from the Departments of the Interior, State, Commerce, Agriculture, Transportation, Energy, Defense, and the Environmental Protection Agency and from such other agencies as appropriate.

Sec. 5. Application and Judicial Review. (a) This order and the MOU

to be developed by the agencies do not require changes to current contracts, permits, or other third party agreements.

(b) This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, separately enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
January 10, 2001.

#



United States
Department of
Agriculture

Forest
Service

Washington
Office

14th and Independence
P.O. Box 96090
Washington, DC 2090-6090

File Code: 2320

Date: JAN 18 2001

Bill Worf, President
Wilderness Watch
P.O. Box 9175
Missoula, Montana 59807

Dear Mr. Worf:

Thank you for your July 7, 2000, letter, co-signed by 19 former Forest Service employees, expressing your concern of the "high use destinations" portion of the wilderness recreation strategy contained in our Wilderness Agenda, "Thinking Like A Mountain." We also appreciate your subsequent letter of November 15, 2000. The strategy is still a work in progress. It has had a significant amount of dialogue by wilderness professionals and we expect more discussion as implementation strategies are developed. We appreciate your comments.

Your letters express concern about the implementation of new policy on recreation in wilderness. I want to reiterate that we have not made, nor are we proposing, a change in policy related to managing recreation use in wilderness. The three-point wilderness recreation strategy outlined in "Thinking Like A Mountain," and elaborated upon in various background papers, falls within existing policy. The way the strategy proposes to address recreation does not differ from the Limits of Acceptable Change (LAC) framework that we have used for almost 20 years.

Standards established in forest plans will still call for non-degradation of the wilderness resource. The Wilderness Management Model will continue to guide managers in shaping a management regime to protect wilderness character. The techniques and tools we are using are supported by research and years of field experience. Management of the wilderness resource has become increasingly complex.

As you know, the constraints and challenges of wilderness management are significantly different than when the National Wilderness Preservation System (NWPS) Act was established in 1964. Today there are 645 wilderness areas, managed by four agencies, totaling 105 million acres and varying in size from 6 acres to over 8 million. Their boundaries are located from those that lie well behind other remote, roadless lands to those that border subdivisions, cities, and interstate highways. Every wilderness has a unique history and often needs to be managed differently, within the context of the Wilderness Act, because of its individuality.

There are several national trends; however, that must be confronted:

Wilderness use is increasing. Although the trends in use vary from wilderness to wilderness, recreation use is increasing in most wildernesses. It is increasing most rapidly in wilderness near large and growing population centers.

The availability of lands outside wilderness that are capable of providing high quality, primitive, wild land recreation experiences is decreasing. Over the past few decades,



much of the National Forest System lands have been roaded or have been designated wilderness, leaving increasingly fewer and fewer primitive recreation alternatives outside designated wilderness. Future road management decisions and the upcoming decision about how best to manage current roadless areas could help protect or develop additional primitive recreation opportunities.

The most unique parts of wilderness, those lands that remain close to the wilderness ideal of offering outstanding opportunities for solitude and being virtually unaffected by use, are at risk. Low use locations are highly vulnerable to being adversely impacted by even small increases in recreation use. Yet, low use locations often receive less management than needed to avoid further degradation.

The wilderness recreation strategy was developed to address these trends. We must put more resources into preservation and monitoring of the most pristine wilderness. We must avoid actions that displace recreation use from high use portions of wilderness, simply creating impacts in pristine areas. We must better understand the value and role of high use wilderness in introducing people to the wilderness resource and in providing an opportunity for wilderness access in an increasingly harried and hectic, urbanized world. We intend to manage the well-established non-degradation standard as articulated in our Wilderness Agenda.

I encourage the continued dialogue about the Wilderness Agenda and how we can improve management of the NWPS. We are committed to making the NWPS stronger and, in keeping with the ideals of Leopold, Marshall, Zahniser, and Humphrey, securing for the American people of present and future generations the benefits of an enduring resource of wilderness.

Sincerely,

A handwritten signature in black ink that reads "Mike Dombeck". The signature is written in a cursive, flowing style with a large, prominent "M" and "D".

MIKE DOMBECK
Chief



File Code: 6520

Date: JAN 22 2001

The Honorable Dianne Feinstein
Subcommittee on Interior
Committee on Appropriations
United States Senate
SH-331 Hart Senate Office Building
Washington, D.C. 20510-0504

Dear Senator Feinstein:

Thank you for your letter dated November 1, 2000, requesting support for allocating available funds from within the Forest Service fiscal year (FY) 2001 budget for full implementation of the Quincy Library Group (QLG) project. Please accept my apology for the delayed response. As you know, the QLG is a locally conceived forest management plan that was embraced in bipartisan legislation you and Congressman Herger sponsored in the last Congress.

