



Box 10, Folder 9: Correspondence - roadless rule policy (local, state, and federal government responses), 1997-2000.

1997-2000

[s.l.]: [s.n.], 1997-2000

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

October 16, 1997

FYI
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FM
WFRP
VLA
PNW
CO
WSA

Honorable Ron Wyden
United States Senate
717 Hart Senate Office Building
Washington, D.C. 20510-3702

Dear Ron:

Thank you for the letter from you and your colleagues concerning roads on national forest lands. I agree that a review of our policies concerning forest roads is necessary, and in the coming months we will pursue policies to address much of what you have proposed.

Now that the Forest Service road system is nearly complete, I want to develop a new, modern, and comprehensive forest transportation strategy that will be very much consistent with the thoughts you expressed in your letter and that we have discussed. This policy will guide determining where and when new roads should be built, road maintenance and obliteration needs, and identifying roadless areas that should be protected from road building. I am confident such a strategy will result in more public support and better resource management of roads on national forests.

At this very early stage in the development of this policy, we are considering making the following changes to the current roads program as part of the Department of Agriculture's fiscal year 1999 budget:

- increasing the rate of road obliteration from 1997 levels;
- engaging in an aggressive roads-to-trails conversion program to meet growing recreational demands, reduce run-off and erosion, and improve access;
- differentiating new timber road construction from reconstruction primarily for ecological objectives; and
- requesting increased funding for road maintenance to meet public and recreational demands, as well as the effect of growing recreational use on the health of this land.

I have asked Chief Dombeck to develop a clear, broad-based natural resource agenda built on a foundation of science and sensitive to the needs of communities. As a part of that charge, the chief is working on roads policy that will address your concerns about diminishing

Honorable Ron Wyden

2

the threat of mud and landslides, encouraging development of cheaper and more environmentally benign roads, and finally, identifying and developing strategies to protect municipal watersheds and roadless areas. Chief Dombeck has established a team of top researchers and managers to investigate ways to manage the existing road network in a more environmentally sensitive manner.

I appreciate your leadership and look forward to continuing to work with you on this issue. Similar responses have been sent to Senators Daschle and Baucus.

Sincerely,



DAN GLICKMAN
Secretary



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

October 16, 1997

Honorable Thomas A. Daschle
United States Senate
509 Hart Senate Office Building
Washington, D.C. 20510-4103

Dear Tom:

Thank you for the letter from you and your colleagues concerning roads on national forest lands. I agree that a review of our policies concerning forest roads is necessary, and in the coming months we will pursue policies to address much of what you have proposed.

Now that the Forest Service road system is nearly complete, I want to develop a new, modern, and comprehensive forest transportation strategy that will be very much consistent with the thoughts you expressed in your letter and that we have discussed. This policy will guide determining where and when new roads should be built, road maintenance and obliteration needs, and identifying roadless areas that should be protected from road building. I am confident such a strategy will result in more public support and better resource management of roads on national forests.

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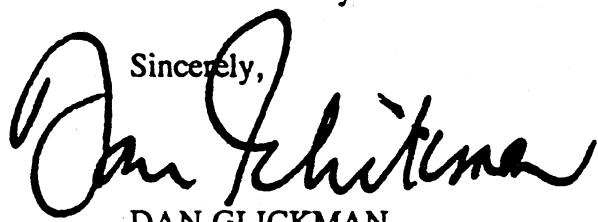
Honorable Thomas A. Daschle

2

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Sincerely,



DAN GLICKMAN
Secretary



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

October 16, 1997

Honorable Max Baucus
United States Senate
511 Hart Senate Office Building
Washington, D.C. 20510-2602

Dear Max:

Thank you for the letter from you and your colleagues concerning roads on national forest lands. I agree that a review of our policies concerning forest roads is necessary, and in the coming months we will pursue policies to address much of what you have proposed.

Now that the Forest Service road system is nearly complete, I want to develop a new, modern, and comprehensive forest transportation strategy that will be very much consistent with the thoughts you expressed in your letter and that we have discussed. This policy will guide determining where and when new roads should be built, road maintenance and obliteration needs, and identifying roadless areas that should be protected from road building. I am confident such a strategy will result in more public support and better resource management of roads on national forests.

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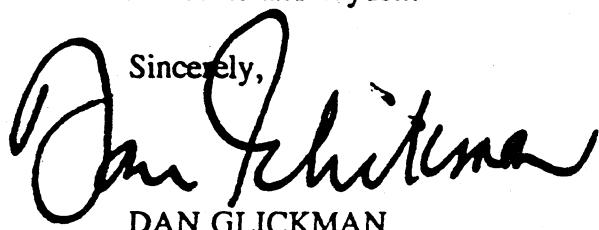
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Honorable Max Baucus

2

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Sincerely,

DAN GLICKMAN
Secretary

Received Time Dec. 11:49AM

Print Time Dec. 11:49AM

Received Time Dec. 11:49AM

Congress of the United States

Washington, DC 20515

FS

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November 4, 1997

The Honorable James Lyons
 Undersecretary for Natural Resources
 and the Environment
 Department of Agriculture
 Fourteenth St and Independence Ave., SW
 Washington, DC 20250

Dear Undersecretary Lyons,

We are writing to request your assistance in providing the Congress and outside interests with accurate information about roadless areas within Forest Service lands in the state of Oregon. It is our understanding that the Forest Service in recent years has vastly improved its GIS and other computer mapping / surveying capabilities. This has hopefully lead to an increased capability to provide more accurate roadless area information than that which is currently available.

We are particularly interested in the identification of current roadless boundaries of lands adjacent to Wilderness Areas (as well as for Crater Lake National Park and Oregon Caves National Monument). We are also interested in details of any modifications, roads, logging units, etc. that have occurred since Appendix C roadless area boundaries were drawn, and where those developments are in relation to Wilderness and roadless area boundaries. Finally, we would appreciate details on any additional unroaded lands that the Forest Service's GIS inventories or other inventories have revealed as roadless or unroaded, that were not indicated as roadless on Appendix C Forest Plan maps.

It would be most helpful for our purposes to receive half inch or one inch to the mile maps with the closest roads or timber sale area boundaries adjacent to the Forest Service's identified roadless/Wilderness boundaries. If possible, it would be helpful to have the information available in electronic ARC-View format.

We appreciate your willingness to provide detailed information as Congress further considers the issues surrounding roadless areas and timber harvest in our National Forests. Your help in providing information on all current Forest Service roadless lands in Oregon will help us develop viable policy alternatives that are protective of the environment and the economy of the northwest.

Sincerely,

Earl Blumenauer

Earl Blumenauer
 Member of Congress

Darlene Hooley

Darlene Hooley
 Member of Congress

Elizabeth Furse

Elizabeth Furse
 Member of Congress

Peter DeFazio

Peter DeFazio
 Member of Congress

Received in FS/CCU

Initial: KFH
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FS-97-4

MurkowskiOFFICE OF THE SENATOR
SENATE

Congress of the United States A.C. 18

Washington, DC 20515

November 13, 1997

The Honorable Dan Glickman
 Secretary, Department of Agriculture
 14th Street and Independence Ave., SW
 Washington, D.C. 20250

Action Office: fs
 Referral Code: 35



* 3 1 4 5 2 7 4 *

Dear Secretary Glickman:

We have received a copy of an October 3, 1997 letter addressed to you from The Wilderness Society, the Southern Appalachian Forest Coalition and the Southern Environmental Law Center, requesting that "...the Forest Service discontinue timber sales and road construction in the roadless areas of the region's [Southern Appalachian] national forests."

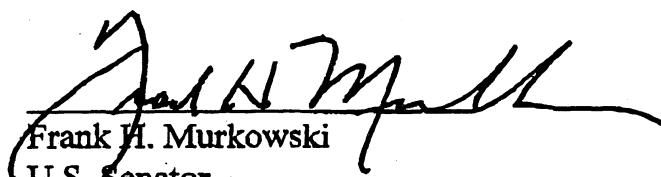
In the National Forest Management Act (NFMA), Congress directed the Secretary of Agriculture to "develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System" (16 U.S.C. Section 1604(a)). Congress further required that the Secretary must "use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences." (16 U.S.C. Section 1604(b)). The forest plans in the Southern Appalachian area were developed in accordance with these requirements, have been maintained under them, and are now being revised consistent with them. The NFMA further requires that plans may only be amended after public notice, and if the amendment is significant, only after, among other things, consideration of the effect of the amendment on all resources managed under the plan and by an interdisciplinary team. (16 U.S.C. Section 1604(f)(4)).

The existing forest plans were adopted after a long and expensive development process. Certainly they are not perfect. In fact, many have been amended several times. However, the NFMA does not allow instantaneous changes to the plans based on new policy direction as envisioned in the October 3 letter. Congress expects the Secretary of Agriculture to amend or revise the plans with the same degree of analysis it took to prepare the plans in the first instance. Most recently in Kentucky, a federal court enjoined implementation of "interim" policies because the Daniel Boone National Forest adopted the policies without preparing and adopting forest plan amendments. *House v.*

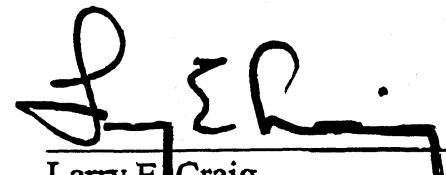
U.S. Forest Service, Civil No. 96-446 (E.D. Ky. May 29, 1997). In short, new policies, whether final or "interim", may guide plan amendment or revision, but may not legally change any existing element of a plan.

We expect that you will follow the NFMA. We also expect to be briefed before any decision is made in response to the October 3 letter. Thank you.

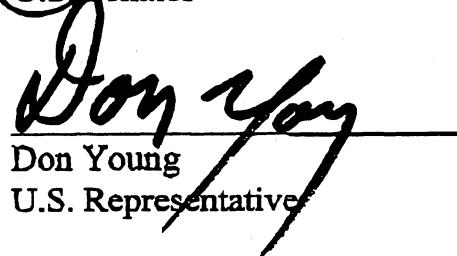
Sincerely,



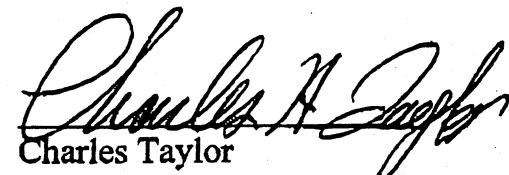
Frank H. Murkowski
U.S. Senator



Larry E. Craig
U.S. Senator



Don Young
U.S. Representative



Charles Taylor
U.S. Representative



Helen Chenoweth
U.S. Representative

United States Senate P 1:20

WASHINGTON, DC 20510-1005

November 14, 1997

The Honorable Dan Glickman
Secretary of Agriculture
Jamie L. Whitten Building
1400 Independence Avenue
Washington, D.C. 20250

Action Office: 3505
Referral Code: 35



* 3 1 4 5 9 1 2 *

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Dear Secretary Glickman:

We are writing to express our concern about the future of a number of special places in the national forests of the Southern Appalachians.

Totaling about 4.6 million acres, the eight national forests in the region are prized as valuable environmental and economic assets for the southeast. Although the national forests are a source of timber, they provide vital watersheds for clean water and serve as important fish and wildlife habitat for species of special concern such as neotropical migratory songbirds, trout, and black bears.

We support the continued process of revising forest plans from the mid-1980's with full public involvement. These new plans should update direction for their management in view of changing needs and values in the region, such as the many useful findings in the recent interagency Southern Appalachian Assessment. The Assessment noted that only one percent of the overall region has been designated federal wilderness and only two percent of the overall region has been identified by the Forest Service as "roadless."

In light of the public's strong interest in the careful study of these roadless areas because of the permanent ramifications that road construction will have on the prospects of future wilderness designation as well as the Congressional stake in a studied review of the agency's recommendations, we request that the Forest Service defer new timber sales and road building in the federally inventoried roadless areas in the Southern Appalachians, pending the completion of forest plan revisions and subsequent Congressional review of roadless area recommendations.

There would be numerous benefits from this deferral of sales including: 1) securing high-quality watershed and fisheries; 2) preserving the natural settings and forest habitat; and 3) meeting the increasing need for backcountry recreation. This would also enhance public faith in an extended planning process and reduce unneeded conflicts and polarization. Timber programs ought not to be affected by this action. Many of these areas are largely out of the suitable base and are remote, rugged and difficult to log. In fact, according to the Forest Service, only one percent of the timber volume for FY 1998 and 1999 in the Forest Service's Southern Region is projected to come from roadless areas.

In closing, we urge you to defer timber sales in these scarce sensitive areas while the planning process and subsequent Congressional review are completed. Thank you for your assistance in this matter.

Sincerely,

Max Cleland

Senator Max Cleland

Ernest Hollings

Senator Ernest Hollings

John Warner

Senator John Warner

Charles Robb

Senator Charles Robb

Strom Thurmond

Senator Strom Thurmond

MAX CLELAND
GEORGIA
WASHINGTON, DC 20510
202-224-3521

MAA
COMMITTEES:
ARMED SERVICES
GOVERNMENTAL AFFAIRS
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510-1005

December 9, 1997

The Honorable Dan Glickman
Secretary of Agriculture
Jamie L. Whitten Building
1400 Independence Avenue
Washington, D.C. 20250

Action Office: fs
Referral Code: 35



* 3 1 4 7 2 8 4 *

Dear Secretary Glickman:

In connection with the letter of November 14, 1997, that I, along with four of my Senate colleagues, sent to you requesting a deferral of timber sales in Southern Appalachian roadless areas pending the completion of forest plan revisions and related Congressional review, I understand that a claim has been made that the National Forest Management Act (NFMA) does not allow immediate changes to the plans based on new policy direction, as envisioned in such a request. Contrary to the implications of this claim, the request made in our November 14 letter is fully consistent with the National Forest Management Act.

It is important to clarify that our request does *not* seek an immediate amendment to existing plans. The Forest Service can accommodate our request through its regular process of scheduling timber sales without having to amend a single forest plan. It is established Forest Service policy, upheld repeatedly by the courts, that there is wide latitude under existing plans as to how much and where to log. See, for example, *Swan View Coalition, Inc. v. Turner*, 824 F. Supp 923 (D. Mont. 1992); *California Forestry Ass'n v. Thomas*, 936 F. Supp. 13 (D.D.C. 1996.) There is nothing in the National Forest Management Act or existing plans that *mandates* new timber sales and related road construction in the scarce roadless areas, admittedly a "limited resource" according to the recent interagency Southern Appalachian Assessment. See also *Friends of Bitterroot, Inc. v. Forest Service*, 900 F. Supp. 1368 (D. Mont. 1994) (Forest Service not required under forest plan to sell timber in roadless area.)

It is my belief that this deferral would actually enhance the responsiveness of the planning process to the public's interest in the careful and timely study of these roadless areas. By the time these forest plan revisions are likely to be completed, the existing plans will have been in place for the maximum (or longer) periods allowed by law, namely fifteen years.

The President is to be applauded for recognizing in his November 14th statement on the FY 1998 Interior Appropriations Act that roadless areas "are precious to millions of Americans and key to protecting clean water and abundant wildlife habitat, and providing recreation opportunities." With this understanding, it would seem prudent to delay logging and road building on these areas until the required study and review by the Forest Service, the public and Congress is completed.

Most Sincerely,

Max Cleland

Max Cleland
United States Senator

ONE HUNDRED FIFTH CONGRESS

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U.S. House of Representatives

Committee on Resources

Washington, DC 20515

December 10, 1997

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 BON KENDRICK, WISCONSIN
 LLOYD DOGGETT, TEXAS

LLOYD A. JONES
 CHIEF OF STAFF

ELIZABETH MCGINNIS
 CHIEF COUNSEL

JOHN LAWRENCE
 DEMOCRATIC STAFF DIRECTOR

President William J. Clinton
 The White House
 1600 Pennsylvania Avenue
 Washington, DC 20500

Dear President Clinton:

It has come to my attention that your Administration may currently be preparing to issue a new policy regarding roadless areas on the National Forests, and that this policy will prohibit timber sales in all roadless areas regardless of the management prescriptions established for each area in the applicable land and resource management plan. It is also my understanding that this direction may be issued through an executive order.

I have extremely serious concerns with this proposal. As you may know, each national forest has established management prescriptions for designated roadless areas as part of the land management planning process. These decisions have been documented and the environmental effects analyzed, as required by the National Forest Management Act (NFMA) and the National Environmental Policy Act (NEPA), all with a great deal of public involvement. A decision by you, the Secretary of Agriculture, or the Chief of the Forest Service to temporarily or permanently override the forest plan designations and management prescriptions for all roadless areas would undermine the forest planning process, severely impact the Forest Service's ability to implement its own forest plans, and render the public involvement process completely meaningless.

In addition, numerous individual laws have been passed to establish wilderness areas, at the same time releasing other lands for multiple use. In every case, the law makes clear that the released lands are not to be reviewed again for their wilderness potential until the forest plan is revised. This process ensures continued public involvement in the management decisions for these lands. Therefore, a decision from the Chief, the Secretary or the President to set aside all roadless areas, even as an interim measure, would clearly violate the letter and spirit of the individual wilderness laws.

Is your Administration currently preparing to issue a new policy regarding roadless areas on the national forests? Any direction on roadless areas that would override local forest management decisions and numerous individual wilderness laws would be met with the strongest degree of opposition.

As you know, forest management decisions are best made by those who are familiar with the lands in question – the local on-the-ground Forest Service staff, with full public involvement, all in full compliance with the law.

I look forward to your reply no later than January 5, 1997.

Sincerely,



Helen Chenoweth

Chairman

Subcommittee on Forests and Forest Health

cc: Dan Glickman, Secretary of Agriculture
James Lyons, Under Secretary of Agriculture
Michael Dombeck, Chief, United States Forest Service

ROBERT F. (BOB) SMITH, OREGON,
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JOHN R. THUNE, SOUTH DAKOTA
WILLIAM L. JENKINS, TENNESSEE
JOHN COOKSTY, LOUISIANA

U.S. House of Representatives

Committee on Agriculture

Room 1301, Longworth House Office Building

Washington, DC 20515-6001

December 11, 1997

The Honorable Daniel Glickman
Secretary
United States Department of Agriculture
Washington, D.C. 20250

Dear Secretary Glickman:

It has come to my attention that the Administration is developing a new policy for the management of roadless areas in our national forests. As Chairman of the House Committee on Agriculture, I write to make you aware of my views regarding this important policy consideration.

As you know, Congress and the Administration have formally addressed the management of roadless areas on at least three separate occasions over the last thirty years. These include enactment of the Wilderness Act of 1964 and the Roadless Area Reviews and Evaluations (RARE I and RARE II) of the 1970's and 1980's. In addition, the Forest Service has addressed the issue on a local scale numerous times during the forest planning process.

At each such juncture, the Administration, Congress and the Forest Service have been careful to fully comply with all applicable environmental laws including, among others, the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), and the Forest and Rangeland Renewable Resources Planning Act. These laws have ensured full participation by the affected public and their elected representatives, and a careful study of the environmental, economic and social impacts of each proposed policy option.

I strongly encourage the Department to observe this precedent as it considers new approaches to the management of roadless areas. I would be gravely concerned were the Department to put into place a new policy, by executive order, memorandum of agreement, general directive, moratorium or any other means, without an open public process, consistent with the requirements of current environmental laws, and a thorough debate of the issues on their merits within the Congressional committees of jurisdiction.

CHARLES W. STEENHOLM, TEXAS,
RANKING MINORITY MEMBER
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GARY A. CONDIT, CALIFORNIA
COLLIN C. PETERSEN, MINNESOTA
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The Honorable Daniel Glickman

December 11, 1997

Page 2

I would be equally concerned by any administrative act affecting roadless areas that would abridge, or otherwise interfere with, existing projects, contracts, rights-of-way, permits, recreational access, or any other aspect of multiple use management currently in place on our national forests. Any such impacts must be thoroughly vetted with the affected stakeholders, through an appropriate public process, prior to establishment of a new temporary or permanent policy.

In addition, I fully expect the Department to act consistent with the most current peer-reviewed science, particularly as it relates to restoring forest health. As Committee oversight has established, restoring the health of the land requires an organized, scientific method of identifying and treating areas at greatest risk on a priority basis. Any shift in the policy governing roadless areas should prominently feature such an approach.

I look forward to working with you on improving national forest management in the coming months. I am confident that, working cooperatively with each other and the affected public, we will craft a scientifically-based policy, consistent with current law, that will sustain a healthy forest resource for generations to come.

Sinceonly,



Robert F. (Bob) Smith
Chairman, Committee on Agriculture

cc: Michael Dombeck

JAMES P. MORAN
8TH DISTRICT OF VIRGINIA

COMMITTEE
ON

APPROPRIATIONS

SUBCOMMITTEE ON DISTRICT OF
COLUMBIA
RANKING MINORITY MEMBER
SUBCOMMITTEE ON INTERIOR

Congress of the United States

House of Representatives

Washington, DC 20515-4608

December 11, 1997

WASHINGTON OFFICE:
1214 LONGWORTH HOUSE
OFFICE BUILDING
WASHINGTON, DC 20515-4608
(202) 225-4378

DISTRICT OFFICE:
6115B FRANCONIA RD.
ALEXANDRIA, VA 22310
(703) 871-4700

The Honorable Dan Glickman
Secretary of Agriculture
Jamie L. Whitten Building
1400 Independence Avenue
Washington, D.C. 20250

We are writing to express our concern about the future of a number of special places in the national forests of the Southern Appalachians.

Totaling about 4.6 million acres, the eight national forests in the region are prized as valuable environmental and economic assets for the Southeast. Although the national forests are a source of timber, they provide vital watersheds for clean water and serve as important fish and wildlife habitat for species of special concern such as neotropical migratory songbirds, trout, and black bear.

We support the continued process of revising forest plans from the mid-1980s with full public involvement. These new plans should update direction for their management in view of changing needs and values in the region, such as the many useful findings in the recent interagency Southern Appalachian Assessment. The Assessment noted that only one percent of the overall region has been designated federal wilderness and only two percent of the overall region has been identified by the Forest Service as "roadless."

In light of the public's strong interest in the careful study of these roadless areas because of the permanent ramifications that road construction will have on the prospects of future wilderness designation as well as the congressional stake in a studies review of the agency's recommendations, we request that the Forest Service defer new timber sales and road building in the federally inventoried roadless areas in the Southern Appalachians pending the completion of forest plan revisions and subsequent Congressional review of roadless area recommendations.

There would be numerous benefits from this deferral of sales including: (1) securing high-quality watershed and fisheries; (2) preserving the natural settings and forest habitat; and (3) meeting the increasing need for backcountry recreation. This would also enhance public faith in an extended planning process and reduce unneeded conflicts and polarization. Timber programs ought not to be affected by this action. Many of these areas are largely out of the suitable base and are remote, rugged, and difficult to log. In fact, according to the Forest Service, only one percent of the timber volume for FY 1998 and 1999 in the Forest Service's Southern Region is projected to come from roadless areas.

In closing, we urge you to defer timber sales in these scarce sensitive areas while the planning process and subsequent Congressional review are completed. Thank you for your assistance in this matter.

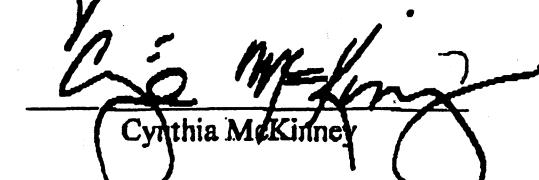
Sincerely,



James P. Moran



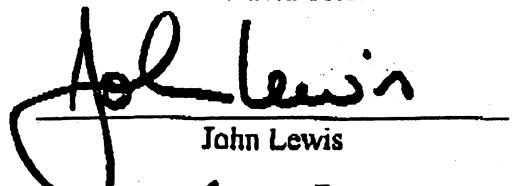
David Price



Cynthia McKinney



Bob Clement



John Lewis



Eva Clayton

JOHN A. KITZHABER, M.D.
GOVERNOR



1/7

December 23, 1997

Katie McGinty, Director
Environmental Policy
360 Old Executive Office Building
Washington DC 20500

Mike - D-YI
(Discussed w/ Peter
Green)

Dear Katie:

I enjoyed talking with you last week. One issue that we really did not have an opportunity to discuss is the current talk of changing the roading policy on our National Forests. As you are aware, I have devoted a fair amount of energy to forest management issues, and would like to share with you my thoughts on an aspect of roading policy — the roadless issue.

I am sympathetic with the need to protect these relatively pristine areas. One of the key findings we are learning from the science coming out of the Interior Columbia Basin Ecosystem Management Plan is that many of these unroaded areas are the remaining strongholds for sensitive fish and wildlife species. Nevertheless, I do not believe it is best for these ecosystems to put them off limits to management. I suggest that any new policy affecting roadless areas recognize two key needs:

- On the eastside of the Cascades, science tells us that active management is needed to restore ecosystems to a condition that is more resilient and resistant to insects, disease and catastrophic fire. This includes actively managing these areas toward a structure more representative of historic conditions. There are also issues such as invading noxious weeds which may make it appropriate to manage in roadless areas. Certainly any management deemed necessary should be done without building new roads but any new roadless policy should not prevent all active management on these lands.
- West of the Cascades, the Northwest Forest Plan represents a scientifically-based regional solution. Since its adoption in December of 1994, it has gained some hard-won acceptance. Any significant change in roadless policy will almost surely compromise our ability to manage the "matrix" component of these lands and provide the anticipated volume of timber. Since this timber volume was part of the trade-off involved in the development of the plan, any change now would also damage the credibility of the administration. The Northwest Forest Plan has been an important stabilizing influence on federal forest policy. Any new roadless policy should recognize the balance struck by broad-scale planning efforts.

I would be happy to discuss the issue further with you. As you can imagine, it is of great significance to our state.

Best regards,

John A. Kitzhaber, M.D.

JAK/NR/sm

To: Mike Dombeck
Bob Joshua } D-YI - Oregon
Comments suggested.

RICK BOUCHER
5TH DISTRICT, VIRGINIA

COMMITTEES:

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CONSUMER PROTECTION
ENERGY AND POWER

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COURTS AND INTELLECTUAL PROPERTY

ASSISTANT WHIP



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e-mail: NINTHNET@MAIL.HOUSE.GOV
WWW: http://www.house.gov/boucher/

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ABINGDON, VIRGINIA 24219
(540) 628-1145

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BIG STONE GAP, VIRGINIA 24219
(540) 523-5450

106 NORTH WASHINGTON AVENUE
P.O. BOX 1268
PULASKI, VIRGINIA 24301
(540) 980-4310

Congress of the United States
House of Representatives

December 23, 1997

The Honorable Dan Glickman
Secretary of Agriculture
Jamie L. Whitten Building
1400 Independence Avenue
Washington, D.C. 20250

To: *Janie Glickman* F.
Action Office: fs
Referral Code: 35



* 3 1 4 7 9 1 9 *

Dear Dan:

I writing to request that you defer new timber sales and road building in the federally inventoried roadless areas of the Southern Appalachian region, of which the Ninth Congressional District of Virginia is a part.

Totaling over 4.5 million acres, the eight national forests in the Southern Appalachian region are prized as valuable environmental and economic assets. While our region's national forests are an important source of timber, they also serve to attract visitors, provide vital watersheds for clean water, and serve as important fish and wildlife habitat for species of special concern such as neotropical migratory soundbirds, trout, and black bear. For these reasons it is important that we seek a balanced approach to the management of our region's national forests.

Deferring timber sales in Southern Appalachian roadless areas would enhance public faith in an extended planning process and reduce unneeded conflicts and polarization. I fully support the continued process of revising forest plans from the mid-1980's with full public involvement. These new plans should take a new direction in forest management in view of changing needs and values in the region.

The recent interagency Southern Appalachian Assessment noted that only one percent of the overall region has been designated federal wilderness and only two percent of the overall region has been identified by the Forest Service as "roadless." Given that most of these roadless areas are out of the timber base and are remote, rugged, and difficult to log, timber programs would be minimally affected by a deferral of timber sales in these areas. In fact, according to the Forest Service, only one percent of the timber volume for FY 1998 and 1999 in the Forest Service's Southern Region is projected to come from roadless areas.

The Honorable Dan Glickman

December 23, 1997

--page two--

Tourism has long represented a largely untapped economic potential for Southwest Virginia and the Southern Appalachian region as a whole. However, in the last decade tourism has become the fastest growing industry in the Ninth District. Our region's natural beauty and rich cultural heritage are becoming increasingly attractive to vacationers, especially among those seeking backcountry recreation opportunities. The subsequent rise in tourism has, and will continue to, create new jobs and bring economic vitality directly into the local economy. It is important that these non extractive economic development potentials be examined during the course of forest plan revisions.

In light of the public's strong interest in the careful study of these roadless areas and the permanent effects that road construction will have on the prospects of future wilderness designation, I respectfully request that the Forest Service defer new timber sales and road building in the federally inventoried roadless areas in the Southern Appalachians pending completion of forest plan revisions and subsequent Congressional review of roadless area recommendations.

Dan, I urge you to defer timber sales in these sensitive areas while the planning process and subsequent Congressional review are completed. Thanking you for your consideration of my request, I remain with kind personal regards and best wishes

Sincerely,

A handwritten signature in black ink, appearing to read "R. Boucher".

Rick Boucher
Member of Congress

RB/aeh

FRANK H. MURKOWSKI, Alaska, Chairman

PETE V. DOMENICI, New Mexico

DON NICKLES, Oklahoma

LARRY E. CRAIG, Idaho

BEN NIGHTHORSE CAMPBELL, Colorado

CRAIG THOMAS, Wyoming

JON KYL, Arizona

ROD GRAMS, Minnesota

GORDON H. SMITH, Oregon

SLADE GORTON, Washington

CONRAD BURNS, Montana

DALE BUMPERS, Arkansas

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JEFF BINGAMAN, New Mexico

DANIEL K. AKAKA, Hawaii

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BOB GRAHAM, Florida

RON WYDEN, Oregon

TIM JOHNSON, South Dakota

MARY L. LANDRIEU, Louisiana

GREGG D. RENKES, STAFF DIRECTOR

GARY G. ELLSWORTH, CHIEF COUNSEL

THOMAS B. WILLIAMS, STAFF DIRECTOR FOR THE MINORITY

SAM E. POWLER, CHIEF COUNSEL FOR THE MINORITY

CC:

Chris Wood

Al Faro

Bob Jeslin

PAO

Sandra Key

DJ

United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-8150

January 7, 1998

The Honorable Dan Glickman
Secretary
Department of Agriculture
14th and Independence Ave., N.W.
Washington, D.C. 20250

Dear Mr. Secretary:

We are pleased that at least one member of Congress had the opportunity to discuss your ongoing deliberations with the President on national forest roadless area policy yesterday. We hope that Senator Craig made it clear that a new approach to roadless areas need not be a source of partisan strife with the Administration in the next session of Congress.

Together with many others, we hope to find a way to end the annual debate over the Forest Service road construction budget to pursue more productive areas of inquiry with respect to public lands policy. From discussions with other Members on both sides of the aisle, we believe that there is an opportunity for a bipartisan approach to this issue — with both the Congress and the Administration collaborating on a solution — if you and the President are interested in such cooperation.

Let us offer a few suggestions to this end.

A good place to start is the defacto Forest Service position on roadless areas developed (but never published) in early 1994. Under this approach, developed by Jack Ward Thomas, the Agency has committed that it "will use ecosystem management in the next round of planning to develop management direction for currently roadless areas. They may not remain roadless because access may be needed as part of ecosystem management goals. In areas being managed to retain their roadless character, vegetation management activities may occur, and entry for management or enhance ecosystem health will be allowed." In practice, this policy has allowed

roadless area entries that advanced, and did not detract from, ecosystem management goals. We can endorse this statement of policy, and working together we may be able to improve upon it.

