

Committee on Resources

Subcommittee on Forests & Forest Health

Witness Statement

STATEMENT OF H. MICHAEL ANDERSON, SENIOR RESOURCE ANALYST FOR THE WILDERNESS SOCIETY, ON THE U.S. FOREST SERVICE'S DRAFT RULE ON NATIONAL FOREST PLANNING, BEFORE THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON RESOURCES, SUBCOMMITTEE ON FORESTS AND FOREST HEALTH MARCH 2, 2000.

The Wilderness Society appreciates this opportunity to testify on the Forest Service's draft rule on National Forest land and resource management planning. The Wilderness Society is a national environmental organization with 200,000 members and eight regional offices. Since 1935, The Wilderness Society has worked for the protection and sound management of America's National Forests and other public lands. The Society is widely respected for its ability to use economic and ecological expertise to help understand and solve complex natural resource problems.

For the past two decades, The Wilderness Society has been deeply involved in the National Forest planning process. From the 1985 draft plan for the White Mountain National Forest in New Hampshire to the 1999 revised plan for the White River National Forest in Colorado, The Wilderness Society has played a lead role in reviewing and responding to Forest Service management plans. The Society also has closely tracked and commented on the Forest Service's proposed changes to the regulations that guide the planning process, including the 1991 advance rulemaking notice and the 1995 draft rule.

Last year, The Wilderness Society released a report describing our organization's vision for the National Forests in the 21st Century. The vision statement, which was prepared with the assistance of an expert advisory panel, recommended that National Forest management be based on the following five general principles:

the integrity, health, and sustainability of wildland ecosystems should be the goal of all management;

management should DO NO HARM to the forest environment;

planning and management should be based on the best available information and scientific understanding;

management activities should be economically sound and foster the growth of natural asset values; and

citizens should have the opportunity to participate in the decision-making process affecting their public forests.

In reviewing the Forest Service's latest draft rule on forest planning, The Wilderness Society measured the agency's proposals against the principles in our forest vision, as well as the requirements of the National Forest Management Act (NFMA) and other laws. In addition, we compared the draft rule with the report and recommendations of the Committee of Scientists appointed by USDA Secretary Glickman in December

1997.

The Wilderness Society has conducted a detailed review of the Forest Service's draft rule and recently submitted 39 pages of comments, which I co-authored along with our western resource economist Peter Morton. We received advice and assistance from several ecologists and forest policy experts. Our comments cover more than two dozen topics in the planning rule, ranging from overall management goals to public participation opportunities. On some matters we are very supportive of the draft rule, while on other matters we are strongly opposed. For this testimony, I have highlighted our views on some of the key issues in the draft rule.

Overall, The Wilderness Society commends the Forest Service for proposing planning regulations that generally take an ecological and science-based approach toward management of the National Forests. We do have serious problems with certain elements of the draft rule, such as the proposed elimination of the administrative appeals process for forest plans. However, in most respects we believe that the agency is proceeding on the right track.

Goals and Priorities

The Wilderness Society strongly supports the Forest Service's proposal to assign first priority to ecological sustainability in the forest planning process. The American people value the National Forests mostly for their pure water, recreational qualities, biological diversity, and other benefits of naturally functioning ecosystems. Making ecological sustainability the primary goal of planning will also clarify the management priorities and role of the National Forests, which has been a problem frequently cited by the Government Accounting Office and others. We agree with the Committee of Scientists that the sustainability objective is consistent with existing laws governing National Forest management, including the 1897 Organic Act, NFMA, NEPA, and Endangered Species Act.

However, we have serious concerns about the absence of regulatory direction to ensure that various management activities and uses do not degrade the environment. The Forest Service needs to supplement the ecological sustainability regulations with requirements to protect old-growth forests, roadless areas, riparian areas, water quality, non-motorized recreation opportunities, and other important lands and values. The planning regulations should also ensure that potentially damaging activities such as clearcutting, grazing, mining, and off-road vehicle use are strictly controlled in order to protect and restore environmental quality.

Species Viability and Focal Species

The concept of population viability is at the core of sound wildlife management and biodiversity conservation. The Wilderness Society strongly supports the requirement in the draft rule that Forest Service plans and project decisions generally must "provide for ecological conditions such that there is a high likelihood of maintaining viability of native and desired non-native species over time. It is very important that the regulations provide a strong, enforceable standard for protecting biological diversity and that the acceptable level of viability risk not be left up to the discretion of local forest plans. We also support the proposal to broaden the scope of the regulation to encompass all native species, not just vertebrates as the current regulation does.

