



October 2, 2009

The Honorable Bill Ritter
Governor of Colorado
136 State Capitol
Denver, CO 80203

Dear Governor Ritter:

Together, Outdoor Industry Association and Outdoor Alliance represent the vast majority of the recreation industry and active outdoor recreation community in America.¹ The following are our comments on the July 28, 2009 version of Colorado's proposed Roadless Rule.

Our Community and its Stake in the Colorado Roadless Rule

The human-powered outdoor community needs public lands and their topography to do what we do – kayakers need rivers, climbers need escarpments and hikers, mountain bikers, skiers and snowshoers need trails. Our broader community is unified by an unshakeable conservation and stewardship ethic towards the land reflected in the thousands of volunteer hours our members spend on our local forests and also in our active involvement in how national forest lands are managed.

Active outdoor recreation contributes more than \$10 billion annually to the Colorado economy, supporting 107,000 jobs in the state and generating \$500 million annually in state tax revenue. The availability of high quality outdoor recreation opportunities is a major contributing factor to the quality of life in our state. Simply put, many of our

¹ Outdoor Alliance is a coalition of six national, member-based organizations devoted to conservation and stewardship of our nation's public lands and waters through responsible human-powered outdoor recreation. Outdoor Alliance includes: Access Fund, American Canoe Association, American Hiking Society, American Whitewater, International Mountain Bicycling Association, and Winter Wildlands Alliance, and represents the interests of millions Americans who hike, paddle, climb, mountain bike, ski and snow shoe on our nations public lands and waters.

Founded in 1989, Outdoor Industry Association (OIA) is the premier trade association for companies in the active outdoor recreation business. OIA member companies include manufacturers and retailers such as The North Face, Patagonia, L.L. Bean, Jansport, Eagle Creek, VF Outdoor, Coleman, REI, Timberland and Columbia Sportswear. OIA provides trade services for over 4000 manufacturers, distributors, suppliers, sales representatives and retailers in the outdoor industry and is the title sponsor of Outdoor Retailer, the world's largest outdoor products tradeshow.

members and customers live and work in Colorado because of the recreational opportunities.

The human-powered outdoor recreation community treasures the kinds of experiences that Roadless Areas provide. Many of Colorado's Roadless Areas contain world-class climbing routes, hiking and biking trails, rivers, and backcountry ski and snowshoe destinations. The quality of these resources is rooted not only in the distinctive topography, but their *setting*. Outdoor Alliance provided both a subjective and quantitative review of the human-powered outdoor resources in Colorado Roadless Areas in comments submitted to the U.S. Forest Service last fall. These comments are attached and incorporated by reference.

Suspension of the Colorado Roadless Rule Process Should be Considered

In an April 11, 2007 letter to U.S. Department of Agriculture Undersecretary Mark Rey, you noted both your support for the protections afforded under the 2001 Roadless Rule as well as a very well founded concern that potential court rulings could leave Colorado Roadless Areas unprotected. To assure the protections of the 2001 Roadless Rule, you petitioned for a Colorado-specific rule to serve as an insurance policy for the state. First and foremost, we thank you for these sincere and bold steps to protect the state's roadless areas in a time of substantial uncertainty.

However, much has changed since April 2007. First, the new Obama Administration unambiguously supports robust protection of roadless areas, not only from the perspective of national policy, but also in the federal courts. Second, the recent decision in *California v. USDA*, No. 07-15695 (9th Cir. Aug. 5, 2009), should also go a long way in allaying the concerns you cited in your letter to Undersecretary Rey. In other words, the risk against which you were rightly insuring appears to be materially reduced, if not eliminated. In light of all these developments, we ask that you consider suspending the Colorado Roadless Rule until the Obama Administration finalizes the details of its national policy regarding roadless area conservation.

The Final Environmental Impact Statement for Forest Service Roadless Area Conservation Volume 1 is instructive, and notes that given the history of controversy surrounding the management of inventoried roadless areas and the level of interest expressed by the public a need exists for national level direction for roadless area management. From our perspective, in light of these recent developments, it may be best that future regulatory actions occur in a national context especially for a state like Colorado with high quality backcountry landscapes that are experienced and enjoyed by individuals from across the nation.