One amplification of this policy would be to formalize a general requirement that roadless area entry involving new road construction must be supported by an Environmental Impact Statement. Additionally, we would be willing to collaborate on interim criteria for prioritizing any needed roadless area entries that would occur prior to the roadless area review that will be part of the upcoming round of forest plan revisions. This has already been an element of roadless area policy in the few second round plans.

In addition, you have recently appointed a distinguished group of scientists to advise you on the development of regulations to govern the upcoming round of forest plan revisions. You will recall that Senator Craig and Congressman Chenoweth wrote to you on August 26, 1997 indicating that "a committee of scientific advisors may be helpful," advising that "such an effort would be most fruitful if it can enjoy bipartisan support," and offering to collaborate with you "to discuss your plans and goals for the Committee and its charter." Regrettably, there has been no response to this offer. Nevertheless, this committee could be charged with providing you with some recommendations on roadless area review and management to be included in the upcoming regulations for public review. Given its charter, it would seem odd not to involve it in this issue before any new initiatives are proposed. Again, we offer to work with you to develop bipartisan support for such an approach.

We will also support funding for an inventory of the Forest Service's existing road system and future rehabilitation, obliteration, and new construction needs. As you know, no such data base currently exists. It would be most helpful if the Agency were funded to conduct an inventory that identifies: (1) the access requirements needed to carry out the currently-approved resource management plans; (2) roads that are no longer needed, and can be obliterated; (3) roads that need to be rehabilitated or relocated to provide more environmentally benign access; (4) roads that are not needed for the near future and can best be managed by closure and stabilization of the road surface, maintaining the road prism for future use; and (5) new road construction needs (with a recognition of county rights-of-way under R.S. 2477). These simple — but presently unavailable — facts would make any subsequent debate over the Forest Service road construction program less "factually challenged" than past discussions. And this would represent the first step in securing the funding needed to come to grips with the multi-billion dollar rehabilitation and maintenance backlog, and in moving to a policy of a net decrease in road mileage.

As we hope you can see, there are some meaningful areas of potential agreement. Now let us offer you some cautions.

We cannot agree with any directive, interim or otherwise, which circumvents or short-circuits the public participation and environmental documentation requirements of the National Environmental Policy Act or the National Forest Management Act. Under existing case law, any policy (even interim in nature) that revises the land allocations in approved forest plans would fail this test, and likely be found wanting by the courts.

Second, we cannot not agree — and we believe there would be widespread congressional opposition — to a flat moratorium on roadless area entry, a redefinition of roadless areas, the designation of any new land use categories, or any other unilateral Administration initiative that vitiates the release language agreements that were forged in a bipartisan fashion in the last generation of state wilderness bills, and that are embodied in the first round of forest plans. As your data show, many such areas are priority candidates for forest health treatment. You should assume that any precipitous and unilateral administrative action will be at least as controversial as the Carter Administration's ill-fated RARE II debacle.

Third, inasmuch as the roadless area controversy is most intense in the Intermountain States, we suggest you be very cautious about the immediate application of any policy in this region. Such an approach would undermine the scientific analysis that is part of, and preempt the current public comment period associated with, the Interior Columbia Basin Ecosystem Management Plan.

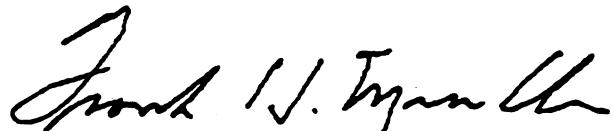
Fourth, the application of such an initiative to second round plans would be viewed as a denigration of the NEPA/NFMA public involvement process. It would also seriously call into question the Clinton Administration's claims of having developed these recent plans on the basis of the best available science.

Fifth, we suggest you be even more cautious about canceling existing timber sale contracts or suspending work on prepared or nearly-completed FY 1998 and FY 1999 timber sales. As for existing contracts, we hope there will not be a repeat of the unpleasantry in the last Congress concerning the government's contractual liability in this area. Taking prepared or nearly completed timber sales out of the program for FY 1998 and FY 1999 will assure two more money-losing years for the program. This cannot be supported by anyone concerned about the fiscal soundness of government programs and the efficient use of taxpayer dollars.

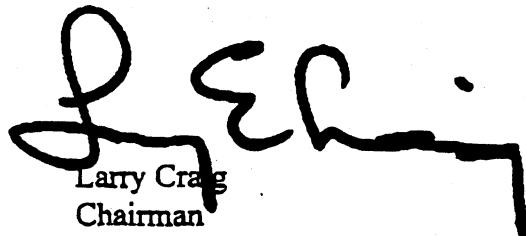
Finally, we suspect that there are those in the Administration who believe that a new roadless area policy represents a battleground to draw a contrast between the Administration and the Congress, rather than an opportunity to collaborate in a bipartisan fashion to develop the parameters of a solution that would enjoy widespread support. We hope you agree, given the deep resonance of this issue throughout the rural West, that the citizens who depend upon the national forests for livelihoods and recreation opportunities deserve better.

For our part, we will pledge to work with you in good faith to build support for administrative and/or legislative efforts to find a scientifically-based and environmentally-balanced solution to this vexing problem — provided there is good-faith consultation with Congress before (not after) the Clinton Administration moves any proposed policy changes forward. We stand ready to work with you.

Sincerely,



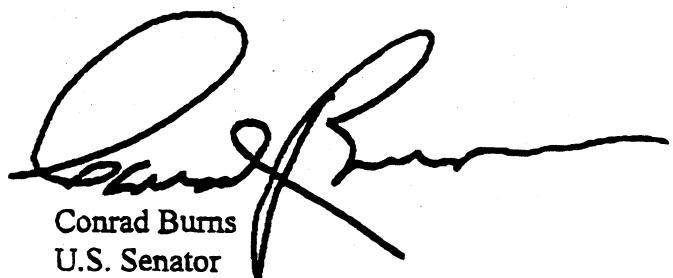
Frank H. Murkowski
Chairman
Committee on Energy and
Natural Resources



Larry Craig
Chairman
Subcommittee on Forests and
Public Land Management



Slade Gorton
Chairman
Subcommittee on Appropriations
for the Department of the Interior
and Related Agencies



Conrad Burns
U.S. Senator



Gordon Smith
U.S. Senator



Craig Thomas
U.S. Senator

CC: Mike Dombeck
K Norman Johnson

TONY KNOWLES
GOVERNOR

1998 JUN 13 P 1:09

P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 12, 1998

The Honorable Dan Glickman
Secretary of Agriculture
U.S. Department of Agriculture
14 Street and Independence Avenue, SW
Washington, DC 20250

Dear Mr. Secretary:

To: Greg Donbeck
Mike Hayes
Jim Lyons

Thank you for the assistance you have provided me and the State of Alaska over the past few years. At this time, I must bring another issue of great importance to your attention.

As you recall, last year, a group of Southeast Alaska mayors and I met with you regarding the Tongass National Forest. At the time, we discussed the importance of following the Tongass Land Management Plan (TLMP) process for developing policies for the Tongass. We also talked about ensuring the TLMP was based on sound science, prudent management, and a responsive public process. You were able to assist us to ensure the timely completion and signing of the Record of Decision for TLMP.

We are now in a situation where we must ask your assistance again. The State of Alaska has major concerns regarding a potential new interim policy on roadless areas in national forests. We cannot tolerate federal fiat on issues facing Alaska. We feel it is imperative Alaskans be involved in the decisions affecting them.

I have opposed federal fiat in national forest policy affecting Alaska regardless of who proposed them. Instead, I believe policy should be guided by the principles of sound science, prudent management based on conservation, and a meaningful, responsive public process which brings stakeholders to the decision making table. Given the Record of Decision for TLMP was signed only 6 months ago and the appeals process is underway, it would be unfair ploy for anyone to use political leverage to undermine the process while these very issues are being addressed and resolved through the appeals process. The current process provides the fair and just course as prescribed by federal law and implemented by federal regulations and is the sense of fair play all Americans rely on and have a right to expect.

Action Office: fs
Referral Code: 35



* 3 1 4 8 3 6 9 *

The Honorable Dan Glickman
January 12, 1998
Page 2

The State of Alaska should have a voice in any interim and/or long-term decisions made on the roadless issue. Any roadless policy must undergo full review using the principles stated above, and we oppose any interim decisions made prior to that process. A precipitous interim action, made behind closed doors outside of Alaska, will not be tolerated. Should this occur, the state will leave no stone unturned in our effort to prevent this interim policy being implemented through federal fiat.

In the past, our discussions have led to mutually beneficial results, and I am available and would appreciate the opportunity to discuss this matter with you.

Sincerely,


Tony Knowles
Governor

cc: Erskine Bowles, White House Chief of Staff

FAX TRANSMITTAL

STATE OF ALASKA
OFFICE OF THE GOVERNOR

TONY KNOWLES
GOVERNOR

FRAN ULMER
LIEUTENANT GOVERNOR



OFFICE OF THE GOVERNOR
PO BOX 110001
JUNEAU, AK 99811-0001

Telephone: (907) 465-3500
Fax: (907) 465-3532

Date: January 12, 1997

To: The Honorable Dan Glickman

Fax No.: (202) 720-5437

Pages: cover plus 2

From: Governor Knowles' Office

If you received this FAX in error, please immediately notify the sender by telephone, and return this FAX to the sender at the above address. Thank you.

WSAC

Washington State
Association of Counties
206 Tenth Ave SE
Olympia, WA 98501
(206) 753-1886
FAX (206) 753-2842

AOC

Association of
Oregon Counties
P.O. Box 12729
Salem, OR 97309
(503) 585-8351
FAX (503) 373-7876

IAC

Idaho Association
of Counties
Box 1623
Boise, ID 83701
(208) 345-9126
FAX (208) 345-0379

MACo

Montana Association
of Counties
2711 Airport Road
Helena, MT 59601
(406) 442-5209
FAX (406) 422-5138

January 12, 1998

Kathleen A. McGinty, Chair
Council on Environmental Quality
Executive Office of the President
Washington, D.C. 20503

Dear Ms. McGinty:

I am writing as Chair of the Eastside Ecosystem Coalition of Counties (EECC), which represents the state associations of counties of Washington, Oregon, Idaho, and Montana. The EECC has been a hands-on participant in the Interior Columbia Basin Ecosystem Management Project (ICBEMP) since its beginning, and has been widely credited with saving the ICBEMP from termination by the 104th Congress.

The EECC sent a letter to Forest Service Chief Mike Dombeck and Under Secretary of Agriculture Jim Lyons dated December 16, 1997, regarding reports of development of a policy toward roadless areas in national forests. We requested, as deeply invested principal stakeholders in the ICBEMP, to be involved in any such policy discussions. We have not received any response to our letter. Moreover, recent newspaper reports make it obvious that this policy is well formed and nearing adoption.

We understand that the policy will, at least for one year, prohibit new roads of any kind and for any purpose in roadless areas of 5,000 acres or larger in national forests. This policy reportedly will exempt the Tongass National Forest and those forests subject to the President's Northwest Forest Plan.

The purpose of my letter is to explain that, if the Administration goes forward with this policy, the EECC will be forced to evaluate our continued involvement in the ICBEMP. The reasons are straight-forward:

- The EECC is entering its fourth year of active and intense involvement in this science-based, broad-scale, ecosystem management project. This kind of project cannot be successful if it is overridden by a piece-meal approach of particular treatment of lands in a one-size-fits-all fashion. The ICBEMP is to resolve these very kinds of issues for the region.

- The ICBEMP is science-based. The EECC fully supports having science direct the results in an adaptive management framework. This policy, as reported, is an edict to be applied nationwide regardless of local ecosystems. As such it is not based on science at all, but rather on politics. It abuses the concept of the ICBEMP.

JAN-15 98 (TUE) 11:28

ASSN OF OR COUNTIES

TEL: 503 373 7876

P. 003

•The EECC has been assured throughout this project that the results will be a regional solution based on regional ecosystems and regional collaboration. In fact, Interior Secretary Bruce Babbitt underscored this assurance this summer during his visit to the Blue Mountains of Oregon. This policy, as reported, is quite clearly not a regional solution, but a national, one-size-fits-all edict. Its imposition would cast doubt on other assurances made by federal officials regarding the ICBEMP.

•The Forest Service and the Administration have emphasized collaboration as the most sound approach to difficult federal land management policy issues. With the participation of the EECC, counties have been at the ICBEMP table from its beginning as a committed partner to the process as originally described. County officials have absorbed tremendous political heat holding to the process and seeking the very best outcome for the Basin and its communities. With this reported policy, we wonder if we are indeed partners. We have not been invited to consult about it; our opinion has not been requested in any way. Can we trust that collaboration is in fact important to federal agency leaders and the Administration?

The EECC does not deliver this message lightly. We have invested deeply in the ICBEMP, in time, effort, financial resources, and political capital. We are struggling, along with your regional executives and project team, to make the ICBEMP a success. This reported policy would directly contradict the purposes of the project, be a significant blow to the already damaged federal credibility in the region, and would cause us to seriously evaluate whether to continue in the ICBEMP.

You may respond to the EECC through me at the address of the Association of Oregon Counties.

Sincerely,



Judge Dale White, Harney County, OR
Chair, Eastside Ecosystem Coalition of Counties

c. Congressional delegations
Governors
National Association of Counties

copy sent to:

Bruce Babbitt, Secretary of the Interior
Mike Dombeck, USDA Forest Service Chief
Dan Glickman, Secretary of Agriculture
Jim Lyons, Under Secretary for Natural Resources and Environment

>>Message from Shirley McDonald:R04A; to PL:W01C, to PL:R04A; autoforwarded on
>>01/14/98 at 17:12:12.

CEO document contents:

ISSUE ALERT

Reporting Unit	Contact Person	Phone	Todays Date	DG Address
Regional Office	Robert Swinford	[REDACTED]	Jan.14, 98	R04A

Issue or Event

A letter dated January 12, 1998 was sent from Dale White, Judge, Harney County, OR and Chairman of the Eastside Ecosystem Coalition of Counties (ECCE) to Kathleen A. McGinty, Chair, Council on the Environmental Quality, Executive Office of the President, with copies sent to Secretary Babbitt, Secretary Glickman, Undersecretary Lyons, and Chief Mike Dombeck, Governors, Congressional delegations and the National Association of Counties to explain that, if the Administration goes forward on the policy toward roadless areas the ECCE will be forced to evaluate their continued involvement in the Interior Columbia Basin Ecosystem Management Project (ICBEMP).

Background

The EECC represents the state associations of counties of WA, OR, ID and MT and has been a hands on participant in the ICBEMP since its beginning. According to the EECC's letter they have been widely credited with saving the ICBEMP from termination by the 104th Congress. EECC has requested, through a letter written to Mike Dombeck and Jim Lyons on December 16, 1997 to be involved in policy discussions regarding the development of policy toward roadless areas on national forest, but to date, have not received a response to their letter.

Congressional Interest? No knowledge at this time. Will keep everyone informed.

Remarks or Comments:

JOHN EDWARD PORTER
10TH DISTRICT OF ILLINOIS

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
FOREIGN OPERATIONS
LABOR, HEALTH AND HUMAN SERVICES,
AND EDUCATION
CHAIRMAN
MILITARY CONSTRUCTION
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE
CONGRESSIONAL HUMAN
RIGHTS CAUCUS
CO-CHAIRMAN



Congress of the United States

House of Representatives

Washington, DC 20515-1310

January 13, 1998

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WASHINGTON, DC 20515-1310
(202) 225-4895

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(847) 940-0202

18 NORTH COUNTY STREET
601-A COUNTY BUILDING
WAUKEGAN, IL 60085-4339
(847) 682-0101

115 ARLINGTON HEIGHTS ROAD
SUITE 104
ARLINGTON HEIGHTS, IL 60004-3962
(847) 392-0303

Honorable Dan Glickman
Secretary
U.S. Department of Agriculture
Washington, DC 20250

Dear Mr. Secretary:

Over the past decade, as evidenced by the now annual road appropriation's debates, the USDA Forest Service's road program has spurred considerable public discourse and congressional scrutiny. Therefore, I am pleased that the Chief of the Forest Service, Mike Dombeck, is presently working on a forest road reform effort that I hope will obviate the need for future such debates in Congress.

The existing forest road system was constructed in large part to facilitate the harvest of timber from the national forests. The size and extent of the road system closely paralleled the dramatic growth of the timber program during the 1970s and 80s. Today, the timber sales program has shrunk from twelve to less than four billion board feet per year. In addition, many timber sales are now designated to accomplish ecological objectives, such as thinning unnaturally dense forest stands, that often do not require new road construction. As timber harvests decline, other uses of the national forests are increasing dramatically. For example, recreation use has grown by approximately 50 percent over the past 10-15 years. Much of this use is occurring on a very limited portion of the existing road system. With these facts in mind, the following are specific issues that I hope the Forest Service will address in their new road policy.

With eighty percent of the public use occurring on twenty percent of the existing roads in some areas, the Forest Service should include plans to mitigate or eliminate the ecological impacts of old, unused and unneeded forest roads. More specifically, the agency should propose to decommission, restore or otherwise limit the ecological damages that the majority of the existing forest road network now causes.

By the Forest Service's estimates, there exists at least a \$10 billion backlog in road maintenance and reconstruction on national forest roads. Given new scientific information that documents the social and ecological importance of roadless areas and the irreversibility of building new roads, I believe that the agency should severely curtail new road construction in roadless areas system-wide until they have a better understanding of the ecological consequences and can afford to better manage the existing road system.

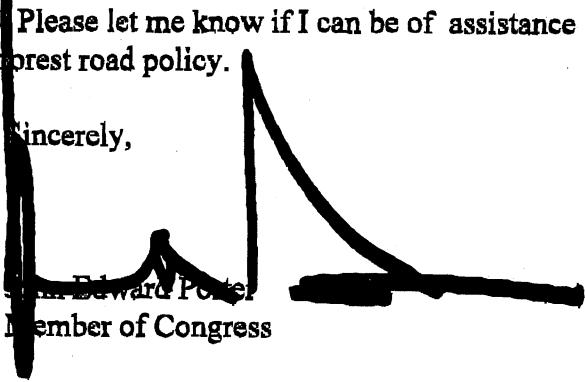
Honorable Dan Glickman
Page Two

Finally, given the need to reverse environmental damages from existing roads, the enormous backlog in road maintenance and reconstruction, and the likelihood that annual recreation visits to national forests will exceed one billion by the year 2000, I hope that the Forest Service's new policy will include a sustainable funding strategy for managing forest roads for these purposes.

If the Forest Service successfully addresses these issues, they would not only avoid the appropriation's debate over forest road funding, they would do what is best for the health of our public lands and for the people who depend on them.

Thank you for your attention to this important issue. Please let me know if I can be of assistance to you or to Chief Dombeck in developing this new forest road policy.

Sincerely,


John Edward Porter
Member of Congress

United States Senate

WASHINGTON, D.C. 20510

January 13, 1998

The Honorable Dan Glickman
Secretary, United States Department of Agriculture
14th Street and Independence Avenue, SW
Washington, DC 20250

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Tusler
MD

Dear Secretary Glickman:

We understand that you are formulating a policy to guide the future management of forest roadless areas. We want to thank you for your efforts to protect roadless areas and encourage you to enact a policy of protection for these critical lands.

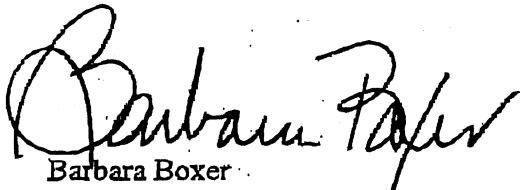
As you know, roadless areas are critically important both to people and wildlife. These areas provide clean drinking water, opportunities for recreation, abundant wildlife habitat, and excellent spawning grounds for salmon. Roadless areas provide habitat for countless threatened and endangered species and are the cornerstone to recovery for many imperiled species. Humans depend on the clean water provided by roadless forest areas - areas where human caused sedimentation and erosion are limited.

These last remaining wild places must be protected for the benefit of humans and wildlife. We request that your policy for roadless area management:

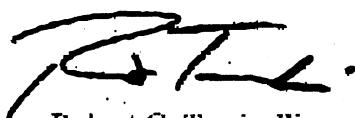
- Immediately halt all logging and road building in roadless areas.
- Compile a database and inventory of all roadless areas of 1000 acres or greater.
- Review existing land management proposals (timber sales and road construction projects) to assure that they do not affect roadless forest areas.

The protection of roadless areas is a critical issue. We thank you for attention to this critical issue, and for assuring the protection of these irreplaceable resources.

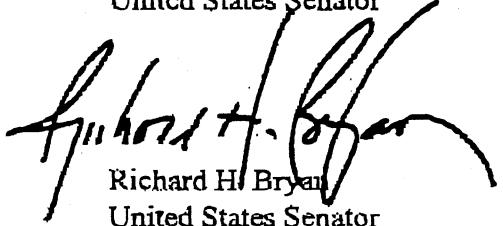
Sincerely,



Barbara Boxer
United States Senator



Robert G. Torricelli
United States Senator



Richard H. Bryan
United States Senator



Harry Reid
United States Senator



OFFICE OF THE COUNTY COMMISSIONERS
206 COURTHOUSE DRIVE
SALMON, IDAHO 83467

Heber Stokes, Chairman
Thomas C. Chaffin
Patti Burke

Phone: 208-756-2815

Fax: 208-756-8424

January 14, 1998

**Mike Dombeck, Chief
Forest Service**

**Dan Glickman
Secretary of Agriculture**

**Jim Lyons
Under Secretary for Natural
Resources and Environment**

Dear Sirs:

The Eastside Ecosystem Coalition of Counties (EECC), which represents the state associations of counties of Washington, Oregon, Idaho and Montana has been a hands-on participant in the Interior Columbia Basin Ecosystem Management Project since its beginning, and has been widely credited with saving the ICBEMP from termination by the 104th Congress.

Recent newspaper reports make it obvious that a roadless area policy is well formed and nearing adoption, which we understand that at least for one year, prohibit new roads of any kind and for any purpose in roadless areas of 5,000 acres or larger national forests. This policy reportedly will exempt the Tongass National Forest and those forests subject to the President's Northwest Forest Plan.

If the Administration goes forward with this policy, the Eastside Ecosystem Coalition of Counties will be forced to evaluate continued involvement in the Coalition.

The Interior Columbia River Basin should be excluded from any new roadless policy because it is in the middle of an ecosystem management plan. The Administration's proposal for a one size fits all approach to lands that are in the middle of a plan that is designed to deal with the region.

The Forest Service and the Administration have emphasized collaboration as the most sound approach to difficult federal land management policy issues. With the participation of the EECC, counties have been at the ICBEMP table from its beginning as a committed partner to the process as originally described. County officials have absorbed tremendous political heat holding to the process and seeking the very best outcome to the Basin and its communities. With this reported

policy, we wonder if we are indeed partners. We have not been invited to consult about it; our opinion has not been requested in any way. Can we trust that collaboration is in fact important to federal agency leaders and the Administration. Decisions affecting land management are supposed to be coordinated with counties and this new policy certainly has not been coordinated with county land management plans and there has been no public hearings or even request for public input.

This reported policy would directly contradict the purposes of the project, be a significant blow to the already damaged federal credibility in the region, and would cause us to seriously evaluate whether to continue in the ICBEMP.

We urge that this directive not be imposed.

Very truly yours,

Heber Stokes

Heber Stokes

Chairman

Board of County Commissioners

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U.S. House of Representatives

Committee on Resources

Washington, DC 20515

January 15, 1998

Mr. Mike Dombeck, Chief
 USDA Forest Service
 P.O. Box 96090
 Washington, D.C. 20090-6090

LLOYD A. JONES
 CHIEF OF STAFF

ELIZABETH MEGGINSON
 CHIEF COUNSEL

JOHN LAWRENCE
 DEMOCRATIC STAFF DIRECTOR

Dear Chief Dombeck:

We are aware that you and the Administration are preparing to issue a new policy for roadless areas on the national forests and that this policy will violate all the decisions that have been made in national forest plans and numerous wilderness laws. In addition, it will undermine the public credibility and scientific integrity of ongoing decision-making efforts.

Forest planning and wilderness designations have involved extensive and intensive public involvement and (in the case of wilderness enactment) negotiation and legislative action by Congress. By contrast, the new roadless area policy which the Administration will soon announce has been developed behind closed doors and with a deliberate attempt to exclude Congress and the public from the decision-making process. The ridiculously short public comment period you will propose after these decisions have been made will not pass a "straight-face" test for Congressional or public involvement.

Several Members of Congress have written you, Secretary Glickman and President Clinton to express their concerns with the proposal as it was being developed. Their letters raised the serious concern that a broad-brush moratorium overriding your land management plans will undermine and make meaningless your own procedures for decision-making, which were developed to comply with the National Forest Management Act (NFMA), the National Environmental Policy Act (NEPA), and many other environmental and procedural laws. After more than a month, neither you nor anyone in the Administration has seen fit to reply to any of the Members' letters or include them in the decision-making process.

After a fair amount of detail about your initiative was made available through press reports and editorials, your staff requested the opportunity to brief Congress on the roadless area policy. We are disappointed, to say the least, by this cynical effort at the eleventh hour to give the appearance of involving Congress in this critical issue. Your lack of response to our earlier

Chief Dombeck
January 15, 1998
page 2

inquiries make clear your intent to alter Forest Service policy without any regard for the public involvement and environmental analysis procedures prescribed by NEPA and NFMA; with total disregard to the wilderness laws; and with callous disrespect for the impacts of your decision upon the national forest resource and surrounding communities.

We hope that you and the Administration will reconsider this ill-advised policy. As you have long stated, forest management decisions must be made in compliance with the law of the land. Since your appointment as Forest Service Chief, you have promoted the concept of "collaborative stewardship." Your new policy is not in compliance with the law, it does not provide for stewardship of the land, and it most certainly is not collaborative.

In your actions on this issue, we urge you to provide the Congressional and public involvement that is mandated by statute. We look forward to your reply before you finalize your policy.

Sincerely,

Don Y.
George R. Nethercutt Jr.

John T. Doolittle

Bob Smith

Bob Siefert

Patricia A. Gandy

Doct Hastings

Frank Biggs

P. D. Hyman

Sam

Chief Dombeck
January 15, 1998
page 3

Charles A. Zajicek
Wally Hergel
Levi Smith
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UNITED STATES
HOUSE OF REPRESENTATIVES

January 15, 1998

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WEBSITE: www.house.gov/skaggs/

lavery
mills } FYI

The Honorable Al Gore
The White House
1600 Pennsylvania Ave NW
Washington, D.C. 20006-9900

Dear Mr. Vice President:

I understand that the Administration is preparing to make changes in the policies for managing national forest roadless areas.

This will be especially significant in Colorado, where rapid population growth is putting pressure on all remaining open spaces and key habitat for rare and possibly endangered plant and animal species are dwindling.

Now more than ever, protection of our remaining roadless areas is important. As President Clinton has noted, these areas are "key to protecting clean water and abundant wildlife habitat, and providing recreation opportunities."

When he signed the 1998 Interior appropriations bill, the President also correctly emphasized that these roadless areas "must be managed through science, not politics." I'm writing to urge that the forest-management policy changes be fully consistent with a standard grounded in good science.

In that regard, several points are particularly important:

- Any new policies should be science-based and applied to all eligible areas, without selective exceptions made on account of political or short-term economic premises.
- The policies should not deny appropriate protection for roadless areas because of some arbitrary limit on the size of areas to be covered by the new policies. We cannot create new roadless areas, so it is better to err on the side of protecting even small areas.
- For the same reason, restrictions to protect these areas should apply to all roads, whether considered "temporary" or "permanent," and timber sales currently being considered by the Forest Service, but not yet under contract, should be withheld from further action until the applicability of the new policy to them is clarified.

Thank you for your consideration of these recommendations. I look forward to working with you and others in the Administration on this matter.

Sincerely yours,

David Skaggs
Printed On Recycled Paper

FAX COVER SHEET

DATE: 1/15/98TO: Chief Bombecks
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(Company/Organization)FROM: Congressman David Skaggs
1124 Longworth H.O.B.
Washington, D.C. 20515
(202) 225-21619101 Harlan Street, Suite 130 _____
Westminster, Colorado 80030
(303) 650-7886CONTACT: Stan SlossFBI - letter to V.P. Gore
re roadless area policyNUMBER OF PAGES (INCLUDING COVER SHEET) 2

United States Senate

WASHINGTON, DC 20510

January 21, 1998

Mr. Mike Dombeck
Chief
U.S. Forest Service
Department of Agriculture
201 14th Street, S.W.
Washington, D.C. 20240

Dear Mike:

We appreciate the briefing the Forest Service provided to Senate staff last week regarding your forthcoming review of Forest Service roads policies. The purpose of this letter is to thank you for following up on our September 15, 1997 request for this review, and to offer some suggestions for ensuring the review is as productive as possible.

By now, it should be obvious to everyone involved that the Forest Service is long overdue for a review and revision of its roads policies. With 380,000 miles of roads on Forest Service lands, and countless more miles of unofficial four-wheel drive tracks, it is entirely appropriate for the Forest Service to take a step back and ask itself whether the existing roads network is serving the public well or whether modifications are in order.

As you know, the Forest Service cannot afford to maintain its road network -- forty percent of all Forest Service roads are not maintained to specified standards for public safety and environmental protection. The Forest Service must review and revise its current roads policies to ensure the roads network is optimal for the current mix of forest uses including motorized and non-motorized recreation, wildlife conservation and logging.

Further, in light of recent scientific studies indicating that roadless areas are important for protection of fish and wildlife and for maintenance of water quality, it is only common sense that the Forest Service should review the issue of road building in roadless areas. Since this review will consider whether, and under what circumstances, new roads should be built in roadless areas, it may be appropriate to institute a temporary moratorium on road building in these areas pending completion of the policy review.

However, since this policy review is focused on the Forest Service roads policy, it seems evident that the moratorium need not preclude other activities such as logging, provided those activities do not require additional road construction in roadless areas. Further, since most logging occurs in roaded areas, we are confident that the Forest Service can implement the proposed moratorium without significantly decreasing current timber harvest levels.

In order to ensure that the public is involved in this policy review and that the review is as constructive as possible, we ask that you honor the following five requests:

1. **The Public Must Be Involved in the Formulation of an Interim Policy.** Prior to the implementation of an interim moratorium, the Forest Service must institute a process to ensure that the public is notified and given an opportunity to comment on the proposed interim moratorium. During this comment period, the Forest Service should produce an assessment of expected impacts on timber harvests (if any) so that the public dialogue can proceed with a full consideration of all relevant issues.

2. **The Interim Policy Must Be of Limited Duration.** If, after the public involvement phase is completed, the Forest Service decides to move ahead with an interim moratorium, we ask that the moratorium be of a clearly defined duration and that it not be extended without an additional opportunity for public involvement.

3. **The Public Must Be Involved in the Broader Policy Review.** The comprehensive review of Forest Service roads policies must include opportunities for extensive public involvement. In particular, we ask that you plan on holding public meetings across the West to receive input from local residents whose lives are directly impacted by changes in Forest Service policy.

4. **The Policy Review Must Have Clearly Defined Goals and Objectives.** Due to the problems that are evident with the current roads network, it is imperative that this process produce tangible results. Toward that end, the Forest Service must set out clearly defined goals and objectives for this review.

5. **The Forest Service Should Rely on Peer-Reviewed Science and on Independent Scientific Bodies in Formulating New Policy.** Given the contentious nature of land management policy changes, the Forest Service must make sure that any changes are based on sound science. Toward that end, we encourage you to utilize peer reviewed scientific studies and that you consider working in conjunction with an independent scientific body such as the National Academy of Sciences.

