

OBAMA'S FOREST RULE

An opportunity to secure the future of America's fish, wildlife and watersheds



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Our National Forest System comprises 155 forests and 20 grasslands, totals 193 million acres, provides habitat for hundreds of fish and wildlife species, and encompasses watersheds that account for one-sixth of our public water supply. A new rule to guide planning on these lands will be one of President Obama's most important environmental actions.

In early 2011, the Obama administration will release a management blueprint for our national forests and grasslands. Nothing less than the future of these public lands and the fish, wildlife and water they provide is at stake. The blueprint will be driven by sweeping new regulations—collectively referred to as “the forest rule.” These regulations will replace the 1982 rule issued by President Reagan that currently guides the management of national forests and grasslands. With the health of wildlife and watersheds that impact millions of Americans hanging in the balance, the forest rule will be one of President Obama's most important environmental actions.

In addition to expanding and improving the protections of the 1982 rule, the new rule is an opportunity to apply the latest science to the management of our forests and grasslands. With a strong,

smart forest rule, President Obama can leave a lasting legacy by securing a vibrant future for the fish, wildlife and watersheds these lands support.

President Obama's forest rule will affect all of our magnificent national forests and grasslands—a total of nearly 200 million acres (about the size of Texas). The rule will establish guidelines for the management plan each forest and grassland is required to have.

These plans set the ground rules for developing conservation and restoration programs, creating and maintaining recreation opportunities such as trails, determining where energy development and logging can occur, and responding to climate change and other threats. Unless the new rule includes clear, science-based direction and meaningful protections for our fish, wildlife and habitat—and for the watersheds that are vital sources of safe, clean drinking water—these national treasures will be at risk.

Ronald Reagan set the current standards for conservation on our national forests and grasslands in 1982. President Obama can set even stronger standards for effective management with a new, science-based forest rule.

A STRONG FOREST RULE: THE FUNDAMENTALS

SAFEGUARDING FISH AND WILDLIFE

The United States is one of the most ecologically diverse nations on Earth. This diversity is reflected in the variety of landscapes throughout our national forests and grasslands that sustain a rich tapestry of life. Three-quarters of the major U.S. terrestrial and wetland habitat types are found on national forests. These habitats are a lifeline for one-fifth of federally threatened and endangered species in America.¹ In addition, our national forests and grasslands support billions of dollars in hunting, fishing, birding and wildlife viewing annually. Unfortunately, our fish and wildlife resources face many threats, including pressure from development, energy production, timber harvesting and climate change.

To succeed, President Obama’s forest rule must effectively protect fish and wildlife by including:

- **A mandatory species viability standard**

By statute, the Forest Service has a duty to protect the diversity of plant and animal communities within national forests.² The use of a clear and nondiscretionary species viability standard is an essential and scientifically credible means of complying with this legal requirement. Like the rule issued by the Reagan administration, Obama’s rule should require that Forest Service management actions provide for the long-term persistence of fish and wildlife.

- **An exception for external factors**

Factors beyond the control of the Forest Service occasionally make it impossible to meet the species viability standard. Thus, an “external factors” exception to the standard should be included in the rule and applied only when absolutely necessary, for example, when activities on private land threaten a species on an adjacent national forest.

- **A process for assessing risks to wildlife and habitat**

The rule must establish a process for assessing and responding to threats to fish, wildlife and habitat in the development and implementation of forest plans. By assessing the likely impacts of climate change on sensitive species, for example, managers can take actions to help those species survive on national forest lands.

- **A scientifically defensible monitoring program**

To determine if forest plans are effectively providing for the long-term persistence of fish and wildlife, the rule must include a nondiscretionary monitoring program to ensure that habitat is supporting viable populations. Habitat monitoring alone does not adequately evaluate whether or not management actions support wildlife. Targeted population surveys for a small group of species should be conducted to make smarter and better decisions for the future of our forests.



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Monitoring the population trends of the American marten, a small forest predator, is one way to assess the effectiveness of efforts to protect and restore the forests where it lives.

PROTECTING WATERSHEDS

Sixty-six million Americans live in communities that draw source water from national forests and grasslands.³ Approximately 3,400 public water systems in 33 states depend on national forest watersheds for their water supplies.⁴ Forested watersheds in good condition also moderate periods of drought and flood and host diverse communities of plants and animals.

Safeguarding our water resources from threats such as road development in sensitive watersheds, logging near streams and climate change is fundamental to managing our national forests. The value of our national forests' watersheds will only increase as new threats such as climate change jeopardize water security.

