



PROTECTING

AMERICA'S

NATIONAL

FORESTS

*SAVING THE LAST WILD 30%*



NATIONAL ENVIRONMENTAL TRUST & HERITAGE FORESTS CAMPAIGN

**PROTECTING  
AMERICA'S  
NATIONAL  
FORESTS**

*SAVING THE LAST WILD 30%  
REVISED EDITION*

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*NET is a national, non-profit environmental organization providing public policy expertise and educational outreach on national environmental issues. For more information on NET, please visit: <http://www.environet.org>*

*The Heritage Forests Campaign is an alliance of conservationists, wildlife advocates, clergy, educators, scientists, and other Americans who are working together to uphold protection of our National Forests. Heritage Forests Campaign's partners include Alaska Rainforest Coalition, Earthjustice Legal Defense Fund, National Environmental Trust, National Audubon Society, Natural Resources Defense Council, US PIRG, and The Wilderness Society. To learn more about the campaign, visit our website at <http://www.ourforests.org>*

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## INTRODUCTION

Our national forests unite all Americans with ownership of a common treasure. First created by President Theodore Roosevelt in 1907, the system now includes 155 national forests, encompasses 192 million acres, stretches to all corners of the country, and serves a variety of recreational purposes. The lands also provide clean drinking water for hundreds of communities and critical habitat for fish and wildlife.

As America's urban centers grow and wild and open places become scarcer, our national forests become more valuable. Yet unfortunately, more of our forests' scenic landscapes are being spoiled by development every day. In 1998, the U.S. Forest Service responded to this growing threat by imposing an 18-month moratorium on building new roads for timber cutting, mining, and drilling for oil and natural gas. The agency then began a public rulemaking process to permanently set aside 58.5 million acres, about a third of the national forest system, from new roadbuilding. By January 2000, after holding more than 600 public meetings, receiving 1.6 million public comments—the vast majority in favor of strong protections—and gaining endorsements by many members of Congress, the process was complete, and the Roadless Area Conservation Rule was created.

But just as the new rule was scheduled to take effect, the Bush administration moved to block it. First, White House Chief of Staff Andrew Card froze its implementation. Then Secretary of Agriculture Ann Veneman postponed its effective date, and announced the Bush administration plans to amend the rule and reopen the public comment process. At the same time, the Bush administration also began work on the National Forest Management Act that would weaken or undermine many of the environmental and public interest protections in the rule.

Eight lawsuits have been filed by timber and other interests challenging the rule. In court proceedings, the Bush administration has failed to mount a vigorous defense of the rule. A preliminary injunction on its implementation, issued by an Idaho court, is now before the Ninth Circuit Court of Appeals.

Our national forests are in danger of being lost forever, despite Americans' strong desire for their protection. We hope the information presented here will aid in understanding this critical issue, so that our national forests will remain protected and will not be destroyed by development, mining, drilling and timber cutting.



# THE ROADLESS AREA CONSERVATION RULE EXPLAINED

*THE ROADLESS AREA CONSERVATION RULE IS THE RESULT OF MORE THAN TWO DECADES OF DEBATE. THE FINAL RULE TIES TOGETHER THE NATION'S PATCHWORK OF LOCAL FOREST MANAGEMENT PRACTICES AND PLACES THE REMAINING UNSPOILED PLACES OFF LIMITS TO LOGGING, MINING, AND DRILLING INTERESTS.*

The rule's main provisions include:

- Protecting 58.5 million acres of national forest land in 39 states, including 9.3 million acres of Alaska's Tongass National Forest;
- Maintaining current public access and recreational opportunities, including hiking, camping, hunting and fishing;
- Preserving critical habitat for fish and wildlife, including more than 1,600 threatened, endangered, or sensitive plant and animal species;
- Safeguarding clean water from forest headwaters and streams, the source of drinking water for 60 million Americans;

- Actively managing lands, when necessary, to restore ecological processes, provide habitat for endangered species, or avert catastrophic wildfire;
- Protecting forest health by allowing a range of prevention and protection activities, including logging;
- Maintaining access to private property within national forests;
- Extending all existing leases, including those for energy development.<sup>1</sup>

### THE MOST INCLUSIVE PUBLIC RULEMAKING EVER

The Roadless Area Conservation Rule resulted from the most inclusive public process to date. The Forest Service held two sets of public hearings on the rule and the issues pertaining to it.