Again, we applaud your initiation of this policy review, and look forward to entering into a constructive dialogue that will allow the American people to continue to use and enjoy our public lands. Once again, thank you for honoring our September 15 request for this policy review.

Sincerely,

Max Baucus

Tom Nachle

ROBERT F. (BOB) SMITH, OREGON,
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U.S. House of Representatives

Committee on Agriculture

Room 1301, Longworth House Office Building
Washington, DC 20515-6001

January 21, 1998

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Michael P. Dombeck
Chief
U.S.D.A. Forest Service
201 14th Street, S.W.
Washington, D.C. 20250

Dear Chief Dombeck:

Thank you for your willingness to discuss your ideas about improving our forest road system. I am encouraged by your desire to take a scientifically-based, comprehensive look at the entire road network to determine how to maximize the benefits of forest roads while minimizing potentially negative environmental impacts.

I appreciate and share your commitment to restoring the health of the land through scientific, proactive forest management. I believe this commitment must necessarily carry over into the management of our forest roads network. At the same time, we both understand the difficulty of working with a variety of stakeholders, interest groups, and policy makers in crafting a roads policy that both reflects what is best for the land and what is acceptable to the public. To this end, I would like to offer a few comments and recommendations with the aim of achieving our mutual objectives with the broadest base of public support.

First, I support your idea of taking a comprehensive, scientific look at how we might improve management of the road network, and we stand ready to assist in this effort. Your commitment to fully engage science, policy makers and the public prior to establishing a final policy is laudable. I also share your desire to conduct such a fact-gathering and public consultation process in a timely manner.

For these reasons, I suggest that you consider alternatives to a rule-making process to achieve this objective. As you know, rule-making can be time-consuming and occasionally futile. The General Accounting Office, for example, has recently reported that the time spent by the Forest Service on several major and significant rules is now approaching ten years with no final decision in sight. We need to act on the roads issue

Michael P. Dombeck

January 21, 1998

Page 2

more quickly than this, and I am prepared to assist you in designing a fair and open process, firmly rooted in science and involving all affected stakeholders and interests, that will enable us to do so.

Second, I agree with you that caution should be taken during the development of a comprehensive roads policy to ensure that road construction and other types of entry into inventoried roadless areas is scientifically sound and environmentally safe. Yet this need not preclude active management in these areas. In a recent letter to the White House, Governor Kitzhaber emphasized, "science tells us that active management is needed to restore ecosystems to a condition that is more resilient and resistant to insects, disease, catastrophic fire, and noxious weeds." If applied with care, active management can be continued in roadless areas without jeopardizing their long-term environmental integrity.

Because of the proven benefits that can be derived from proactive forest management, I do not believe that a blanket moratorium or interim guideline prohibiting road construction or other types of entry into roadless areas would be appropriate. Furthermore, responses by stakeholders, policy makers, interest groups and others to recent newspaper articles indicates that this would be a politically divisive approach that would distract us from our long-term objectives and jeopardize local collaborative efforts such as the preparation of the Interior Columbia Basin Ecosystem Management Plan.

An alternative to this highly controversial option, and one that I could support, would be for you, as Chief of the Forest Service, to provide general, temporary guidance to your line officers on how to exercise the appropriate caution when entering roadless areas until a national plan is in place. This might, for example, consist of a letter, memorandum, or some other appropriate communication, discouraging road construction in inventoried roadless areas except in those cases where a sufficient need for such action can be demonstrated and a thorough environmental review undertaken. A more moderate approach like this would garner broad public support instead of eroding it and give us more sure footing on which to jointly craft a comprehensive, scientifically sound road policy.

Finally, I propose that a good faith joint effort on the forest roads issue will put us in a solid position to move forward on other initiatives to improve the health of the land, such as the Forest Recovery and Protection Act which I introduced last year. I am presently continuing my efforts to strengthen the bill through the committee process so that it will provide both a clear policy direction and adequate funding to recover some of our most damaged forest resources in a timely and environmentally sensible way. We look forward to receiving your cooperation and assistance in this effort.

Michael P. Dombeck

January 21, 1998

Page 3

I appreciate your continued leadership in the management of our country's forest resources. As we demonstrated in Sunriver a year ago, that leadership is most effective in an atmosphere of cooperation. I am convinced that, by working together on a scientifically-based, common-sense forest road policy, we can promote cooperation on a national scale and jointly pursue policies that will keep our forest resources healthy and productive into the next century.

Sincerely,



Robert P. (Bob) Smith
Chairman, Committee on Agriculture

cc: Secretary Glickman

ROBERT F. (BOB) SMITH, OREGON.

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U.S. House of Representatives

Committee on Agriculture

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DATE: 2/3/98

TO: Chief Dombeck

205-1765

FROM: Chairman Smith

TOTAL PAGES: 3 (Including cover sheet)

COMMENTS: _____



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STAFF ASSISTANT

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Cong - Roads

U.S. House of Representatives
Committee on Agriculture
Room 1501, Longworth House Office Building
Washington, DC 20515-6001

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February 3, 1998

Mike —
FYI —
Just arrived!
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Michael P. Dombeck
Chief
U.S.D.A. Forest Service
201 14th Street, S.W.
Washington, D.C. 20250

Dear Chief ~~Mike~~ Dombeck:

I am in receipt of your letter responding to my January 21 correspondence regarding the Clinton Administration's new roadless policy. Your form letter did little to address the concerns I enumerated in both our telephone conversation and my letter to you.

In order to avert further misunderstandings regarding my position on the proposed roadless policy, I would like to take this opportunity to reiterate and clarify my views about the proposal.

Debates dating back to RARE I, RARE II, as well as more recent NFMA forest plans and the roads budget illustrate the acrimonious and long-standing debate over roads, roadless areas, and related issues. Time and again, the Forest Service has sought compromises only to find themselves back at the negotiating table.

The fact that a broadly-supported compromise to this chronic issue has evaded the agency since roads became a point of contention makes finding a comprehensive solution a desirable, laudable goal. For this reason, I commended your efforts to, once again, embark on a process that would bring credible science, reason, and finality to the roadless debate.

While supportive of your decision to seek a comprehensive solution, I also cautioned that rulemaking, and particularly an interim rule prohibiting road building in roadless areas, would be politically divisive and jeopardize collaborative efforts such as the Interior Columbia Basin Ecosystem Management Plan. A road building moratorium can only serve to polarize stakeholders -- creating an unlikely climate in which any roadless policy would garner broad public support.

Michael P. Dombeck

February 3, 1998

Page 2

I fail to see how your new policy initiatives square with your mantra of collaborative stewardship, sound science, and making the health of the land the agency's top priority. It is difficult to understand how "active management" — which you, Governor Kitzhaber and I agreed in Sunriver was so important to restoring health and vitality to the National Forests — will be implemented on the 73 million acres that have no access.

But beyond my grave disappointment in the rulemaking and interim moratorium lies a more disturbing problem: lack of accountability. This extends to both fiscal accountability and accountability for the health of the land.

As you know, dramatic policy shifts such as the roads rulemaking exacerbate the accountability problem by focusing attention away from forest health, which should be our first priority; triggering new study and analysis; creating uncertainty about how existing plans, regulations and statutes will be affected or tier to new policy; and delaying the implementation of management activities and projects. The final result is exponentially increased costs and few on-the-ground improvements.

Furthermore, fiscal accountability was a theme of several General Accounting Office reports published last year. These reports were not flattering to the Forest Service's ability to manage its financial affairs. All of this has left Members of Congress, stakeholders and constituents wondering whether the agency is capable of utilizing the taxpayers' money responsibly when we have witnessed such egregious breakdowns in accountability.

At this juncture, one of the few opportunities the Forest Service has to improve fiscal, as well as on-the-ground accountability, is the Forest Recovery and Protection Act. H.R. 2515 creates an action plan for the agency to address languishing forest health conditions, and establishes a framework for more prudently utilizing its fiscal resources.

You reiterated your willingness to work together on the Forest Recovery and Protection Act during our phone conversation. A meeting has been scheduled this week for our staffs to discuss H.R. 2515. I look forward to hearing the results of this meeting.

Sincerely,


Robert (Bob) Smith
Chairman

ONE HUNDRED FIFTH CONGRESS

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U.S. House of Representatives
Committee on Resources
Washington, DC 20515

February 3, 1998

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LLOYD A. JONES
 CHIEF OF STAFF

ELIZABETH MEGGINSON
 CHIEF COUNSEL

JOHN LAWRENCE
 DEMOCRATIC STAFF DIRECTOR

The Honorable Mike Dombeck
Chief, United States Forest Service
P.O. Box 96090
Washington, D.C. 20090-6090

Dear Chief Dombeck:

In light of your recent announcement of an 18 month moratorium on road construction in federal forest roadless areas, we are writing to urge you to hold public meetings on this important issue in Idaho's affected communities.

As you have announced, this proposed moratorium will go into effect after a 30-day comment period and the completion of an environmental analysis by the U.S. Forest Service. We believe the failure of the Forest Service to expressly define the areas affected by the proposed rule is a prohibitive impediment to a fair public comment period. Therefore, we strongly believe the public meetings must specifically explain how this policy will affect Idaho communities and citizens.

We believe this moratorium will hinder access for sportsmen, worsen forest health in the Intermountain west, and decrease much needed timber receipts for our school districts. Idahoans need to know how this proposal will specifically affect their environment, their recreational heritage and their economic livelihoods. Our constituents deserve to know how this moratorium will affect the Interior Columbia Basin Ecosystem Management Project, pending timber sales and other ongoing federal land management efforts.

We recommend providing detailed analyses of the environmental, recreational and economic impacts within Idaho federal forests. Although this moratorium is controversial, everyone agrees that open and honest communication is essential to the success of the public policy process. Public meetings throughout Idaho are essential to provide citizens the necessary facts so that they can offer informed comments.

Because of the timely nature of this request, we look forward to a response no later than February 10, 1998.

Sincerely,



Helen Chenoweth
 Chairman
 Subcommittee on Forests and Forest Health



Michael Crapo
 Member of Congress

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

February 6, 1998

The Honorable Mike Dombeck
Chief, United States Forest Service
Washington, D.C. 20515

Dear Mike:

Nearly everyone, with the *exception* of you and the Forest Service, has raised your February 12, 1998, scheduling dilemma with me. This is troubling. The Chairman of the Committee on Resources told me that you have not mentioned your scheduling conflict or a desire to change the hearing to him either. This is even more troubling. Chairman Young informed me that *if you had* raised the conflict with the Idaho event when his staff informed the Forest Service on January 21, 1998, of the proposed hearing on February 12, 1998—three weeks before the hearing—there might have been a way to accommodate a request that would allow you to attend the entire Idaho event.

Unfortunately, some have chosen to make a political hoopla over your scheduling dilemma and engage in the blame game. This is not the constructive approach that we like to take addressing substantive issues, such as the Clinton/Gore/Dombeck Roadless Area proposal that will devastate much of the remaining timber community in my state, or the issues that you are being compelled to testify about next week.

As you know, you could have resolved the issue that you are now compelled to testify about long ago. A resolution would have freed up the time for the Idaho event. Chairman Young was forced to compel your attendance at the hearing because you did not resolve the problem—and your staff walked out of discussions to resolve the issue on which a hearing is now necessary. The Forest Service has created severe human safety risks in the Coronado National Forest near Tucson, Arizona, and Chairman Young informs me that your attendance was compelled, in part, because you personally and repeatedly failed to live up to your promises to sit with the Committee staff, your staff, and those involved to develop a solution. Thus, it was *your* actions that led to the need for you to be present at the hearing.

The Honorable Mike Dombeck
February 6, 1998
Page Two

Nevertheless, I believe that there is a real value in you sitting with state and local officials to hear first hand how the policies and practices of the Forest Service under your leadership are greatly affecting the lives of our constituents and the ecology of National Forests in Idaho. Therefore, again I wish to offer a cooperative approach to the situation.

I invite you to Idaho to hear from state and county officials as well as Idaho citizens who you may be unable to spend time with because you forced Chairman Young to compel your attendance at the February 12, 1998, hearing. I offer to facilitate and attend such a meeting at a mutually agreeable time. I will do everything possible to make myself available and will request the assistance of the Committees on which we serve. I truly want to hear what your policies mean for the people of Idaho.

Sincerely,



HELEN CHENOWETH
Chairman, Subcommittee on
Forests and Forest Health

Congress of the United States
Washington, DC 20515

CC: MD
PL
LA
NFS

February 11, 1998

The Honorable Mike Dombeck
Chief, United States Forest Service
P.O. Box 96090
Washington, D.C. 20090-6090

Dear Chief Dombeck:

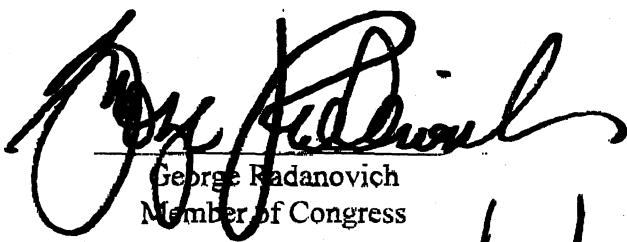
In light of your recent announcement of an 18 month moratorium on road construction in federal forest roadless areas, I am writing to urge you to hold public meetings on this important issue in California's affected communities.

As you have announced, this proposed moratorium will go into effect after a 30-day comment period and the completion of an environmental analysis by the U.S. Forest Service. We believe the failure of the Forest Service to expressly define the areas affected by the proposed rule is a prohibitive impediment to a fair public comment period. Therefore, we strongly believe the public meetings must specifically explain how this policy will affect California communities and citizens.

We believe this moratorium will hinder access for sportsmen, worsen forest health in the Intermountain west, and decrease much needed timber receipts for our school districts. Californians need to know how this proposal will specifically affect their environment, their recreational heritage and their economic livelihoods. Our constituents deserve to know how this moratorium will affect the Interior Columbia Basin Ecosystem Management Project, pending timber sales and other ongoing federal land management efforts.

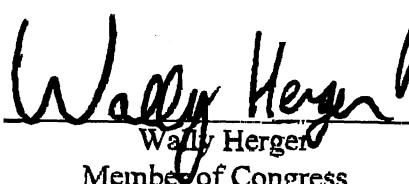
We recommend providing detailed analyses of the environmental, recreational and economic impacts on federal forests in California. Although this moratorium is controversial, everyone agrees that open and honest communication is essential to the success of the public policy process. Public meetings throughout California are essential to provide citizens the necessary facts so that they can offer informed comments.

Because of the timely nature of this request, we look forward to a response no later than February 17, 1998.

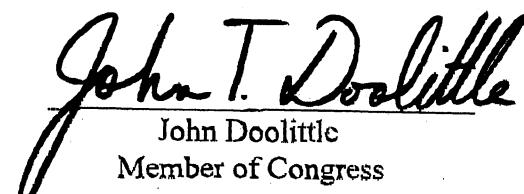


George Radanovich
Member of Congress

Sincerely,



Wally Herger
Member of Congress



John Doolittle
Member of Congress

CONGRESS OF THE UNITED STATES**F**

GEORGE RADANOVICH
Member of Congress
19th District of
California

213 Cannon House Office Building
Washington, D.C. 20515
202/225-4540 voice
202/225-3402 fax

A**X***District Office:*

2377 West Shaw Ave.
Suite 105
Fresno, CA 93711
209/248-0800 voice
209/248-0169 fax

TO: Chief Michael Sonbeck

COMPANY: 7010B device

FAX: 205-1765

DATE: 2/11

FROM: X Congressman Radanovich

John McCamman Thomas J. Pyle

John McDowell Lisa Ford

Ian Houston Robert Turner

Fred Greear Tricia Geringer

Alan Doud Other

PAGES: 2 Including Cover Page

NOTES: _____

United States Senate

WASHINGTON, DC 20510

March 31, 1998

The President
The White House
Washington, D.C. 20500

Dear President Clinton:

We are writing to express our support for your efforts to protect roadless areas by proposing a moratorium on roadbuilding in National Forest roadless areas. However, we are concerned about several shortcomings in the proposed Forest Service rule that would allow for continued logging in roadless areas. The moratorium would also exempt important regions such as the Tongass National Forest, the forests under the Pacific Northwest Forest Plan, forests which have revised their Forest Plans, and most roadless areas between 1,000 and 5,000 acres in size.

Taxpayer subsidies for the construction of timber roads has facilitated the logging of roadless areas which would otherwise be uneconomical to log. There is also a massive \$10 billion backlog of needed repairs and maintenance on the 440,000 mile forest road system. It doesn't make sense to continue expanding a road system that we cannot currently maintain.

As you know, roadless areas are critically important both to people and wildlife. These areas provide clean drinking water, opportunities for recreation, abundant wildlife habitat, and excellent spawning grounds for fish. Roadless areas provide habitat for countless threatened and endangered species and are the cornerstone for recovery for many imperiled species. Many American communities depend on the clean water provided by unroaded forest areas as well as the economic opportunities provided by recreation and tourism.

These last remaining wild places should be protected for the benefit of humans and wildlife. We ask that the Forest Service policy for roadless area management:

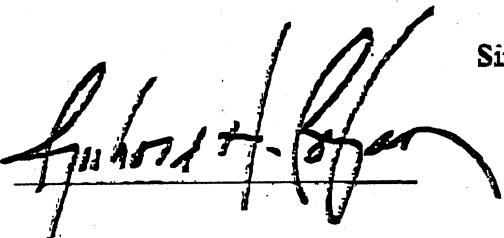
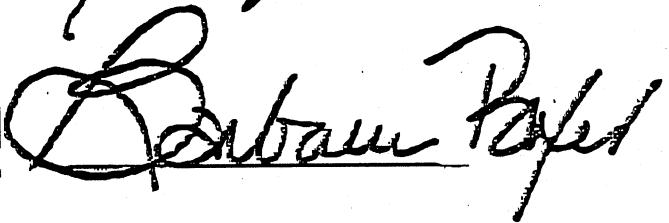
- * Place an immediate halt to all logging and roadbuilding in inventoried roadless areas. There should be no exemptions in the moratorium for the Tongass or Pacific Northwest National Forests as proposed in the draft rule.
- * Provide an independent scientific assessment to document roadless areas of 1,000 acres or greater, and provide protection of these areas.
- * Review proposed timber sales and road construction projects to assure they do not affect roadless areas.

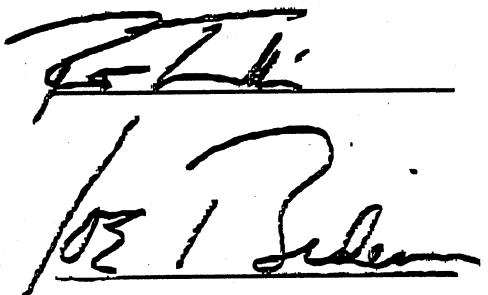
The President
March 31, 1998
Page 2

Citizens of the United States have continually shown support for the protection of our public lands. A policy of protecting roadless areas would not only have the support of the American public, it would be supported by scientific evidence as well. Recent studies, including many carried out by federal agencies, have documented the ecological importance of these pristine areas, and the need for their protection.

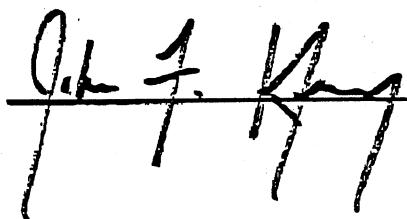
Thank you again for addressing this critical issue and for beginning a process to assure the protection of these irreplaceable resources. We urge your Administration to support the improvements listed above to ensure that this important part of our nation's natural heritage is protected for future generations.

Sincerely,


Frank Lautenberg 
Harry Reid

Barbara Boxer


Joe Biden


Claude Robb


John F. Kennedy

United States Senate

WASHINGTON, DC 20510

C.R.C. F-11
~~SECRETARY~~

SECRETARY - F-11

April 14, 1998

Michael Dombecck
Chief
U.S. Forest Service
201 14th Street SW
Washington, D.C. 20250

Dear Chief Dombecck:

We are writing to offer our thoughts on the recently proposed moratorium on road building in national forest roadless areas. While we recognize that this proposal has caused considerable debate, we support it and believe that it makes sense to temporarily suspend road building in roadless areas of the national forests. Until the Forest Service can establish a long-term policy to manage and maintain its existing road system in a manner that ensures protection of public safety and the environment, it makes little sense to build expensive and controversial new roads into potentially important roadless areas. Moreover, the Forest Service needs to review the role these unique areas play in maintaining ecological diversity, and establish a comprehensive policy governing future road building and management that promote this objective.

At the same time, we feel that the proposed moratorium outlined in the Federal Register is overly broad and open-ended, and as a result, could lead to uncertainty about which areas would be affected by the final policy. To address this concern, we urge you to consider making the following changes to the proposal.

As you know, category two of the proposed moratorium involves roadless areas of more than 1,000 acres that are contiguous to designated wilderness, designated wild components of the National Wild and Scenic River system, or 5,000 acre roadless areas. We ask that this category be limited to those areas which meet both these criteria and either 1) are located within a municipal or source watershed as defined under the Safe Drinking Water Act, or 2) are within the range of a threatened and endangered species when such areas are determined by the Forest Service, the U.S. Fish and Wildlife Service, or the National Marine Fisheries Service to be critical habitat for conservation or recovery of a listed species.

These changes would allow for the deletion of the third category, which relates to special and unique areas determined by the Regional Foresters, as it applies to national forests in the western United States. We believe this change is necessary to reduce uncertainty about the scope of the moratorium. Yet, the primary social and ecological values that make roadless areas so important would remain protected.

We also would like to offer two suggestions regarding the development of a final, long-term policy.

- First, we hope the policy will ensure that all future decisions related to management and access of roadless areas be made by local managers through an open and public process and incorporated into forest plans, as appropriate.
- Second, we strongly urge you to have the final policy proposal thoroughly peer reviewed by an independent body of scientists, such as the National Research Council or the National Academy of Scientists.

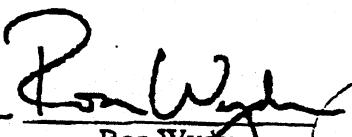
Received in FS/CCU

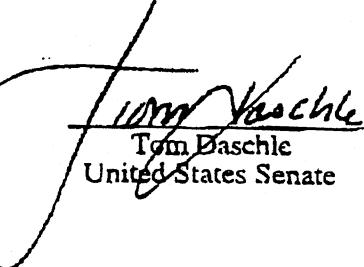
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Michael Dombeck
April 14, 1998
Page 2

Thank you for your continued work on this important initiative. We look forward to working with you over the coming months to develop a sound and reasonable policy to govern the management of roadless areas.


Max Baucus
United States Senate


Ron Wyden
United States Senate


Tom Daschle
United States Senate

United States Senate

WASHINGTON, DC 20510

January 15, 1999

Mr. Michael Dombeck
Chief, US Forest Service
United States Department of Agriculture
201 14th St., SW
Washington, D.C. 20250

Received in FS/CCU

Initial: C.E.U.

Control No: 4089914

Dear Chief Dombeck:

We support the direction you have taken with the comprehensive transportation policy initiative announced January 22, 1998. The Forest Service's 370,000 miles of authorized roads are in need of an estimated \$10.5 billion in repairs. More than 60% of forest roads are not being maintained to the Forest Service's own safety and environmental standards. In addition, by your own admittedly conservative estimates, 60,000 miles of unauthorized "ghost roads" traverse national forests, causing undetermined environmental damage.

We agree that a "time-out," as you have described it, on new road construction in many National Forest roadless areas is a logical direction and a good first step for developing a new comprehensive road management policy for public forests.

With the construction of a road network that dominates the forest landscape, it is both timely and appropriate to carefully consider the circumstances under which we may allow development of the remaining roadless lands.

From conversations with you and others in the agency, we understand that one of the criticisms of your proposal is that the Forest Service has yet to fully document the ecological and social values of the roadless areas that your proposal would protect. In fact, our understanding was that these would be exactly the resources that the Forest Service would analyze during the period of the roadless area moratorium.

We therefore request that the Forest Service specifically document, in a manner accessible to the public, the relevant research from across the country about the scientific importance of roadless areas.

The public's increased interest in roadless areas provides, we believe, the basis for such a study as part of the transportation policy initiative. While we believe existing evidence, particularly in the Columbia River Basin, already exists, such a study would inform citizens of any scientific basis for roadless area protection in your long-term forest roads policy scheduled for completion in the next 18 months.

4089915

Thank you for your leadership on this issue. We look forward to assisting you in any manner possible.

Sincerely,

Barry
Parry Murray

John Kaschle
Mark Cleland

Congress of the United States
Washington, DC 20515

June 18, 1999

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Clinton:

We wish to thank your Administration for beginning a process to ensure that our nation's magnificent wildlands will remain protected for future generations. We urge you to take decisive action to protect the remaining roadless areas in our national forests. Safeguarding these scenic wild areas that provide premier habitat for fish and wildlife, protect the greatest reserves of diverse plant life, and offer our people an abundant supply of clean drinking water and unique opportunities for outdoor recreation is of great interest to our constituents.

Over half of the Forest Service's 191 million acres are available for logging, mining, oil and gas, and other kinds of development. The interim moratorium on road building in roadless areas on Forest Service lands will provide at least temporary protection to the remaining wild areas, and a respite from expanding development. But we hope your Administration will see greater possibilities in the moratorium than an opportunity to reassess the Forest Service's road construction policy. We hope the Service will take the opportunity to design a policy for future management of all existing roadless areas as well.

In your statement when you signed the FY 1998 Interior Appropriations bill, you said the following regarding roadless areas: ". . . the Forest Service is developing a scientifically based policy for managing roadless areas in our national forests. These last remaining wild areas are precious to millions of Americans and key to protecting clean water and abundant wildlife habitat, and providing recreational opportunities. These unspoiled places must be managed through science, not politics." We agree that the time has come for a sound and consistent policy for managing these areas.

In December, 1997, 169 scientists from across the country wrote to you and said: "In our view, a scientifically based policy for roadless areas on public lands should, at a minimum,

protect from development all roadless areas larger than 1,000 acres . . . because of their contributions to regional landscapes." This past year, on November 19, 230 scientists wrote to Vice President Gore to express the same view. Along with them, we urge that the Administration adopt a policy to protect roadless areas in all national forests, including those in the Pacific Northwest, the Tongass, and other areas that were excluded from the road moratorium. They should be protected from logging, mining, oil and gas development, and other activities that can damage their unique character, as well as from road building.

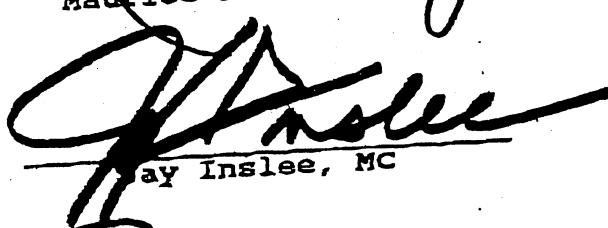
As the millennium dawns, safeguarding those remaining scenic wilderness areas will provide a lasting legacy akin to the bold actions taken by President Theodore Roosevelt when he set aside our first forest reserves at the beginning of this century. We urge you to act boldly in that tradition so that these national treasures are not lost.

Sincerely,


Maurice D. Hinchey, MC

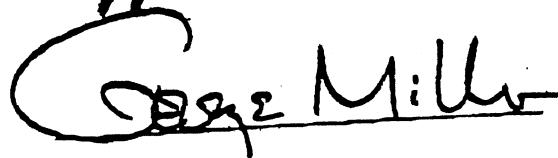

Stephen Horn

Stephen Horn, MC

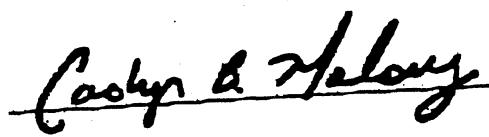

Jay Inslee, MC


Michael P. Forbes

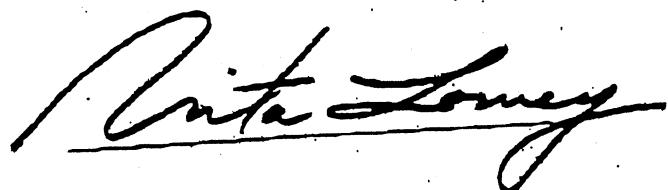
Michael P. Forbes, MC

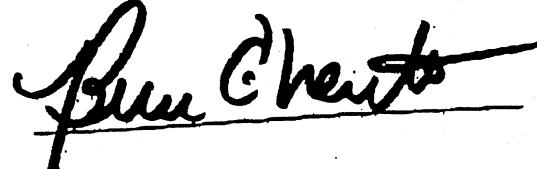

George Miller


David E. Bonior


Carolyn B. Maloney


Paul H. Tsongas


Rita Loney


Ben Chavis

Paul H. Melnyk

Sam Farr

Ellen Daesche

Dana Delkette

Tom Sawyer

Gen. J. Napolitano

Tom P. Hall

John Shan

Neil Abercrombie

Tom Barrett

Joe Hoeffer

Melvin Lester

Karen McCarthy

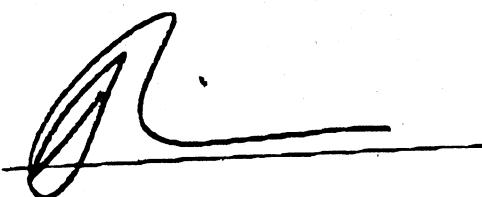
Niki Palmer

Tom Higgin

Maillie Lee

Michael Capuano

Earl Blumenauer



Jim Schlesinger



Jim Schlesinger

Bob Gorse

John W. Oliver

Jim McDonald

Jeffrey Sharp

Lois Capps

Pete Stark

Connie Pagan

John F. Tunis

Don Vee

Tammy Baldwin

Albie Sparer

Darlene Horley

Frank Kelley

James Brown

B. L. Babbitt

Alfred M. Hasting

J. D. Gibbs

Bob G. L.

Ode E. Gilders

Michael D. Matheny

Ed Markey

J. Leach

John J. H. D.

Zorn

Barbara E. Head

Matthew J. Matting

Sander Levin

Wendy Lievin

P. T. Hagan

Patricia Driscoll

Tim Kavanagh

Mary McCormick

Hawkins

Jay J. Catto

Marty Meehan

Danny Pelosi

John Conroy

Jim V. Giffen

Bobby Scott

George E. Brown, Jr.

Jerry Kuehne

Tom Gid

Joe J. LaDue

Joe E. Simeone

Merrey Kapler

Tom See

Barney Funk

Donald Wayne

Connie Morella

Tom Lento

Marge Rockman

Bob Filner

Ed Pastor

Corrine Brown

Robert E. Shad

Lucille Roybal-Allard

Robert J. Matsui

William L. Clay

Pat J. Mcdash

Linh Raball
D. D. Boushey

Lane Evans

Louise M. Slaughter

Charles B. Rangel

Martin O. Sabo

T. Roemer

Howard L. Berman

Jewell F. Huddles

Harold I. Goldsmith

Rock Blagojevich

John Lewis

Patrick J. Kennedy

John Johnson

Robert Kennedy

Carrie P. Meek

Lynne Woolsey

Paul L. Detmer

Barbara Lee

Jim Lee Green

J. Michael Green

Frank Pallone Jr.