To succeed, President Obama's forest rule must protect our national forest and grassland water resources by including:

- **Watershed assessments**

Assessments are necessary to gather information on the health of watersheds and to improve the planning process. To develop the most effective management plan, the overall status of a watershed must be evaluated to identify the healthiest and most productive parts as well as the areas most in need of restoration.

- **National standards, guidelines and objectives**

A strong framework of national standards, guidelines and objectives must be in place to be carried out based on information from the watershed assessments. This framework should provide clear direction on:

- ♦ **Protections for riparian reserves** (the lands surrounding streams, rivers and other water bodies that typically provide the most important and resilient habitats in any forest). Only management actions scientifically proven to restore watershed health should be allowed in riparian areas.
- ♦ **Identification and special protections for key watersheds** (relatively undisturbed watersheds that provide high-quality water and serve as strongholds for aquatic habitats and species). The identification and protection of a network of key watersheds is essential for ensuring delivery of clean water and for sustaining many species.
- ♦ **Consistent management protocols for all watersheds.** Clear requirements, such as road density standards and prohibition of timber harvesting in areas prone to landslides, are necessary to protect watersheds equally throughout our country.
- ♦ **Restoration of degraded watersheds.** While efforts to maintain healthy watersheds are crucial, restoring degraded watersheds by road removal and other projects is essential to forest management that not only protects but also improves water resources.

- **Watershed monitoring**

Watersheds must be comprehensively monitored to assess their status, to determine whether or not management actions are working successfully, and to obtain information to guide future planning.



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Anglers are among the millions of outdoor recreationists drawn to our national forests and grasslands each year, creating jobs and generating revenue in nearby communities.

A SMART FOREST RULE: ESSENTIAL ELEMENTS

CLIMATE CHANGE RESPONSE

Climate change poses a major threat to our national forests and grasslands. As global temperatures continue to rise, vegetation patterns will change. Consequently, wildlife ranges will shift as species try to stay within their preferred habitats. Stream flows will also change as the timing and volume of precipitation, snow and ice melt, and water use are altered. Strategies for responding to these and other challenges related to climate change must be part of every forest plan.

For fish and wildlife, climate change response strategies include identifying and protecting climate refugia (areas expected to remain relatively stable despite climate change), protecting migration corridors so species have access to new areas more suitable to their needs, and restoring the integrity of our forests so they can support imperiled wildlife.

For watersheds, these strategies include maintaining forest cover near streams and rivers to regulate drought and flood periods, and using assessments to identify vulnerable watersheds critical to U.S. water supplies and the extra protections they need in the face of climate change.

In addition, recognizing our forests' capacity to store carbon and offset heat-trapping pollution, President Obama's forest rule should include requirements aimed at preserving our most carbon-rich forests.

To employ these strategies and protect our forests from climate-induced impacts, the Forest Service must look at

climate change risks in its assessments of wildlife and watershed conditions, incorporate adaptation to climate change into forest plans, and monitor adaptive actions to see if they are making a difference or if new or additional actions are needed.

Economic Benefits of a Strong Forest Rule

A strong forest rule is also important for our economy. The outdoor recreation industry contributes \$730 billion annually to the U.S. economy, supporting 6.5 million jobs across the country.⁵ This booming economic sector relies on healthy forests, clean water and an abundance of fish and wildlife to attract the backpackers, anglers, birdwatchers and hunters who buy outdoor equipment and services.

National forests in particular also support rural jobs related to recreation. Spending by recreation visitors in areas surrounding national forests amounts to nearly \$13 billion each year and sustains more than 224,000 full- and part-time jobs.⁶

A strong forest rule can create additional jobs through the projects it requires to protect our wildlife and water. Watershed restoration projects, for example, can create between 15.7 and 28.3 local jobs for every \$1 million spent.⁷



National forests are a last stronghold for the Canada lynx, a rare cat threatened by climate change and habitat loss.

To succeed, President Obama's forest rule must incorporate conservation strategies that increase the resilience of our forests and grasslands to the impacts of climate change.

SOUND SCIENCE

Science must be behind every component of the new forest rule. All decisions related to forest management, especially those affecting wildlife and watershed health, should be based on sound scientific research and complete information. Many members of the public were disappointed when the Obama administration chose not to convene a committee of scientists as the National Forest Management Act encourages (and as

“The Forest Service’s forest planning process provides an important venue to integrate forest restoration, climate resilience, watershed protection, wildlife conservation, the need for vibrant local economies, and collaboration into how we manage our National Forests. Our best opportunity to accomplish this is in developing a new forest planning rule for our National Forests... to ensure management and restoration of our National Forests with a goal to protect our water, climate and wildlife while creating local economic opportunity.”

