



Colorado moves ahead with roadless forest plan amid criticism, legal battle

By JUDITH KOHLER

Associated Press Writer

752 words

9 October 2008

20:15

Associated Press Newswires

English

(c) 2008. The Associated Press. All Rights Reserved.

DENVER (AP) - A compromise plan that would allow some development on parts of Colorado's 4 million acres of **roadless** forests is drawing fire from critics who say it would leave the areas less protected than comparable public land in every other state.

Environmentalists and others are increasing calls for Colorado to withdraw or change the proposal as state and U.S. Forest Service officials develop rules to enact it.

Critics say the plan, started under former Republican Gov. Bill Owens, is much weaker than a 2001 rule that banned roads on about 58 million acres of forests nationwide.

But the rule approved by the Clinton administration and a Bush administration policy that replaced it have been overturned and upheld by two different federal courts.

Gov. Bill Ritter, a Democrat supported by conservationists and hunters in his 2006 campaign, calls the state plan an insurance policy because of the legal uncertainty. He endorsed the plan submitted to the federal government by Owens with a few changes.

The plan would allow temporary roads to reach livestock grazing areas, for wildfire prevention, expansion of existing coal mining and some utility infrastructure. It would also remove some ski area terrain from the inventory of **roadless** areas.

"I feel the insurance policy has paid off in spades for the state of Colorado," said Mike King, deputy director of the Colorado Department of Natural Resources.

He points to conflicting rulings by federal judges in Wyoming and San Francisco on whether Clinton had the right to issue the rule. The Forest Service has asked them to resolve the issue.

A hearing is set for Monday in the 9th U.S. Circuit Court of Appeals on the San Francisco court's ruling. The 10th U.S. Circuit Court of Appeals in Denver has been asked to consider the Wyoming decision throwing out the Clinton rule.

Like Colorado, Idaho is pursuing its own **roadless** forest plan. Environmentalists say Idaho improved its proposal for managing 9.3 million acres of **roadless** areas by working with the federal advisory panel.

The panel met with Colorado officials Wednesday and Thursday in Salt Lake City. It will forward recommendations to the U.S. Department of Agriculture, which oversees the Forest Service.

Critics says if Colorado wants its own plan, it can at least slow down its rulemaking and tighten loopholes that could lead to gas drilling, logging and new roads on thousands of acres of backcountry.

"There are some significant flaws and gaps that should be fixed before the rule becomes final," said Jane Danowitz, director of the public lands program for the Pew Environment Group, the conservation arm of the Pew Charitable Trusts. "There's no need to rush to move forward."

The Forest Service, working with the state, has written draft rules for managing Colorado's **roadless** areas. The agency will take comments from the public until Oct. 23 and expects to issue final rules and a final environmental impact statement early next year.

"In Idaho, as in Colorado, there were hundreds of thousands of comments calling for more protection of **roadless**," said Lori Potter, an attorney who analyzed Colorado's plan for the Pew Environment Group.

King, of the Colorado Department of Natural Resources, said the state wants to work with the federal advisory panel on tightening the language.

A major concern is the so-called "gap" in oil and gas leases approved in **roadless** areas between the time the Clinton-era road-building ban was thrown out and reinstated.

Critics say other sections allowing roads for livestock grazing, wildfire prevention and utility and water facilities are too open-ended. They say it's not clear whether temporary roads would be subject to environmental review.

State Sen. Josh Penry, a member of the task force that wrote Colorado's plan, said he agrees the question of the mineral leases must be resolved. He said the task force wanted any drilling to occur offsite in **roadless** areas.

Penry, though, dismissed the other criticism, calling the plan "a fair compromise."

The task force appointed by the Democratic-controlled Legislature and former Gov. Owens, included lawmakers, ranchers and environmentalists, some of whom want Colorado to withdraw the plan.

"I feel an obligation to live up to the plan even if some in the environmental community don't," Penry said.

On the Net: U.S. Forest Service, Colorado **Roadless** Rule:

<http://www.fs.fed.us/r2/roadless/> [<http://www.fs.fed.us/r2/roadless/>]