

THE PROPOSED FOREST SERVICE RULE



Emerald City Ideals, but Don't Look Behind the Curtain

While on its face the proposed rule seems promising, statements of lofty ambition in the document do not translate into meaningful and binding standards. As written, the draft rule would significantly impair wildlife conservation on national forests by replacing the longstanding approach to wildlife conservation found in current regulations with discretionary measures that depart from scientific recommendations and render species protection largely optional. Moreover, when agency officials summarize the proposal, they sometimes confuse their intentions with what is actually required by the wording in the draft. This leaves in doubt the Forest Service's ability to effectively implement the document's management direction.

During the upcoming public meetings, the Forest Service will be highlighting the positive aspirations of their proposed rule. We need your help to pull back the curtain and ask some tough questions about the reality of the proposal. The following are questions to pose to the Forest Service. When asking your question, you can also ask the Forest Service official to read the specific language in the proposed rule that supports their claims about how the rule works. The questions are designed to highlight inconsistencies in the rule between aspiration and reality and clarify the need to strengthen the rule to truly achieve the agency's "Emerald City" ideals.

Wildlife

1. Under the current planning rule, the Forest Service is required to manage habitat to maintain viable populations of native wildlife in the planning area. For most species on the national forests, the proposed rule replaces this clear requirement with vague instructions to manage for ecosystem health. **How will this ensure that the Forest Service is able to "keep common species common" and maintain viable populations of all wildlife?**
2. The proposed rule limits the viability requirement only to "species of conservation concern," and then lets local forest officials decide which those are. It also allows the agency to absolve itself from the responsibility for protecting the species it does identify by claiming impossibility. Yet at the same time, the Forest Service claims the proposed rule gives "equal or greater levels of protection" than the existing rule. **How can the Forest Service assert that unlimited discretion to exempt species from protection results in "equal or greater protections"?**
3. The proposal is extremely vague on how wildlife monitoring will be used to inform management. The proposed rule requires that each forest provide for viable populations of "species of conservation concern" selected by the responsible officials, BUT the rule doesn't require that those species be monitored. **How will the public know if the viability standard is being met when species of conservation concern aren't monitored? Additionally, what is the role of focal species in the monitoring program, and what happens if the status of focal species is "not good"?**
4. The proposal appears to allow the agency to absolve itself from the responsibility of protecting all wildlife on the national forests if "the inherent capability of the land" prohibits it, but this key term is never defined. **How can the public be confident that this determination won't be used to avoid species protection measures when there is no basis for determining the "inherent capability of the land"?**

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Clear Accountability

1. Under the current forest rule, the public can hold the Forest Service accountable when it fails to uphold the requirements of the rule. The proposed rule seems to be much more focused on what the Forest Service “wants to” or “intends to” rather than what the American public says it “must” do to manage the national forests. The practical result is a sharp curb on public accountability. **What are the wildlife and water standards in the rule that the public can use to hold the agency accountable?**
2. The Forest Service has said that the rule explains “what” the Forest Service should do with planning on the national forests, but that the “how to” will be reserved for the Forest Service directive system. As such, it will not be subject to the same level of environmental analysis and public participation, and it will be easier to change. **How can the Service justify leaving fundamental aspects of the rule – including criteria for selecting “species of conservation concern” – to be decided without full environmental review and public participation?**

Best Available Science

1. The proposed rule requires forest managers to *consider* the best available science, but does not require them to base their decisions on it. They are simply required to write a description of the science that is available and describe why they decided to go a different way. **By not requiring managers to base their decisions on science, what assurances are there that political pressure won't trump sound science and that wildlife, water quality and healthy forests won't pay the price as various special interests put pressure on forest managers?**
2. Even if the best available science finds that a species is imperiled, a forest official is not required to recognize the animal as a “species of conservation concern.” This enables the agency to ignore best available science indicating that a species should be considered a species of conservation concern. **What recourse exists for the public when poor decision-making leaves out a species that the best available science identifies as a species of conservation concern?**

A Changing Climate

1. For the first time, the proposed rule addresses the threat of climate change on our national forests. There are references to climate change in the rule's three main components: assessment, plan revision, and monitoring. However, all of the language is discretionary. There is no mandatory program to analyze the effects of climate change or to develop strategies to address those threats. **Given the profound changes we are already seeing in forest ecosystems due to a changing climate, why aren't the requirements for addressing these changes more explicit?**

To submit an official comment to the Forest Service on the proposed rule visit www.fs.usda.gov/planningrule.