—Tom Vilsack, Secretary,
U.S. Department of Agriculture

the Clinton administration did) to support the forest planning process. In the absence of such a committee, experts in the areas of wildlife and watershed science should review the new forest rule. Their recommendations should be shared with the public and incorporated into the final rule.

To succeed, President Obama’s forest rule must be based on sound science and validated by an objective external scientific review process.

CONSISTENT CONSERVATION

Each forest within our national forest system faces unprecedented challenges from inside and outside its boundaries. Today’s challenges occur at scales that transcend individual forests and can only be addressed through well-coordinated planning and consistent management.

While each forest needs the flexibility to develop collaborative solutions in response to local problems, too much discretion can lead to inconsistent management, marginally effective conservation, and ultimately, to conflict in forest planning. By establishing consistent standards and planning approaches for all national forests, a strong yet flexible forest rule can alleviate implementation problems and allow forest planning and conservation projects to move forward without delay. Only a rule with clear, system-wide standards can uniformly deliver what most Americans expect: consistent conservation of natural resources across all national forests and grasslands.

To succeed, President Obama’s forest rule must set strong standards to ensure consistent and effective conservation throughout the National Forest System.

HISTORY OF THE FOREST RULE

1976 • The National Forest Management Act passes in response to increasing public concern over the management and conservation of our federal lands.

1982 • The Reagan administration issues final regulations to guide the creation of management plans for each national forest, establishing the wildlife and water protections still in place today.

2000 • The Clinton administration proposes sweeping changes to improve the previous forest planning regulations with the guidance of a Committee of Scientists.

2001 • The Bush administration suspends the Clinton administration rule.

2002 • The Bush administration releases a rule that fails to provide strong protections for water, wildlife or other social and environmental values. Strong public backlash ensues. Major U.S. newspapers, including *The New York Times*, *Washington Post* and *Los Angeles Times*, denounce the rule.

2005 • After years of legal challenge, the Bush rule is sent back to the Forest Service by a federal court ruling that it does not comply with environmental laws.

2008 • The Bush administration re-releases a forest planning rule nearly identical to its 2002 rule except for attempts to fix some pieces found illegal by the court. Conservation groups again challenge the rule.

2009 • A federal court again strikes down the controversial Bush administration rule. The Obama administration does not appeal the decision and announces it will release its own rule.

2011 • The Obama administration will release its draft forest rule and environmental impact statement and accept public comments. A final rule is expected at the end of 2011.

CHECKLIST FOR SUCCESS: Must-haves for Obama's forest rule

DOES IT SAFEGUARD FISH AND WILDLIFE?

- Species viability standard:** A clear requirement that forest plans include management actions to maintain viable populations of fish and wildlife.
- External factors exception:** Clear rules for exceptional cases where external circumstances make it impossible for the Forest Service to maintain the viability of a wildlife population.
- Assessments:** A consistent process for assessing and responding to threats to wildlife and habitat when developing and implementing forest plans.
- Habitat and wildlife population monitoring:** A requirement for nondiscretionary monitoring programs to ensure that habitat and management activities are supporting fish and wildlife populations.

DOES IT PROTECT WATERSHEDS?

- Riparian reserves:** A requirement to protect areas around permanent and intermittent surface waters and allow only restorative management actions in these sensitive areas.
- Key watershed prioritization:** A directive to identify watersheds with the highest aquatic integrity and make protecting these key watersheds a priority.
- Consistent watershed protection requirements:** Clear, measurable standards for protecting watersheds throughout the National Forest System.
- Watershed restoration guidelines:** A framework for restoring degraded watersheds.
- Assessments:** A consistent process for evaluating the status of watersheds and identifying and responding to risks.
- Comprehensive watershed monitoring:** Guidelines for monitoring to determine if management and restoration activities are working and to inform future decisions.

DOES IT HAVE THE ELEMENTS OF A SMART RULE?

- Climate change response:** Conservation strategies that increase the resilience of forests and grasslands and help species and ecosystems cope with the impacts of global warming.
- Sound science:** Based on the latest research and thinking and validated by external scientific review.
- Consistent conservation:** Strong standards to ensure consistent and effective conservation throughout the National Forest System.

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The forest rule that we help shape today will determine the future of our national forests. For more information and to have a say in the making of a strong, effective rule, go to www.defenders.org/ourforests.



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