- *Seven federal agencies collaborated on the rulemaking*
- *More than 180 Native American groups were consulted during the rulemaking process*
- *More than 600 public meetings were held nationwide, attended by an estimated 25,000 people*
- *The Forest Service received a half-million public comments on the initial proposal, and 1.1 million comments on the final proposal*
- *Seven separate hearings were held before U. S. House and Senate committees and subcommittees.<sup>2</sup>*

## NATIONAL POLLS SHOW WIDESPREAD SUPPORT

Several national polls show widespread, bipartisan support for the rule. An April 2001 poll by The Mellman Group showed 67 percent of those surveyed favored the policy, including 76 percent of Democrats, 66 percent of independents, and 58 percent of Republicans. Support is consistent across the country: 71 percent of Northeasterners, 68 percent of Midwesterners, 65 percent of Southerners, and 64 percent of Westerners said they back the policy.<sup>3</sup>

## EDITORIAL ENDORSEMENTS FROM NEWSPAPERS NATIONWIDE

More than 300 newspapers have published editorials supporting the rule.

- *The Los Angeles Times* called the rule “a welcome, overdue act.”<sup>4</sup>
- *The Washington Post* wrote that the rule’s passage “drew a line and sent a message: Harvest and mine in areas already open, and save the remaining wild places for their own sake and for the future.”<sup>5</sup>
- *The Albuquerque Journal* characterized the public involvement as “a weighty hand in developing this public lands policy. . . that should not be cavalierly brushed aside.”<sup>6</sup>
- In Montana, the *Missoulian* called the policy “economically, environmentally and socially sound.”<sup>7</sup>



**TONGASS  
NATIONAL FOREST,  
ALASKA**

**Total Acres:** *17,446,595 acres*  
*(about the size of New Jersey)*

**Total Roadless Acres:** *9,340,000 (57%)*

**Scenic Attractions:** *Lynn Canal, a spectacular glacial formation; the Juneau Ice Fields; majestic roadless, coastal headlands; thousands of islands separated by straits and channels. Tongass National Forest contains over 400 species of terrestrial and marine wildlife, fish, and shellfish, including robust populations of brown grizzly bears, bald eagles, and wild salmon.*

- The *Minneapolis Star-Tribune* said it was “sensible resource policy” and “a by-the-book piece of federal decision making.”<sup>8</sup>
- The *Milwaukee Journal-Sentinel* said the rule “protects the best interests of the American people and the forests they treasure.”<sup>9</sup>

## CLEAR ENVIRONMENTAL BENEFITS

The environmental benefits of the Roadless Area Conservation Rule are clear.

- The rule permanently protects the last remaining large, undisturbed landscapes in America’s national forests.
- Much of these lands are wild, rugged, and only sparsely dotted with logging, mining, and drilling claims.
- These lands serve as bulwarks against the spread of invasive species and conserve habitat for fish and game and rare plant and animal species.
- They play a key role in maintaining clean air and water.
- They are home to more than 2,000 major watersheds that contribute to public drinking water sources for over 60 million people around the nation.

## ROADLESS AREA VALUES

- Provide sources of clean drinking water
- Protect water quality for fishing and swimming
- Function as biological strongholds for rare wildlife
- Provide large, relatively undisturbed landscapes important for protecting the web of life
- Present opportunities for stepping outside of the hustle and bustle of daily life and returning to nature
- Serve as barriers against the spread of weeds and pests into pristine areas
- Offer opportunities for scientific study and research
- Provide open space and unspoiled vistas
- Preserve areas needed for traditional Native American religious and cultural observances

Source: <http://roadless.fs.fed.us>

## ECONOMIC COMMON SENSE

Permanently setting aside the country's remaining unspoiled forest areas also makes sound economic sense:

- America's national forests are already covered with 386,000 miles of roads—enough to circle the earth 15 times. Short-term logging projects, old mining paths, and wear and tear from off-road vehicles have created another 60,000 miles.
- The Forest Service has an \$8.4 billion backlog of deferred maintenance and reconstruction of existing roads. These roads continue to deteriorate, making passenger car travel more difficult and adversely affecting watersheds and wildlife.

