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MICHAEL F. EASLEY
GOVERNOR

August 16, 2004

The Honorable Ann Veneman
Secretary of Agriculture
14th Street and Independence Avenue, SW
Washington, D.C. 20250

Dear Madam Secretary:

I am writing to express serious concerns with regard to the U.S. Department of Agriculture's proposal to replace the existing Roadless Area Conservation Rule with a state petitioning process for inventoried roadless area management. As published in the *Federal Register* on July 16, 2004, this new rule would impose a vague new bureaucratic process on the management of North Carolina's 1.23 million acres of National Forest land without providing commensurate benefits.

The proposed rule, for example, provides insufficient clarity on how the U.S. Department of Agriculture (USDA) would respond to a state's petition. The rule provides for a review of the petition and a decision by the Secretary within 180 days, but there is no indication of the criteria that are to be considered in this process. In the event that a state petition is accepted, the proposed rule calls for the U.S. Forest Service to initiate a subsequent rulemaking for the inventoried roadless areas within that state. Here, again, the state's role is unclear. The proposal indicates that state-specific rules will be coordinated with the individual states but provides no details on the scope of this coordination and no information on how quickly the rulemaking process will be completed.

The rule also fails to specify how the USDA would address the management of a roadless area that lies in more than one state. For example, the Bald Mountain Roadless Area with over 20,000 acres spans the border between North Carolina and Tennessee. The proposal's state-specific rulemaking could result in inconsistent management plans due to conflicting state priorities. Actions on one side of the border will undoubtedly impact and could potentially undermine management strategies on the other side.



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Finally, the petitioning process outlined in the proposed rule has the potential to be quite onerous to state agencies that are already dealing with limited resources. The notice of proposed rulemaking estimates that preparation of a petition will require as much as 1,000 hours of state staff time. I cannot see the justification for requiring that kind of investment in bureaucratic analysis when those resources could be used to enhance and protect our state's forests. This is especially true in light of the fact that the current management policy under the Roadless Area Conservation Rule already in place is working well.

In sum, I am concerned that the proposed rule is unclear and has the potential to place an undue burden on our state agencies without providing any benefit to North Carolina's forest resources.

Thank you for the opportunity to comment and for your consideration of these comments in the development of the final rule.

With kindest regards, I remain

Very truly yours,



Michael F. Easley

MFE: sw

cc: Content Analysis Team, USDA Forest Service