As you have stated in your letter, the Congress has identified an additional \$18 million in funding in FY 2001 for support of this pilot project. This is in addition to the \$6.2 million that was already in the agency budget, bringing the available funds in FY 2001 to \$24.2 million. During congressional consideration of this legislation, the estimated annual costs the Forest Service presented were \$25 million. When the Environmental Impact Statement (EIS) was prepared, the annual costs for vegetation treatments were *estimated* at \$31 million. One lesson we expect to learn, as part of this pilot effort, is the *true cost* of implementing vegetation treatments called for in the legislation and EIS. We are hopeful that the estimated costs will not exceed what is in the EIS and that efficiencies can be gained as we implement the pilot project.

In addition to funds already identified, we expect to commit up to \$2 million in funding related to aspects of the National Fire Plan. This increase in funds will bring QLG support to \$26.2 million. Assuming that project implementation proceeds on schedule, we will review QLG funding later in the year and provide the additional funds as discussed with you.

We agree that we are at a critical juncture and the importance of the recently signed Record of Decision on the Sierra Nevada Framework will also have a bearing on implementation of the QLG project.



If we can be of further assistance, please contact Randy Phillips, Deputy Chief, Programs and Legislation, at (202) 205-1663.

A similar letter is being sent to Congressman Wally Herger.

Sincerely,

A handwritten signature in cursive script that reads "Mike Dombek". The signature is written in dark ink and is positioned above the printed name and title.

MIKE DOMBECK
Chief



United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 6520

Date: JAN 22 2001

The Honorable Wally Herger
U.S. House of Representatives
Rayburn House Office Bldg. Room 2433
Washington, D.C. 20515-0502

Dear Congressman Herger:

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A similar letter is being sent to Senator Dianne Feinstein.

Sincerely,

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MIKE DOMBECK
Chief



United States
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Agriculture

Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 1300
Route To: All Employees

Date: January 24, 2001

Subject: Transition

To: All Employees

Yesterday, Secretary Veneman met with USDA employees to say hello and convey her respect and admiration for career public servants. I know that I speak for all Forest Service employees in welcoming Secretary Veneman back to USDA.

This morning I, and other agency heads, met personally with Secretary Veneman. She stressed the importance of teamwork, customer service and the need to continue delivering the programs and services that taxpayers need and value. Several members of the Washington Office staff and I have had several meetings with the USDA transition team and the Secretary's staff. In our meetings, I have emphasized the importance of staying the course in our efforts to improve civil rights, program and financial accountability, and the need to continue bolstering our workforce to prepare for the upcoming fire season. These are issues that transcend administrations and are intrinsic to any effective organization.

Other priorities that we discussed include the need to remain focused in our efforts to improve forest ecosystem health and protect communities from catastrophic wildfire effects. I intend to spend time in the coming weeks on several National Forests reviewing fire restoration efforts and projects focused on communities at risk. Maintaining the increased budgets we received for FY 2001 is largely dependent on our ability to demonstrate results on the land.

The Forest Service has a tremendous opportunity in the coming years to demonstrate to the American people that active management – thinning, prescribed fire, and other mechanical treatments – employed in an ecologically conservative manner can help to protect communities, make the land healthier, and provide many new jobs. Implementation of these projects will focus on areas where there is broad agreement of the need for treatment such as the urban wildland interface. In so doing, we can avoid controversy, improve land health, and assist local communities. Our basic mission of caring for the land and serving people has never been more relevant and important.

This is an exciting time for the Forest Service and I conveyed to the Secretary that we are confident in meeting the challenges before us. I am proud of your continued efforts.

MIKE DOMBECK
Chief



Caring for the Land and Serving People

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United States
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Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 1360

Route To:

Date: JAN 24 2001

Subject: Letter of Appreciation

To: Rudy Retamoza
Pacific Southwest Region, Angeles National Forest

I want to take a moment to thank you for your involvement in having the Forest Service represented in the Rose Bowl parade and for the great work you do with the Greenlink program in the Los Angeles area. I am grateful to have been a part of the parade and it was indeed an honor to ride with the participants in the Wonderful Outdoor World program. This is an event that I will always cherish. Your contributions to children and society will always be remembered.

Please share my appreciation with others who had a part in my being there and let them know that I had a great time. Again, thank you, and I look forward to seeing you at the next Rose Bowl parade.

