AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Correspondence; US Department of Agriculture Forest Service; Supplemental Draft Environmental Impact Statement to Reinstate the North Fork Coal Mining Area Exception of the Colorado Roadless Rule

Action Requested: Discussion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:
Please see the attached correspondence.

Fiscal Impact:

Submitted by: Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:

ok db 4/14/15

Reviewed by: GUNCOUNTY1\dBaumgarten Discharge Date: 4/15/2015 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\khaase Discharge Date: 4/15/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5 minutes

Agenda Date: 4/21/2015 Follow Up Agenda Date:

Revised April 2013

USDA United States Department of Agriculture | Forest Service | Rocky Mountain Region

740 Simms Street
Golden, CO 80401
303-275-5350
FAX: 303-275-5366

File Code: 1950
Date: APR 01 2015

Dear Interested Party:

The U.S. Department of Agriculture Forest Service (USDA FS) is initiating scoping for a Supplemental Draft Environmental Impact Statement (SDEIS) to reinstate the North Fork Coal Mining Area exception of the Colorado Roadless Rule. This specific exception allows for temporary road construction for coal exploration and/or coal-related surface activities in a 19,100-acre area defined as the North Fork Coal Mining Area. The FS will use the SDEIS to address specific deficiencies that were identified by the District Court of Colorado.

We invite your comments on the reinstatement of the exception within the North Fork Coal Mining Area. The scoping period closes 45 days after issuance of the notice of intent in the Federal Register. Comments should be limited to issues related to the proposed action, which is limited only to reinstating the North Fork Coal Mining Area exception of the Colorado Roadless Rule. The Forest Service is not seeking comments on the other portions of the Colorado Roadless Rule, roadless area boundary modifications, or other roadless areas in Colorado.

Due to the extensive public participation process that occurred with the development of the Colorado Roadless Rule, no public meetings are planned for this 45 day scoping effort. However, public meetings may be held in Denver and Paonia, Colorado after the release of the SDEIS and proposed rule.

Background

On July 3, 2012 (77 FR 39576), the USDA promulgated the Colorado Roadless Rule, a state-specific regulation for management of Colorado Roadless Areas. This Rule addressed State-specific concerns while conserving roadless area characteristics. One State-specific concern was continuing exploration and development of coal resources on the Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests. The Colorado Roadless Rule addressed this by defining a 19,100-acre area as the North Fork Coal Mining Area, and developing an exception that allows temporary road construction for coal-related activities on within in that defined area.

In July 2013, High Country Conservation Advocates, WildEarth Guardians, and Sierra Club challenged the FS's decision to consent to the Bureau of Land Management (BLM) modifying two existing coal leases, the BLM's companion decision to modify the leases, BLM's authorization of an exploration plan in the lease modification areas, and the North Fork Coal Mining Area exception of the Colorado Roadless Rule.

In June 2014, the District Court of Colorado found the environmental documents supporting the four decisions to be in violation of the National Environmental Policy Act (NEPA) due to analysis

deficiencies. In September 2014, the District Court of Colorado vacated the lease modifications, the exploration plan, and the North Fork Coal Mining Area exception of the Colorado Roadless Rule (36 CFR 294.43(c)(1)(ix)).

Purpose and Need

The purpose and need for this SDEIS and is to provide management direction for conserving roadless characteristics within the area while addressing the State interest in facilitating exploration and development of the coal resources in the North Fork Coal Mining Area.

Proposed Action

The proposed action for the SDEIS is to reinstate the North Fork Coal Mining Area exception as written in (36 CFR 294.43(c)(1)(ix)). In addition, the Forest Service is proposing to administratively correct the North Fork Coal Mining Area boundary to remedy clerical errors.

Alternative to the Proposed Action

The other alternative being considered is the no-action alternative, which is the continuation of current management following the District Court ruling to vacate the North Fork Coal Mining Area exception. The Colorado Roadless Rule contains a severability clause (36 CFR 294.48(f)), which allows the rest of the Rule to remain in effect. Therefore, the District Court of Colorado's ruling only changed management of Colorado Roadless Areas in the North Fork Coal Mining Area. Currently, the North Fork Coal Mining Area is being managed the same as other non-upper tier Colorado Roadless Areas. Valid existing coal leases would operate according the terms of their lease.

Decision to be Made

The Responsible Official will determine whether to reinstate the North Fork Coal Mining Area exception, or continue to manage the area without the exception. In addition, the Forest Service will determine if corrections to the North Fork Coal Mining Area boundary should be remedied to adjust for clerical errors.

How to Submit a Formal Comment

In order for a scoping comment to be considered and become part of the record for the SDEIS, it must be submitted and received within 45 days of the publication of the notice of intent in the Federal Register.
It would be helpful if comments:

- State each concern, criticism and/or suggestion as clearly and specifically as possible.
- Focus on the issue of reinstating the North Fork Coal Mining Area exception of the Colorado Roadless Rule. Please remember, this supplemental NEPA process will only address the Colorado Roadless Rule. The lease modifications and exploration plan authorization will be addressed in future analysis efforts if needed.

Scoping comments can be submitted electronically through:

1. **Web**: https://cara.ecosystem-management.org/Public/CommentInput?Project=46470

2. **Mail**: Colorado Roadless Rule
   740 Simms Street,
   Golden, CO 80401

3. **Fax**: 303-275-5134

All comments, including names and addresses, are placed in the record and are available for public inspection and copying.

We anticipate completing and publishing a final rule and SDEIS in Spring 2016.
Thank you for your interest in the management of your national forests.

Sincerely,

Susan Fecher

for DANIEL J. JIRÓN
Regional Forester