Nita Lowey

Jim Cooper

Albert R. Green

George C. Kefauver

Al Sather

Cec: McF

Mark Udall

Benjamin Cardin

Howard Brown

Anna Eshoo

Robert Wexel

Bob Upton

Rocky Anderson

Frank A. Lautenberg

Bob Tracy

Richard

Asa Hutchinson

Joe Woolsey

Tom Jefferson

General Accounting

George Gobea

James E. Oberstar

Shelby Barber

John Miller

Julia Lamm

Brad Sherman

David Phelps

Brian P. Kelly

Mark Hall

Candy McCrory

Lynn T. Rivers

Bill Pascrell

Tom Clegg

Gregory Wofford

Dennis J. Kucinich

South Sanchez

Danny K. Davis

Miguel Cisneros

Ed Minge

Judith B. Dwyer

Steve Rothman

Ted Strickland

Dee Mure

Willie D. Johnson

Chaka Fattah

Ruben Hinojosa

Bobby Rush

Steve Reed

Ree Kirk

Denny Falhof

Charles B. Rangel

Eliot L. Engel

Signers: June 18 letter to the President on protection of roadless areas (Heritage Forest campiagn--Hinchey-Horn letter)

Neil Abercrombie	Hawaii
Gary Ackerman	New York
Thomas Allen	Maine
Robert Andrews	New Jersey
Tammy Baldwin	Wisconsin
Thomas Barrett	Wisconsin
Xavier Becerra	California
Shelley Berkley	Nevada
Howard Berman	California
Brian Bilbray	California
Rod Blagojevich	Illinois
Earl Blumenauer	Oregon
David Bonior	Michigan
Robert Borski	Pennsylvania
Rick Boucher	Virginia
Robert Brady	Pennsylvania
Corinne Brown	Florida
George Brown	California
Sherrod Brown	Ohio
Lois Capps	California
Michael Capuano	Massachusetts
Ben Cardin	Maryland
Julia Carson	Indiana
William Clay	Missouri
Bob Clement	Tennessee
James Clyburn	South Carolina
John Conyers	Michigan
Merrill Cook	Utah
Jerry Costello	Illinois
Joseph Crowley	New York
Danny Davis	Illinois
Jim Davis	Florida
Peter DeFazio	Oregon
Diana DeGette	Colorado
William Delahunt	Massachusetts
Rosa DeLauro	Connecticut
Peter Deutsch	Florida
Julian Dixon	California
Lloyd Doggett	Texas
Eliot Engel	New York
Anna Eshoo	California
Lane Evans	Illinois
Sam Farr	California
Bob Filner	California
Michael Forbes	New York
Harold Ford Jr.	Tennessee
Barney Frank	Massachusetts
Bob Franks	New Jersey

Rodney Frelinghuysen	New Jersey
Sam Gejdenson	Connecticut
Charles Gonzalez	Texas
Bart Gordon	Tennessee
Gene Green	Texas
Luis Gutierrez	Illinois
Tony Hall	Ohio
Alcee Hastings	Florida
Maurice Hinchey	New York
Ruben Hinojosa	Texas
Joseph Hoeffel	Pennsylvania
Rush Holt	New Jersey
Darlene Hooley	Oregon
Steve Horn	California
Kenny Hulshof	Missouri
Jay Inslee	Washington
Jesse Jackson	Illinois
Sheila Jackson-Lee	Texas
William Jefferson	Louisiana
Marcy Kaptur	Ohio
Sue Kelly	New York
Patrick Kennedy	Rhode Island
Dale Kildee	Michigan
Carolyn Kilpatrick	Michigan
Ron Kind	Wisconsin
Gerald Kleczka	Wisconsin
Dennis Kucinich	Ohio
Steven Kuykendall	California
John LaFalce	New York
Nick Lampson	Texas
Tom Lantos	California
John Larson	Connecticut
Jim Leach	Iowa
Barbara Lee	California
Sander Levin	Michigan
John Lewis	Georgia
Frank LoBiondo	New Jersey
Zoe Lofgren	California
Nita Lowey	New York
Bill Luther	Minnesota
Carolyn Maloney	New York
James Maloney	Connecticut
Ed Markey	Massachusetts
Matthew Martinez	California
Robert Matsui	California
Carolyn McCarthy	New York
Karen McCarthy	Missouri
Jim McDermott	Washington
James McGovern	Massachusetts
Cynthia McKinney	Georgia
Michael McNulty	New York
Martin Meehan	Massachusetts
Carrie Meek	Florida
Gregory Meeks	New York

Robert Menendez	New Jersey
Juanita Millender-	California
McDonald	
George Miller	California
David Minge	Minnesota
Patsy Mink	Hawaii
John Joseph Moakley	Massachusetts
Jim Moran	Virginia
Constance Morella	Maryland
Jerrold Nadler	New York
Grace Napolitano	California
Richard Neal	Massachusetts
John Olver	Massachusetts
Major Owens	New York
Frank Pallone	New Jersey
Bill Pascrell	New Jersey
Ed Pastor	Arizona
Donald Payne	New Jersey
Nancy Pelosi	California
David Phelps	Illinois
David Price	North Carolina
Jack Quinn	New York
Nick Joe Rahall	West Virginia
Charles Rangel	New York
Lynn Rivers	Michigan
Tim Roemer	Indiana
James Rogan	California
Steve Rothman	New Jersey
Marge Roukema	New Jersey
Lucille Roybal-Allard	California
Martin Olav Sabo	Minnesota
Loretta Sanchez	California
Bernard Sanders	Vermont
Tom Sawyer	Ohio
Jan Schakowsky	Illinois
Robert Scott	Virginia
Jose Serrano	New York
Christopher Shays	Connecticut
Brad Sherman	California
Louise Slaughter	New York
Adam Smith	Washington
Christopher Smith	New Jersey
Debbie Stabenow	Michigan
Fortney Pete Stark	California
Ellen Tauscher	California
Bennie Thompson	Mississippi
John Tierney	Massachusetts
Edolphus Towns	New York
Stephanie Tubbs-Jones	Ohio
Mark Udall	Colorado
Tom Udall	New Mexico
Nydia Velazquez	New York
Bruce Vento	Minnesota
Peter Visclosky	Indiana

JUL 02 '99 02:49PM

P.2

Congress of the United States

Washington, DC 20515

July 2, 1999

Michael Dombeck
Chief, U.S. Forest Service
14th and Independence Avenue, SW
Washington, DC 20250

Dear Chief Dombeck:

We are very pleased with the Forest Service's overdue implementation of the eighteen month moratorium on the construction of logging roads in the National Forests and your decision to construct a long term, comprehensive management plan for these roads and the surrounding roadless areas. We believe that the direction of this policy meets the rising demands of the American people for the conservation of their public lands and waters.

In the process of developing options for long-term management of both roads and roadless areas of the National Forests, we would like to share a few thoughts with you that may help avoid future contentious debates in Congress.

First, we hope that you will permanently protect inventoried roadless areas in all national forests from new road construction. In addition, we support the permanent protection of other roadless areas that are valuable to the integrity of important ecosystems.

Second, we also hope that your final policy recognizes and protects the importance of such values and services as drinking water, wildlife and fish habitat, biological diversity and reference areas for research. As we believe you will agree, short-term interests should not be allowed to override the long-term health of forest ecosystems.

Third, in developing the roadless strategy, we believe that a particular focus should be to reconnect the isolated roadless lands that serve as a refuge for rare species. Following recent scientific research, reconnecting wild areas and creating corridors would serve to maximize wildlife habitat in the National Forest System. One of the most important and lasting values of the national forests is that in a rapidly urbanizing and developed landscape, they remain wild and natural.

Fourth, restoration will require closing, or selectively upgrading many hundreds, if not thousands, of miles of road. Such work will produce jobs for workers from many rural communities. We hope that you will factor into your policy ways to actively engage local resource dependent communities in restoring the health of their public lands and waters.

Finally, given the agency's \$8.4 billion backlog in road maintenance and reconstruction and the fact that your maintenance funding needs are about 30% higher than current funding levels, we would hope that any new road construction of any kind be undertaken only after close financial and environmental scrutiny. It makes little sense to build new roads when you cannot afford to take care of so many thousands of miles of existing roads.

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JUL 02 1999 4:57PM

P.3

Chief Dombeck, we support the direction in which you are leading the agency. We believe that a comprehensive policy for the management of roads and roadless areas that addresses the above concerns will provide needed balance to the multiple uses of our National Forest System. Specifically, such a policy will rehabilitate the health of these forests and enable the public to derive from these lands the services, goods and values which they need and expect without damaging important ecosystems.

Thank you for your attention to our concerns.

Sincerely,

John Edward Porter
Member of Congress

Sherwood Boehlert
Sherwood Boehlert
Member of Congress

Mike Castle
Mike Castle
Member of Congress

Jim Greenwood
James Greenwood
Member of Congress

Rick Lazio
Rick Lazio
Member of Congress

Vernon Ehlers
Vernon Ehlers
Member of Congress

Mark Foley
Mark Foley
Member of Congress

cc: Secretary Dan Glickman

003

Congress of the United States
Washington, DC 20515
October 12, 1999

Mike Dombeck
Chief, USDA Forest Service
Auditors Building
Washington, DC 20250

Dear Chief Dombeck:

We are writing to you today to reiterate our concerns about the philosophy which governs public travel on public lands.

As you very well know, the Forest Service governs nearly 200 million acres of land in the United States. We recognize the value those lands hold for natural resources, such as timber, minerals, and oil, and no one can deny the opportunity they hold for recreation. Since the lands are in the public domain, individual costs are minimal and the lands are generally open for all to use without discrimination.

Now we are seeing a fundamental shift into how our lands are managed for people's access. Historically, in the United States, we have allowed the public to travel on lands in the public domain unless it is specifically prohibited. This is exactly the way it should be -- travel with reasonable restrictions where a need is demonstrated. However, we are seeing a trend in management policy, specifically in the Forest Service, toward prohibiting access in roadless areas and keeping our public lands closed unless posted open. While the Forest Service might like this step backward to feudal European policies, it is completely unacceptable to us and those who use our public lands.

To say that the public cannot access their land unless the federal government gives them permission is in fundamental opposition to the freedoms on which our country was founded. Consequently, we are writing to assure you that we are willing to work with you to find ways to balance public access with protection of our environmental resources and that any attempt by the Forest Service to continue to lock our constituents off the land they own will be fought vigorously. We cannot stand by idly and watch our constituents lose the right to travel on the land they own.

We have concerns that you will be incorporating this policy into your soon-to-be-released transportation policy and roadless area moratorium. We want to meet with you regarding our concerns before the draft transportation plan is released and hope to hear from you soon.

Sincerely,

Chief Dombeck
October 12, 1999

Wayne Allard

Red Stevens

Robert F. Bennett

Mike Crego

Michael B. Egan

Mel Stater

Jesse Helms

Samuel F. B. Morse

Spur Hatch

Tonkay

Chief Dombeck
October 12, 1999

John H. Dombeck

Craig Johnson

Richard Shelby

Craig Thomas

Chuck Weller

Chief Dombeck
October 12, 1999

Mark Dombeck

Don Goy

John Chomicki

Bob Kostellath

Greg Salter

John M. Johnson

Rick Kile

Joe Lauer

George L. Zetter-H. Jr.

Wally Hergen

Chief Dombeck
October 12, 1999

Jim Gibbons

Charles A. Zell

Bill Se

John E. Peterson

Ron Paul

Annif. Dunn

D. Haynes

S. Weis

John T. Callette

James V. Hansen

Chief Dombeck
October 12, 1999

Barbara Culin

De/Hay

Joe Krollayay Barb Hall De/Hay

October 13, 1999

To: Mike Dombeck
Ron Stewart
Chris Wood
Tim DeCoster
George Lennon

Fr: Trish Aspland

Re: Letter from Members of Congress Regarding the Recent Roadless Policy

Attached is a letter Mike received last eveing, 10/12/99 from Senator Craig's office. I received the original letter from Hill staff today, 10/13.

I recommend that Mike meets personally with a few of these key members in Congress. I would like to discuss this with you all at your earliest convenience.

Thank you for your attention to this issue.

Trish

Congress of the United States

Washington, DC 20515

October 12, 1999

Mike Dombeck
Chief, USDA Forest Service
Auditors Building
Washington, DC 20250

Dear Chief Dombeck:

We are writing to you today to reiterate our concerns about the philosophy which governs public travel on public lands.

As you very well know, the Forest Service governs nearly 200 million acres of land in the United States. We recognize the value those lands hold for natural resources, such as timber, minerals, and oil, and no one can deny the opportunity they hold for recreation. Since the lands are in the public domain, individual costs are minimal and the lands are generally open for all to use without discrimination.

Now we are seeing a fundamental shift into how our lands are managed for people's access. Historically, in the United States, we have allowed the public to travel on lands in the public domain unless it is specifically prohibited. This is exactly the way it should be -- travel with reasonable restrictions where a need is demonstrated. However, we are seeing a trend in management policy, specifically in the Forest Service, toward prohibiting access in roadless areas and keeping our public lands closed unless posted open. While the Forest Service might like this step backward to feudal European policies, it is completely unacceptable to us and those who use our public lands.

To say that the public cannot access their land unless the federal government gives them permission is in fundamental opposition to the freedoms on which our country was founded. Consequently, we are writing to assure you that we are willing to work with you to find ways to balance public access with protection of our environmental resources and that any attempt by the Forest Service to continue to lock our constituents off the land they own will be fought vigorously. We cannot stand by idly and watch our constituents lose the right to travel on the land they own.

We have concerns that you will be incorporating this policy into your soon-to-be-released transportation policy and roadless area moratorium. We want to meet with you regarding our concerns before the draft transportation plan is released and hope to hear from you soon.

Sincerely,



United States
Department of
Agriculture

Forest
Service

Washington
Office

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

Date: November 1, 1999

The Honorable Larry Craig
United States Senate
313 Hart Office Building
Washington, DC 20510

Dear Senator Craig:

Thank you for your letter of October 12, 1999. Like you, I believe in "balancing public access with protection of our environmental resources." I want to make it clear that the Forest Service will not block the American people's access of their forests. The President's announcement on October 13, 1999, directed the Forest Service to begin an open and public process to engage the American people in a dialogue about how they want their remaining roadless areas, and the values they represent, managed.

The President's direction does not "lock out" people from their lands. Nor does it create *de facto* wilderness areas. It sets in motion a national dialogue to ensure the values that most Americans cherish on their National Forests are considered and enhanced by the Forest Service. My commitment to involve people in this process is demonstrated by my direction that every National Forest hold public meetings on the issue of roadless areas and road management.

The Forest Service manages a road system of approximately 380,000 miles, 7,700 miles of scenic byways, about 133,000 miles of trails, and manages more than 23,000 recreation facilities. Driving for pleasure constitutes more than 35% of all recreational use of National Forests. In fact, over 1.7 million recreation-related vehicles per day use National Forest roads. In 1997, an estimated 860 million recreation visits were made to National Forests - more than any other jurisdiction or agency. These figures demonstrate that we are not blocking access to National Forests, in fact, public use of public forests continues to grow.

Driving for pleasure is a great American pastime. More and more Americans are using forest roads to enjoy their public lands. And this is as it should be - National Forests and Grasslands are a birthright and every citizen should enjoy their presence, value, and multiple benefits. This growth in use, however, carries with it potential for conflict. New and less expensive technology allows people to get to areas previously unreachable to motorized vehicles of National Forests and Grasslands. In the process, unplanned and unauthorized roads and trails may be created, sensitive wildlife habitat disrupted, erosion accelerated, and water quality degraded.

It is my belief that where unauthorized roads and trails are an issue, our management reflects the general policy that motorized use should occur in designated routes and areas. In no way should we condone the *de facto* development of unplanned or unclassified trails and roads. This places special burden on the



Forest Service to ensure that roads and motorized trails are adequately maintained, signed, mapped, and marked for public use and enjoyment.

The very infrastructure people rely on to access their forests, however, is crumbling. For example, we receive about 17% of the funding we need to maintain our roads and trails to safety and environmental standards. As a result, we have an \$8.4 billion backlog in road and \$620 million in trail reconstruction and maintenance on the National Forest System. This is unacceptable to me, as it would be to any private land manager or business owner.

The intent of our soon to be released long-term road policy is to ensure that the American people enjoy a safe and efficient transportation system that allows them to use National Forests in a manner that does not compromise the health of the land. Our road policy will actually improve people's ability to safely and efficiently enjoy forests by providing a framework where local people will help local forest managers to:

- Use an open and public process to aggressively manage old, unused, and unneeded roads by stabilizing, decommissioning, or converting them to trails;
- Upgrade certain roads; and
- Better informed decisions to build new roads.

The National Forests and Grasslands are a national treasure. In few other nations can you walk, ride, fish, hunt, or hike across such vast areas without "No Trespassing" signs. I look forward to working with you to ensure that our transportation system is safe, efficient, funded, and environmentally benign. Thank you for your continued interest in National Forests.

Sincerely,


MIKE DOMBECK
Chief

BOB SCHAFFER

MEMBER OF CONGRESS FROM COLORADO
FOURTH DISTRICT

212 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

(202) 225-4676

E-mail: rep.schaffer@mail.house.gov
www.house.gov/schaffer/



Congress of the United States

House of Representatives

December 1, 1999

Mr. Mike Dombeck
Chief
U.S. Forest Service
PO Box 96090
Washington, DC 20090-6090

Dear Mr. Dombeck:

It was a pleasure to meet with you before Congress recessed. Thank you for taking the time out of your busy schedule to discuss the roadless rule and other issues affecting Colorado. I wanted to reiterate some of the points we discussed.

First, the timing of this rule is poor. The comment period should be extended to allow for sensible comments after the busy holiday season. The scoping meetings have just started with less than a month left before the comment period ends. In addition, the roadless rule was proposed on top of several other complicated Forest Service rules. Many people are getting the rules confused, or are becoming weary of the need to research and comment. The comment period needs to be extended to allow for a legitimate NEPA process.

Second, the scoping meetings have been poorly scheduled and planned. The Region 2 Regional Forester was notified on Friday November 12, two days after the meeting was published in the federal register, that a meeting would be held in a week for his region. Our office was given barely 3 days notice of the Colorado meeting. The Governor's office and several members of the Colorado delegation were never officially notified. They only heard by word of mouth, and in some cases, only hours before the actual meeting took place. These very important meetings have been scheduled in big cities, causing people to take extra time out of their schedules to accommodate for travel. When they arrive, they have been given very little time to comment, making the journey and experience frustrating at the very least.

Third, much of the basic information needed to comment responsibly has been withheld from members of Congress and the general public. We have been unable to learn which areas in our states will be affected, how many acres are within these areas, and how the Forest Service intends to address the forest health issue with these new restrictions in place. This information has been requested repeatedly by me, various public and private organizations, and the public since the rule was proposed. With less than 20 days left in the comment period, we still have no answer. In addition, members of the House Resources Committee have not received a definition of "road," "roadless," or "unloaded" or the answers to many of the other questions raised in the hearing on November 3, 1999.

Finally, in our November 18th meeting, you gave the impression that the decision to extend the comment period was not yours, and you would need to run the request through the "proper channels." As Chief of the Forest Service, the extension of a comment period on Forest Service proposed rule is your decision. If our extension request should be directed elsewhere, I would appreciate you advising me of who will be making the final decision so we can direct our request appropriately. It is important the concerns of my colleagues are addressed. I appreciate your timely attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bob Schaffer".

Bob Schaffer

COMMITTEES

AGRICULTURE

RESOURCES

EDUCATION AND THE WORKFORCE

VICE-CHAIRMAN

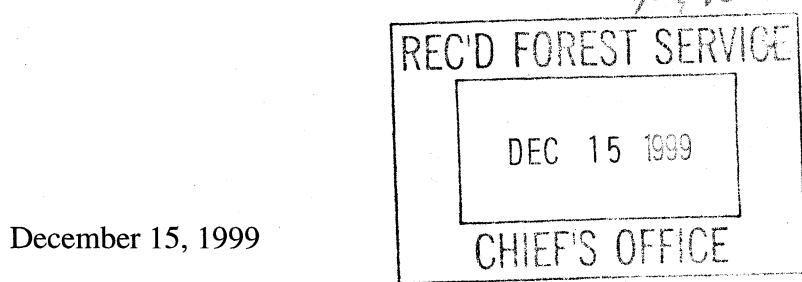
EARLY CHILDHOOD, YOUTH AND FAMILY

REPUBLICAN POLICY COMMITTEE

*CCU
NFS
LA
P&W*

Congress of the United States

Washington, DC 20515



December 15, 1999

Mr. Mike Dombeck
Chief
USDA Forest Service
201 14th Street, SW
Washington, DC 20024

Dear Chief Dombeck:

We applaud your efforts to protect remaining roadless areas in the national forests and are writing to comment on the October 19, 1999 notice of intent to initiate a policy on managing and protecting these wild areas. The Forest Service proposes a two-part process to protect roadless areas first, by restricting activities in unroaded portions of inventoried areas and second, by establishing national criteria for managing inventoried roadless areas and for determining whether and to what extent protections should be extended to uninventoried roadless areas.

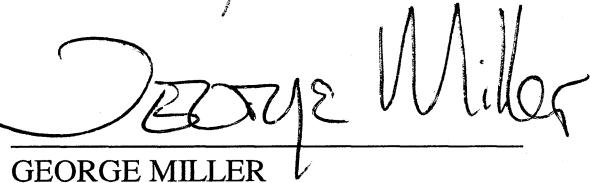
While California's national forests constitute a fifth of the state, they produce almost half the state's runoff water. Healthy national forests are critical to the state's water supply, and roadless areas are critical to healthy forests. The State of California has approximately 4.3 million acres of inventoried roadless areas--over ten percent of the nation's roadless areas. Of those acres, more than half--approximately 2.5 million acres--are subject to road construction and other environmentally destructive activities. We urge you to permanently protect all of these ecologically significant lands from any activity that would degrade their character and value, such as road building, logging, and mining.

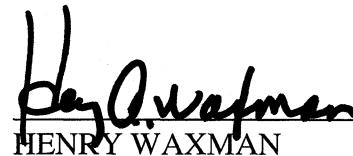
Furthermore, we urge you to establish national criteria that would extend these protections to roadless areas of 1,000 acres or more. The value of these areas to regional landscapes in terms of clean water, fish and wildlife habitat, and recreational opportunities is immeasurable. Moreover, fragmentation, with its effects of erosion, sedimentation, and creation of pathways for invasive species, poses an ongoing threat to the health of our forests. These effects are particularly dramatic in the Sierras. Management of these smaller roadless areas should not be left to the discretion of individual forest supervisors or postponed until inventories and analyses are completed. Rather, uninventoried roadless areas of 1,000 acres or more should be given both the highest degree of protection and immediate interim protection until forest plan revisions can provide permanent protection. We strongly encourage a national policy that incorporates these safeguards for these irreplaceable treasures.

Mr. Mike Dombeck
Page Two

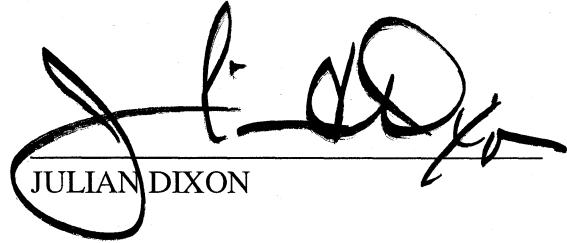
We appreciate the opportunity to comment on this historic proposal and look forward to working with you to preserve California's last remaining wild lands.

Sincerely,


GEORGE MILLER


HENRY WAXMAN


TOM LANTOS


JULIAN DIXON


ROBERT MATSUI


HOWARD BERMAN


STEPHEN HORN


LUCILLE ROYBAL-ALLARD


NANCY PELOSI


LOIS CAPPS


ELLEN TAUSCHER


GRACE NAPOLITANO

Mr. Mike Dombeck
Page Three

Brad Sherman
BRAD SHERMAN

Anna Eshoo
ANNA ESHOO

Pete Stark
PETE STARK

Barbara Lee
BARBARA LEE

Lynn Woolsey
LYNN WOOLSEY

Sam Farr
SAM FARR

Matthew G. Martinez
MATTHEW MARTINEZ

Bob Filner
BOB FILNER

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

November 23, 1999

The Honorable Mike Dombeck
Chief, United States Forest Service
14th Street and Independence Avenue, SW
Washington, D.C. 20250

Dear Chief Dombeck:

As you know, the Subcommittee on Forests and Forest Health and the Committee on Resources is conducting an oversight review on road reconstruction issues associated with the South Canyon Road in the Humboldt-Toiyabe National Forest near Jarbidge, Nevada.

The review is being conducted pursuant to legislative, oversight, and investigative responsibilities under Rule X and Rule XI of the Rules of the United States House of Representatives, Rule 6(a) and (b) of the Rules for the Committee on Resources (the Committee), 106th Congress, and Article I and Article IV of the United States Constitution. These rules give the Committee and Subcommittee clear authority to conduct this inquiry. This authority extends to the legislative and oversight jurisdiction over such matters and the administration of laws governing the United States Forest Service (Service), the activities conducted on the land by the Service, and executive branch actions concerning the management of such land. The above-referenced rules and articles also confer jurisdiction over such subjects to the Committee.

The review has already included informal information gathering by Members and staff of the Subcommittee and a hearing of the Subcommittee on November 13, 1999. Throughout this process the Subcommittee has experienced extreme difficulty obtaining responses and information from the Service. Service personnel refused to meet about the matter under review with Subcommittee staff. After a meeting had been set, Service personnel canceled it. At the Subcommittee hearing, the Service refused to provide information and answers to questions raised by Members of the Subcommittee. This casual disregard of the Subcommittee's request for valid and necessary records and information to fulfill the Constitutional responsibilities set forth above will not be tolerated. Regrettably, I am prepared to take swift and formal action to obtain the records and information needed for this review. The records and information needed for the review are enumerated again on the attached schedule.

Request for Records and Information: The review requires the prompt production of all records on the attached schedule of records and complete integrated answers to all questions on the attached schedule by you and those on your staff who have knowledge of the matter under review. You must provide the records and the information requested within seven days of the date of this letter. Note that this is a reasonable time period given that a hearing was held on this matter more than one week ago in Nevada. Much of the information was available then and there, but your staff refused to

The Honorable Mike Dombeck
November 22, 1999
Page 2

provide it to the Committee.

You must provide full and complete copies of any and all records that in any way relate to or concern the matters under review, including records in your possession and records in the possession of others currently in the employ of the Service. This includes records created by or in the possession of you and the Service. It includes records created by or in the possession of employees of the Service (*in particular those who in any way worked on, advised, or know about the matter under review*).

You must also provide full and complete answers to the questions on the attached schedule. The answers should integrate the knowledge of Service personnel who are aware of any information concerning the matter under review.

Failure to provide full and complete answers and the requested records pursuant to this request will result in the issuance of a subpoena for the records and information that you do not provide.

Pending or Probable Litigation: Your staff raised a dilatory assertion at the Nevada hearing last Saturday that has been refuted by the courts and this Congress. It was stated that because of "pending litigation," certain answers and information could not be provided. Your refusal is contrary to the law, our past exchanges about the law, or the past practice of this Committee and the Forest Service when oversight information was needed by the Committee. With reference to the attached enclosures that reviewed the law (when you and I previously dealt with the litigation issue), let me say that Chairman Chenoweth-Hage and I do not want to hear or see those excuses again since they have been addressed several times in the past.

First of all, probable, possible or pending litigation is no bar that allows a federal agency to withhold information or records from the Congress. Under the Constitution, it is for Congress, acting through its Committees, to decide whether investigating an issue and even disclosing information is worth the potential risks to the government's possible or existing position in litigation. If that principle of law were otherwise, (i.e., if federal agencies could withhold information or records from the Congress because the records or information may hurt the position taken by the United States in litigation), then practically no issue or subject would be in the reach of Congressional oversight. Most federal decisions are subject to litigation. That excuse is an excuse without limitation that completely ignores Article I of the U.S. Constitution. That is why there is absolutely no legal authority for the proposition.

Second of all, even if there were litigation concerning the South Canyon Road in the Humboldt-Toiyabe National Forest, that litigation would be no bar that allows a federal agency to withhold information or records from the Congress. As your lawyers well know, the courts are clear on this point. For example, Sinclair v. United States, 279 U.S. 263 (1929), was a case involving government

The Honorable Mike Dombeck
November 22, 1999
Page 3

witnesses at a congressional hearing who refused to answer questions because of pending litigation. His conviction for contempt of Congress was upheld. The case means that pending litigation involving the United States did not remove from Congress the power to investigate administration of the laws, *Id.* at 295. The Court stated, "It may be conceded that the Congress is without authority to compel disclosures for the purpose of aiding the prosecution of pending suits; but the authority of that body, directly or through its committees, to require pertinent disclosures in aid of its own constitutional power is not abridged because the information sought to be elicited may also be of use in such suits." *Id.*

In fact, a long line of cases are clear on the point that Congress must have access to information to conduct its valid oversight: *see, e.g., McGrain v. Daugherty*, 273 U.S. 135, 174-175, 177 (1927); *Watkins v. United States*, 354 U.S. 178, 187, 194-195, 200 n.33 (1957); *Barenblatt v. United States*, 360 U.S. 109, 111 (1959); *Eastland v. United States Servicemen's Fund*, 421 U.S. 491, 504-505 (1975); *Nixon v. Administrator of General Services*, 433 U.S. 425, 452-454 (1977). Courts have even held that Congress can publicly disclose information at hearings and air evidence that will inevitably prejudice a pending criminal case. "The prejudicial effect of pre-trial publicity in this case was only a by-product of the conscientious performance by the legislative committee of the investigative function constitutionally confided to the Congress. . . . It was for the committee to decide whether considerations of public interest demanded at that time a full-dress public investigation." *Delaney v. United States*, 199 F.2d, 107, 114 (1st Cir. 1952).

Had the Committee and you not dealt with the pending litigation issue before, I might have understood the Forest Service's confusion on the law and practice in this area; however, we have dealt with it directly and jointly with the Department of Justice. *Please see the attached series of correspondence* concerning our oversight of the Tucson Rod and Gun Club permit, including a letter from me to you, dated October 16, 1997, wherein I made requests for information and records related to the oversight project. The same litigation issues were raised then. I explained the same points about litigation in a November 24, 1997 letter to you. Then on February 9, 1997, the Department of Justice attempted to block the Committee's request for information and records citing existing litigation and a "longstanding policy." The inapplicability of any litigation bar to Congressional record requests was thoroughly explained in my letter to Mr. Andrew Fois on February 10, 1998. I thought that this detailed and precise tripartite exchange should have put to rest the unsupported notion that the Forest Service could withhold records and information from this Committee based on an imagined or invented "litigation" rationale. The result of that exchange was that the records and information were finally provided.

I do not wish to repeat again the same arguments and excuses that the Forest Service can lawfully withhold information from this Committee.

Definition: For purposes of this inquiry, the term "record" or "records" includes, but is not limited to, copies of any item written, typed, printed, recorded, transcribed, filmed, graphically

The Honorable Mike Dombeck
November 22, 1999
Page 4

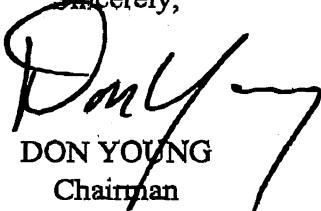
portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, *including any and all computer entries*, accounting materials, memoranda, diaries, telephone logs, telephone message slips, electronic messages (e-mails), tapes, notes, talking points, letters, journal entries, reports, studies, drawings, calendars, manuals, press releases, opinions, documents, analyses, messages, summaries, bulletins, disks, briefing materials and notes, cover sheets or routing cover sheets or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation and shall also include redacted and unredacted versions of the same record. The term includes records that are in the physical possession of the Service and records that were formally in the physical possession of the Service as well as records that are in storage. Furthermore, with respect to this request, the terms "refer", "relate", and "concerning", means anything that constitutes, contains embodies, identifies, mentions, deals with, in any manner the matter under review. "Record" does not include any newspaper clippings or news summaries.

Interviews: In addition to the information listed above, this inquiry may include requests for information and interviews with Service personnel who have knowledge of the matters under review.