Mike

MIKE DOMBECK
Chief

*Thanks for a wonderful
experience!*





United States
Department of
Agriculture

Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 1360

Date: JAN 24 2001

Route To:

Subject: Letter of Appreciation

To: Teri Drivas
Pacific Southwest Region, Sierra National Forest

I want to take a moment to thank you for your involvement in having the Forest Service represented in the Rose Bowl parade with the Wonderful Outdoor World (WOW) riders. You were very effective at keeping the WOW participants organized and entertained in preparation for the parade. I am grateful to have been a part of this great event and it was indeed an honor to ride with the participants of the WOW program. Your contributions to children and society will always be remembered.

Please share my appreciation with others who had a part, great or small, in my being there and let them know that I had a great time. Again, thanks, and I look forward to participating again next year.

MIKE DOMBECK
Chief





United States
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Washington
Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 5350

Date: JAN 24 2001

The Honorable Doug Ose
U. S. House of Representatives
1506 Longworth House Office Building
Washington, D. C. 20515

Dear Congressman Ose:

Thank you for your letter of October 13, 2000, to former Secretary of Agriculture Dan Glickman regarding operational instructions issued by a Forest Service Law Enforcement Supervisor that may have had the appearance of racial profiling.

I would like to assure you that the USDA Forest Service does not encourage, condone, or accept any activity or practice within the Forest Service Law Enforcement and Investigation program that is or has the appearance of racial profiling. Unfortunately, the operational order that was written did contain a sentence referring to Hispanics that was inappropriate. Upon management review, the instruction was immediately rescinded. In addition, Forest Service field supervisors were instructed to brief Mendocino Law Enforcement Officers regarding the inappropriateness of the statement and that the operation was to be conducted pursuant to sound and unbiased enforcement techniques.

When it came to our attention, the Forest Service immediately initiated an investigation into this matter. I have also been advised that the two field supervisors involved have been temporarily relieved of their supervisory duties pending review of the investigation. I will review the findings upon completion of the investigation.

Again, thank you for your interest in this matter. You have my support and cooperation in resolving this issue. Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

MIKE DOMBECK
Chief



I concur: W.Wasley/Director LEI 11/22/00

DRAFT:FS:LEI:WWASLEY:pam:703-605-4869:11-9-00:35-4164424

REVISED:FS:LEI:WWASLEY:drd:703-605-4690:11/22/00:35-4164424

DRAFT:FS:LEI:WWASLEY:pam:202-205-1735:11/22/00:35-4164424

REVISED DRAFT:FS:CO:PJANIK::pam:202-205-1735:11/29/00:35-4164424

FINAL:FS:CO:MDOMBECK::pam:202-205-1735:01/22/01:35-4164424

File Code: 5420/6510

Date: JAN 24 2007

The Honorable Mark Udall
United States House of Representatives
128 Rayburn House Office Building
Washington, D. C. 20515

Dear Congressman Udall:


Thank you for your letter of October 25, 2000, to former Secretary of Agriculture Dan Glickman requesting that the USDA Forest Service seek additional funding made available for Fiscal Year 2001 by Title VIII of Public Law 106-291 for acquisition of the "Beaver Brook Parcel" in Clear Creek County, Colorado.

On October 23, 2000, letters were sent to both Committees on Appropriations requesting their support of specified priority land acquisition needs. Included in the list of proposed Title VIII funding was the Arapaho National Forest's Beaver Brook acquisition. The request was for an additional \$3 million over the \$2 million previously authorized through the Interior and Related Agencies Appropriations Act.

On October 26, 2000, Congress provided the list of high priority land acquisitions to be funded by the \$49 million appropriated for the acquisition of land by the Forest Service under Title VIII of the Department of the Interior and Related Agencies Appropriation Act, 2001. Congress chose not to fund the acquisition of the Beaver Brook Parcel.

Thank you again for your letter. I appreciate your interest in this project and your support of the Land and Water Conservation Fund. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



MIKE DOMBECK
Chief

Mark:
I thank you for your
staunch support.





United States
Department of
Agriculture

Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 1700

Route To:

Date: JAN 24 2001

Subject: Continuous Improvement Process (CIP) Update

To: All Employees

As you may be aware, many employees participated in a survey as part of the Continuous Improvement Process (CIP) Program. Beginning in 1996, the Forest Service started to use CIP as a tool to collect employee perceptions about the work environment and the agency's performance. The 1999 survey results showed our strengths in the areas of work and family/personal life, diversity, work environment/quality of worklife, supervision, customer orientation, teamwork, and training/career development. It also showed areas that need significant improvements such as communication and employee workloads. This study will assist us in designing new business processes in these two areas.