- Annual budget allocations average less than 20 percent of the dollars actually needed to properly maintain existing roads.<sup>10</sup>

Deficits from the federal timber program, which includes road building and maintenance, have reached monumental proportions. The General Accounting Office (GAO) reports that the Forest Service timber program lost \$995 million between 1992-1994. In the past three years, the GAO says the federal treasury collected less than 10 percent of the \$1.85 billion worth of timber sold over the last three years.<sup>11</sup>

### A BOON TO THE RECREATION INDUSTRY

Approximately 85 percent of the revenue generated from national forests comes from recreational activities—more than five times the amount generated by logging. Currently, U.S. parks and woodlands, including the 58.5 million unspoiled acres affected by the policy, provide an estimated \$100 billion in recreational benefits and nearly 330,000 jobs each year.<sup>12</sup>

### AN UNCERTAIN FUTURE

On July 10, the Bush administration issued an Advanced Notice of Proposed Rulemaking, posing broad “scoping” questions, with a 60-day public comment period (*See* p. 47-49). It is then expected to propose amendments to the rule followed by a second comment period. The Clinton administration followed the same process in its 1999 rulemaking.

The rule was originally slated to take effect on March 13, 2001. When President Bush took office, he delayed its adoption, criticizing it as a last-minute regulation, promulgated without adequate public participation. Not long after Bush's action, Secretary of Agriculture Ann Veneman—the administration official who oversees the Forest Service—pledged to “uphold” the rule. At the same time, she ordered the Forest Service to begin a new rulemaking process that sought to include what she characterized as “informed decision-making . . . through the local forest planning process on a forest-by-forest basis.”<sup>13</sup>

### LITIGATION LOGJAM

Eight lawsuits have been filed by timber and other interests to challenge the rule's adoption. A coalition of timber, grazing, and off-road vehicle groups, including logging giant Boise Cascade Corporation and the Blue Ribbon Coalition, a group of off-road vehicle manufacturers and users, filed suit in Idaho federal district court on January 8, 2001. The states of Idaho and Alaska filed similar suits opposing the rule on January 9 and January 31, respectively.

The lawsuits challenge the rule primarily on the grounds that the Forest Service violated the National Environmental Policy Act because it did not provide the public with adequate information about the proposed rule or sufficient opportunity for public comment. Other allegations include inadequate coordination with



local governments, violations of forest planning requirements and multiple-use principles, and illegal creation of de-facto wilderness areas. Alaska's lawsuit also alleges that the rule violates two federal laws specific to the state—the Alaska Lands Act and the Tongass Timber Reform Act.

### **POLITICAL UNCERTAINTY**

The litigation coincides with uncertainty about support for the rule within the Bush administration. Attorney General John Ashcroft, who said in his Senate confirmation hearings that he would, “regardless of whether or not I supported something as a Senator, defend the rule,” has mounted a weak defense to the federal lawsuits. The failure of the government to offer a defense of the rule on the merits resulted in the court's ruling to grant a preliminary injunction to delay implementation of the rule. The court may never have an opportunity to address the legal claims against the rule if the Bush administration makes a political decision to abandon the case and move toward settlement. In the meantime, the Ninth Circuit Court of Appeals has taken an appeal of the injunction, and a hearing is expected in October.

On June 7, Forest Service Chief Dale Bosworth issued a delegation of authority giving himself final say on timber sales in areas covered by the rule until the individual forest planning process announced by Agriculture Secretary Veneman is completed.

# BRIDGER-TETON NATIONAL FOREST, WYOMING

**Total Acres:** 3.4 million acres

*(the second largest National Forest outside Alaska.)*

**Total Roadless Acres:** 1.431 million acres (42%)

**Scenic Attractions:** *Spectacular mountain ranges, including the Gros Ventre, Teton, Salt River, Wind River, Wyoming Mountains, and Gannet Peak, the highest point in the state. The Jackson Hole area lies along a major migration route for bison, elk, and pronghorn antelope.*



## A CHRONOLOGY OF THE ROADLESS RULE: 1997-2001

**September 17, 1997** A Senate amendment significantly reducing funds for road building in the National Forests fails by one vote. The incident marks the latest in a series of annual votes that give voice to opponents of continued new road building and logging in unspoiled national forest areas.

**January 22, 1998** Responding to growing public and Congressional concerns, Forest Service chief Michael Dombeck proposes an 18-month moratorium on new road building in most unprotected, unspoiled national forest lands.

**November 18, 1998** More than 600 conservation groups and 200 scientists write to Vice President Gore urging strong protection policies for national forest areas.

**June 1999** Statements from 300 religious leaders, 168 members of Congress, and a quarter-million Americans in support of strong protections are delivered to the White House.

