

The “Roadless Rule” and global warming - *What you should really know*

By *Harriet M. Hageman*

On Oct. 19, 2007 the parties to the ongoing dispute over the “Roadless Rule” appeared once again before Judge Brimmer to argue about whether the Rule violated numerous federal environmental statutes, including the National Environmental Policy Act (NEPA) and the Wilderness Act. The current dispute is a continuation of the State of Wyoming’s 2001 lawsuit, and stems from Judge Brimmer’s 2003 decision (found at 277 F.Supp.2d 1197 (D.Wyo. 2003)) to enjoin enforcement of the Roadless Rule based on the fact that it violated NEPA and the Wilderness Act. Despite Judge Brimmer’s injunction, and because of the numerous lawsuits that have been filed challenging any sort of active and effective forest management, many National Forest Managers have continued to adhere to the mandates of the Roadless Rule, thereby implementing an illegal, politically-driven, and ecologically-devastating policy.

In 2004 I explained in several editorials that the Roadless Rule is bad for forest health and is bad for Wyoming. It was developed in the waning days of the Clinton administration to deny access, management and use of, 58.5 million acres of National Forest lands (30% of the National Forests; 2% of the total land mass of the United States; 3.2 million acres in Wyoming). It was adopted following what was arguably the most truncated, superficial and scientifically-devoid NEPA rule-making in history. The alleged “public process” associated with the Roadless Rule was politically driven rather than scientifically supported, with less than thirteen (13) months having elapsed between the announcement of the proposed Rule and publication of the Final Environmental Impact Statement (FEIS). It was an illegal, Washington, D.C. driven, one-size-fits-all approach to management of 1/3 of our National Forests. It was designed to ignore the physical aspects, management considerations, economic issues, and social/cultural dimensions that make each National Forest unique. It treated Wyoming’s National Forests exactly the same as the National Forests in North Carolina and Puerto Rico, and violated the individualized Forest Management Plans that have been painstakingly developed pursuant to the National Forest Management Act (NFMA). The Roadless Rule bypassed scientific analysis; hijacked local participation in forest management; and anointed Washington, D.C. as the supreme authority on forest management decisions that should be made in places like Saratoga, Wyoming. And that is just the beginning.

At the time that the Roadless Rule was being considered, the Federal Governmental Accounting Office (GAO) and numerous National Forest Managers warned that, because of its prohibition on treatment and management, the Roadless Rule substantially increased the risk of catastrophic forest fires and devastating insect infestations within the National Forests, as well as within the adjacent State and private lands. The GAO published its extensive findings in November 2000,

explaining that the Roadless Rule “would apply a national prohibition on road construction in roadless areas even if local conditions suggest that a road would help the agency to restore and maintain desired ecological conditions.” The GAO also reported that the Roadless Rule would prohibit a National Forest from constructing a road to thin a strand of trees or to mechanically remove underbrush and dead vegetation to reduce the risk of uncontrollable and catastrophic fires, or to improve the Forests’ resistance to insects and diseases that would otherwise kill trees and add to fuel loads.

In describing the localized impact of the Roadless Rule, the GAO reported that “Officials on the Routt National Forest anticipate an outbreak of spruce beetles resulting from a catastrophic windstorm in 1997 that felled 13,000 acres of mostly spruce and fir trees in or adjacent to roadless areas on the forest. ... They believe that the [Roadless Rule] would not allow them to construct the roads necessary to remove trees in roadless areas that in the future may become infected by beetles currently living within this deadfall.” The GAO and the Routt National Forest Officials predicted that the Roadless Rule would prevent the protection of highly valued resources, such as scenic areas and adjacent campgrounds and ski slopes. Because of their proximity to each other, the Routt National Forest and the Medicine Bow National Forest (in Wyoming) are essentially managed as one unit.

Advocates of the Roadless Rule, in responding to the GAO’s findings, described the anticipated destruction of our National Forests (and surrounding State and private lands) as nothing more than “unavoidable adverse effects.” They further responded that the “national ecological and social value associated with keeping road-

less areas roadless outweigh local adverse impacts associated with not constructing a road in a roadless area.” In their minds the furthering of the national “roadless” agenda outweighed any consideration for the devastation that such a policy would cause in Wyoming.

The catastrophic risks foretold by the GAO and the Forest Managers have now come to pass with the destruction of large swaths of our National Forests. Millions of acres of the National

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and State Forest lands in the western United States were burned in the year 2007 alone. Our Forest officials have reported that they are fighting a losing battle against the beetles, admitting, for example, that the infestation has already wiped out hundreds of thousands of acres of trees across Wyoming (most specifically in the Medicine Bow National Forest in southern Wyoming). The Silver Lake Campground in the Medicine Bow National Forest was closed at one time due to the danger of falling trees, an outcome that the GAO and the National Forest Officials warned of if the Roadless Rule were to prevent the management of the “deadfall” in the Routt blowdown area located just a few miles south of the Wyoming State line. These vast acreages of dead and dying trees killed by the beetle only increase the danger of catastrophic wildfire, placing entire watersheds at risk of uncontrollable runoff, erosion, mudslides, and the strangulation of our rivers and streams. We can reasonably predict that we have not yet seen the worst of these so-called “unavoidable adverse effects” of the Roadless Rule, especially considering the “sea of red” that now blankets so much of our forest landscape.

The unhealthy conditions found in many of our National Forests are not solely related to the adoption and implementation of the Roadless Rule. In fact, we are suffering from catastrophic forest fires and beetle infestations throughout the National Forest system, not just in the “roadless” areas. The current state of affairs, however, is directly tied to a concerted effort on the part of certain organizations and politicians to prohibit any and all management and use of our National Forests, regardless of the benefits that such management will provide, and regardless of the devastation that a

lack of such management will cause. The Roadless Rule is simply one of the tools by which these organizations and politicians have sought to further that agenda.

We are at risk of losing millions of acres of additional National Forest lands in the Western United States. Fortunately for those organizations and politicians who have fought so tirelessly against our National Forest Service’s efforts to manage these lands, “global warming” arrived just in the nick of time to act as the convenient scapegoat. “Global warming” can now be blamed for the destruction that we see, thereby avoiding any in-depth analysis of the failed environmental policies (such as the Roadless Rule) of the past thirty to forty years. By beating the “global warming” drum, these organizations and politicians can now demand that the federal government not only perpetuate these failed environmental policies, but adopt even more onerous regulations, the outcome of which will be additional “unavoidable adverse effects” on Wyoming.

The irony of the relationship between the “global warming” mantra and National Forest management is probably best illustrated by the recent wildfires in Southern California, which burned around 500,000 acres (the equivalent of approximately 1% of the entire “roadless” area). The October 19-26 fires spewed the same amount of carbon dioxide into the atmosphere (8.7 million tons) as did all of California’s power plants and vehicles. It is estimated that wildfires in the United States pump 322 million tons of carbon dioxide into the air each year, which is approximately 5% of what the entire country emits by burning fossil fuels such as gasoline and coal.

Perhaps these organizations and politicians should focus their efforts on using forest management as a tool for fighting so-called “global warming,” with the dual benefits of minimizing catastrophic wildfire and checking the spread of the bark beetle. That idea is much more appealing to us Wyomingites who would like to avoid being saddled with the “unavoidable adverse effects” visited upon us by those who continue to fight for the Roadless Rule and similar misguided policies.

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