To help with the improvements, consultants from the Office of Personnel Management (OPM) will visit selected locations and run focus groups of five to seven people. The sessions will last approximately 90 minutes. The time spent in the focus groups is an investment to increase the efficiency of organizational operations. Joyce Quintana from the Civil Rights Staff and OPM's Marangeli Munos will be contacting the units who have volunteered to participate in this study.

I appreciate your dedication and support shown in your continual CIP efforts. I urge you to continue to make progress where we show good results and to pay closer attention to our areas of weaknesses. I believe our approach is a good one and that it will make our operations more efficient and effective. If your unit would like to participate in the study, or if you have questions, please contact Joyce Quintana at (202) 205-0816 or jquintana@fs.fed.us or your CIP Coordinator.

MIKE DOMBECK
Chief





United States
Department of
Agriculture

Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 1600
Route To:

Date: JAN 24 2007

Subject: Capitol Holiday Tree Selections 2003-2007

To: Regional Foresters, Station Directors, Area Director, IITF Directors

While the memory of this year's Capitol Holiday Tree from the Pikes Peak Ranger District in Colorado Springs, CO, is still vivid in our minds, it seems fitting to announce with great pleasure the selections of units who will provide the trees from 2003-2007. I use the term "units" because for the second time in history, a Research Station in cooperation with a National Forest was selected. North Central Station provided the tree in 1999, and the Pacific Southwest Research Station will provide the tree in 2003. The selections are as follows:

- 2003 - R5, Pacific Southwest Research Station/Eldorado National Forest
- 2004 - R8, Southern Region, Daniel Boone National Forest, KY
- 2005 - R6, Pacific Northwest Region, OR or WA
- 2006 - R3, Southwestern Region, NM or AZ
- 2007 - R9, Eastern Region, Green Mountain National Forest, VT

There is no question that this honor comes with a big workload and the rewards are great. It is a wonderful opportunity for units to increase visibility, develop new partnerships and strengthen community relationships. The community committee raises money, handles publicity, and coordinates the making of ornaments and any other related items. The National Forest or Research Station provides a 60 to 75-foot tree, coordinates events, provides some national publicity, and sends staff to Washington, DC, to assist with preparations during the final weeks prior to the lighting. It is a wonderful opportunity to experience working in the Washington Office and visit the District of Columbia during the holiday season. The selected unit and local communities also provide about 60 smaller trees to Senate, House, Department of Agriculture, and the Chief's offices.

Enclosed is a memo from the Architect of the Capitol stating certain specifications and information that will be useful as units begin to search their forest for that perfect tree. Please direct all questions and concerns about this program to the National Capitol Holiday Tree Coordinator, Beverly Carroll, in the Office of Communication via email at bcarroll@fs.fed.us or by telephone at 202-205-6208.

Thanks again to the National Forests and Research Station for agreeing to provide the Nation's Capitol Holiday Tree for the next five years.

MIKE DOMBECK
Chief

Enclosure



MEMORANDUM

ARCHITECT OF THE CAPITOL CAPITOL GROUNDS DIVISION
WASHINGTON, DC 20515 SRT-01, 4-6645

DATE: May 26, 1999

TO: USDA Forest Service Personnel

FROM: Matthew Evans, ASLA
 Sr. Landscape Architect & Horticulturist

SUBJECT: Specifications for the U.S. Capitol Holiday
Tree

The purpose of this memorandum is to provide some general specifications to assist USDA Forest Service staff in creating a "short list" of about 15 to 20 candidate trees to be studied by me when I visit the forests each year to choose the U.S. Capitol Holiday Tree. Typically, I visit the forests in the months of May or June in the same year the tree will be brought to the Capitol.

The height of the tree may range from 60 to 70 feet. The tree's breadth near the ground will vary with the species, and must be appropriately proportionate to the tree's height. Similarly, trunk diameter will vary according to species. The trunk should be as free of bends as possible. Branching must be uniformly full from any vantage point. Foliage should be a robust shade of green, appropriate to species. The tree must be free of pests or disease. Treatment may be required prior to the harvesting of the tree.

Please bear in mind that the tree will be in full view from every angle in a broad, open area in the center of the West Lawn of the Capitol. It will be admired from within the Capitol as well as from out-of-doors. I mention this to emphasize the importance of selecting a "wolf tree" if possible, one that has grown in an open area with full access to sunlight and air circulation.

For your information, we typically bury about 5-feet of trunk in the ground. Generally, height above ground is about 53 feet. Any additional height above that total of 58 feet is cut from the bottom of the tree. Those leftover lower branches are used as "fillers" for any open areas in the tree that result from a few branches that are broken in shipping.