**October 13, 1999** President Clinton announces that he will direct the Forest Service to initiate a public rulemaking process for a rule to protect certain forest areas.

**December 20, 1999** After four months of initial public hearings, the Forest Service receives approximately 400,000 written public comments, the vast majority supporting strong protection policies for unspoiled national forest areas.

**February 14, 2000** Twenty U.S. Senators send a letter to President Clinton supporting protection for unprotected areas in all national forests.

**July 17, 2000** The Forest Service ends the public comment period for its draft protection plan after receiving a record 1.6 million comments, the majority supporting full protection for unspoiled national forest areas.

**January 5, 2001** President Clinton and Agriculture Secretary Glickman announce the final Roadless Area Conservation Rule prohibiting logging and other destructive activities on nearly 60 million acres of national forest land and giving stronger protection for the Tongass National Forest.

**January 8, 2001** Boise Cascade *et al.* files suit in Idaho U.S. district court to stop adoption of the rule. The case is assigned to Judge Edward Lodge.

**January 9, 2001** The State of Idaho files suit in Idaho U.S. district court. This case is also assigned to Judge Lodge.

**January 12, 2001** The Roadless Area Conservation Rule is published in Federal Register.

**January 20, 2001** President Bush is inaugurated. White House Chief of Staff Andrew Card issues a memo halting all rules recently issued by the outgoing Clinton administration.

**February 5, 2001** Secretary of Agriculture Ann Veneman postpones the rule's effective date to May 12, citing a White House directive.

**February 20, 2001** Boise Cascade files a motion for a preliminary injunction, requesting a decision on the motion prior to May 12.

**March 15, 2001** Senators Patrick Leahy (D-Vt.) and Maria Cantwell (D-Wash.) write to Attorney General Ashcroft urging him to "fully support, defend and enforce" the rule "as you assured Congress you would during your confirmation hearing."

**April 5, 2001** Judge Lodge issues an opinion deferring a decision on the preliminary injunction requests to delay implementation of the rule until after May 4.

**May 1, 2001** Reps. Sherwood Boehlert (R-N.Y.), Steve Horn (R-Calif.), and 20 other House Republicans send a letter to President Bush urging him to implement the rule. Meanwhile, House Minority Leader Richard Gephardt (D-Mo.), Rep. George Miller (D-Calif.) and 133 House Democrats send a similar letter. From the Senate, Democratic Leader Tom Daschle (D-S.D.) and 27 other Democrats add their support for the roadless rule.

**May 4, 2001** The Bush administration says it will implement the Roadless Area Conservation Rule with “responsible amendments” to be announced by the end of June.

**May 10, 2001** Judge Lodge issues a preliminary injunction blocking the adoption of the rule. The decision is immediately appealed to the Ninth Circuit Court of Appeals.

**May 12, 2001** Roadless Area Conservation Rule is scheduled to go into effect.

**May 21, 2001** Ninth Circuit Court of Appeals expedites consideration of the appeal of Judge Lodge’s preliminary injunction.

**June 7, 2001** Forest Service Chief Dale Bosworth issues a directive reserving for himself final authority on timber sales in areas covered by the rule until the individual forest planning process is completed.

**July 10, 2001** Bush administration issues Advance Notice of Proposed Rulemaking.

**September 10, 2001** 60-day comment period on Proposed Rulemaking ends.

**October 2001** Ninth Circuit Court of Appeals is expected to hear appeal of preliminary injunction.

## COMPARISON OF FOREST PLANNING REGULATIONS AND ENVIRONMENTAL STANDARDS

The National Forest Management Act (NFMA) requires that forest planning regulations be revised periodically. These regulations were revised in 1982 and again in the fall of 2000 under President Clinton. Recently the Bush administration has circulated an internal draft proposal for revising these regulations again to modify those prepared by the Clinton administration.

The following chart compares the environmental standards in the NFMA forest planning regulations in effect in 1982 to the Clinton administrations regulations and the Bush administration proposals. This comparison shows that the Bush administration proposal will dramatically reduce the protections previously in place, in some cases even those in place prior to the changes made by the Clinton administration.

The Bush administration could begin this new rulemaking process as early as September 2001.

