

July 12, 2000

USDA Forest Service – CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

RE: Comments on the Federal Register notice “Proposed Roadless Area Conservation Rule”, 65 Fed. Reg. 30275 (May 10, 2000)

To Whom It May Concern:

On behalf of 760,000 members of the NATIONAL ASSOCIATION OF REALTORS® (NAR), I appreciate the opportunity to comment on the U.S. Forest Service’s proposed Roadless Initiative. NAR members are involved in all aspects of the real estate industry, including developing, buying and selling commercial and residential properties.

According to the Notice of Proposed Rulemaking in the Federal Register, the Forest Service’s proposed Roadless Initiative would “prohibit road construction and reconstruction in most inventoried roadless areas of the National Forest System and require evaluation of roadless area characteristics in the context of overall multiple-use objectives.” In addition, this initiative will only apply to parcels greater than 5,000 acres. NAR has a number of concerns with this proposed rule-making, which are detailed below.

- **The Proposal Does Not Support a Multiple-Use Approach on Public Lands**

The essence of the National Forest System is a commitment to a multiple-use approach in maintaining and sustaining our country’s valuable forest resources. NAR is a strong supporter of the multiple-use model to maximize productivity, recreational opportunities and environmental protection on public lands. As proposed, we believe the Roadless Initiative would contradict the multiple-use policy. A prohibition on road construction and maintenance would preclude a variety of uses of a natural forest that require roads and motor vehicles for access, such as timbering, grazing, exploration and development of mineral resources, certain types of agriculture, snowmobiling, mountain biking or ATV riding. Through this proposal, the Forest Service is making a political decision that some uses of forest resources are preferred over others.

- **The Proposal Would Have Adverse Economic Consequences**

A prohibition on road construction and maintenance in the National Forest System would have serious economic ramifications for rural communities adjacent to these areas. Over the years, national forests have become the center of a vibrant web of economic activities that would be impeded by this initiative. Timbering, agriculture, tourism, guiding and the wide variety of satellite service industries, such as hotels, real estate, restaurants and retail shops, would all be impacted. Although the proposal mentions this adverse economic impact, it does not address alternatives, or propose solutions, to the economic challenges

these communities will face if this initiative becomes reality.

- **The Proposal Would Deprive Inholders of Their Property Rights**

A prohibition on road construction and maintenance may deprive individuals who own property within a unit of the National Forest System of their constitutionally guaranteed property rights by denying or impeding access to that land. Property owners are provided the right under the Fifth Amendment to maximize the economic value of their property, with limited restrictions. By making it more difficult to reach this inholder property, the value of that property will decrease, which may constitute an unconstitutional, regulatory “taking” under the Fifth Amendment.

Thank you for the opportunity to comment on the U.S. Forest Service’s Roadless Initiative. If you have any questions regarding these comments, please contact Russell Riggs, in NAR’s Government Affairs office, at 202-383-1259.

Sincerely,

Dennis A. Cronk
2000 President