Holiday Tree Specifications

May 26, 1999

Page 2 of 2

When I select the tree in May or June, I will also choose one or two alternate trees as contingencies.

I hope this information is valuable to our successful, ongoing partnership. Millions of people are inspired by your majestic tree, your communities' 3,000 handmade ornaments, and our inventory of some 10,000 electrical lights and numerous reflective globes.

On behalf of the Architect of the Capitol, thank you for your participation in each year's special holiday event at the Capitol. If I may help further, please feel free to contact me at (202) 224-6645.

Best wishes.

ME/sw



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

MAR 23 2001

Mr. Michael Dombeck
Chief
U.S. Forest Service
Washington, D. C.

Dear Mr. Dombeck:

I request your resignation from your Senior Executive position as Chief,
U.S. Forest Service, to be effective no later than May 22, 2001.

This request is not based on your performance, but on the differences in your
policies and those of the new Administration. This action is necessary to establish
compatible policies in the Forest Service that will assist in accomplishing the goals for
the Department.

Your resignation in response to this request will constitute an involuntary separation that
will qualify you for discontinued service retirement. You can obtain more information on
your retirement benefits from your servicing human resources office.

While you are not required to resign in response to this request, if you do not agree to
resign, action will be taken to reassign you to another Senior Executive
Service position.

I wish you well in your future endeavors, and thank you for your service with the
Department of Agriculture.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann M. Veneman", followed by a horizontal line.

Ann M. Veneman
Secretary



United States
Department of
Agriculture

Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code:

Date: March 26, 2001

Honorable Ann M. Veneman
Secretary
Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Dear Secretary Veneman:

This is my resignation from my position as Chief Forester in the Department of Agriculture, effective March 31, 2001. I have been honored to serve the Department for the last four years and wish you and the Department success during your tenure.

Sincerely,

Michael P. Dombeck
Chief





United States
Department of
Agriculture

Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 1300

Date: March 27, 2001

Route To: All Employees

Subject: Message From the Chief

To: All Employees

Today I informed the National Leadership Team that I will step down as Chief of the Forest Service on March 31, 2001. As many of you know, I grew up on the Chequamegon National Forest in the north woods of Wisconsin, along forest road 164. As a young boy, I made many trips up and down the West Fork lookout tower that was in full view from our kitchen window.

I first came to work in the Chief's Office in 1987, never dreaming I would be blessed with the opportunities of the years that followed. As perhaps the only Chief to have actually grown up on a National Forest, and as someone that started their career in Michigan as a GS 6 technician, I can assure you that opportunities within the career ranks of the Forest Service are boundless. The only constraints are those we place on ourselves.

I am proud to have played a small role in your many conservation accomplishments over the past four years. The work that each of you do in thousands of communities across the country is incomparably important. I cannot begin to thank enough the hundreds of you that welcomed me into your offices, homes, and even on occasion, secret fishing spots.

I can think of no better way to thank you all than to share again with you the words of Gifford Pinchot from his dedication to Breaking New Ground: "To the men and women of the Forest Service, whose courage, devotion and intelligence have made it and kept it the best organization in the government of the United States." Those words are as true today as ever.

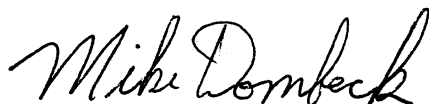
As I retire from the Forest Service, my future plans include getting reacquainted with my family and old friends, spending a lot of time in the woods and on the water, and dedicating the rest of my life to continuing to advocate the importance and benefits of healthy, diverse, and productive lands and waters.

In closing, I'll offer you one last piece of advice. Through the political and social changes that are normal in a democracy, I hope that you will always remember the reason that you first became Forest Service employees. Continue to advocate and teach the imperative of conservation and restoration. Enjoy yourselves and have fun. Get out into the woods to hunt,



fish, hike, or camp, or just enjoy the wild places with your family. Share with young people the love and respect for nature that placed you on this conservation path. Take in the splendor of an old growth forest, a prairie grassland, or jagged mountain. Follow your hearts and never allow your lives to be controlled by the desk bound, those that equate a National Forest solely to board feet or barrels of oil, and others that see only the vistas of their computer screen or the tabular columns of their calculators or only hear the beeps of their pagers and cell phones. Above all, allow your commitment to your conservation ethic and the lands and waters that sustain us to take precedence over other political or organizational fealties.

And finally, thank you for allowing me to serve as your Chief.

A handwritten signature in black ink that reads "Mike Dornbeck". The signature is written in a cursive, flowing style with a large initial "M".

MIKE DOMBECK
Chief