The Wilderness Society agrees with the Committee of Scientists that it is unrealistic to expect the Forest Service to monitor and evaluate the viability of all native species. Therefore, we support the draft rule's requirement to identify and analyze the viability of "focal species" and "species at risk." Focusing forest

plan evaluations on focal species and species at risk should resolve at least some of the problems resulting from the use of "management indicator species" (MIS) under the current regulations. Many forest plans include common game species like deer and grouse in their MIS lists, providing little if any meaningful information about the viability of native species or ecosystem integrity. The draft rule addresses this problem appropriately by limiting focal species to indicators of ecological integrity, while game species would be dealt with separately as "demand species."

Monitoring

The lack of adequate funding for monitoring and data analysis continues to be a significant problem in National Forest management. The draft rule addresses this issue head on by stipulating that projects can only be authorized if there is a reasonable expectation that adequate funding for monitoring and evaluation will be available. The Wilderness Society supports mandatory monitoring and urges the agency to broaden the requirement to include research.

We are concerned, however, that the draft rule gives the agency too much discretion in selecting wildlife monitoring methods. Species monitoring could be conducted through a variety of methods, ranging from population sampling to inferring population status from habitat conditions. In contrast, current regulations and court decisions require the Forest Service to collect population data for all management indicator species (36 CFR 219.19(a)(6); see *Sierra Club v. Martin* (168 F.3d 1 (11th Cir. 1999)). The Committee of Scientists stressed that habitat monitoring alone was insufficient; populations of species must also be assessed and continually monitored. We recommend that periodic population counts or surveys be required for all species at risk and focal species.

Ecosystem Integrity and Historical Range of Variability

The Wilderness Society strongly supports the draft rule's mandate to maintain or restore ecosystem integrity, but we believe the rule relies too much on the concept of "historical range of variability" (HRV) to achieve ecosystem integrity. HRV is still a relatively new and largely untested ecological concept that has sometimes been misused by Forest Service managers. Scientifically credible use of the HRV approach will require substantial research to determine pre-settlement conditions for a range of key ecological indicators. In the long run, the HRV concept holds a good deal of promise for orienting management in a way that maintains and restores ecosystem integrity, once sufficient historical data are available at appropriate scales.

For the upcoming round of forest plan revisions, we recommend that HRV be used as a supplemental tool for evaluating ecosystem integrity and determining restoration needs. The principal means of protecting ecosystem integrity should be the reliable, time-tested approach of identifying and protecting areas that are known to possess high ecological integrity, such as roadless areas, old-growth forests, and relatively undisturbed watersheds and riparian areas.

Roadless Areas and Wilderness Reviews

Regardless of the outcome of the Clinton Administration's current National Forest roadless area initiative, the forest planning process should continue to be an important way for citizens to participate in identifying areas for potential wilderness designation by Congress. The Wilderness Society supports the requirements in the draft rule for consideration of roadless areas and wilderness proposals early in the planning process.

We are concerned, however, that the definitions of roadless and unroaded areas in the draft rule could be

interpreted to disqualify many essentially wild areas from management protection or wilderness review because of the presence of primitive jeep trails. We urge the Forest Service to continue using its existing definition of roadless areas, except to lower the minimum acreage standard from 5,000 acres to 1,000 acres.

Recent forest plan revisions have recommended virtually no additional wilderness designations, despite public sentiment and new scientific evidence in favor of wilderness. The Forest Service appears to be applying excessively strict suitability criteria to avoid wilderness recommendations, such as nearby sights and sounds of civilization. We believe the planning regulations should tackle this problem by spelling out the criteria that must or must not be factored into wilderness reviews.

Scientific Analysis and Oversight

The Wilderness Society strongly supports the draft rule's requirement that forest plans must be consistent with the best available scientific information and analysis. The initial forest plans generally failed to take advantage of the scientific expertise available within and outside the Forest Service. Consequently, the plans often were seriously deficient in their analysis of ecological consequences, such as the cumulative impacts of logging and road construction on forest and stream ecosystems.

We also support the proposed requirements to provide independent scientific input throughout the planning process, from the plan initiation phase to monitoring of plan implementation. The establishment of regional and national science advisory boards should help to ensure that Forest Service plans and management decisions are scientifically sound. To that end, we recommend that the regulations require science consistency reviews of all proposed plan revisions.