Deadline: I request that you strictly comply with the deadlines for production which are as follows: response to this letter by November 29, 1999 and delivery of the records by 4:00 p.m., Tuesday, November 30, 1999, to the attention of Doug Crandall, 1324 Longworth House Office Building. I also request that you provide two sets of all records requested, the second delivered to the Senior Minority Member, Congressman George Miller, for his use.

Staff Contact: This review will be led at the staff level by Mr. Crandall, the Staff Director of the Subcommittee on Forests and Forest Health. Your staff should contact him after your receipt and review of this letter if there are any questions. Thank you for your cooperation with this review of matters under the jurisdiction of this Committee.

Sincerely,



DON YOUNG
Chairman

cc: The Honorable George Miller, Senior Democratic Member

The Honorable Mike Dombeck

November 22, 1999

Page 5

Schedule of Questions:

In Mr. Blackwell's oral comments he stated that rebuilding the road was not feasible. Later he said that the final decision had not yet been made. How do you explain these contradictory statements?

On what information did Mr. Blackwell base his statement that the South Canyon Road was established in 1910 or 1911?

What has been the Forest Service response to document requests from Elko County?

Why did the Forest Service move the Jarbidge Wilderness trailhead register to the Pine Creek Campground? When was it moved? Where is it now?

Do Forest Service documents indicate:

- a) That no one was in the Jarbidge area before the Forest was established? or
- b) That people were in the Jarbidge area, but were somehow precluded from entering the South Canyon? If so, how were they precluded? or
- c) That people did enter the South Canyon, but did so using a route other than the South Canyon Route? If so, what route would that be?

Where are the Mardis Mining District Records located?

The Honorable Mike Dombeck
November 22, 1999
Page 6

Schedule of Records and Information:

Provide all records verifying mistreatment of Forest Service employees in Elko County since 1997.

Provide all relevant language in the Forest Service manual or in any other Forest Service policy regarding the agency's authorities and handling of RS 2477 roads.

Provide all economic impact analyses concerning the South Canyon Road closure.

Provide copies of all environmental analyses and permits associated with the road work contracted by the Forest Service in November and December of 1998 on the South Canyon Road. Provide all records concerning this road work including copies of the signed contract for work, all bids, and payment receipts. Describe the bidding procedure and selection process. Provide copies of all communications with the company selected to do the work concerning the South Canyon Road. Provide copies of all contracts the Forest Service has had with this company in the last 5 years.

Provide the notes or minutes of all meetings between the Forest Service and Elko County Commissioners from 1995 to 1998.

Provide a list of all road projects on the Humboldt-Toiyabe National Forest for FYs 1999 and 2000 and a breakdown of the roads budget, by project.

Provide a copy of Gary Campbell's engineering report on the South Canyon Road that was prepared between 1995 and 1998.

Provide copies of all documents, correspondence, minutes, or other records that the Forest Service, US Army Corps of Engineers and National Fish and Wildlife Service had with each other regarding the South Canyon Road and/or the bull trout between July 1998 and November 1999.

Provide copies of all records regarding the Jarbidge Ranger Station or the Mahoney Cabin, from 1905 to 1923.

Provide a copy of the circa 1905 report denying inclusion of the Jarbidge or "Bruneau" area into the National Forest System. In what ways were the Forest Service criteria changed to allow the Jarbidge area to be included in the forest system?

Provide copies of all records between the Forest Service and all nongovernment organizations concerning the South Canyon Road, from the 1995 flooding event to present.

The Honorable Mike Dombeck
November 22, 1999
Page 7

Provide copies of all records documenting correspondence between the Forest Service and BLM concerning the South Canyon Road issue.

Provide a list of all mining claims in the South Canyon area or in the area accessible primarily through the South Canyon road, both patented and unpatented.

Provide a list of all grazing allotments accessible primarily through the South Canyon road and the value of the privately owned interests in those grazing allotments based on I.R.S. estate appraisal methodology.

Provide a list of all water rights in the Jarbidge River and tributaries by owner, amount of water and place of beneficial use.

Provide a list of all patented real estate in the town of Jarbidge and South Canyon by date of patent and current owner.

Provide the current assessed value of all private property in the Jarbidge and South Canyon area.

Provide all documents showing economic assessments by the Forest Service on private property in the Jarbidge - South Canyon area.

Provide copies of records of all valid existing rights in the Jarbidge - South Canyon area identified by the Forest Service prior to the closure of the South Canyon road, including names and qualifications of those who compiled the data shown in those records.

Provide all analyses of the economic value of the Bull Trout in the Jarbidge river: to the local economy; to the regional economy; and to the national economy, including calculations and explanatory text explaining how the economic value was calculated.

Provide names, qualifications and organizational affiliations of all persons contributing to the economic valuation of the Bull Trout.

Provide names, qualifications and organizational affiliations of all persons involved in developing data leading to the listing of the Bull Trout as endangered.

Provide all data examined or reviewed showing economic impacts on the local, regional and national economies by listing the Bull Trout as an endangered species.

Provide all records that have been examined by, or are in possession of, the Forest Service that would have any bearing on whether or not the South Canyon Road is a RS 2477 right-of-way.

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

October 16, 1997

The Honorable Michael Dombeck
Chief, United States Forest Service
United States Department of Agriculture
14th Street and Independence Avenue, SW
Washington, DC 20250

Dear Chief Dombeck:

As part of ongoing oversight of government activities that fall under its jurisdiction pursuant to Article I of the United States Constitution, Rule X and XI of the Rules of the House of Representatives, and Rule 6(a) of the Rules of the Committee on Resources, the Committee on Resources is conducting a review of the safety and closure policies for firearm (shooting) ranges located on public lands managed by the Forest Service. To assist in this review, you are requested to provide the following information:

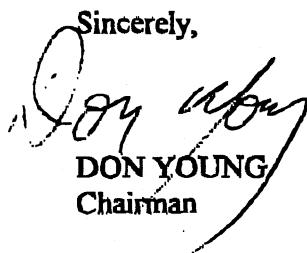
- a. Forest Service policy (if policy is currently being developed, provide the latest draft) regarding firearm (shooting) ranges (including safety and closure procedures);
- b. notes taken by USDA and Forest Service personnel during or about meetings with the Tucson Rod and Gun Club;
- c. concise written history on operation, closures, and status of all firing (shooting) ranges located in the Sabino Canyon on the Coronado National Forest;
- d. concise written history on operation, closures, and status of all firing (shooting) ranges located in the Heggen Lake Ranger District of the Gallatin National Forest;
- e. concise written history on operation, closures, and status of all firing (shooting) ranges located in the San Bernardino National Forest, and
- f. complete copies of the exhibits, which includes all documents and attachments listed, described or referenced in the "Description of Exhibits" section of the *Exhibit Index Volume XVII Tucson Rod and Gun Club*, listed on the attached page; each exhibit is to be clearly marked with the exhibit number and exhibits with multiple documents or attachments are to be grouped together as a complete exhibit.

The Honorable Michael Dombeck
Chief, United States Forest Service
Page Two

Review of this matter will necessitate a briefing and interviews with Forest Service personnel who have knowledge of these issues. Please arrange with Committee staff for the appropriate individuals to be available Wednesday, October 22, 1997 at 10:00 A.M. in 1333 Longworth House Office Building, Washington, D.C. to brief Committee staff and provide responses to the questions contained in this letter. At that time, the records requested herein should be produced as well. Please have your staff call Ms. Christina Delmont at (202) 225-0568 to confirm the Wednesday briefing no later than 4:00 P.M. Monday, October 20, 1997. Should you have any questions, please contact Mr. Duane Gibson (202) 225-1064 or have your staff contact Ms. Christina Delmont.

While the Committee staff and I will be happy to discuss these or other matters with you at any time, please be aware that no deadlines, expectations, or other material parameters set out in this original request and this letter from the Committee will be changed until and unless you receive from me a written modification of this letter.

Sincerely,



DON YOUNG
Chairman

cc: Rep. George Miller

DON YOUNG, CHAIRMAN

H. S. House of Representatives**Committee on Resources****Washington, DC 20515****November 24, 1997**

**The Honorable Michael Dombeck
Chief, United States Forest Service
United States Department of Agriculture
14th Street and Independence Avenue, SW
Washington, D.C. 20250**

Dear Chief Dombeck:

I am in receipt of the November 6, 1997, letter from Robert Joslin responding to the Committee's request that you produce materials related to the Committee's review of the safety and closure policies for firearm (shooting) ranges located on public lands managed by the Forest Service. In this letter, Mr. Joslin lists materials the Forest Service refuses to turn over to the Committee. The materials in question are exhibits from the administrative record in Tucson Rod & Gun Club v. McGee, No. CV97-197 TVC ACM CD. Ariz. Mar 28, 1997, numbered 1207, 1246 and 1893 and a draft directive that would provide a check list to assist authorized officers in determining whether to issue authorizations for target ranges on National Forest System lands. Your office claims that (1) the exhibits were identified in the administrative record as privileged; (2) that the directive is being reviewed internally by the Forest Service and is predecisional and deliberative and is protected by the deliberative process privilege; and (3) that all the requested materials are exempt from production under the Freedom of Information Act (FOIA). These claims, on their own or in any combination, do not authorize the Agency to withhold these documents from the Committee. The Committee's request that you produce any and all such documents still stands.

These documents have been requested as part of an ongoing review that falls under the Committee's jurisdiction pursuant to Article I and Article IV of the United States Constitution, Rule X and XI of the Rules of the House of Representatives, and Rule 6(a) of the Rules of the Committee on Resources. The refusal of the Forest Service to provide these documents puts a severe strain on the Committee's ability to carry out its oversight and legislative responsibilities.

As your staff is aware from previous discussions with Committee staff on this issue, even if they were to be formally asserted, deliberative process and attorney client privileges are common law privileges. See In re Sealed Case, 116 F.3d 550, 567. As such, they are judicial -- not constitutional -- constructs, which are not binding on Congressional oversight committees.

The Honorable Michael Dombeck

November 24, 1997

Page 2

See Maness v. Myers, 419 U.S. 449, 466 n.15 (1975) and Clutchette v. Rushen, 770 F.2d 1469, 1471 (9th Cir. 1985), cert. denied, 475 U.S. 1088 (1986). Unlike the constitutionally based Presidential Communications privilege, the common-law privileges are only applicable at the discretion of the requesting Committee. See Morton Rosenberg, "Investigative Oversight: and Introduction to the Law, Practice, and Procedure of Congressional Inquiry," CRS Report No. 95-464A, at 43 (April 7, 1995). The Presidential Communications privilege, which must be invoked by the President himself, clearly does not apply to these documents.

While it is true that litigation on this matter is occurring, such litigation is no bar to compliance with oversight requests. See Delaney v. United States, 199 F.2d 107, 114 (1st Cir. 1952). In fact, the Delaney court underscored that Congress has a right to information even where it may adversely impact the government's case, even in a pending criminal matter:

"[I]t may be said that the prejudicial effect of the pre-trial publicity in this case was only a by-product of the conscientious performance by the legislative committee of the investigative function constitutionally confided to the Congress. We mean to imply no criticism of the action of the King Committee. We have no doubt that the committee acted lawfully, within the constitutional powers of Congress duly delegated to it. It was for the committee to decide whether considerations of public interest demanded at that time a full-dress public investigation." Id.

This, too, is an exchange we have had with the Administration and Executive Agencies over previous document requests. The Executive Branch is not the sole repository of authority to decide what is in the best interests of "the United States." In fact, courts have consistently upheld the right of Congress to have access to information such as this. See, inter alia, McGrain v. Daugherty, 273 U.S. 135, 174-175, 177 (1927). It is also clear that producing documents pursuant to a Congressional oversight request under threat of subpoena does not constitute a waiver of any privileges in any pending or future litigation. See, inter alia, Murphy v. Department of the Army, 613 F.2d 1151, 1155 (D.C. Cir. 1979).

With regard to the limitations to disclosure you claim under FOIA Section 552(b)(3) and (5), they are inapplicable in this situation. This is not a FOIA request. This is a request from a Committee exercising legislative and oversight authority granted to all standing Committees of Congress by Article I of the Constitution, and expressly granted to Congress and this Committee by Article IV of the Constitution.

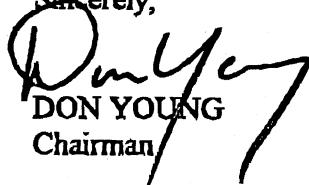
The Honorable Michael Dombeck

November 24, 1997

Page 3

Let me assure you this is a serious request and a request with which the Committee expects full compliance. The matters under review are quite important, and the documents and records requested are vital to that review. Please deliver this material to the attention of Duane Gibson at 1324 Longworth House Office Building no later than 10:00 a.m. tomorrow, November 25, 1997. Please be aware that failure to meet this deadline will result in a subpoena compelling you to produce the material. Should you have any questions, please contact Mr. Gibson at (202) 225-1064.

Sincerely,


DON YOUNG
Chairman

cc: Rep. George Miller

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U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 9, 1998

The Honorable Don Young
Chairman
Committee on Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Young:

This is to respond to your letters to U.S. Attorney Michael Johns, dated January 16, 1998, to the Attorney General, dated January 16, 1998, and to Deputy Attorney General Eric Holder, dated January 26, 1998, regarding Tucson Rod and Gun Club et al. v. John McGee, Forest Supervisor, et al. I understand our staffs have met to clarify a number of the issues raised in your letter, and to reach an agreement concerning your Committee's moving forward with its oversight into the Forest Service's land use policies without jeopardizing the Department's defense in the above lawsuit.

This lawsuit, which was filed by the Tucson Rod and Gun Club (Gun Club) against the U.S. Forest Service and an individual Forest Service employee, is currently pending in the U.S. District Court for the District of Arizona. The Department of Justice, through the Office of the U.S. Attorney for the District of Arizona, is representing the Forest Service in this litigation.

You have expressed concern that the Department's actions in this matter amount to an attempt to interfere with your Committee's oversight function. I want to assure you that is not our intention. Department attorneys did advise members of the Forest Service not to conduct settlement discussions on matters pending in litigation with outside parties present, and outside the presence of counsel. We did not, however, advise the Forest Service not to meet with members of your staff concerning Forest Service land use policies or not to make public record and other information relevant to its decision available to your staff.

During a meeting on February 4th, your staff clarified that the Committee is not attempting to interfere with the Department's conduct of litigation surrounding the decision by

the Forest Service to suspend temporarily the shooting permit of the Gun Club. Rather, we understand that your interest is in obtaining information about Forest Service land use policies and their application in the decision to suspend the Gun Club's permit, and to obtain information from the Forest Service and the Gun Club about the safety and other concerns that led to the suspension of the permit -- not to resolve claims pending in litigation. The Department, of course, recognizes the interest of Congress in conducting legitimate oversight of Executive Branch programs and policies, and we have no objection to your Committee holding a meeting with the Forest Service and members of the Gun Club to discuss the land use issues under review by the Committee. Our concern in this matter has focused on our belief that congressional oversight responsibilities do not appropriately include participation in the Executive Branch's conduct of litigation -- in particular seeking to mediate or otherwise participate in settlement discussions in pending cases. As your staff has emphasized, however, that is not your intention in this case.

The Department, of course, defers to the Forest Service to decide who will attend such a meeting on its behalf. We do want to bring to the Committee's attention the fact that Forest Supervisor John McGee is being sued in his personal capacity and, for that reason, it may not be appropriate for him to attend the meeting when one is scheduled.

On January 27th, the Department received subpoenas for Deputy Attorney General Eric Holder, United States Attorney Michael Johns and Assistant United States Attorney (AUSA) Ted Borek to testify at a hearing to be held before the Committee on Resources' Subcommittee on Forests and Forest Health. As we advised your staff, the Department would be prepared to provide a witness or witnesses for your hearing. We understand, however, that this clarification of our position on a meeting between representatives of Forest Service and members of the Tucson Rod and Gun Club to discuss Forest Service policies relating to the Gun Club permit will obviate the need for the Department to testify at such a hearing. Accordingly, we request that the Committee withdraw the subpoenas issued to the Department of Justice.

As my staff explained to the Committee staff, the Department actively encourages the resolution of matters in litigation without going to court whenever such a resolution is possible and consistent with the interests of the United States. In accordance with Department policy, our attorneys are always willing to entertain any reasonable settlement offer or to discuss issues related to the settlement of a pending matter. Indeed, in an April 6, 1995 directive on Alternative Dispute Resolution (ADR), Attorney General Janet Reno directed all components of the Department to make greater use of negotiation, mediation and arbitration as a means of resolving matters in litigation. The order also created the position of Senior

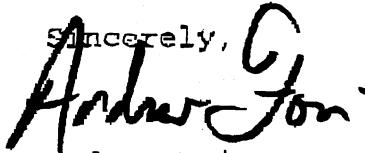
Counsel for Alternative Dispute Resolution to provide training for Department attorneys in the use of ADR.

There are compelling reasons why case settlement discussions are generally limited to the parties whose rights are affected by the outcome of the specific litigation, their attorneys and, in some cases, a neutral third party retained for the purposes of arbitration or mediation. The considerations weighing against the presence of unrelated parties in settlement discussions are especially applicable with respect to congressional presence. The Department's longstanding policy on contacts by Members of Congress or their staffs concerning pending civil cases is summarized in the enclosed March 16, 1995, letter from Deputy Attorney General Jamie Gorelick to House Judiciary Committee Chairman Henry Hyde. As the letter states:

[O]ur goal is to insure that the administration of justice is free of political considerations and that it is correctly perceived to be totally apolitical. We want to avoid any possible misimpression that persons with unique access to the Department, such as Senators or Representatives, whether acting for themselves or for constituents, receive more favorable treatment or attention than persons without such access. That is an important reason behind our desire to insulate the Department . . . from any situation that could be construed as an effort (however inadvertent or well-intended) to influence our case-specific actions.

We appreciate your interest in this matter and look forward to working with you on other matters in the future. Please do not hesitate to contact me if you would like additional assistance.

Sincerely,



Andrew Poir
Assistant Attorney General

Enclosure

cc: Honorable George Miller
Ranking Minority Member

DON YOUNG, CHAIRMAN

U. S. House of Representatives
Committee on Resources
Washington, DC 20515

February 10, 1998

Mr. Andrew Fois
Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. Fois:

Thank you for your letter dated yesterday regarding the Department of Justice's actions involving oversight being conducted by the Committee on Resources on matters associated with the Tucson Rod and Gun Club.

I appreciate your assurance that the Department's intention was not to interfere with or obstruct oversight conducted by the Committee. Before your letter, it appeared, intentions notwithstanding, that the Department had done so. For the instant matter, your letter clarifies that the Department is no longer rendering advice to the Forest Service that prohibits or thwarts meetings and discussions with the Forest Service, Tucson Rod and Gun Club Representatives, and Members or staff of the Committee in furtherance of the Committee's oversight responsibilities.

I wish to stress again, as I have in past correspondence with the Department, that pending litigation is no bar to Congressional oversight activities. We may disagree on that point and it may conflict with policies of the Department, but it is for Congress, acting through its Committees, to decide whether investigating the issues – including possibly airing them in public hearings – is worth potential risks to the government's position in litigation. In many cases, such as this one, larger issues are at stake than the disposition of any single piece of litigation. Indeed, resolution of this dispute outside of the courtroom would be in the best interests of all concerned, while at the same time helping define federal public lands policy.

Were the Justice Department's policy to hold sway, then any litigation involving the government would act as a bar to the ability of the Congress to meet its legislative and oversight responsibilities under the Constitution. Indeed, if the Executive Branch wanted to keep Congress in the dark, they could merely instigate litigation and block continued oversight of the matter. Courts have underscored this point in key decisions: pending criminal or civil litigation is no bar to the requirement that agencies of the United States government provide information necessary to Congressional reviews such as this, and such information may even be made public if Congress, acting through its Committees, deems appropriate.

Mr. Andrew Fois
February 10, 1998
Page 2

As you may well know, the Supreme Court clarified the issue in Sinclair v. United States, 279 U.S. 263 (1929), a case involving a government witness at a Congressional hearing who had refused to answer questions, noting pending litigation involving the United States. The Supreme Court upheld the conviction of the witness for contempt of Congress, ruling that pending litigation did not remove from Congress the power to investigate administration of the laws. *Id.* at 295. The Court stated, "It may be conceded that Congress is without authority to compel disclosures for the purpose of aiding the prosecution of pending suits; but the authority of that body, directly or through its committees, to require pertinent disclosures in aid of its own constitutional power is not abridged because the information sought to be elicited may also be of use in such suits." *Id.*

The interest of the Committee in obtaining information from the meeting with the Forest Service and members of the gun club is decidedly not for the purpose of aiding the prosecution of a pending suit; the Committee's interest is in pursuing a valid review of matters under its jurisdiction pursuant to Article I and Article IV of the U.S. Constitution, Rule X and Rule XI of the Rules of the U.S. House of Representatives, and Rule 6(a) of the Rules of the Committee on Resources--and, if possible, to avoid the necessity for the suit altogether. Certainly decisions regarding use of federal public lands is a valid and important area of Congressional interest, and information about changes in such policies is of great interest to this Committee--particularly where due process and public comment on those changes have not been allowed. The Supreme Court has been very clear in its protection of the Congressional right to have access to information such as this. See, e.g., McGrain v. Daugherty, 273 U.S. 135, 174-175, 177 (1927); Watkins v. United States, 354 U.S. 178, 187, 194-195, 200 n.33 (1957); Barenblatt v. United States, 360 U.S. 109, 111 (1959); Eastland v. United States Servicemen's Fund, 421 U.S. 491, 504-505 (1975); Nixon v. Administrator of General Services, 433 U.S. 425, 452-454 (1977). Indeed, with the sole exception of information which would violate the secrecy requirement of Grand Jury proceedings under Rule 6(e) of the Federal Rules of Criminal Procedure, I can find no authority whatever for the Justice Department to place concerns about pending litigation ahead of the authority of Congress in legislation, oversight, and investigation.

Indeed, courts have supported the right of Congress to hold public hearings and disclose information even where the disclosures would air evidence that will inevitably prejudice a pending criminal case. The 1st Circuit Court of Appeals has held that it is for the Congressional Committee to decide whether investigations should be conducted or hearings held, not the executive branch:

...[I]t may be said that the prejudicial effect of the pre-trial publicity in this case was only a by-product of the conscientious performance by the legislative committee of the investigative function constitutionally confided to the Congress.

Mr. Andrew Fois
February 10, 1998
Page 3

We mean to imply no criticism of the action of the King Committee. We have no doubt that the committee acted lawfully, within the constitutional powers of Congress duly delegated to it. It was for the committee to decide whether considerations of public interest demanded at that time a full-dress public investigation. Delaney v. United States, 199 F.2d 107, 114 (1st Cir. 1952) (emphasis added).

I am unaware of any examples of subsequent court decisions which have not followed these rulings, nor have I been able to find examples of Congressional Committees, whether chaired by Democrats or Republicans, which have ceded the authority to government agencies to decide whether valid requests for information pertinent to ongoing reviews will be complied with. In fact, in 1993 and 1994, the Justice Department was compelled by the Committee on Energy and Commerce to provide testimony, interviews, and documents in a review of environmental enforcement actions. In repeated letters to the Justice Department, then-Chairman Dingell stressed that his Subcommittee's right to have access to the information, which included confidential pre-decisional prosecution documents, was not subject to prosecutorial discretion. See Staff Report, "Damaging Disarray: Organizational Breakdown and Reform in the Justice Department's Environmental Crimes Program", House Subcomm. On Oversight and Investigations, Comm. On Energy and Commerce, 103d Cong., 2d Sess. (Comm. Print No. 103-T, 1994). See also "Proceedings Against John M. Quinn, David Watkins, and Matthew Moore (Pursuant to Title 2, United States Code, Sections 192 and 194)", H. Rept. No. 104-598, 104th Cong., 2d Sess. 40-54 (1996); and "Refusal of William H. Kennedy, III, to Produce Notes Subpoenaed by The Special Committee To Investigate Whitewater Development Corporation and Related Matters," Sen. Rept. No. 104-191, 104th Cong. 1st Sess. 9-19 (1995).

In its staff report, the Dingell Subcommittee attached a CRS Report prepared by the American Law Division which agreed with its position -- and which confirms the right of this Subcommittee to the material. Citing Sinclair, the report states: "In other words, those having evidence in their possession, including officers and employees of the Justice Department, cannot lawfully assert that because lawsuits are pending involving the government, 'the authority of [the Congress], directly or through its committees, to require pertinent disclosures' is somehow 'abridged.'" "Legal and Historical Substantiality of Former Attorney General Civiletti's Views as to the Scope and Reach of Congress' Authority to Conduct Oversight of the Department of Justice", Memorandum from American Law Division, Congressional Research Service, to House Comm. on Energy and Commerce, Subcomm. on Oversight and Investigations, at 4 (October 15, 1993) (emphasis added).

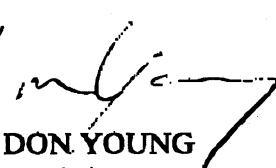
The law is very clear on this issue: Congress, acting through its Committees and Subcommittees, has the power to request and to compel production of testimony, information, and documents necessary to assist it in its legislative, oversight, and investigative duties--regardless of pending litigation. It is then for Congress to decide when, whether, or how

Mr. Andrew Fois
February 10, 1998
Page 4

such information may be used, including public disclosure if it deems appropriate, regardless of the impact on pending litigation. And as my past correspondence has indicated, Courts have held that providing such information to Congress in response to a formal request does not constitute a waiver of any privilege over such information as to third parties. Certainly, as in the present instance, where the information has been solicited by a Committee of competent jurisdiction, under threat of a subpoena, with an eye toward saving the courts, the government, and the private litigants the time and expense of a trial, it is difficult to see how any court could hold such disclosures against the government or any other party. In short, if we are not successful at finding solutions, neither side has lost anything by trying.

I want to be clear to the Department of Justice and the Forest Service, that interference with our oversight activities is not justified by law. For the time being, we appear to have averted a conflict on the issue in the Tucson matter. Because the Department "has no objection to [the] Committee holding a meeting with the Forest Service and members of the Gun Club to discuss the land use issues under review by the Committee," it will be unnecessary for the three Department of Justice witnesses (Mr. Ted Borek, Mr. Michael Jons, and Mr. Eric Holder) to appear at the hearing of the Subcommittee on Forests or Forest Health on February 12, 1998, notwithstanding the subpoenas issued to compel their attendance. Subpoenas for those individuals are vacated.

Sincerely,



DON YOUNG
Chairman

cc: Members, Subcommittee on
Forests and Forest Health

Oney
FROM USDA FS ROADLESS AREA PROJECT TEAM (THU) 6, 1' 00 14:59/ST. 14:53/NO. 4862672015 P 3

DISTRICT OFFICE:
FEDERAL BUILDING
317 FIRST STREET
WAUSAU, WI 54403-5454
PHONE: 715-842-5806
DISTRICT REPRESENTATIVE:
JERRY MADISON

WASHINGTON OFFICE:
2462 RAYBURN HOUSE OFFICE BUILDING
PHONE: 202-225-3385
WILLIAM H. STONE
STAFF DIRECTOR

Congress of the United States
House of Representatives
Washington, DC 20515-4907

RANKING MEMBER

RANKING MEMBER:
LABOR—HEALTH AND
HUMAN SERVICES—EDUCATION
EX OFFICIO MEMBER:
REMAINING 12 APPROPRIATIONS
SUBCOMMITTEES

DEMOCRATIC STEERING AND
POLICY COMMITTEE
VICE CHAIR FOR
RESEARCH OPERATIONS

January 6, 2000

George Frampton, Chairman
Council on Environmental Quality
Room 360
Old Executive Office Building
Washington, DC 20501

JAN 28 REC'D

Dan
Dinah
Judy

Dear Chairman Frampton:

I am writing wish to express my grave concern over confusion that has resulted from the Administration's actions thus far in developing its new policy on protection of roadless areas in the National Forest System. My concern is that if the Administration proceeds with its present method of crafting and implementing its proposals, it may put the national dialogue on forest policy at risk, and jeopardize the efforts in the Lake States to maintain a dialogue between environmentalists and other users of the forest

Wisconsin is home to the Chequamegon-Nicolet National Forest, a forest that is one of the largest "acquired forests" in the United States. It is an environmental treasure, and also is important to the economic well-being of many counties in Northern Wisconsin. It has served as an example of sound forest management, and for many years our environmental community and our state's timber industry have worked together to ensure that it will continue to be so.

I applaud efforts of the administration to protect and enhance the environmental values of our National forests. Nevertheless, ~~I am concerned with the way these efforts have been carried out thus far.~~

When the Administration announced its intent to establish a new level of protection from development for inventoried roadless areas, and then vaguely alluded to establishing a framework for further restrictions on other areas in the same breath, many people who rely on forest resources for recreation or their livelihood were concerned. The fact that National Forest officials at the local level were unable to answer questions about the policy proposal compounded those concerns, as has the closure of the public comment process before the full scope of this proposal was more clearly defined.

When you consider that ~~this individual policy action coincides with efforts to change the process for forest planning, the plan revision for the Chequamegon-Nicolet National Forest, and EPA's proposal on clean water regulations that could impact forest management practices, it becomes easy to understand how some of these people could see their way of life as being under attack,~~

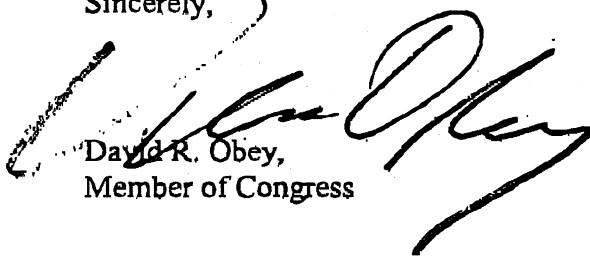
users and timber producers are on the defensive, it becomes that much more difficult to bring them to the table to deal rationally with environmental issues. Many of these people who feel they are under threat are people whose efforts to reform the forest products industry have helped revitalize Wisconsin's forests.

In order to try to alleviate the tensions that are on the rise in my state as a result of the significant changes possible in national forest management policy, I would appreciate receiving a detailed interpretation of the proposed roadless area policy's impacts on Wisconsin, both for Phase I and Phase II.

Before this polarization goes any further, I would urge the Administration to develop its policy concepts more completely, and lay them out for the public in order to avoid the confusion that has surrounded this issue, and hampered the general public's ability to become engaged in the process in a real fashion. As the Administration continues to develop this policy, I would specifically urge you to clear up the questions concerning its second phase, and to provide ample time for your agencies to receive considered public comment -- rather than instant reactions to half-baked proposals.

I hope the actions of the Administration thus far will not contribute to breaking down what has been a real dialogue between the different parts of the forestry debate in the Lake States. It is my hope that the Administration will clear up the misunderstandings and rumors that surround this issue, and help build a consensus on this issue, rather than bringing the confrontation we have seen in the West to national forests in the rest of the country.

Sincerely,



David R. Obey,
Member of Congress

RUSSELL D. FEINGOLD
WISCONSIN

716 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5323
(202) 224-1280 (TDD)
feingold.senate.gov

011
U.S. EXECUTIVE
OFFICE OF THE
UNITED STATES
SENATE
COMMITTEE ON THE JUDICIARY
COMMITTEE ON FOREIGN RELATIONS
COMMITTEE ON THE BUDGET
SPECIAL COMMITTEE ON AGING
DEMOCRATIC POLICY COMMITTEE

United States Senate

WASHINGTON, DC 20510-4904

2:49

January 11, 2000

408792

OF THE EXECUTIVE
OFFICE OF THE
UNITED STATES
SENATE
COPIES: 1
2000 FEB 28 P 2:49

President Bill Clinton
1600 Pennsylvania Ave., N.W.
Washington D.C. 20500

Dear Mr. President:

I write to clarify the impact of your proposed roadless area policy on Forest Plans that are currently in development.