ISSUE	1982 Regulations	Clinton2000 Regulations (Suspended by Bush Administration)	Bush Proposed 2001 Regulations June 14, 2001 (Internal Draft)
<b>Primary Management Goal</b>	Timber production	Protecting ecosystem integrity	"Productivity" of forest lands
<b>Protection of Animals and Plants</b>	Plan must preserve healthy populations and habitats for larger animals such as mammals, birds and fish, but not invertebrates or plants	Plan must provide ecological conditions with a "high likelihood" of ensuring the continuing viability of all native animals and plants	No requirement to protect individual species; plan merely considers plant and animal protection in setting resource extraction goals
<b>Protections of Endangered Species</b>	Plan must protect critical habitat for endangered species and seek ways to remove species from endangered species list	Plan must include ways to prevent species from becoming endangered and include actions required by Endangered Species Act	Plan only required to "address" Endangered Species Act requirements; no requirement to consult with federal fish and wildlife agencies to protect endangered species
<b>Opportunity for Public Comment</b>	3-month comment period on draft forest plans and Environmental Impact Statements	90-day comment period on draft forest plans and Environmental Impact Statements	30-day comment period on draft forest plans and Environmental Impact Statements
<b>Requirement for Environmental Impact Statements</b>	Environmental Impact Statement required for all forest plan revisions	Environmental Impact Statement required for all forest plan revisions	Environmental Impact Statement not required for all forest plan revisions; less stringent reviews permitted
<b>Protection of Uninventoried Roadless Areas</b>	No requirement to consider protection of uninventoried roadless areas	Uninventoried roadless areas must be evaluated and may be protected if warranted	No requirement to consider protection of uninventoried roadless areas
<b>Roll of Science and Scientists in Planning</b>	Scientists and scientific data may be included in planning	Scientists and scientific data must be included in plan development and each plan must be consistent with best available science	Scientists and scientific data may be included in planning



CLEARWATER  
NATIONAL FOREST,  
IDAHO

**Total Acres:** 1.83 million acres

**Total Roadless Acres:** 790,000 (43%)

**Scenic Attractions:** White water falls and quiet pools.

*The mountains are habitat for elk, moose, whitetail and mule deer, black bear, gray wolf, cougar and mountain goats. This forest has the largest number of unprotected areas anywhere in the continental United States.*



## PUBLIC SUPPORT

The Roadless Area Conservation Rule enjoys widespread public support, demonstrated by 1.6 million official public comments received by the U.S. Forest Service during its comment periods and confirmed by a wide variety of public opinion polls and newspaper editorials around the country. Over the past seven years no fewer than 18 separate opinion polls have shown strong public support for national forest conservation, and over the last three years, more than 300 newspapers have made their support known through editorials.

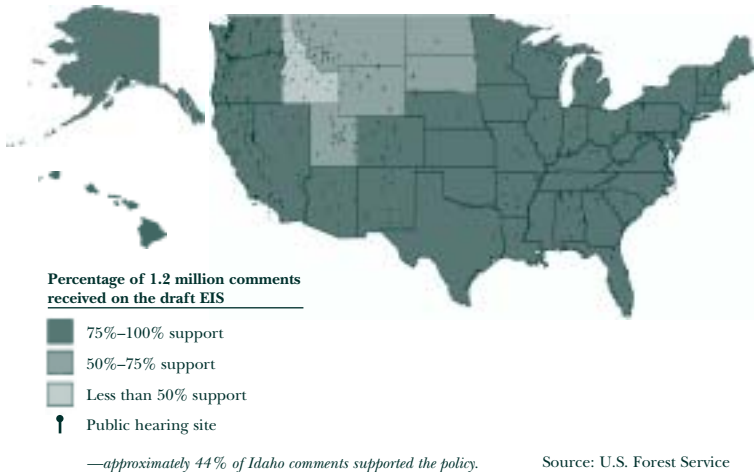
### OPINION POLLS

In April 2001, The Mellman Group wrote, “There is widespread and overwhelming support for protecting wild areas in national forests from logging, mining, and drilling for oil and gas. A strong majority of voters (67%) favor a recently adopted policy to protect the last 30% of national forest lands, with 49% saying they favor this policy strongly (19% oppose). Support for this ruling cuts across partisan and regional lines. Seventy-six

percent (76%) of Democrats, 66% of independents and even 58% of Republicans support protecting these areas. Similarly support is strong in all regions of the country. Seventy-one percent (71%) of people from the Northeast, 68% of Midwesterners, 65% of Southerners and 64% of those in the West favor the rule to protect pristine national forest lands.”<sup>14</sup> These results are mirrored by a number of earlier polls conducted by Republican and Democratic pollsters and a variety of interest groups throughout the country. In March 2000, for example, a series of 11 statewide polls, conducted by seven different polling firms, found strong public support for protecting the remaining wild areas of national forests:

STATE	POLLSTER	SUPPORT	OPPOSE
California	Fairbanks, Masslin & Maulin	72%	22%
Colorado	Ridder/Braden	75%	20%
Idaho	Ridder/Braden	57%	38%
Michigan	The Mellman Group	69%	23%
Montana	The Feldman Group	76%	21%
Minnesota	Fairbanks, Masslin & Maulin	53%	41%
New Mexico	Polling and Research	71%	20%
Oregon	Ridder/Braden	67%	27%
Tennessee	Mason-Dixon Research	72%	12%
Washington	Ridder/Braden	72%	20%
Wisconsin	Chamberlain Research Consultants	83%	12%

COMMENTS SUPPORTING U.S. FOREST SERVICE  
ROADLESS AREA CONSERVATION POLICY



## EDITORIALS

“Killing [the rule] would represent a big victory not only for the timber companies but also for the oil and gas industries. Although the roadless areas contain less than 1 percent of the nation’s oil and gas resources, the energy companies have long had the forests in their sights.”

—*The New York Times*, April 8, 2001

“If Mr. Bush weakens [the rule] he will be making a mistake. The rules drew a line and sent a message: Harvest and mine in areas already open, and save the remaining wild places for their own sake and for the future. If Mr. Bush erases that line or blurs it, he’ll be sending a message too, one that will leave the country poorer in the long run.”

—*The Washington Post*, May 2, 2001

“U.S. Attorney General John Ashcroft might as well have waved a white flag and surrendered to the timber and mining industries in an Idaho federal court last week. Instead of defending the Clinton administration’s rule banning new roads in certain national forest areas, Ashcroft filed a “status report.” In plain language, that means that while the Bush administration would not rescind the rule outright, it would significantly weaken it.”

—*The Atlanta Journal-Constitution*, May 17, 2001

“Early indications of a will in the Bush Administration to protect roadless national forests are not promising. The administration mounted a half-hearted legal defense of the plan it inherited, perhaps because it has big plans for energy development in treasured places such as the nation’s national forests.”

—*Seattle Post-Intelligencer*, May 16, 2001

“[The rule] ... preserving 60 million acres of roadless national forest from commercial exploitation is a welcome, overdue act. These forests are for the use and enjoyment for all the people. They are no longer the province of the resource extractors and exploiters who have had their way far too long at the public’s expense.”

—*The Los Angeles Times*, January 7, 2001

“The new rule would cover an area where only one-quarter of one percent of the U.S. timber supply would be affected. With so little to lose and so much to preserve, including areas downstate in the Shawnee National Forest, opposition to the road-building ban just doesn’t make sense, either for the environment, or the nation’s treasury.”

—*Chicago Tribune*, May 4, 2001

“The Bush administration obviously has its own definition of public input, but 20 years of public discussion and 600 public hearings in recent years does not remotely indicate ‘a back-door approach.’ Maybe Mr. Cheney means that the 1.2 million people who favor the action—24,670 from Ohio, 29,404 from Michigan—didn’t include lobbyists for the timber, ranching, oil, and mining interests that helped put George W. Bush in office with millions in campaign contributions.”

—*The Toledo Blade* (OH), May 3, 2001

“Even with the conservation rule, more than half of national forests remain open to logging, mining and drilling. The roadless initiative merely restored balance by preserving unspoiled areas. It should stand as is.”

—*The Philadelphia Inquirer*, May 10, 2001

“Protecting these areas from roads and logging still leaves two-thirds of the national forests accessible via an extensive, albeit inadequately maintained network of roads. The bulk of the national forests remain open for logging. . . . The timber industry doesn’t—or shouldn’t, anyway—need to constantly pioneer new logging areas. This policy is economically, environmentally and socially sound ...”

—*The Missoulian* (MT), May 9, 2001

“The Bush Administration shouldn’t discard science in the management for our national forests. Yet President Bush seems ready to return to the days when the U.S. Forest Service treated our wonderful woodlands like tree farms by stalling a progressive ... order that placed priority on ecological balance.”

—*The Denver Post*, May 5, 2001

“The Bush Administration is going the wrong way on forest roads. The public wants these lands protected.”