Specific Problems with the Colorado Rule of Primary Interest to the Human-Powered Outdoor Recreation Community

If Colorado believes that it still needs a Colorado-specific roadless rule, we feel that it must be at least as protective as the 2001 rule. The current draft is not. While there are

certainly some policy improvements relative to the U.S. Forest Service's 2008 proposed Colorado Roadless Rule (especially the inclusion in the inventory of an additional 160,000 acres of roadless areas), from the perspective of the human-powered outdoor community, the proposed rule needs to be enhanced in three critical aspects. These aspects are: Maintaining Roadless Characteristics; Eliminating New Backcountry Powerline Corridors or Water Projects; and Protecting Communities *and* the Backcountry.

Maintaining Roadless Characteristics

The first and highest priority of the rule must be to ensure sustainability for roadless areas under the agency's jurisdiction. The Colorado roadless rule must ensure that roadless area characteristics will be maintained or improved. It is these characteristics that define the recreational experience in roadless areas and management activities should be required to uphold these values.

In particular the proposed rule notes that tree-cutting and road construction as allowed under §293.32 and §293.3 respectively "shall not be prohibited within Colorado Roadless Areas solely because there may be adverse effects to some roadless characteristics with project implementation." As stated in our previous comments, the proposed rule needs an unambiguous management directive focused on conservation and stewardship of Colorado Roadless Areas.

The 2001 Rule provided narrowly-tailored exceptions to the prohibition on road construction and reconstruction, restricting roads to situations where needed to protect public health and safety in cases of "imminent threat" that without intervention "would cause the loss of life or property." The 2001 Rule went along to further state that these exceptions do not "constitute permission to engage in routine forest health activities." We are concerned that the Colorado Rule does not result in long term sustainability of Roadless Areas and their defining values and contemplates the very "routine forest health activities" the 2001 Rule was designed to limit in our nation's most highly valued backcountry landscapes.

Eliminating New Backcountry Powerline Corridors or Water Projects

Provisions in the Colorado Rule that would allow roads, temporary roads, and linear construction zones to build new powerlines, new dams, and reservoirs in our valued backcountry must be struck. These provisions are in direct conflict with the 2001 Rule and are among the most troublesome provisions in the rule for our community. Broad provisions allowing construction of new electrical lines, water conveyance structures, along with roads to access this infrastructure would slice through valued backcountry recreation corridors completely disrupting the quality of the experience they provide. This infrastructure should be in the front country or along existing roadways, and blanket exceptions for these activities only encourage proponents to be less diligent in searching out the least damaging alternatives for new transmission and water conveyance corridors.

Access to electrical and water facilities in roadless areas under a Colorado Rule must be limited to maintenance of existing roads and facilities. Any other alternative providing access to and construction of potential future facilities in Roadless Areas is by definition less protective than the 2001 Rule and represents an alternative that is difficult to support.

Protecting Communities and the Backcountry

Exceptions allowing logging in roadless areas outside areas immediately surrounding homes and communities need to be significantly tightened. Fire risks are real and must be addressed, but removing trees on lands extending 1.5 miles from homes is excessive and would unnecessarily scar the gateways to backcountry areas that contain world-class recreation. It appears that the best protection for homes is accomplished by making the home fire-resistant and treating vegetation in the home ignition zone immediately surrounding structures.

The Community Protection Zone (CPZ) should be limited to ½ mile from an at risk community, and even this distance may be further than is necessary or desirable for protection of roadless values. All management actions outside of the CPZ should be required to maintain or improve roadless area characteristics. The beetle cutting language should be replaced with ecosystem focused management language such as, “To maintain or restore the characteristics of ecosystem composition, structure, and processes.”

Conclusion

For the reasons discussed above, please reconsider the decision to pursue the Colorado-specific rule given recent court decisions and the new conservation direction clearly articulated by the new Obama Administration. In the event that Colorado believes that it must continue to pursue a state-specific policy for management of these areas, we are committed to continued dialogue with you and your staff. The bottom line however is that we believe that the current draft of the Colorado Rule would not provide the level of protection provided by the 2001 Rule and would represent a significant step back in the long-term stewardship of these lands.

Sincerely,



Frank Hugelmeyer
President
Outdoor Industry Association



Mark Singleton
Chairman
Outdoor Alliance

Enclosure

cc: Honorable Tom Vilsack
Honorable Mark Udall
Honorable Michael Bennett

Honorable Dianna DeGette
Honorable John Salazar
Honorable Ed Perlmutter
Honorable Doug Lamborn
Honorable Jared Polis
Honorable Betsy Markey
Honorable Mike Coffman
Honorable Tom Vilsack
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