Economic Efficiency Analysis and Non-Market Benefits

An important change in the draft rule is to make sustainability the central goal of the planning process, rather than maximizing net public benefits (NPB). The current planning regulations provide an explicit management objective for the National Forests to maximize (NPB) in an environmentally sound manner (36 CFR 219.1(a)). Net public benefits are defined as "the overall long-term value to the nation of all outputs and positive effects (benefits) less all associated inputs and negative effects (costs) whether they can be quantitatively valued or not" (36 CFR 219.3). The draft rule retains NPB as a component of economic analysis.

The Wilderness Society supports the substitution of sustainability for NPB as the primary goal of forest plans and recommends that the Forest Service make a greater effort to factor non-market values into the analysis of NPB. The majority of benefits from managing the National Forests are non-market benefits -- goods and services such as stable watersheds, scenic landscapes, and wildlife habitat. The Wilderness Society believes that the principal economic role of the National Forests should be to conserve those non-market goods and services, which are typically underproduced by private market forces.

Unfortunately, the agency has rarely if ever completed an economic efficiency analysis that fully accounts for non-market benefits and costs associated with National Forest management. For example, the sedimentation of reservoirs decreases holding capacity, increases water treatment costs, and increases frequency and costs of dredging. These off-site impacts represent real costs to downstream communities and water conservancy districts -- costs that should be internalized into an economic analysis of forest management activities. We recommend that the Forest Service strive to quantify and take into account the total economic value of National Forests, including ecosystem services and passive use benefits, when it

evaluates management options.

Economic Impact Analysis

We are concerned that the draft rule places too much emphasis on local employment impacts. The National Forests are publicly owned by all Americans and held in trust for future generations. As such, the scope of the economic analysis should look beyond the employment and income impacts on local communities to include all Americans. By taking a narrow local or regional "accounting stance" that only examines employment and income impacts, planners will ignore the benefits and costs that accrue to Americans outside the region from management of public land.

Agency economists should also consider the indirect role of wildlands in attracting a talented workforce, non-recreational businesses, and retirees when completing the economic impact analysis (jobs, income, etc.) of management alternatives. This can be accomplished by combining survey work with trend analysis of total personal income (including retirement and investment income) and employment to provide a historical perspective on job and income growth or decline in various industries. The draft rule should specify that economic analyses must include the significant contribution provided by non-labor income, which typically accounts for 25-50 percent of total personal income. In the past, agency economists have not included non-labor income, rather focusing mainly on employment.

Timberland Categories

The draft rule would divide all lands into one of three categories: (1) lands that are not suited for timber production, (2) lands where timber production is an objective, and (3) lands where timber harvest is permitted to accomplish objectives other than timber production. Permissible objectives for cutting on lands in the third category (such as the late-successional reserves in the Northwest Forest Plan) would be "to maintain or restore the ecological integrity of the land, to protect other multiple use values, or to achieve the desired vegetation conditions identified in planning documents." In contrast, the current regulations have only two categories of land - suitable and unsuitable.

We generally support the proposed three-part categorization, provided that the regulations make it absolutely clear that lands in the third category are not considered part of the "suitable" timber base. The plan documentation section of the draft rule adds a new term - "land classified suitable for timber removal" - which implies that the category three lands are part of the suitable timber base. The term "suitable for timber removal" should be removed from the regulations in order to avoid serious and inevitable confusion about which lands are in the suitable timber base.

Allowable Sale Quantity

The draft rule would officially eliminate the requirement for each forest plan to specify an allowable timber sale quantity ("ASQ") for the full 10-15 year planning cycle. Instead, planners would be required to estimate the "long-term sustained yield capacity" of the forest for timber production, which would establish a ceiling for timber sale volume. The calculation of sustainable yield would be based only on lands where timber production is a management objective. Lands where timber harvest is permitted to meet non-timber objectives would be omitted from the calculation.

We are concerned about the potential exaggeration of potential timber sales levels through the calculation and display of long-term sustained yield capacity. Estimates of long-term sustained yield capacity have

traditionally exceeded ASQ levels because they assumed full funding of pre-commercial thinning, fertilization, and other intensive management practices that theoretically speed the re-growth of trees. The regulations should ensure that projected timber capacity is based on economically realistic and ecologically sound assumptions and constraints. In addition, we recommend that the Forest Service impose a ceiling on the amount of logging that could occur on the lands where logging is permitted to achieve non-timber objectives.