—*The [Portland] Oregonian*, May 3, 2001

“The public had a weighty hand in developing this public lands policy, and that should not be cavalierly brushed aside as Bush conducts his review.”

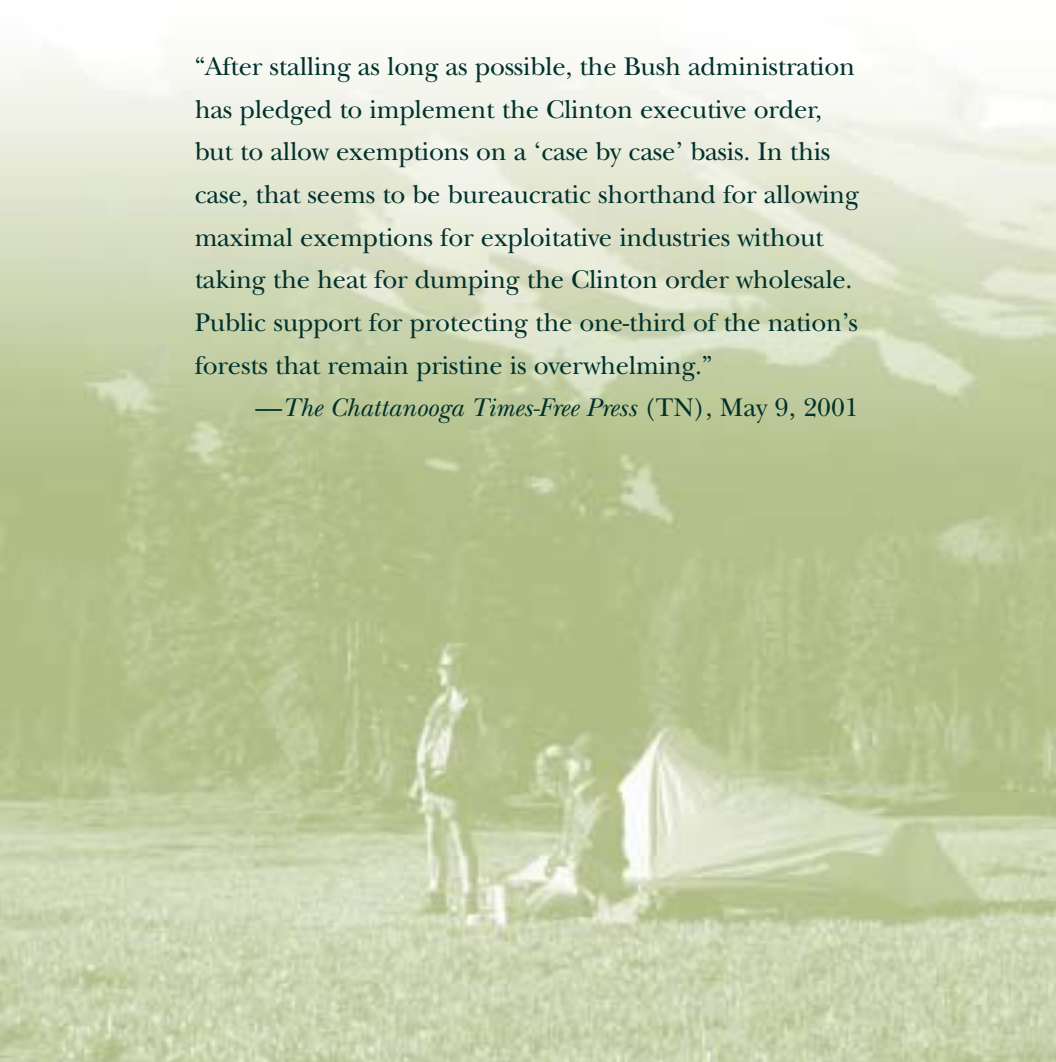
—*Albuquerque Journal*, April 1, 2001


“The rule demands vigorous support for three reasons. First, it is sensible resource policy, an overdue recognition that taxpayer-subsidized logging, mining and drilling are not always the highest uses of the nation’s best remaining wilderness. Second, it is a by-the-book piece of federal decision-making. Third, the sheer cynicism of the Idaho case deserves a sharp rebuttal.”

—*The Minneapolis Star-Tribune*, April 30, 2001

“After stalling as long as possible, the Bush administration has pledged to implement the Clinton executive order, but to allow exemptions on a ‘case by case’ basis. In this case, that seems to be bureaucratic shorthand for allowing maximal exemptions for exploitative industries without taking the heat for dumping the Clinton order wholesale. Public support for protecting the one-third of the nation’s forests that remain pristine is overwhelming.”