I support your desire to have the Forest Service assess the extent of remaining roadless areas and develop strategies to ensure the protection of their important ecological values. However, your October 13, 1999 directive to the Forest Service comes at a difficult time for Wisconsin's Chequamegon-Nicolet National Forest. The Chequamegon-Nicolet National Forest has begun the process of revising the Forest Plan. The current Forest Plans for each of these two National Forests was developed in the early 1980's and each was approved on August 11, 1986. A single joint Forest Plan Revision encompassing both these forests will be developed, as these two forests have been administratively combined and are now one National Forest.

At present, the Forest is engaged in the development of several alternatives that are designed to address various management issues. After assessing these alternatives, the Service will prepare a draft environmental impact statement, which will include a statement of the management problems addressed, a description of the alternatives developed to address these issues, and an analysis of the effects of implementing the various alternatives.

Already my constituents are struggling with the prospect of evaluating lands of ecological importance to our National Forest at all scales - from large parcels at the scale you have proposed to very small parcels - in order to make appropriate management decisions. They are concerned about whether and how they will be required to address the roadless area policy in their Forest Plan. I request that you direct the Service to clarify this issue prior to the release of the draft Environmental Assessment.

Thank you for your assistance.

Sincerely,

Russ Feingold

Russell Feingold
United States Senator

34-4147653
FS

8383 GREENWAY BOULEVARD
MIDDLETON, WI 53562
(608) 828-1200
(608) 828-1215 (TDD)

517 E. WISCONSIN AVENUE
ROOM 408
MILWAUKEE, WI 53202
(414) 276-7282

317 FIRST STREET
ROOM 107
WAUSAU, WI 54403
(715) 848-5660

425 STATE STREET
ROOM 225
LA CROSSE, WI 54601
(608) 782-5585

1640 MAIN STREET
GREEN BAY, WI 54302
(920) 465-7508

THE WHITE HOUSE OFFICE
REFERRAL

February 18, 2000

TO: DEPARTMENT OF AGRICULTURE
ACTION COMMENTS: ATTN: FOREST SERVICE
ACTION REQUESTED: APPROPRIATE ACTION

DESCRIPTION OF INCOMING:

ID: 408792
MEDIA: LETTER, DATED JAN 11, 2000
TO: PRESIDENT CLINTON
FROM: THE HONORABLE RUSS FEINGOLD
U.S. SENATE
WASHINGTON, DC 20510
SUBJECT: WRITES TO CLARIFY THE IMPACT OF THE PROPOSED ROADLESS AREA POLICY ON
FOREST PLANS THAT ARE CURRENTLY IN DEVELOPMENT

**PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS
OF RECEIPT, PLEASE TELEPHONE THE UNDERSIGNED AT 456-2590.**

**RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO:
RECORDS MANAGEMENT, ROOM 72, THE WHITE HOUSE, 20500**

OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE

THE WHITE HOUSE OFFICE
REFERRAL

February 04, 2000

TO: DEPARTMENT OF THE INTERIOR

ACTION REQUESTED: APPROPRIATE ACTION

DESCRIPTION OF INCOMING:

ID: 408792

MEDIA: LETTER, DATED JAN 11, 2000

TO: PRESIDENT CLINTON

FROM: THE HONORABLE RUSS FEINGOLD
U.S. SENATE
WASHINGTON, DC 20510

SUBJECT: WRITES TO CLARIFY THE IMPACT OF THE PROPOSED ROADLESS AREA POLICY ON
FOREST PLANS THAT ARE CURRENTLY IN DEVELOPMENT

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS
OF RECEIPT, PLEASE TELEPHONE THE UNDERSIGNED AT 456-2590.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO:
RECORDS MANAGEMENT, ROOM 72, THE WHITE HOUSE, 20500

ATTN: Frances
Campbell

OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE

2/8/00

To: Frances Campbell, White House
Please reassign to USDA. The Forest
Service is in USDA (per our phone)
Ray Ingersoll ES 202-208-7612

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

ID# 408792
PAGE 1

DATE RECEIVED: 01/19/2000

NAME OF CORRESPONDENT: THE HONORABLE RUSS FEINGOLD

SUBJECT: WRITES TO CLARIFY THE IMPACT OF THE PROPOSED ROADLESS AREA POLICY ON FOREST PLANS THAT ARE CURRENTLY IN DEVELOPMENT

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE YY/MM/DD	ACTION		DISPOSITION	
				TYPE RESP	C D	COMPLETED YY/MM/DD	Q
LEGISLATIVE AFFAIRS	CHARLES "CHUCK" BRAIN	ORG	2000/01/11	CB	A	00/02/02	Q

ACTION COMMENTS: _____

✓ Interior Q A 00/02/02 C 00/12/18 Q

ACTION COMMENTS: _____

✓ USDA Q A 00/12/18 _____

ACTION COMMENTS: _____

ACTION COMMENTS: _____

COMMENTS cc: CEQ, Lisa Kountouros, Julie Anderson

ADDITIONAL CORRESPONDENTS: 0

MEDIA: LETTER

INDIVIDUAL CODES: _____

REPORT CODES: _____

USER CODES: _____

ACTION CODES:

A - APPROPRIATE ACTION
C - COMMENT/RECOMMENDATION
D - DRAFT RESPONSE
F - FURNISH FACT SHEET
I - INFO COPY/NO ACT NECESSARY
R - DIRECT REPLY W/ COPY
S - FOR SIGNATURE

DISPOSITION CODES:

A - ANSWERED
B - NON-SEPC-REFERRAL
C - COMPLETED
S - SUSPENDED

OUTGOING CORRESPONDENCE:

TYPE RESP = INITIALS OF SIGNER
CODE = A
COMPLETED = DATE OF OUTGOING

REFER QUESTIONS AND ROUTING UPDATES TO RECORDS MANAGEMENT (ROOM 72, OEOB) EXT-62590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS MANAGEMENT.

THE WHITE HOUSE
WASHINGTON

February 2, 2000

MEMORANDUM FOR DAVID ALBERSWERTH
DEPARTMENT OF INTERIOR

FROM: CHARLES M. BRAIN
LEGISLATIVE AFFAIRS
SUBJECT: PRESIDENTIAL CORRESPONDENCE

Enclosed please find a copy of a letter that was sent to the President from Sen. Russell D. Feingold (D-WI).

I do not believe this letter requires a Presidential response at this time. Please review the attached letter and respond directly to the Member(s) of Congress. Please forward a copy of the response to the Office of Records Management, Room 72 Old Executive Office Building.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Courtney Crouch, Office of Legislative Affairs, at 456-7500.

Enclosure

THE WHITE HOUSE

WASHINGTON

February 2, 2000

Dear Senator Feingold:

Thank you for your letter to the President concerning the impact of the Administration's proposed roadless area policy on the Forest Plan for the Chequamegon-Nicolet National Forest.

I have shared your concerns with the President and his other advisors, and you will receive a response in the near future. In the meantime, if I can be of assistance to you, please do not hesitate to contact me.

Best wishes.

Sincerely,

Charles M. Brain

Charles M. Brain
Assistant to the President
and Director for Legislative
Affairs

The Honorable Russell D. Feingold
United States Senate
Washington, D.C. 20510

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

Forest Service planning doomed to failure

February 16, 2000

Dear Colleague:

"... hinging forest planning and management success on ecological sustainability as defined by ecosystem integrity and species viability dooms every plan and planning process to failure before it even starts."

That is what the Forest Service's most notable scientists had to say in a letter last week responding to the agency's proposed rule to revise its direction on land management planning. These scientists raised serious concerns with the definitions used in the proposed rule, particularly the definition for "sustainability," which places preeminent importance upon ecological sustainability at the expense of social and economic sustainability.

The agency's stated purpose in developing the new rule is to *simplify* and *clarify* the planning process, "to reduce burdensome and costly procedural requirements; and to strengthen collaborative relationships with the public and other government entities." Instead, as the agency's own scientists confirm in their attached comments, the proposal will only make forest planning more costly and more complex, even dooming every plan to failure, and it will make any attempt at collaboration completely meaningless. The result will be continued gridlock, expensive litigation, and the inability of the agency to get anything done on the ground.

Given these serious concerns, I urge you to join me in seeking a complete rewrite and publication of a new draft rule. If you share my concern, please contact Anne Heissenbuttel at the Subcommittee on Forests and Forest Health at 5-0691.

The proposed rule is a failure. The agency must now rely on its best scientists and land managers to develop meaningful procedures for land management planning that can, indeed, achieve the Chief's goal of simplicity, clarity and less burdensome and costly procedures.

Sincerely,


Helen Chenoweth-Hage

Chairman

Subcommittee on Forests and Forest Health

PETE V. DOMENICI, New Mexico
 DON NICKLES, Oklahoma
 LARRY E. CRAIG, Idaho
 BEN NIGHTHORSE CAMPBELL, Colorado
 CRAIG THOMAS, Wyoming
 GORDON SMITH, Oregon
 JIM BUNNING, Kentucky
 PETER G. FITZGERALD, Illinois
 SLADE GORTON, Washington
 CONRAD BURNS, Montana

JEFF BINGAMAN, New Mexico
 DANIEL K. AKAKA, Hawaii
 BYRON L. DORGAN, North Dakota
 BOB GRAHAM, Florida
 RON WYDEN, Oregon
 TIM JOHNSON, South Dakota
 MARY L. LANDRIEU, Louisiana
 EVAN BAYH, Indiana
 BLANCHE L. LINCOLN, Arkansas

ANDREW D. LUNDQUIST, STAFF DIRECTOR
 DAVID G. DYE, CHIEF COUNSEL
 JAMES P. BEIRNE, DEPUTY CHIEF COUNSEL
 ROBERT M. SIMON, DEMOCRATIC STAFF DIRECTOR
 SAM E. FOWLER, DEMOCRATIC CHIEF COUNSEL

2000 MAR 28 P 1:17

United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

March 24, 2000 ENERGY.SENATE.GOV

The Honorable Dan Glickman
 Secretary
 U.S. Department of Agriculture
 14th and Independence Avenue S.W.
 Washington, D.C. 20250

Dear Secretary Glickman:

It is with considerable regret and disappointment that I must write to you concerning the Department's performance and forthrightness at recent Congressional oversight hearings related to the Clinton Administration's pending roadless area initiative on the National Forests. As you know, this initiative has proven quite controversial in some parts of the country. Additionally, its announcement last fall came as a surprise to many members of Congress.

Consequently, the Senate and the House have requested various documents from the Executive Branch, and held hearings on the initiative. I know that, as a former member of Congress, you understand that the proper functioning of Congressional oversight – as well as the trust between Congress and the Executive Branch necessary to conduct the people's business – depend upon thorough, direct, and truthful responses by Administration officials to Congressional inquiries. Unfortunately, the Department's performance at recent hearings has fallen far short of this essential standard.

At a Senate Forests and Public Lands Subcommittee hearing on February 22, I asked Mr. Lyons, "Are you aware of any other legal, analytical, technical, or substantive advice provided by elements of the environmental community on this or related issues during 1999 or to date this year to any Executive Branch agency outside of the notice and comment process of agency rule-making?" Mr. Lyons responded that, "To my knowledge, Mr. Chairman, we have responded fully to your request. If you are requesting additional information, then we can go back and update that request."

I then asked Chief Dombeck, "Mike do you have the same answer? Do you agree with the Secretary?" Mr. Dombeck that, "I can tell you that I know that my staff takes these requests very, very seriously. I have not reviewed all the documentation and I do not know precisely what has been sent to the House based on their request, but we take it very seriously."

I proceeded to then ask Mr. Dombeck about subsequent meetings with various environmental groups. I asked that "between May and October 1999, looking at the meeting logs provided to us, it appears that a small group of environmental representatives met monthly with either CEQ or USDA representatives on the roadless issue. This was the same period during which the

To: Jim Lyons
Mike Dombeck
Anne Keys
Eric Olson
Charlie Lamb

The Honorable Dan Glickman

March 24, 2000

Page Two

aforementioned deliverables were provided. My question is are there any other meetings with these groups that have not been disclosed to us?" Mr. Dombeck responded that, "Again my answer would be the same, that the staff takes these very seriously, that if you are asking for an additional search of this we would be happy to comply." Giving Mr. Dombeck the benefit of the doubt I indicated, "Well, we will take you at your word. Jim, the same answer?" Mr. Lyons responded, "Yes, Mr. Chairman. We have done our best to respond. But again, if you want us to go back and search again, we certainly can initiate that."

Imagine my surprise and dismay to read in a March 14 Associated Press article of the existence of a January 24, 2000 proposal (attached) from the Conservation Biology Institute (CBI) and the World Wildlife Fund (WWF) on roadless area mapping and related policy support for the Forest Service's rule-making. This CBI/WWF proposal to the Packard Foundation recounts in excruciating detail meetings and discussions between the two environmental groups and the Forest Service concerning the CBI/WWF efforts to assist the Agency in conducting its rule-making. The request asks the Packard Foundation for \$650,000 in grant support to underwrite the cost of the two environmental groups' participation in the rule-making.

More importantly, the CBI/WWF proposal notes the existence of a draft Memorandum of Understanding (MOU) between the two environmental groups and the Forest Service which "is being drafted now, and we expect signatures within sixty days." The January 24 proposal goes on to say that "the essence of the MOU is for WWF, CBI, and the Forest Service to work together to create a sound, science based roadless areas assessment." The proposal goes on to say that, "at the Agency's urging, the MOU will be national in scope and the Forest Service has expressed desire to expand it even beyond roadless areas. During these latest meetings, Forest Service officials expressed interest in having us participate with them and a number of other federal agencies in creating a comprehensive national bio-diversity strategy. These new developments make this better than we ever dreamed. We have a huge opportunity to influence the Forest Service and perhaps other agencies to move progressively on the roadless areas issue and perhaps others." Finally, the CBI/WWF proposal tries to leverage the necessary funding from the Packard Foundation by stating that "obviously this project is of national and regional importance given the Administration's interest in roadless areas and the need to influence policy decisions proposed by the roadless area environmental impact statement (EIS)."

Obviously, there are additional documents that either Mr. Dombeck and Mr. Lyons were unaware of, or that they chose not to disclose to the Congress. Additionally, there were additional meetings which Mr. Dombeck and Mr. Lyons were similarly unaware of, or chose not to disclose to the Congress. Meetings and documents of sufficient significance to warrant this kind of description, as well as plans for a \$650,000 project budget should have generated a considerable amount of discussion within the Department. Nevertheless, the conclusion Mr. Dombeck and Mr. Lyons are asking us to draw from this situation is that neither was ever informed of the Forest Service's activities in this area. I find this hard to believe. You should too.

The Honorable Dan Glickman
March 24, 2000
Page Three

Within seven working days, please transmit to the Committee any documents that exist concerning this, or similar environmental group efforts to participate in implementation of the roadless area rule. Specifically, please transmit to the Committee all available drafts of the Memorandum of Understanding referenced in the attached January 24, 2000 letter from the World Wildlife Fund to the Packard Foundation.

Unfortunately, this is not the only illustration of the faultiness of Undersecretary Lyons' memory. At the same February 22 hearing, I asked him, "Jim, on page 34, Mike Francis of the Wilderness Society writes George Frampton of CEQ on July 9, 1999, to provide him with a legal memorandum prepared by Charles Wilkinson, a Wilderness Society board member. Mr. Francis indicates that Jim Lyons asked Mr. Wilkinson for a similar memo at the last meeting of scientists, the Committee of Scientists meeting on June 12. Do you dispute Mr. Francis' characterization of your conversation with Mr. Wilkinson?" Jim responded, "I do not recall that. If you would give me a second, I would like to read the memo." Mr. Lyons was provided ample time to read the memorandum in question in its entirety. After reading it, he responded, "I do not recall, Mr. Chairman. I may have asked Dr. Wilkinson for his opinion about issues associated with mineral withdrawals. I do not recall that I asked for that specifically in the context of a roadless proposal because it was not a proposal we were discussing with the Committee of Scientists, obviously."

However, at a separate March 2, 2000 House of Representatives hearing, Mr. Wilkinson appeared as a witness. Congressman Helen Chenoweth-Hage asked Mr. Wilkinson, "I wanted to ask you, did you prepare a legal analysis for the Forest Service or the White House on the roadless rule?" Mr. Wilkinson responded, "Yes, I did." Ms. Chenoweth inquired further, "Did they request the analysis from you or did you just offer the analysis to them?" Mr. Wilkinson responded, "They requested it."

Then, at a subsequent March 14, 2000 House hearing, Congressman Rick Hill asked about the memorandum as well. Mr. Hill asked Mr. Lyons, "Charles Wilkinson provided George Frampton with a memo, the roadless area policy, what is feasible. Are you familiar with that document Mr. Lyons?" Mr. Lyons responded, "No I am not." To demonstrate that his memory was no more acute than Mr. Lyons', Mr. Dombeck indicated that he did not recall ever seeing the document either. I believe that the dissembling that is occurring here represents a pattern that we must together address.

Within the next seven business days, I would like you to provide me a written summation of how the Wilkinson memo came into the Government's hands. Please feel free to consult with CEQ and with Mr. Wilkinson if it will help produce an accurate recapitulation of how this document

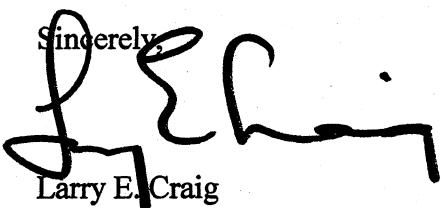
The Honorable Dan Glickman
March 24, 2000
Page Four

came to be an important part of the record of the roadless area initiative.

Let me summarize my requests. Within seven working days, please provide: (1) any documents that exist concerning the CBI/WWF effort, or any similar efforts to participate in the implementation of the roadless rule; and (2) a written summation of how the Wilkinson memorandum came into the Government's hands.

Your prompt response to these questions, will obviate the need for the Subcommittee to place future Forest Service and USDA witnesses under oath before accepting their testimony. Please contact Ms. Kelly Johnson of the Committee Staff at (202) 224-4971 if you have any questions about this request. I look forward to your response.

Sincerely,



Larry E. Craig

Chairman, Subcommittee on Forests and
Public Lands
Committee on Energy and Natural
Resources