Below-cost Sales

The draft rule appropriately addresses the issue of money-losing timber sales by requiring that lands be classified as not suited for timber production "where the costs of timber production are not justified by the ecological, social, or economic benefits." This responds to the Committee of Scientists' recommendation that below-cost sales "should not be undertaken unless justified by the achievement of some other end of sufficient value to justify the revenue losses."

The draft rule improves upon the existing regulations, which allowed uneconomic lands to be included in the suitable timber base if they were needed to achieve timber sale objectives. However, there are at least two problems with the Forest Service's proposal. First, the regulations need to specify what timber production costs (e.g. road construction and maintenance, reforestation, and environmental mitigation) to include in the financial analysis, as the existing regulations do. Second, ecological, social, and economic considerations should also be factored into the costs as well as the benefits of logging. It would be absurd, for example, to count a new logging road as a social benefit due to greater recreation access but not take into account the ecological damage that the road would cause.

Salvage Logging

We strongly oppose language in the draft rule that appears to create a huge loophole for salvage logging. The draft rule states, "To achieve the desired conditions described in applicable land and resource management plan decisions, the salvage or sanitation harvest of timber is permitted on all National Forest System lands except on those lands where timber harvest is prohibited by law." This provision seems to provide blanket authority to allow salvage logging anywhere except in designated wilderness areas and similar statutory designations. Moreover, it could be interpreted as overriding any existing administrative protection, such as recommended wilderness areas, old-growth forest reserves, backcountry recreation areas, and research natural areas. While Section 6(k) of the NFMA does give the Forest Service some discretion to conduct salvage logging on unsuitable timberlands, it does not mean that salvage logging can necessarily occur on all non-wilderness forest lands. The existing regulations do not exempt salvage logging from administrative controls (see 36 CFR 219.27(c)(1)).

We recommend that the regulations specify that salvage is only appropriate when dead trees can be removed in a way that protects the integrity of the ecosystem. The Forest Service should require more stringent environmental standards for salvage logging than for other timber sales, due to the sensitivity of the post-disturbance environment. For example, bare soils created by intense forest fires may be more subject to erosion. Otherwise, salvage sales should be conducted under the same standards as other timber sales.

Collaborative Groups and Advisory Committees

We are concerned about the draft rule's major emphasis on collaborative efforts and advisory committees. The draft rule encourages formation of collaborative groups to help develop the landscape goals and key

issues that drive the planning process. Our concern is that forest supervisors will interpret this regulation as a mandate to rely on local "partnership" groups like the Quincy Library Group to help guide the planning process. The Committee of Scientists emphasized that collaborative processes should strive to be inclusive, open, representative, and based on sound science. The regulations should make it clear that the views of collaborative groups will be taken under advisement along with all other public input and will not receive preferential consideration in the planning process.

The draft rule also calls for the establishment and use of advisory committees. The NFMA authorized the Forest Service to establish advisory committees that represent a broad cross section of interest groups and comply with the procedural safeguards of the Federal Advisory Committee Act, but the agency has never before utilized that authority. We recommend that advisory committees be introduced on a limited, trial basis, rather than immediately required to cover all National Forests. The Forest Service should assess the performance and usefulness of the initial committees before deciding whether to establish advisory committees system-wide.

Administrative Appeals

The Wilderness Society strongly opposes the proposed elimination of citizens' ability to appeal forest plans. The draft rule would replace the existing administrative appeals process with a perfunctory "pre-decisional objection" process similar to one used by the Bureau of Land Management. Objections to a proposed plan would be considered by the regional forester after a final EIS for the plan was released but before the forest supervisor issued a Record of Decision

The proposed objection process is clearly an inadequate opportunity to challenge forest plans. Shortcomings of the proposal include inadequate time to prepare the objection, no opportunity to intervene, no time deadlines for the agency to respond, no opportunity to request stays of activities pending an appeal decision, and no opportunity for review by the Forest Service Chief. Furthermore, in the event that the forest supervisor alters the final plan through the Record of Decision, there would be no opportunity to object or appeal. In addition, requiring the regional foresters to review plan objections would necessarily prevent them from engaging effectively in the early development of forest plans.

We believe it is premature and ill-advised for the Forest Service to propose overhauling the forest plan appeals process. We strongly recommend that the Chief of the Forest Service continue to have responsibility for reviewing administrative appeals of forest plan revisions.

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