

For Immediate Release:

October 31, 2001

Contact:

**Ted Zukoski, Land and Water Fund,
303-444-1188, ext. 213
Rocky Smith, Colorado Wild,
303-839-5900
Harlin Savage, American Lands Alliance,
303-473-9525
Tara Thomas, Western Slope Environmental
Resource Council, 970-527-5307**

FOREST SERVICE DIRECTIVE WOULD KEEP PUBLIC IN THE DARK ABOUT LOGGING, ROAD BUILDING IN AMERICA'S PRISTINE FORESTS

*Agency May Bypass Scientific Analysis, Public Review of Destructive Activities in Roadless
Areas, Endangered Species Habitat, Municipal Watersheds*

Denver/Paonia, Colorado—Colorado conservation groups today sharply criticized a proposed Forest Service directive that would eliminate meaningful public review and scientific analysis of activities affecting critical National Forest resources. These resources include inventoried roadless areas, endangered and threatened species habitat, municipal watersheds, and Native American religious sites. The directive could leave citizens in the dark about destructive projects until it was too late to stop them or find better alternatives—a reversal of long-standing agency practice set during Bush senior's presidency.

“Americans deserve a seat at the table when decisions are made about managing their National Forests,” said Tara Thomas, executive director of the Western Slope Environmental Resource Center (WSERC) based in rural Paonia. “This proposal would yank that seat out from under them.”

The directive would partially reverse the Forest Service's guidelines for implementing the National Environmental Policy Act (NEPA). Currently, the agency is required to scrutinize projects involving critical resources, even small-scale projects, and to ask for public comment.

“The change would give local forest managers much broader discretion to approve virtually any such project by simply sending a memo to the file—no scientific analysis, no public scrutiny,” said Ted Zukoski, staff attorney with the Boulder-based Land and Water Fund. Zukoski noted that projects that could be rubber-stamped in this way include salvage logging, small-scale commercial logging, certain mining activities, and construction of roads, motorized trails, and utility lines.

“While the Bush Administration says it wants local input on managing public lands, such as roadless areas, the crown jewels of America’s National Forests, this directive would virtually eliminate opportunities for such input,” said Harlin Savage, Colorado organizer for the American Lands Alliance. “The directive is part of a sweeping, behind-the-scenes effort by the Administration to dismantle laws that protect America’s natural heritage and the public’s right-to-know,” she said. Savage cited a memo from Attorney General John Ashcroft encouraging federal agencies to deny Freedom of Information Act requests and Administration efforts to overturn policies, developed with extensive public input, that would make drinking water safer, protect roadless areas, and prohibit mining that could irreversibly damage America’s public lands.

NEPA is the basic legal charter establishing the public’s right-to-know. It requires federal agencies, including the Forest Service, to analyze the impacts of proposed projects before undertaking them. NEPA also requires that the agencies consider a range of alternatives and mitigation measures and provide for public review and comment. These requirements apply to major projects that may have significant environmental and social impacts. For small projects, the impacts of which are likely to be non-existent, agencies may issue “categorical exclusions (CE),” allowing projects to proceed without extensive analysis and public review.

Although the Forest Service is currently prohibited from issuing CEs when critical forest resources or extraordinary circumstances are involved, the new directive would allow their use in these cases. These resources and circumstances include:

- Inventoried roadless areas.
- Threatened and endangered species or their critical habitat.
- Flood plains, wetlands, or municipal watersheds.
- Congressionally designated wilderness areas, wilderness study areas, or National Recreation Areas.
- Steep slopes or highly erosive soils.
- Research Natural Areas.
- Native American religious or cultural sites, archaeological sites, or historic properties or areas.

“The agency is clearly backing away from its commitment to protect these precious resources and to involve the public in doing so. By broadly expanding its use of CEs, the Forest Service is leaving citizens with no option other than litigation when they want to challenge a project,” said the Law Fund’s Zukoski. “With other agency decisions, the appeals process may lead to compromise instead of litigation. But that option is not available with many CEs.”

Although the Forest Service contends its directive only affects minor projects, conservationists point out that the cumulative impacts of several seemingly minor projects can be significant.

“We’re concerned about the impacts on lynx in Colorado,” said Rocky Smith, staff for the Durango-based Colorado Wild. “Lynx prefer to build their dens in tangles of dead and

down trees, which the Forest Service often wants to remove and sell commercially as salvage. Under this directive, salvage logging could be approved without any analysis of the cumulative impacts on lynx denning habitat,” Smith said.

Other examples of how CEs have been used and challenged in the Southern Rockies include the following:

- The Gunnison National Forest recently tried to issue four categorical exclusions related to mining in the West Elk Roadless Area near the rural town of Paonia. Local residents, including members of the Western Slope Environmental Resource Council, discovered the projects only after earthmoving equipment and trucks started rumbling through town. WSERC protested, and the agency agreed to drop the CEs and prepare an environmental assessment, which requires public comment and scientific analysis. Although the decision did not stop all of the proposed road construction, it prompted the agency and the mining company to develop ways to access subsurface mineral rights with less road construction.
- The Buffalo Peaks Hill Climb, an off-road vehicle race on the pike-San Isabel National Forest, was an annual event involving hundreds of motor vehicles racing off-road, tearing up habitat and steep slopes, and spilling fuel oil. The Forest Service routinely issued CEs for this event without public comment or scientific analysis of the impacts until conservation groups challenged the agency. As a result, the agency cancelled this year’s event and agreed to prepare an environmental assessment with public input.
- On the Medicine Bow National Forest in southern Wyoming, the Forest Service issued a CE allowing road access to state lands within the Coon Creek Roadless Area so that the State of Wyoming could access an inholding for logging. Conservationists challenged the CE in court and won a court order forcing the Forest Service to prepare an EIS.
- On the San Juan National Forest, owners of a private inholding wanted to build a road through a roadless area to access their property. The Forest Service was prepared to issue a CE granting the request without considering other alternatives, some of which the landowners were interested in considering, until local conservationists raised the issue. The Forest Service agreed to prepare an environmental impact statement.

The Forest Service is accepting public comment on the proposed directive until November 19, 2001.

For more information or a copy of the directive, visit www.southernrockies.org. Click on “Take Action.” The text of the directive can also be found in the Federal Register, September 20, 2001, Volume 66, Number 183. Page 48412-48416.

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