LEC:mr



DAN GLICKMAN
SECRETARY

To: Eric Olsen
Mike Dombeck
Jim Lyons
Anne Keys -

~~~~~

Time sensitive

DON YOUNG, CHAIRMAN

2000 APR - 3 A II: 13

COPIES:

U.S. House of Representatives

## Committee on Resources

Washington, DC 20515

March 30, 2000

T O :

Secretary Dan Glickman  
United States Department of Agriculture  
1400 Independence Avenue  
Room 220-A, Whitten Building  
Washington, D.C. 20250

Dear Secretary Glickman:

As part of the Committee's ongoing oversight of government activities pursuant to Article I and Article IV of the United States Constitution, Rule X and XI of the Rules of the House of Representatives, and Rule 6(a) of the Rules of the Committee on Resources, the Committee on Resources, Subcommittee on Forest and Forest Health is currently conducting a review of the President's proposal to designate a national monument in the Sequoia National Forest. From this review we expect to better understand the underlying basis for considering the monument designation, the implications on management of the giant Sequoia groves under such a designation, the scientific underpinnings of such a proposal, and whether or not the process thus far has been objective and in concert with law and regulation.

The information requested below is vital to completing this review. Please provide the Subcommittee with the following information related to the proposed Sequoia National Monument:

- (1) a list of all meetings held, and copies of all records, draft or final, including but not limited to agendas, notes, outlines or summaries, proposals to be considered and lists of attendees, for each meeting held between the Forest Service, the Department of Agriculture and/or the Administration on the development of a proposal for a national monument for the Giant Sequoia groves in California;
- (2) a list of all meetings held, and copies of all records, draft or final, including but not limited to agendas, notes, outlines or summaries, proposals to be considered and lists of attendees, for each meeting held between the Forest Service, the Department of Agriculture and/or the Administration and any nongovernmental interest groups, on the development of a proposal for a national monument for the Giant Sequoia groves in California;

Mr. Secretary Glickman  
March 30, 2000  
Page 2

- (3) advance public notices, complete lists of all invitees, and public records from all of the above meetings;
- (4) copies of any correspondence or other records between the Forest Service, the Department of Agriculture and/or the Administration and any nongovernmental interest groups regarding proposals to establish a national monument for the Giant Sequoia groves in California.
- (5) any maps, draft or final, prepared by or submitted to the Forest Service showing the locations of giant Sequoia trees, Sequoia groves, administrative boundaries, zones of influence, subwatershed boundaries, or any other boundaries, existing or proposed, surrounding or otherwise including the Sequoia groves.

For purposes of this inquiry, the term "record" or "records" includes, but is not limited to, copies of any item written, typed, printed, recorded, transcribed, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all computer entries, accounting materials, memoranda, diaries, telephone logs, telephone message slips, electronic messages (e-mails), tapes, notes, talking points, letters, journal entries, reports, studies, drawings, calendars, manuals, press releases, opinions, documents, analyses, messages, summaries, bulletins, disks, briefing materials and notes, cover sheets or routing cover sheets or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation and shall also include redacted and unredacted versions of the same record. The term includes records that are in the physical possession of the White House, including but not limited to the Council on Environmental Quality, and records that were formally in the physical possession of the White House, including but not limited to the Council on Environmental Quality, as well as records that are in storage. Furthermore, with respect to this request, the terms "refer", "relate", and "concerning", means anything that constitutes, contains, embodies, identifies, mentions, deals with, in any manner the matter under review.

Please note that the term "records" also includes maps and any other visual representation of the boundaries of suitable national monuments, areas being considered for special use classification, or areas under review for possible administrative change in protective status. All materials should clearly indicate who drafted or prepared the document, who received the document, and the date on which the document was prepared or distributed.

Please provide the above information no later than 5:00 p.m. on Friday, April 7, 2000. The information should be delivered to the Subcommittee on Forests and Forest Health, attention Michael

Mr. Secretary Glickman  
March 30, 2000  
Page 3

Twinchek, Clerk, at 1337 Longworth House Office Building. If you have any questions regarding this request, please call Anne Heissenbuttel, Legislative Staff, at 202-225-0691.

There is some urgency to this matter, since, as you know, the President established a 60-day deadline for the Secretary to develop his recommendation on the monument proposal. That deadline will expire in mid-April. We must, therefor, request your response to all questions and submittal of all records by the deadline noted above. I thank you in advance for your prompt reply.

Sincerely,



Helen Chenoweth-Hage

Chairman

Subcommittee on Forests and Forest Health

Scott Remis  
Packard Foundation  
Conservation Program  
The David and Lucile Packard Foundation  
300 Second St., Suite 200  
Los Altos, CA 94022

January 24, 2000

**Re: A scientific foundation for conservation planning in Cascadia: combining science with regional and national outreach (full proposal)**

Dear Scott:

Thank you for your interest in receiving a proposal from the Conservation Biology Institute (CBI) and World Wildlife Fund (WWF) on roadless area mapping and related policy support for the southern Cascadia region. Per your request, we submit this full proposal to provide science-based GIS mapping and ecological assessments of CBI (the prime applicant) combined with the national and regional science and policy outreach of WWF (sub). Before getting into the specifics of this proposal, we would like to fill you in on the latest developments in Washington, D.C.

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**Developments in Washington, D.C.**

Dominick just returned from another round of meetings with the Forest EIS team and others in Washington, DC. Apparently, the Forest Service is relying heavily on our written comments (an updated version of what we mailed you in December) especially the electronic databases we developed through our ongoing work. Confidentially, it appears the agency is going to move on establishing a no road building policy for the inventoried RARE II (>5,000 ac) roadless areas with the recommended management plans to be worked out at the regional level. As we suspected, there will be a post-EIS process concentrating in two areas. Over this year, the first priority of the Forest Service is to obtain the scientific support necessary to craft sound management policies for the larger inventoried (RARE II) roadless areas. This is a very fast turn-around for anyone and the agency is just not prepared to carry it out alone.

The EIS team also intends to recommend further refinement of management policy for the smaller roadless areas (>1,000 ac on western forests and >500 ac on eastern forests). One possible outcome will be to officially designate those roadless areas that are shown to have important conservation values as Research Natural Areas (RNAs) – the agency's most protected management designation. If the science is solid, this could translate into huge conservation benefits in a very short time frame.

Finally, the Forest Service is very eager to sign a MOU as soon as possible. The agreement is being drafted now, and we expect signatures within 60 days. The essence of the MOU is for WWF, CBI and the Forest Service to work together to create a sound, science-based roadless areas assessment. CBI and WWF will work together to actually carry out the work in southern Cascadia, but we also expect to have influence at the

national level. At the agency's urging, the MOU will be national in scope and the Forest Service has expressed desire to expand it even beyond roadless areas. During these latest meetings, Forest Service officials expressed interest in having us participate with them and a number of other federal agencies in creating a comprehensive National Biodiversity Strategy. These new developments make this better than we ever dreamed. We have a huge opportunity to influence the Forest Service and perhaps other agencies to move progressively on the roadless areas issue and perhaps others. ~~Please keep this information confidential for if it leaks out, it could damage the first most delicate stage of the process.~~

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Obviously, this project is of national and regional importance given the Administration's interest in roadless areas and the need to influence policy decisions proposed by the roadless area Environmental Impact Statement (EIS). It also focuses on a bioregion containing several ecoregions recognized by the WWF as globally outstanding and by the Packard Foundation for conservation investments. We therefore request \$650,000 from the Packard Foundation in support of (1) mapped-based assessments of roadless areas and their importance to regional conservation in southern Cascadia; (2) translation of conservation assessments into action plans to be employed in the policy arena both pre- and post-EIS at the national level; and (3) risk assessment of fire management and land disturbance activities proposed by federal agencies inside roadless areas in southern Cascadia. This grant would begin as soon as possible (as you know, time is of the essence) and carry-over into the first half of 2001 (estimated to be the most important post-EIS period) – making this approximately a 16-month project.

Concentrating on southern Cascadia, we propose two phases for this project: (1) mapping assessments and science-based outreach centered on roadless area policy and its implementation in the Cascadia region (2000-01); and (2) prioritization of aquatic conservation areas (e.g., "hot spots") and their importance in protection, acquisition, and restoration (to be submitted at a later date). The first phase of this project proposed here is designed to achieve conservation action in a timely fashion during the final days of the Clinton Administration and especially during implementation of the roadless area policy (pre- and post-EIS). It is also designed to identify the "last, best places" in the southern reaches of Cascadia by facilitating a regional prioritization and ranking process for roadless areas and other areas of high conservation value and will build on existing and ongoing work in the region by CBI and WWF. Phase II integrates the aquatic component to regional conservation in the Pacific Northwest. Together, phase I and II will provide a scientifically sound foundation for influencing policy decisions and conservation investments in the region.

For phase I, the project focuses on the Cascadia region south of the 49<sup>th</sup> parallel as defined by the Packard Foundation in its strategic planning document. This bioregion encompasses several ecoregions recognized by the World Wildlife Fund for global or regional biodiversity, including the Northern California Redwoods (globally outstanding), Central Coastal Pacific Forests (Globally Outstanding), Central and Southern Cascade Forests

(Bioregionally Outstanding), and Klamath-Siskiyou Conifer Forests (Globally Outstanding). The Southern Cascadia bioregion contains some of the largest expanses of roadless areas, wilderness areas, and Wild and Scenic rivers in the lower 48 states. This is particularly evident in the Klamath-Siskiyou ecoregion that has more than 3 million acres of roadless areas larger than 1,000 acres. Consequently, conservation of roadless areas in these ecoregions takes on national and global importance.

While our work focuses largely on Cascadia, related mapping in other ecoregions (e.g., Appalachia) and a national-assessment by CBI and WWF of forest intactness is providing a more complete picture of the status and condition of forested ecoregions throughout the nation and adds important context to the proposed work plan (see information in previous mailing for details). **Pending additional funding, we plan to summarize all our assessments into a user-friendly "state of the forest" report that will be widely circulated to conservation groups and the Forest Service, which is planning a similar initiative for release in 2003 (in compliance with the Montreal Process Criteria and Indicators of Sustainability).**

This proposal addresses the following objectives and funding needs as they relate to the southern Cascadia region and its conservation.

#### **Objective 1: Assess the Contribution Roadless Areas Make to Regional Conservation in Southern Cascadia**

##### *Background*

The Klamath-Siskiyou Conservation Assessment, largely funded by the Packard Foundation, provided the data necessary to quickly respond to the surprise announcement by President Clinton in October 1999. Immediately after the announcement, scientists at CBI and WWF saw a unique opportunity to possibly influence the U.S. Forest Service by providing scientific justification for pursuing aggressive protection of the remaining roadless areas using the Klamath-Siskiyou as our pilot case study. With extremely limited funding, we accomplished the following between October and the present.

1. In late November, a new analysis was completed for the Klamath-Siskiyou concentrating on the conservation values of roadless areas in the ecoregion at both the >5,000 ac (RARE II size) and smaller roadless areas (>1,000-5,000 ac).
2. WWF and CBI began developing official comments to the U.S. Forest Service in Washington, D.C. on the roadless areas issue. During early contacts with the agency, WWF/CBI were invited by the Forest Service and members of Congress to provide our current data and information on several studies – (1) new protected areas GIS-based database for the U.S. and Canada, (2) partial results from the national forest intactness assessment, and (3) data and analysis results from the Klamath-Siskiyou ecoregion. These were presented

to the EIS team in early December and ~~became part of the official Congressional record~~ informal briefings to members of Congress.

3. CBI/WWF prepared a peer-reviewed science paper and submitted it to the Conservation Biology Journal for review and potential publication. Encouraging feedback has been received already.
4. U.S. Forest Service requested multiple copies of the electronic databases from CBI to help them develop their initial policy recommendations.
5. CBI was chosen by the National BLM Wilderness Campaign to write the science portion of the petition to the Bureau of Land Management to examine the roadless areas issue in the same way as the U.S. Forest Service.
6. Ongoing communication between WWF/CBI and the U.S. Forest Service has led to drafting a MOU that will be signed within 60 days. **The specific details of this MOU are currently being reviewed by both parties.**

Through previous and ongoing scientific work, CBI and WWF has been successful in demonstrating its ability to produce high-quality, science-based mapping assessments useful to a wide range of users including policy makers. We believe it has been the technical expertise, fairness, and high-quality products that have opened the door for active participation with the Forest Service and possibly other agencies on roadless areas and other conservation issues.

#### **Purpose and Need:**

The Clinton Administration has publicly announced the importance science will have in rendering a final policy decision on the fate of the remaining roadless areas within the national forest system. Therefore, protecting these remaining roadless areas is heavily dependent upon our ability to demonstrate the conservation benefits using the best science available. While there have been numerous roadless area mapping exercises carried out throughout the country and southern Cascadia, assessing their individual and collective ecological benefits if protected has not been addressed with the exception of the Klamath-Siskiyou.

#### **Strategy:**

##### *Compile Baseline Databases for southern Cascadia*

The first task of any GIS-based project is to assemble the pertinent electronic databases. A large number of databases need to be gathered, combined, and readied for analysis. We have a number of databases already in house, but we anticipate a few months to pull everything together. One area of some uncertainty is in the existing roadless areas databases that have been created by agencies and other conservation organizations for the study area. Some time will be required to obtain and evaluate these

map layers. Working with the Forest Service and others, we will compile (or generate where necessary) the best roadless areas map for the region, which is fundamentally important to the assessment that follows. Databases on the larger roadless areas should not be a problem, but consistent and complete data on the smaller roadless areas may be more problematic.

#### *Roadless Area Conservation Assessment*

We plan on following a similar course of analysis that we used in the Klamath-Siskiyou in determining importance of roadless areas in all of southern Cascadia. The analysis areas include the following components:

1. Natural Heritage Element Occurrences
2. Special Features (e.g., serpentine geology, wetlands, and prairies)
3. Late Seral Forest
4. Key Watersheds
5. Representation
6. Landscape Level Considerations

By examining these 6 fundamentally important conservation topics, a solid, science-based assessment can be conducted in a timely fashion. Some of the components are inherently more complex than others due to data volume and/or complexity of analysis (e.g., late seral forest and representation assessment), but all can be accomplished under the current time constraints.

We plan on examining these components with several different objectives in mind. First, the results will be pooled in order to provide general statements about the contribution larger roadless areas (>5,000 ac) make to conservation at the region and subregional level. Second, we plan to do the same with the smaller roadless areas (>1,000-5,000 ac). Third, conservation attributes will be assigned to each roadless area individually and scored to provide the information necessary to help shape management recommendations for each roadless area. We will prioritize these analyses according to the internal policy demands imposed on the Forest Service by the Administration – most likely more information on the larger areas will be needed first followed by the smaller size class. At some point, all of the analyses will have to come together forming a more comprehensive roadless areas evaluation.

#### *Fire Management Evaluation*

One management topic will figure more prominently in the management recommendations developed by the Forest Service than any other – the role of fire and fire management in roadless areas. Based on our recent conversations with the Forest Service in Washington, D.C. and recent agency actions at the regional level, including a fire management component to this project will be fundamentally important. Inclusion of this component will make for a much stronger assessment and give us additional credibility with the Forest Service and other agencies, which is important both

scientifically and politically. If funded, Evan Frost (who has been working on this issue over the last year) will be hired as a sub for this component of the work plan.

Even with some protection status given to roadless areas, one of the greatest management threats, particularly in the drier portions of Cascadia like the Klamath-Siskiyou, will be logging proposed as a means for reducing fuel loads and fire hazards. Increasingly, the Forest Service is invoking the threat of large, catastrophic fires as justification for commercial logging in remaining roadless areas. For example, the Klamath National Forest recently released plans to remove old-growth trees and construct fuelbreaks inside roadless areas and late-successional reserves established by the Northwest Forest Plan. Similarly, the Orleans Mountain Roadless Area, portions of which were affected by the '99 Big Bar Fire, is being threatened by proposals for salvage logging under the auspices of fuels reduction to prevent the next large fire event.

The adverse consequences of silvicultural thinning, fuelbreak construction and salvage logging on biodiversity are of increasing concern to conservationists throughout Cascadia, and will become even more so if the upcoming national forest roadless area policy leaves the door open for continued logging-based fuel treatments (a strong possibility). There may be some scientific basis for proposing fuel reduction in specific roadless areas as a necessary precursor to the reintroduction of fire, but we believe these areas need to be identified using a set of ecologically-based criteria and treatments designed using the least intrusive methods possible so that risks to wildlife, water quality, and other ecosystem values can be minimized.

Given these serious concerns, the primary objectives of this component of our proposal are to: (1) develop the scientific basis for managing fire and fuels in roadless regions of southern Cascadia; (2) demonstrate how the science can be specifically applied to management of the national forests in an integrated, ecologically-sound manner; and (3) communicate our findings so as to influence federal policy and on-the-ground implementation. In order to achieve these objectives, we propose to undertake the following tasks.

*Organize and convene a workshop of recognized forest scientists to assist in the development of specific recommendations for the management of fire and fuels.*

Currently there are various competing opinions regarding the degree to which unmanaged forests and roadless areas are at risk of large, catastrophic fires, and whether fire reintroduction efforts should be coupled with mechanical fuel treatments (e.g. thinning, fuelbreaks). In order to build consensus on this issue, we propose to convene a workshop of recognized forest scientists to help: (1) determine if and under what conditions fuels management activities may be legitimately applied to roadless areas; (2) evaluate the ecological tradeoffs associated with various fuels management methods; and (3) develop recommendations for where and under what conditions various fire and fuels treatments are most likely to achieve biodiversity conservation objectives. The findings from this workshop will be translated into a written report that will be widely distributed to conservationists, land management agencies and policy makers, and also provide

materials for subsequent outreach efforts to Forest Service staff on roadless area management (described under objective #2, p. XX).

*Translate recommendations from the science workshop into an integrated fire and fuels management plan in the Klamath-Siskiyou Region.*

Once an ecologically-based framework for fire and fuels management in roadless areas has been developed, we propose to demonstrate specifically how this framework can be implemented in one portion of Cascadia, the Klamath-Siskiyou region.

Information on existing resource conditions together with recommendations from the science framework will be used to identify and prioritize specific areas that could most benefit from various treatments, while at the same time minimizing risks to biodiversity and ecosystem function. This fire and forest restoration plan will have both short- and long-term applications, and can be used to: (1) influence the direction of roadless area management in the region; (2) facilitate the development of ecologically sound restoration projects; and (3) serve as a model for other portions of Cascadia and the western U.S. where fire-dependent forest ecosystems have also been degraded by past management activities.

#### *Science Support of Translation to Policy*

Even though we have basically divided the project workload with CBI carrying out the majority of the technical tasks and WWF focusing primarily on the policy side, we plan on working together on shaping the best set of analyses and deliverables in order to make this endeavor a conservation success. We have learned through past projects, that this close working relationship is critical to success. Therefore, in addition to the products outlined below, CBI will have an active role in bringing the science to both national and regional Forest Service officials. Likewise, members of the WWF team will have some hours devoted to shaping and reviewing the science.

#### **Products:**

##### *Products for Roadless Areas Assessment Component*

- Written report(s) (format to be determined in consultation with the Forest Service) outlining the findings of the roadless area assessment
- Presentation materials for advisory meetings in Washington, D.C. between WWF/CBI and the Forest Service
- CD of data and map results needed by the Forest Service so they can incorporate the findings into their regional management plans
- One or more peer-reviewed articles outlining the findings of this project to provide support to complimentary efforts elsewhere
- One or more oral papers presented at an international conservation society meeting sharing our results with the rest of the scientific community

### *Products for the Fire Management Component*

- Workshop with scientists to develop ecological framework for roadless area management
- Report on the scientific basis for managing fire and fuels in roadless areas
- Fire and fuels management plan for the Klamath-Siskiyou region
- Outreach to agencies, policy makers and public on Klamath-Siskiyou fire/fuels management plan (e.g., as part of the roadless area workshops in objective 2)

### **Objective 2: Translate Roadless Area Mapping Assessments Into Policy Action**

#### **Purpose and Need:**

The conservation mapping assessments have produced specific recommendations on roadless area conservation that will be translated into conservation action in the following four ways: (1) policy initiatives aimed at the Forest Service; (2) policy efforts directed at Congress and other key constituents; (3) studies of the economic importance of roadless areas; and (4) conservation action alerts and media events. The need for translating conservation science into policy action has perhaps never been more urgent than now given the historic proposal of the administration to address roadless areas. Sound scientific support for roadless area conservation is key to informing policy decisions both within the Forest Service and with Congress.

#### **Strategy:**

##### *Administrative Actions*

Recently, WWF presented roadless area assessments on the Klamath-Siskiyou and Appalachia ecoregions to high-level officials of the Forest Service in DC and during Congressional briefings. Special attention was given to smaller roadless areas (< 5,000 acres) because these important areas may not receive the same level of protection under the roadless area EIS unless ecologically justified. The significance of the roadless area assessments could influence where the conservation bottom line is drawn regarding roadless area conservation (>5,000 acres vs. >1,000 acres) and provides scientific support for an all inclusive roadless area policy (all federal lands) nationwide. Based on the administration's announcement of the Notice of Intent to conduct an EIS, it is likely that the roadless area EIS will include two parts. Part I may provide immediate protection (no new roads) in RARE II (>5,000 ac) roadless areas; however, it is unclear what types of activities will be permissible (e.g., grazing, mining, helicopter logging, salvage, fire suppression, etc) at this time. Part II may defer protection of small roadless areas to the inventory process and ecological prioritizations. The second part, in particular, will likely defer management of roadless areas to the local or district level where conservation support may not be as strong as national interests. Consequently, both parts will require significant input from the mapping assessments in the development of policy decisions.

We intend to strengthen our collaborative relationships with the Forest Service through the signing of a Master Servicewide Memorandum of Understanding (MOU). This MOU will pave the way for exchanging databases, conducting agency outreach on the importance of roadless areas, roadless area mapping workshops, and the effects of fire management and other activities in roadless areas. The MOU will also provide a foundation for WWF/CBI to influence post-EIS decisions since it establishes a working mechanism for workshops and data exchange on the importance of roadless areas, particularly small ones. Given the size of the bioregion and the need to address both scientific and management levels within the agency, it will be necessary to host two workshops on the ecological importance of large and small roadless areas in southern Cascadia. The workshops will focus on providing inventory and ecological attribute data on roadless areas for development of protection policies. Fire management and access issues in roadless areas will be addressed during these workshops. In addition, all our work will be made available to the larger conservation community through the development of CD ROMs, websites, and publications.

#### *Congressional Policy and Outreach*

Part of our effort to protect roadless areas involves working with members of Congress and partnering with conservation leaning hunting and fishing groups. For the past year, WWF has developed good working relations with outdoor writers and fishing organizations and members of Congress. We are planning to continue our involvement with these groups to address access issues in a collaborative way and counter pressure from motorized recreation groups and others.

We propose to step up our efforts on policy work in Washington DC by hiring a full time policy expert (Tom Sadler) who has worked with WWF for the past year on roadless area policy. Tom will continue to work with Dominick and Jim in promoting the roadless area assessments during Congressional briefings, will help prepare the assessments for anticipated Congressional testimony on legislation (members of Congress already have indicated their interests in blocking the Clinton policy), and engage administrative actions post-EIS. Tom is formerly the President of the Congressional Sportsman Caucus and has extensive experience with moderate Republicans and hunting and fishing groups. He has developed an effective track record and is highly regarded by many members of Congress. Tom's activities are of strategic importance in building Congressional and continued agency support inside the beltway for roadless initiatives.

#### *Recreation and Economic Study*

A major threat to roadless areas is now building both nationally and regionally from off-highway-vehicle (OHV) users who are interested in securing access into roadless areas. While this issue is heating up on both sides of the debate, WWF is positioning itself to influence OHV policy in roadless areas by applying sound science to recreation policy. We are finding, however, that we need an assessment to address basic recreation questions in the region and to engage the agencies and OHV users in a

constructive way. Some of the recreation questions we are proposing include: (1) what is the overall recreation use on public lands (e.g., fishing, hunting, camping, etc) and what are the trends in recreation use vs. other uses of the national forests (e.g. logging, mining, grazing); (2) what is the breakdown in recreation use - developed vs. undeveloped; (3) how many miles of trails are open to the motorized access vs. closed to OHVs; and (4) what are the dollars spent inside and outside local communities and jobs created by recreation in developed vs. undeveloped areas? This information is vital for determining the economic value of undeveloped lands and for developing a responsible recreation policy as part of the roadless area effort. Both the BLM and Forest Service are currently reviewing their policy on OHV use and thus it is vital to link our study with OHV policy decisions affecting roadless areas. Our recreation assessment will engage conservation leaning groups in the design and implementation stages (e.g., Trout Unlimited, Izaak Walton League, Wildlife Management Institute) and will seek input from resource economists (e.g., EcoNorthwest, Humboldt State University). An expert panel consisting of these partners will be formed as part of this study and will provide oversight on study objectives, design, and recommendations as well as outreach to key constituents in the hunting and fishing community.

#### *Communication and Media Events*

WWF has a Conservation Action Network (CAN) website ([www.takeaction.worldwildlife.org/action.htm](http://www.takeaction.worldwildlife.org/action.htm)) consisting of more than 15,000 of its most active members that participate in a range of conservation action alerts. The CAN has been growing at an average monthly rate of 1,000 new members with an average response rate of 30-40% response of its members. Members can be accessed at the county, district, or national levels. Last year, WWF activated its CAN for roadless areas alerts to President Clinton and Congress and several other alerts regarding on the Klamath-Siskiyou ecoregion. More than 4,000 emails and faxes were sent to the President in support of roadless areas during one action alert alone. We propose to continue CAN alerts and media events, coinciding with significant developments around roadless area decisions affecting Cascadia (e.g., release of the EIS, attacks by Congress, release of our studies). WWF has extensive communications and education departments in DC that will be employed during CAN alerts and national press events, and we are working with Pyramid Communications in Seattle on regional press for its Klamath-Siskiyou program. CBI also has a frequently visited website and we plan on posting ongoing products and announcements there as well.

#### **Products:**

- Information packets on importance of roadless areas mailed to members of Congress
- Congressional and administrative (CEQ, BLM, Forest Service) briefings on roadless areas and the CBI/WWF studies
- Briefings/meetings with conservation leaning hunting and fishing groups concerning the recreation study and agency rule makings on OHV use

- **Advocacy with conservation partners on recreation issues affecting roadless areas (e.g., Outdoor Recreation Council of America, hunting/fishing community)**
- **Signed MOU with the Forest Service**
- **Regional and pilot projects and workshops with the Forest Service on roadless area conservation and management (including members of Congress)**
- **Economic study on value of roadless areas**
- **Media and Conservation Action Alerts, including press briefings, presentations to the Outdoor Writers Association, guest columns, op-eds, visits with editorial boards, and conservation action alerts on roadless areas.**

#### **Proposed Budget:**

We know this proposal outlines a significant level of effort and carries with it a large budget, but we have tried to make the budget reflect our needs as closely as possible. There are always some unknowns when a project of this magnitude is developed, but we feel confident that the budget as proposed will cover the costs of producing the deliverables as outlined. Additional funding is being pursued elsewhere to cover for budget shortfalls caused by the unanticipated roadless areas work from the last 4 months and to broaden our national forest assessment work. If these other fundraising efforts are successful, we will be able to develop additional analyses and products (e.g., State of the Nation's Forests Report and CD) making the whole greater than its parts. Since the budget for this proposal is large, it may be more desirable from the foundation's perspective to stagger grant payments for between 2000 and 2001. The budget outlined below is written with this in mind, but we are flexible in terms of payment schedule.

DON YOUNG, CHAIRMAN

U.S. House of Representatives  
Committee on Resources  
Washington, DC 20515

# **FAX COVER SHEET**

To: Mike Dombeck

ACU  
NFS  
Chicago  
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Organization: Forest Service, Chief

**Fax:** 205-1765      **Phone:** 205-1661

**Number of Pages (including this cover):** 4

**From:** Don Young (Andrea Nagy)

**Date:** 04/12/00

**Comments:** \_\_\_\_\_

DON YOUNG, CHAIRMAN

**U.S. House of Representatives**  
**Committee on Resources**  
**Washington, DC 20515**

April 11, 2000

Mike Dombeck  
Forest Service Chief  
Department of Agriculture  
201 14<sup>th</sup> Street SW  
Washington, D.C. 20250

Dear Chief Dombeck:

The Resources Committee of the U.S. House of Representatives, has oversight and investigative authority over all matters within the jurisdiction of the Committee, including matters regarding the United States Forest Service.

I am initiating an oversight review concerning an apparent requirement that Forest Service vehicles must be painted the particularly unappealing, Federal Standard 595, color chip No. 14260, green. As recently reported in the press, repainting these trucks is very costly.

Upper management of the Forest Service is aware that the unappealing, Federal Standard 595, color chip No. 14260, green is no longer available from the manufacturer but you insist that new vehicles be repainted that color. In fact, my Committee staff was informed that you yourself "wanted it that way." Management is also aware that repainting the vehicles the Federal Standard 595, color chip No. 14260, green costs \$3,000 or more.

Frankly, I am unsure, given your recent policies that seek to close roads and build no more roads, why the Service needs any new vehicles, let alone Federal Standard, 595, color chip No. 14260, green vehicles. At the rate the Gore-Dombeck Forest Service Administration is going, there will be very few Forest Service roads left to drive your Federal Standard 595, color chip No. 14260, green vehicles on.

Every time a new truck or vehicle is repainted, the Forest Service is wasting the American taxpayers' money. Tax dollars should not be spent irresponsibly to satisfy some bizarre compulsion of the Service to have Federal Standard 595, Color No. 14260, green vehicles.

It is shameful that the Forest Service is willing to spend \$3,000 to repaint a truck when that same money could be used, for example, to improve school facilities and programs. America is a country of great material abundance but to maintain and to advance this level of well-being, it is crucial to halt frivolous government spending.

Chief Dombeck

Page 2

I want to know precisely how much money has been wasted on painting Service vehicles and ask for your assistance in answering the following questions. Also, provide the necessary data to support your claims.

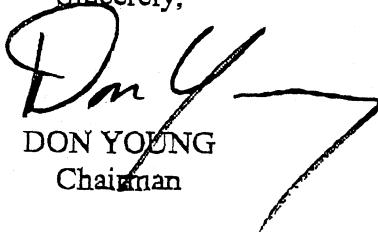
1. How many vehicles does the Forest Service have in its fleet?
2. How many vehicles are painted green?
3. How many vehicles are painted a color other than green?
4. How many vehicles has the Forest Service added to its fleet in each of the past five years?
  - A. How many of the new vehicles added over each of the past five years required painting?
  - B. How many of the new vehicles were repainted?
  - C. How much did it cost to paint each vehicle?
5. Please provide your legal basis for requiring vehicles to be painted green.
6. Please provide all records that indicate internal requests that money not be spent to paint new vehicles green.
7. How many vehicles is the Forest Service adding to its fleet in this fiscal year?
8. What are the color specifications for the vehicles added to the fleet this fiscal year?
9. How much money is budgeted to paint each vehicle to be added to the fleet this fiscal year?
10. When did the factory discontinue the green color specified for Forest Service vehicles?
  - A. How many vehicles have been purchased since that time?
  - B. How many vehicles have been painted green since that time?
11. How much does it cost to paint Forest Service vehicles green?
12. Has any Forest Service officials refused to paint vehicles green?

Chief Dombeck

Page 3

Please provide the answers to these questions and any records requested by 3:00 p.m. on Friday, April 14, 2000. Thank you for your cooperation with this review of matters under the jurisdiction of this Committee. I request that you provide a written response to this request within three days of the date of this letter to the attention of Andrea Nagy, 1324 Longworth House Office Building. Should you or your staff have any questions, please contact Ms. Nagy at (202) 226-4913. Thank you for your cooperation with this review.

Sincerely,

  
DON YOUNG  
Chairman



NFS

# GOVERNOR'S COUNCIL ON FORESTRY

## STATE OF WISCONSIN

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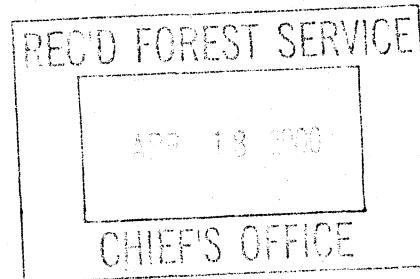
Cathy Nordine  
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Milwaukee



April 12, 2000

Mr. Mike Dombeck, Chief  
USDA Forest Service  
14th & Independence, SW  
PO Box 96090  
Washington, DC 20090-6090

Dear Mr. Dombeck:

The Wisconsin Governor's Council on Forestry appreciated hearing your thoughts on the impact of the roadless area initiative on Wisconsin as stated in your March 1, 2000 letter to Bob Govett. Forest Supervisor Lynn Roberts and Deputy Forest Supervisor Bob Lueckel have made presentations and answered questions at Governor's Council meetings. Their presentations provided as much information as they had available on this National policy. The Council was finally able last month to obtain a map showing the general location of the eight inventoried roadless areas being examined on the Chequamegon-Nicolet National Forest. The "Inventoried Roadless Areas" map dated March 2, 2000 shows that if the initiative is approved the area of potential no harvest will increase from the current 3 percent to 8 percent of the Chequamegon-Nicolet.

We were both pleased and disheartened to hear that the Chequamegon-Nicolet Forest was one of the top timber-producing forests in the National Forest System. I want to put that information in perspective from Wisconsin's point of view. The average annual sales figure of 110 million board feet divided by the 1.5 million acre forest yields a property wide average harvest of 73 board feet per acre per year. Wisconsin has 2.34 million acres of county forest that are owned and managed by twenty-nine different counties in partnership with the state. These forests produce on average 300 million board feet per year. The same calculation shows the county forests are producing a property-wide average of 127 board feet per acre per year. Wisconsin's county forests are not just producing timber but provide a wide variety of multiple uses opportunities to our citizens including over 1,990 camp sites, 158 miles of Cross County ski trails, 285 miles of ATV trails, 59 miles of horse trails, 182 miles of mountain bike trails, 168 miles of designated hiking trails and 1,423 miles of snowmobile trails. The County Forest System also protects and manages over 55,000 acres of county-owned natural areas containing unique, rare, threatened, endangered or special species or ecosystems. The county forest are providing the same and in many cases more of the rare and vanishing values you sight in your letter (clean drinking water, habitat for fish and wildlife, hunting and fishing, recreation opportunities, reference areas for research, etc.) while also providing a sustainable harvest of forest products. The Chequamegon-Nicolet is currently harvesting less timber compared with other public forests in the state and this proposal just exacerbates that issue.

We still have significant concerns with regard to the process being used to push this initiative forward and the apparent lack of concern for the local communities impacted. We are unclear and trust answers will be forthcoming. The criteria and the process seem inconsistent and vague which make it difficult for local residents to make meaningful comments.

The Council strongly believes implementing this proposal will shift a higher burden for providing forest products onto other lands in the state, region, country or foreign lands. The public needs to understand this impact and be able to assess the trade-offs associated with closing additional public lands to management. Making this decision without consideration of, and public dialogue on, the ripple effects merely increases society's tendency to divorce their resource consumption from resource production

The Council is looking forward to reviewing and commenting on the draft Environmental Impact Statement (EIS) due out this spring. Our hope is that it is a comprehensive document that examines all of the major potential impacts and addresses a wide range of alternatives for management and conservation. We strongly encourage the Forest Service to provide a minimum of 160 days to comment on the draft EIS.

Thank you for your letter and your consideration of our concerns.

Sincerely,



Dan Meyer

Chair

cc: Governor Tommy Thompson  
Wisconsin Governor's Council on Forestry  
Wisconsin Congressional Delegation

roadless



STATE REPRESENTATIVE

MARK MILLER

April 17, 2000

APR 28 REC'D

Michael Dombeck, Chief  
U.S. Forest Service  
P.O. Box 96090  
Washington, DC 20090

RECD FOREST SERVICE

APR 24 2000

CHIEF'S OFFICE

Dear Mr. Dombeck,

**Please adopt a policy to protect roadless areas in our national forests.** We, in Wisconsin, understand the critical importance of intact and undamaged pristine wild areas. The citizens I represent cherish these wild areas as places of recreation and spiritual renewal. A recent poll showed that 88% of likely Wisconsin voters are in favor of roadless area protection.

Wisconsin is fortunate to have some of this nation's most impressive national forests. The Chequamegon and Nicolet National Forests in northern Wisconsin are important recreational spaces and critical habitats for a variety of wildlife. Wisconsin is attempting to restore elk, wolf, and bear to its forests. These magnificent animals require significant areas of interconnected wilderness in order to flourish.

Roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents.

I urge you to adopt a roadless areas protection policy which protects existing roadless areas, 1000 acres and larger, in all national forests. We need to protect these remaining wilderness areas from logging, road-building, mining, commodity development, and other habitat-destroying practices.

I recognize that you are under congressional mandate to manage the national forests for mixed use. However, wilderness does not mix well with any other use except recreation. Adopting a meaningful roadless policy will help assure that a wilderness use is maintained. This is consistent with your mandate. The public's interest will be best served in you succeed in establishing such a strong forest protection policy.

Sincerely,

*Mark Miller*

Mark Miller  
State Representative  
48th Assembly District

Received in FS/CCU  
Initial: 3pc  
Control No: 415-2573

CC: Senator Russ Feingold 716 Hart Senate Office Bldg., Washington, DC 20510  
Senator Herbert Kohl 330 Hart Senate Office Bldg., Washington, DC 2051

State Capitol Address: P.O. Box 8953 Madison, Wisconsin 53708 • (608) 266-5342 • Fax: (608) 282-3648  
E-Mail: rep.miller@legis.state.wi.us • Web Site: www.miller4wi.org

**Congress of the United States**  
**Washington, DC 20515**

June 1, 2000

The Honorable Dan Glickman  
Secretary  
Department of Agriculture  
14<sup>th</sup> and Independence Ave., S.W.  
Washington, DC 20090

Dear Secretary Glickman:

As you may know, earlier this week Vice President Gore spoke at a campaign event with the League of Conservation Voters in Wisconsin on the Forest Service's ongoing roadless area rule-making. This proposed rule was published in the May 10, 2000 Federal Register. The Forest Service is accepting public comments on the proposal until July 17, 2000. Currently, the Agency has public meetings on the proposal underway throughout the country.

In his remarks in Wisconsin, Vice President Gore stated that he would assure that there would be "no more destructive development, new-road building, or timber sales in the roadless areas of National Forests -- including Alaska's Tongass National Forest" (see attached). Clearly, the Vice President has already selected Alternative 4 (and, for the Tongass, Alternative T4) from the range of alternatives in the Draft Environmental Impact Statement accompanying the May 10 proposed rule. Unfortunately, the Vice President is a bit premature in his decision-making since: (1) the public comment period on the proposal has not closed; and (2) the public is being asked by your Department to offer views on a broad range of alternatives, including some that violate the Alaska National Interest Lands Conservation Act.

We and many of our colleagues have previously informed you of our concerns about whether this rule-making is being conducted in a fair and unbiased fashion, and in compliance with the requirements of the National Environmental Policy Act (NEPA) and the Administrative Procedures Act (APA). For instance, on January 6, 2000, Senator Larry Craig wrote to you concerning your December 7, 1999 public remarks that "road building would be prohibited on 45 million pristine acres of national forest land." You responded on January 24 that "I appreciate your raising this issue. Let me be clear. The Department of Agriculture (USDA) has not yet made a decision about how roadless areas will be protected . . . No decisions will be made until USDA has completed an open and public rule-making process, ending with a signed final rule and release of a final environmental impact statement (EIS)."

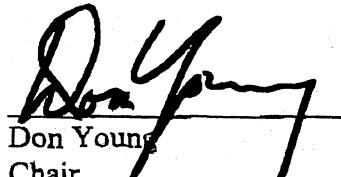
Regrettably, Vice President Gore has already made and announced his decision, specifically selecting a final alternative from the range of alternatives in the proposal. His statement is sufficiently precise in the context of the proposed rule to remove any question about his remarks being misunderstood. His untimely interjection at a campaign event threatens to fatally taint the balance of the rule-making process and the final rule.

Therefore, we respectfully request your assurances that the Vice President will immediately recuse himself in writing from any involvement in the issue, including the development of the final rule and accompanying EIS. Since this rule-making follows a Presidential directive, White House involvement in the final rule is unavoidable. Indeed, Executive Branch documents provided to our Committees already show considerable, and arguably improper, White House involvement in the development of the rule.

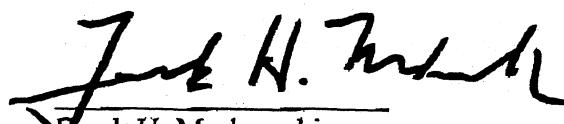
The Vice President has, in our view, disqualified himself by his remarks from participating in any further activity on this rule. Moreover, any Executive Branch employees who accompanied the Vice President or helped him prepare for this political event are similarly disqualified. By copy of this letter, we are requesting the Vice President to send us: (1) a list of current Executive Branch employees so affected; (2) their letters of recusal; and (3) a summary of any expenses they incurred, and how they were reimbursed.

Failure on the Vice President's part to clearly recuse himself and his immediate staff in writing from any further involvement in the rule-making process will encumber the final rule with serious NEPA and APA deficiencies, and likely statutory violations beyond those that may already exist. We will await your response to this request. Thank you for your consideration of this matter.

Sincerely,



Don Young  
Chair  
Resources Committee



Frank H. Murkowski  
Chair  
Energy & Natural Resources Committee

cc. Vice President, Al Gore

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## **Making the Next Ten Years the "Environmental Decade"**

### **Gore Vows to Fight for Clean Air and Water, Calls for Protection of America's Last Wild Areas**

Milwaukee - May 30 - Speaking to Wisconsin residents and environmentalists on the shores of Lake Michigan, Al Gore today vowed to protect the environment while maintaining economic growth. Gore said he would stand firm against any rollbacks of federal protections for clean air and clean water, vowed to clean up air pollution from the dirtiest power plants, called for protecting pristine roadless areas in our National Forests - including Alaska's Tongass National Forest - and restated his opposition to oil drilling in the Arctic National Wildlife Refuge.

Gore was endorsed today by the League of Conservation Voters, a national environmental organization that works to elect candidates to federal office. The priorities Gore outlined would be part of his goal of continuing to grow the economy while making the next ten years the "Environmental Decade."

"None of our children should have to worry whether the water they drink is pure or the air they breathe is clean," Gore said. "We have proven, once and for all, that pollution does not have to be the price of prosperity. If Congress ever passes a measure that would unacceptably undermine our environment or weaken critical public health protections, I will veto it."

Gore called on those who care about protecting the environment while maintaining economic growth to join in making the next ten years the Environment Decade. Specifically, Gore would:

- \* Enforce realistic, achievable air quality standards. He would work to clean up pollution from power plants and protect the Great Lakes from threats like mercury contamination with clear, enforceable performance standards for power plants.
- \* Oppose any Congressional actions designed to roll back protections for clean air and clean water. Anti-environmental forces in the Republican-controlled Congress have repeatedly attached anti-environmental language to spending bills and other legislation.
- \* Make it a priority to protect the country's last remaining wild places. This would mean no more destructive development, new road-building or timber sales in the roadless areas of National Forests -- including Alaska's Tongass National Forest, America's great temperate rain forest. The Forest Service

## Gore 2000: Making the Next Ten Years the "Environmental Decade"

Page 2 of 2

would preserve these areas for wildlife and outdoor recreation - including fishing and hunting. He also said he would never agree to oil drilling in the Arctic National Wildlife Refuge.

\* Take decisive steps - not only in the U.S. but also in developed and developing nations - to reverse the rise in global warming in a way that creates jobs. He would aggressively pursue a global market for new energy technology that is expected to reach trillions of dollars over the next two decades.

\* Encourage smarter growth and more livable neighborhoods with measures enabling communities to protect open space and fight traffic congestion. Gore would provide \$2 billion in tax cuts and other new measures to help preserve land threatened by sprawl and to ensure working families in urban and suburban communities easy access to parks and other green spaces.

\* Oppose all new oil and gas drilling off the coasts of California and Florida - and continue the moratorium on new offshore drilling leases nationwide.

Gore's first lessons about the importance of protecting the environment came from his childhood. Working on his family's farm in Carthage, Tenn., he learned about the importance of preventing soil erosion. His mother, Pauline, was moved by Rachel Carson's expose on harmful pesticides, *Silent Spring*, and the family discussed it at the dinner table. He learned from his parents that "each of us in our daily lives -- and all of us as a society -- have to safeguard the Earth that sustains us," Gore said.

As a Member of Congress, Gore held early hearings on toxic waste in the 1970s, which helped to expose the illegal dumping of billions of pounds of toxic chemicals. He fought side-by-side with the League of Conservation Voters to pass the original Superfund law for toxic waste cleanup. Gore was also a leader to promote early research into global warming and worked to speed up the phase-out of chemicals that threaten the Earth's protective ozone layer. Over the past seven years, Gore has helped make the Administration "the most pro-environment in a generation," according to Time magazine.

# # #

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07/17/00 MON 20:01 FAX

FRANK H. MURKOWSKI, Alaska, Chairman

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 DON NICKLES, Oklahoma  
 LARRY E. CRAIG, Idaho  
 BEN NIGHTHORSE CAMPBELL, Colorado  
 CRAIG THOMAS, Wyoming  
 GORDON SMITH, Oregon  
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ANDREW D. LUNDOQUIST, STAFF DIRECTOR  
 DAVID G. DYE, CHIEF COUNSEL  
 JAMES P. BEIRNE, DEPUTY CHIEF COUNSEL  
 ROBERT M. SIMON, DEMOCRATIC STAFF DIRECTOR  
 SAM E. FOWLER, DEMOCRATIC CHIEF COUNSEL

# United States Senate

COMMITTEE ON  
 ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

ENERGY.SENATE.GOV

July 17, 2000

Mr. Mike Dombeck  
 Chief  
 U.S. Forest Service  
 Department of Agriculture  
 14<sup>th</sup> & Independence Ave, SW  
 Washington, DC 20090-6090

Dear Mike:

Given the number of Forest Service employees who were kind enough to send me a copy, I could not help reading your June 30<sup>th</sup> letter to all employees. I suppose that it is appropriate for you to send such a letter immediately before the Independence Day holiday, because you seem to be declaring the Forest Service's independence from the balance of the federal government, the laws governing federal agency activities, and the utilization of simple common sense.

Under the provisions of the Administration Procedures Act, the National Environmental Policy Act, and the National Forest Management Act, we have allowed you to propose regulations, but required you to accept public comments thereon, and to use those comments to evaluate how and whether to best proceed. The public comment period is supposed to provide agencies with necessary information to modify the direction and substance of rule-making.

To be sure, over the years some elements of the public have become jaded about the sincerity of one or another agencies' effort to hear their reviews. But agency heads have, at a minimum, at least tried to give the pretense that the public's views are important. You do not.

Your statement in the letter that "collaboration, however, does not alleviate our responsibility to make decisions that we believe in the best long-term interest of the land or the people who depend on and enjoy it," represents the height of arrogance. Such a clearly decisional pronouncement during the middle of the comment period on the roadless area rule emphatically demonstrates that your mind is closed. Combined with previous pre-decisional statements by the President, the Vice President, the Secretary, and yourself, your actions are fatally tainting both this rule-making, and the Forest Service's reputation for integrity for years to come.

Worse yet, this statement strongly indicates that you are either unwilling, or perhaps unable, to appreciate what is required to successfully practice collaborative stewardship. That is especially distressing, because it calls into direct question your sincerity on a number of other matters that we have previously discussed. The -- we're willing to chat, but we know best -- tone of your June 30 letter is both unhelpful and a throw-back to pre-NEPA agency behavior.

I also fear that the hubris evident in phrases such as "we have changed the tenor of the debate;" has left you at least slightly delusional. I can find no other explanation for the statement immediately following that "no longer is our agenda dictated by litigation, lawsuits, and controversial appropriations" [sic] riders."

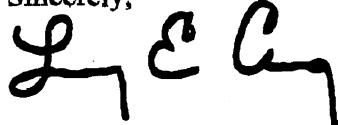
In case you have not been following closely, your proposed roadless area rule is the subject of three pending lawsuits already. Your Northwest Forest Plan is mired in litigation and dead in the water. As a consequence of recent litigation, you have lost the ability to conduct de-minimis timber sales using a Finding of No Significant Impact under NEPA. Last month, you lost a lawsuit over your cancellation of the Alaska Pulp Corporation's timber sale contract that exposes you to \$1.4 billion in liability – an amount that represents 50% of the total budget appropriated to the Forest Service last year. Last week, environmental litigants filed suit to try to stop timber harvesting completely in the Forest Service's southern region. I suggest you spend some quality time with your Office of General Counsel in the very near future.

As to appropriations riders, I will be going to the Senate floor later today to defend your forest management budget once again from the annual raid attempted by national environmental groups and their allies. Nothing has changed on this front. With respect to my interest in an amendment to assure that you comply with the Federal Advisory Committee Act (FACA), you should understand that I have decided to forebear from acting for the time being. I have not foresworn from congressional action indefinitely. For now, I am content to await court proceedings scheduled in August. Depending upon the outcome of those proceedings, Congress may not be required to act to correct these FACA violations, or I may take this matter up again when the Interior Appropriations bill reaches Conference later this year.

It may well be that you are, as your letter boastfully suggests, "at the forefront of the public lands debate." Only time will tell whether the political front lines are the best place to secure scientifically sound, balanced and stable, long-term resource management goals.

Mike, I found your letter both arrogant and offensive. I look forward to discussing this with you at our oversight hearing later this week.

Sincerely,



Larry E. Craig  
Chairman, Subcommittee  
on Forests and Public Land  
Management

**RON WYDEN**  
OREGON

516 Hart Senate Building  
Washington, DC  
20510-3703  
(202) 224-5244

Web site:  
[www.senate.gov/~wyden/](http://www.senate.gov/~wyden/)

**United States Senate**  
WASHINGTON, DC 20510-3703

July 17, 2000

The Honorable Dan Glickman  
Secretary of Agriculture  
U.S. Department of Agriculture  
14<sup>th</sup> & Independence Ave.  
Washington, D.C. 20250

Dear Secretary Glickman:

**Committees:**

Budget  
Commerce, Science  
& Transportation  
Energy & Natural Resources  
Environment & Public Works  
Special Committee on Aging

**Oregon State Offices:**

700 NE Multnomah St  
Suite 450  
Portland, OR 97232  
(503) 326-7525

151 West 7th Ave  
Suite 435  
Eugene, OR 97401  
(541) 431-0229

Sac Annex Building  
105 Fir St  
Suite 291  
La Grande, OR 97850  
(541) 962-7691

U.S. Courthouse  
310 West 6th St  
Room 118  
Medford, OR 97501  
(541) 858-5122

The Jamison Building  
131 NW Hawthorne Ave  
Suite 107  
Bend, OR 97701  
(541) 330-9142

707 13th St, SE  
Suite 285  
Salem, OR 97301  
(503) 589-4555

I am writing, first, to reiterate my support for the Administration's efforts on behalf of protecting roadless areas. I support much of the President's roadless proposal for one reason: Protecting additional unspoiled areas can produce gains for our fish runs, habitat, and watershed quality that outweigh the benefits of commercial development on these lands.

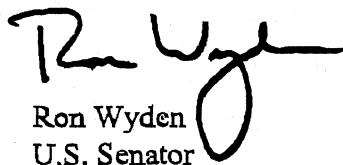
Further, I wish to make you aware of my concern for what I believe may be an unintended consequence of the current roadless proposal. The Forest Service is currently considering the Draft Environmental Impact Statement for the construction of the Pelican Butte ski area in the Winema National Forest located near Klamath Falls in southern Oregon. In 1997, I urged the Administration to include the national forests on the west side of the Cascade mountains in the 18-month forest road building moratorium. Had my counsel been followed then, the placement of roads within the Pelican Butte project would have been decided three years ago. The Administration chose, instead, to exclude westside forests, and as a result, both the project proponents and the Forest Service have worked for the last three years in good faith on the understanding that new restrictions on roading would not apply in the Cascades.

Despite the years of effort and millions of dollars Pelican Butte has expended in order to address the significant environmental concerns raised by the Governor, myself, and your agency, the Administration's newest proposed rule to halt road construction in currently roadless areas would effectively bring to a halt the resort's efforts to meet these tough environmental requirements. Changing the rules of engagement in the middle of the game could raise a legitimate issue about the impact of the new proposal, and will only serve to increase the cynicism of the public about the fairness of the federal government's administrative process.

As I have stated earlier in correspondence to you, if it is to go forward, the Pelican Butte ski area must meet all the environmental hurdles laid out by the Forest Service, U.S. Fish and Wildlife Service, the U.S. Environmental Protection

Agency and the National Marine Fisheries Service. It must also meet the stringent guidelines for management that foster the development of late successional reserve (LSR) forests and the protection of threatened and endangered species. However, considering the years of work that have been invested into this proposal by its proponents, the Klamath Falls community and this Administration, the Pelican Butte ski area Draft Environmental Impact Statement should be evaluated on the basis of the law and policy guidance that existed at the time that the decision was made to exclude westside forests from the roadless moratorium.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Wyden".

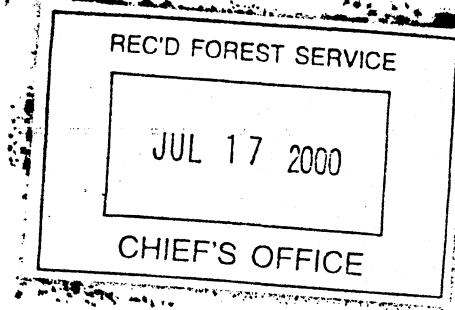
Ron Wyden  
U.S. Senator

# Congress of the United States

Washington, DC 20515

July 11, 2000

Mike Dombeck  
Chief, U.S. Forest Service  
P.O. Box 96090  
Washington, D.C. 20090-6090



Dear Chief Dombeck:

On behalf of our constituents, we are writing to request a 120-day extension of the public comment period for the draft environmental impact statement (DEIS) and proposed regulations to protect roadless areas within the National Forest System. Due to several factors, including the fact that many individuals did not receive the complex and extensive DEIS until just recently, we believe the original 60-day period will not provide our constituents with adequate time to review and comment upon this far-reaching proposal.

It has recently come to our attention that at the end of June - as few as two weeks prior to the end of the comment period - many individuals who requested copies of the DEIS prior to release of the rulemaking or shortly thereafter still had not received it. We do not know the reason for the delay, but assume that the Forest Service simply did not print an adequate number of copies or encountered difficulties distributing it. Regardless of the cause, we believe it is unreasonable to expect our constituents to provide meaningful comment on the proposed rule when many are being afforded only two weeks to review and analyze the complicated 700-page document. To not extend the original comment period in the face of this delayed release would, we believe, significantly degrade the quality and quantity of public comment and be contrary to the spirit of public involvement in the rulemaking process.

As you are aware, this is the Forest Service's fifth major national policy initiative in six months, including the proposed planning regulations and the road management and transportation system regulations. While these proposals and policies have been released separately, in some way each correlates to the other and to this proposed roadless area protection rule. Despite this interrelationship, the Forest Service has failed to explain either how the various proposals interrelate or about how they cumulatively impact the management of the National Forest System. As you may be aware, this has caused a great deal of confusion within the interested public, making it extremely difficult for many individuals to understand and meaningfully comment on this roadless rulemaking.

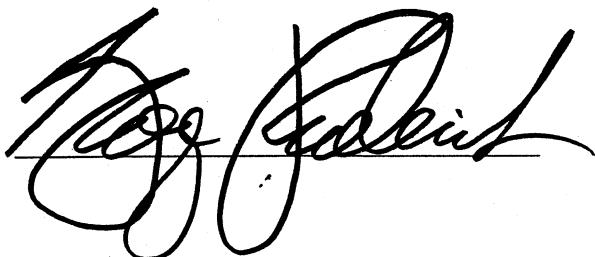
Furthermore, the public is being asked to participate at many public meetings yet is forced to choose between meetings within their state because of overlapping schedules. This, too, has inhibited public involvement in this rulemaking.

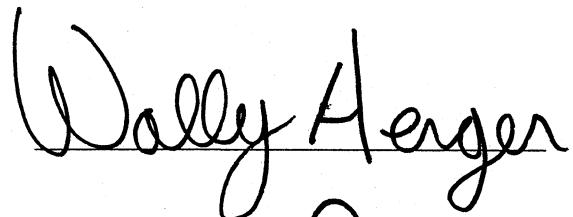
Chief Dombeck, we see no need for urgency in this process. On the contrary, given the far-reaching nature of this proposal and the large-scale social, economic and environmental impacts to the people we represent, it would be prudent for the Forest Service to take greater care in ensuring the public is being adequately represented in this process. We believe it has failed to do so thus far.

Mike Dombeck  
July 11, 2000  
Page 2

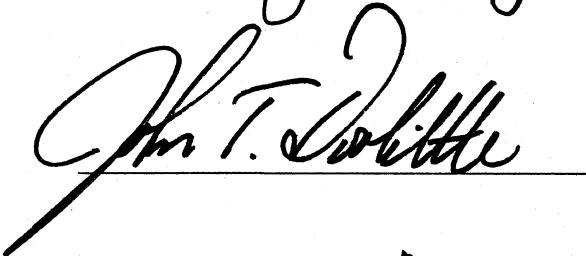
We therefore ask you to extend the comment period by 120 days, to allow those who just recently received a copy of the DEIS adequate time to review it and provide written comment. We look forward to your response.

Sincerely,



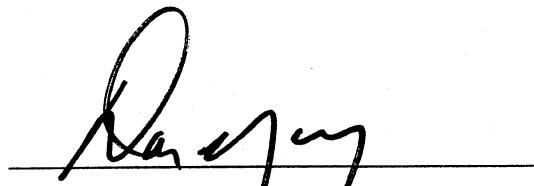






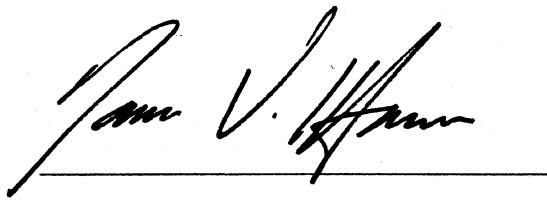


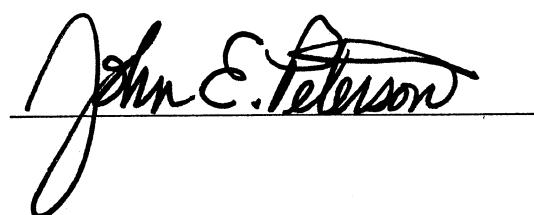


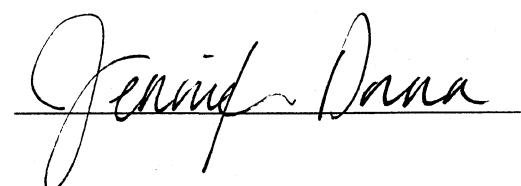












Mike Dombeck  
July 11, 2000  
Page 3

Richard Pondo

John

Sue Harrold

Buck Jackson

Randy Dick Reinier

Bill Thomas

Wally

J.D. Heyward

Mike Flynn

Drey Baldwin

Jack Metcalf

Jim Gibbons

B.S. Shaffer

De Ann Emerson

Bob St

Barbara Culan

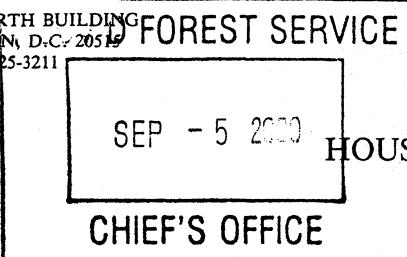
Mike Dombeck  
July 11, 2000  
Page 4

S. Dombeck  
Dick Zel

Ray R. Matthews Jr.

RICK HILL  
FOR ALL MONTANA

1609 LONGWORTH BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-3211



UNITED STATES  
HOUSE OF REPRESENTATIVES

OFFICE OF THE  
SECRETARY OF THE  
U.S. BANKING AND  
FINANCIAL SERVICES  
2000 AUG 30 P 1:22  
SMALL BUSINESS  
COPIES:

August 22, 2000

Dan Glickman  
Secretary of Agriculture  
14th Street and Independence Avenue SW  
Washington DC 20250

Dear Secretary Glickman:

As you know, the fires in the western part of our country are at a historic high. However, the fires are not only having a devastating effect on our nation's forest, but also on cattle and other livestock producers across the West.

The same conditions that have caused these historic fires are a result of a severe drought that has gripped the entire western third of our nation. Due to these conditions, livestock producers are facing a severe crisis. Drought, along with these fires, has left producers without summer and winter feed for their livestock.

With these historic conditions in mind, I would like to ask for your help in providing emergency feed assistance for those affected producers. This emergency feed assistance program could prove to be the difference for many of the affected producers. This assistance should not only provide for those producers whom have lost their pastures due to drought conditions, but also the fires that are raging across the west. To the extent that Congress can be helpful in the current appropriations cycle, I would appreciate your advice and guidance.

I would also like to ask for your assistance, through the U.S. Forest Service, in aiding local private landowners who are trying to protect their own property from advancing fires. In many instances, particularly on the Toston fire near Helena, property owners who wish to cut lines on their property in an effort to halt the blazes, but which also require cutting into Forest Service lands, are being denied. I believe that denying these requests is short-sighted, as these landowners are merely trying to prevent further losses to fire. While the current efforts are on protecting life and structures, for many of these ranchers, their land is their life.

While relief from this devastating fire season is still more than a month away, we will not be able to determine how many forest service allotments will be affected by these fires. We need to be prepared to provide some assistance to those producers who have lost their Forest Service allotments due to fire and/or drought.

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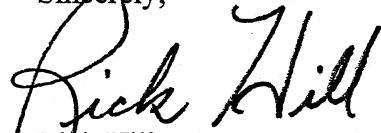
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I would like to thank you in advance for your attention to this sensitive issue. Feel free to contact me if there is any additional information that my office could provide for you.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Hill".

Rick Hill

Congressman for all of Montana

FRANK H. MURKOWSKI, Alaska, Chairman

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# United States Senate

COMMITTEE ON  
 ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

ENERGY.SENATE.GOV

August 23, 2000

The Honorable Mike Dombeck  
 Chief  
 U.S. Forest Service  
 14th & Independence Ave., SW  
 Washington, DC 20090-6090

Dear Chief Dombeck:

Thank you for your letter of August 2, 2000. While you were not responsive to my letter of July 17, I agree that we should strive to continue a cordial working relationship. I am also eager to meet in early September to discuss and resolve my concerns raised by the attached August 15, 2000, internal Forest Service memorandum.

The attached memorandum is a reply to Dave Thomas, the Regional Fuels Specialist for Region 4, from Chuck Dull, the Data Team Co-Leader for your roadless area initiative. Scott Conroy, the Roadless Team Leader, and several other parties are copied on the reply. In the memorandum, Mr. Dull rejects the offer of revised, more recent, and more accurate fire condition class data and maps for some number of individual national forests for use in the roadless area initiative. Dull is specifically concerned that the use of the newer and more accurate data "would jeopardize our analysis procedures used in the DEIS [Draft Environmental Impact Statement] for the analysis of fire conditions within the inventoried roadless areas across the country."

I am informed that the new data and maps for the Boise, Payette, Sawtooth, and Salmon National Forests would, for example, show higher fire condition classes (and, consequently, a higher risk of wildfire) for the roadless areas on these national forests than depicted on the older, less accurate, Forest Service regional maps being used in the roadless DEIS. I am further informed that the lower fire risk depicted on the older regional maps seemed anomalous to many fuels and fire specialists in the Forest Service and was, or should have been, subject to question in the first place. Ironically, one of these roadless areas on the Salmon National Forest has largely been consumed by the Clear Creek Fire Complex.

Chief Mike Dombeck

August 23, 2000

Page 2

Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) has consistently advised federal agencies that they are obliged to use the most current and accurate data available in the development of NEPA documents. Also, CEQ has advised that agencies are not at liberty to pick and choose which information they use or, as is the case here, ignore inconvenient data in their environmental analyses under NEPA.

Further, Chapter 1920 of the Forest Service Manual clearly requires the Agency to "obtain the most current data available" for land and resource management planning (at 1920.3(3)). It is difficult to accept your repeated boasts that the roadless area initiative is the most comprehensive and credible public planning process ever undertaken by the Forest Service in the face of the revelation in the attached memorandum.

Moreover, the courts have held that the Forest Service has a duty to include, in the final EIS on future management of currently-roadless areas in the National Forest System, the latest Forest Service information on fire risks in these roadless areas and on roadless area land status after the summer 2000 fires. "NEPA ensures that the agency will not act on incomplete information, only to regret its decision after it is too late to correct." *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 371 (1989). Thus, an adequate EIS must contain the "best possible information" that is currently available. 46 Fed. Reg. 18026, 18036 (March 1, 1981) (CEQ's answers to 40 most asked NEPA questions).

This duty to include the latest information and studies in an EIS is reflected in several NEPA regulations. They include the 40 C.F.R. § 1502.22(a) duty to collect and include in an EIS the latest relevant information, the § 1502.24 duty to ensure the "professional integrity" of the information in an EIS, and the § 1502.9(c)(ii) duty to even supplement a completed final EIS if there are "significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts."

The Forest Service would be violating NEPA if it were to rely exclusively on the older information in the final EIS and were to not address the relevance of the latest data. The failure of an EIS to consider relevant new studies or information, and its reliance on "stale...evidence" renders an EIS inadequate. *Seattle Audubon Society v. Espy*, 998 F.2d 699, 703-04 (9th Cir. 1993); *see Portland Audubon Society v. Babbitt*, 998 F.2d 705, 708-09 (9th Cir. 1993). Since NEPA requires that new information be included in an EIS "at the earliest possible time," an EIS violates NEPA if available new information is not included in the "original NEPA documents" and, instead, is included only in later-issued materials. *Idaho Sporting Congress v. Alexander*, \_\_\_ F.3d \_\_\_, 2000 WL 1159325 at \*4-5 (9th Cir. Aug. 17, 2000).

The NEPA duty to provide the best available information for decisionmakers and for public review is so strong that it extends even after a final EIS has been issued. Where "new information" suggests there would be different environmental impacts and the information could influence decisions still to be made, "a supplemental EIS must be prepared." *Marsh v. ONRC*,

Chief Mike Dombeck  
August 23, 2000  
Page 3

490 U.S. at 374; *see* 40 C.F.R. § 1502.9(c)(ii). In these circumstances, courts have held that recent "wildfires...constitute an extraordinary event requiring supplementation" of a Forest Service NEPA document. *Leavenworth Audubon Adopt-A-Forest Alpine Lakes Protection Society v. Ferraro*, 881 F. Supp. 1482, 1492 (W.D. Wash. 1995). This makes it clear that the latest wildfire and fire risk data must be included in the final EIS.

At the very least, NEPA requires a judicially-reviewable Forest Service assessment as to whether the latest wildfire and fire risk data are environmentally significant and whether those data alter the analyses in the draft EIS. *See Marsh v. ONRC*, 490 U.S. at 373-85; *Friends of the Clearwater v. Dombeck*, \_\_ F.3d \_\_, 2000 WL 1154279 at \*4-5 (9th Cir. Aug. 16, 2000); *Laguna Greenbelt, Inc. v. DOT*, 42 F.3d 517, 529-30 (9th Cir. 1994) (example of an assessment concerning wildfires). Since the Forest Service has the new data now, the proper timing and place for the assessment is in the final EIS. *Idaho Sporting Congress v. Alexander*, \_\_ F.3d \_\_, 2000 WL 1159325 at \*4-5 (9th Cir. Aug. 17, 2000).

Aside from the legal infirmities for the roadless area DEIS created by the attached memorandum, it raises much more fundamental questions concerning your personal credibility, and whether the Forest Service's participation in congressional oversight of the roadless area initiative is, in any way, a good-faith effort to inform Congress. At our February 22 hearing, and again at our July 26 hearing on the roadless area initiative, you and other agency witnesses went to great lengths to use the Forest Service regional fire condition maps to reassure the Congress that any increased fire risk from the initiative is minimal due to the fire risk condition of the roadless areas as depicted in these maps.

But in the attached memorandum, Mr. Dull observes that, as early as last November, the agency recognized that "[t]hese coarse-scale data were developed for national, programmatic and strategic planning, and summaries of the data were restricted to state and Forest Service regional scales. We do not recommend direct application of these data to finer spatial scales." This caveat strongly suggests that the maps should never have been used in testimony before Congress in the first place to support the representations about fire risk that were offered at the February 22 hearing.

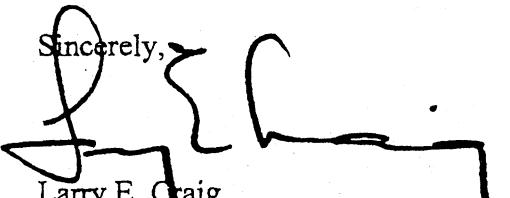
Now we find, in the second place, that newer, more accurate data showing higher levels of fire risk are available, but are not being used by the Forest Service. The awkwardness presented by the fact that some of the roadless areas in question are currently on fire strongly suggests that the new data are being deliberately suppressed.

Mike, I am deeply concerned that the attached memorandum indicates that the Forest Service is knowingly and willfully putting people and resources at risk by ignoring scientific data that raises serious questions about the roadless area initiative. Combined with recent revelations that the Clinton Administration deliberately shorted the Bureau of Land Management's fire

Mike Dombeck  
August 23, 2000  
Page 4

preparedness budget to pursue other priorities, this development paints a picture of an Administration that did not, and in your case still does not, consider wildfire risk to be a serious problem.

This matter is something that we must discuss and resolve before the roadless area initiative progresses any further. My staff will be in contact in the next few days to arrange a meeting.

Sincerely,  
  
Larry E. Craig  
Chairman, Subcommittee on Forests  
and Public Land Management

Attachment

cc: The Honorable Dan Glickman

TO: DAVE THOMAS  
FROM: CHUCK DULL,  
ROADLESS DATA TEAM CO-LEADER  
SUBJECT: APPLICATION OF FIRE CONDITION CLASS DATA USED IN THE ROADLESS EIS  
DATE: 08/15/2000  
CC: SCOTT CONROY, TOM BOBBE, BILL SUPULSKI, COLIN HARDY, SUSAN DELOST

---

Dave, the Roadless Data Team and the geospatial data specialists at the Remote Sensing Applications Center (RSAC) staff do not recommend the use of the revised (May 19, 2000) Fire Condition Classes for areas of less than a state or Forest Service regional scale. This was clearly understood upon receipt of the data from the Missoula Fire Sciences Laboratory last November. Use of this coarse-scale spatial data for areas smaller than a state or Forest Service region would be inappropriate and scientifically not supportable. Use of the "sub sample" data set covering portions of Idaho would jeopardize our analysis procedures used in the DEIS for the analyses of fire conditions within the inventoried roadless areas across the country.

As Colin Hardy stated in his 8/10/2000 memo to you, an official statement accompanied these data sets, which was also printed on all Roadless Area Conservation Project maps produced that used data obtained from the Missoula Fire Sciences Lab for these analyses. The label on these maps, provided by the Fire Lab, reads as follows:

"These coarse-scale data were developed for national, programmatic and strategic planning, and summaries of the data were restricted to state or Forest Service regional scales. We do not recommend direct application of these data to finer spatial scales."

We know that updated information now exists for portions of Idaho resulting from new definitions of Condition Class, improved ancillary biophysical data, and better methods to mitigate edge effects between Forest Service Regions. However, this does not justify replacing or supplementing the geographic portion of the original data set with new information derived for a smaller area using new and different methods.

Problems will be introduced when performing analyses with data that were collected at disparate scales. This is referred to as "conflation" in the GIS community. There are many applications where conflation needs to be considered, such as when edge-matching input data across boundaries and combining information from different sources. The issues of using multiple scale datasets that may be sub optimal or of disparate scales, are often the best available datasets for analysis, but at the same time, pose serious problems in the map overlay process.

The errors due to conflation for the Fire Condition Class datasets can be divided into two categories: errors caused by attribute uncertainties due to scale and errors introduced due to positional uncertainties due to scale. For the case of the roadless analysis, simple map overlay summaries will result in answers that are defendable for the large areas. For the reasons discussed above, however, the results for areas mapped at larger scales will be undefendable.

FRANK H. MURKOWSKI, Alaska, Chairman

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# United States Senate

COMMITTEE ON  
 ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

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CC: Mike  
 Chiow.  
 Phil T.

August 31, 2000

The President  
 The White House  
 Washington, DC 20500

Dear Mr. President:

I am writing to offer my personal thanks for your announcement yesterday to provide additional disaster relief to Idaho and Montana. This assistance is desperately needed. However, I write with considerably less optimism today about bipartisan cooperation than I expressed in my August 9 letter to you just after we visited the fires in Idaho. I feel compelled to write to register my dismay and sadness over the performance of your two cabinet officers, Dan Glickman and Bruce Babbitt, on this past Sunday's talk shows. They each made appearances with Governor Marc Racicot of Montana, to discuss the current fire situation in the West that you and I viewed together. I found the Secretaries' performance defensive, unnecessarily partisan, and not particularly conducive to developing the bipartisan effort to find solutions to our current problems that you and I discussed on Air Force One on August 8.

Specifically, Secretary Glickman stated that "there are more fires occurring where there has been timber cutting and where there are roads than there have been where there are wilderness areas and no timber cutting." In offering this observation, the Secretary conveyed the strong impression, whether intentional or not, that the majority of fires are occurring in areas with active timbering operations at the present time. This is patent nonsense.

Clearly, the areas that are burning include both areas that have previously been harvested, as well as both roadless and wilderness areas. Secretary Glickman knows this. The data available from his own agency bear this out.

Year to date, 6,241,982 acres have burned. There are currently fires burning in 5 separate wilderness areas in Montana and Idaho, with 2 separate fires burning in the Frank Church River of No Return Wilderness. I do not think it is either appropriate or accurate to attempt to distinguish among types of national forest areas at this juncture. Clearly, the fires know no boundaries, and they are burning most ferociously where they find excessive amounts of fuel. With the lack of fuel load reduction activities within wilderness and roadless areas, we are generally going to find heavier fuel loadings and, consequently, more intense fires.

Secretary Babbitt's performance was even more egregious, accusing Governor Racicot

directly of trying to "let the timber companies in to start cutting down the big trees." This was not a casual observation, but an accusation that Secretary Babbitt levied three times during the interview, including during his closing statements.

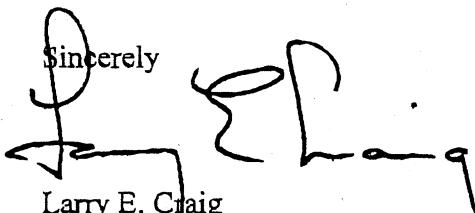
Frankly, I see no useful purpose -- as opposed to political interest -- being served by trying to demonize the timber industry at this point. I would hope that you would urge your cabinet officers to refrain from alienating any of the parties that will have to work together to solve this problem.

Those, like Secretary Babbitt, who choose to simplify the issue of forest health down to the single question of logging versus no logging, seem to me to have difficulty seeing the forest through the trees. During our trip together, we both observed that the issue of forest health is much more complex than this. To cast the issue in these stark terms is at best a disingenuous effort to create a false choice. No one who supports the maintenance of healthy forests and ecosystems is proposing logging as the only way to that goal.

It is both ironic and unfortunate that an Administration that came to office eschewing the "false choices" between the economy and the environment now finds itself articulating just such a choice in the face of our current land management catastrophe. I hope this false choice will not be presented to Congress in the report you have directed the two Secretaries to provide shortly.

We do not have the luxury of time, nor should we expend the energy, to frame false questions or to point fingers. We are in the middle of a crisis situation in the West, and we must focus all of our energy on saving what is left of our forests, and more importantly, protecting human life and property. We need to focus our energy on putting out these fires and putting forward a program that will protect the remaining, unburned areas. Our forests and our citizens deserve and should tolerate nothing less.

I still pledge to you -- as I did to you in my August 9 letter -- that I am willing to work with you and your appointees to develop a bipartisan effort on these issues. However, I would hope I could see some reciprocal display of bipartisanship from your Administration in return. Last Sunday there was none.

Sincerely  


Larry E. Craig  
Chairman  
Subcommittee on Forests &  
Public Land Management

cc The Honorable Bruce Babbitt  
The Honorable Dan Glickman