—*The Chattanooga Times-Free Press* (TN), May 9, 2001





**GEORGE WASHINGTON  
AND JEFFERSON  
NATIONAL FORESTS,  
VIRGINIA**

**Total Acres:** 1.8 million acres

**Total Roadless Acres:** 249,999 (24%) in  
George Washington and 153,000 (21%) in Jefferson.

**Scenic Attractions:** *The Appalachian National Scenic Trail extends over 330 miles through forests that are home to neo-tropical bird species, many of which require large areas of undisturbed forest habitat for survival. These forests are also home to 27 threatened or endangered species of plants and animals.*



## FORESTS IN FOCUS: PROTECTION AND MANAGEMENT OF OUR NATIONAL FORESTS

The United States Forest Service, an agency of the Department of Agriculture, manages 191 million acres of federally owned lands. To create this publicly owned resource, the government set aside virgin land or purchased denuded lands. It did so for three reasons:

- to improve and protect forest land,
- to protect watersheds, and
- to furnish a continuous supply of timber.

Approximately 73 percent of the 191 million acres of national forests are considered forested. The remaining 27% of unforested lands include national grasslands and areas of national forests that were set aside primarily to protect watersheds.

Until World War II, the Forest Service focused on watershed protection, forest restoration, and wildfire prevention and suppression. Since there were abundant supplies of privately owned timber, very little national forest logging occurred during this period.

After World War II, increased demand for timber led to the widespread exploitation of national forests and the use of commodity oriented harvesting techniques such as clearcutting. Timber sales on national forests increased to over 12 billion board feet per year, but these sales never equaled the cost of public subsidies for road building and other services needed to harvest timber. During this period, private interests logged most of the easily accessible, high-quality timberlands. In order to meet production quotas, the Forest Service opened increasingly remote and fragile areas, many with steep slopes prone to severe erosion.

Due to the severe impacts caused by these intensive and poorly regulated harvesting activities, Congress passed a number of laws to improve forest management, including the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 and the National Forest Management Act of 1976. These laws sought to control runaway timber harvesting and established environmental protection standards to protect other forest uses, such as watershed protection, recreation, and wildlife and ecological preservation. This “multiple-use” management objective requires each national forest to serve the needs and values of all Americans, not just commercial interests.<sup>15</sup>

## FOREST SERVICE HIERARCHY

<b>Geographic Region</b>	<b>Responsible Officials</b>	<b>Planning Responsibility</b>
National	President of the United States Secretary of Agriculture Chief of the Forest Service	Establish national policies and management priorities
9 Forest Service Regions	Regional Forester	Provides guidance for Forest Plans
155 National Forests 20 National Grasslands	Forest Supervisor	Creates and implements Forest Plan
600 Ranger Districts	District Ranger	Implements Forest Plan

Source: [www.fs.fed.us](http://www.fs.fed.us)

### THE FOREST PLANNING PROCESS: THE PIVOTAL ROLE OF FOREST PLANS

Although the Forest Service is bound by national regulations, each Forest Supervisor is responsible for developing a unique plan for his or her forest. These plans are officially referred to as Forest Land and Resource Management Plans, but commonly called forest plans. Forest plans are essentially zoning plans for national forests.

Forest plans guide all natural resource management activity and establish management standards and guidelines. They must be revised every 10 to 15 years. A revised plan effectively determines, until a subsequent revision, where and how to permit timber harvests and mining, develop recreation facilities, and preserve wildlife and natural habitats.

## FOREST PLANS ESTABLISH:

- Goals, objectives, advisable courses of action and limitations to actions.
- A framework for monitoring and evaluation to determine whether progress is being made toward reaching plan goals, objectives, standards and guidelines.
- An estimate for the production of goods and services, identification of land suitable for timber production, and the “timber allowable sale quantity” (the maximum amount of timber that may be sold over a 10-year period from national forest lands deemed appropriate for timber management).
- Recommendations to Congress on special designations of lands for Wilderness and Wild & Scenic River protection.<sup>16</sup>

## HOW FOREST PLANS PROMOTE OR CONTROL LOGGING

Timber harvests must comply with forest plan requirements, which determine in general whether or not a timber harvest is acceptable to the Forest Service. The Forest Service follows five steps in approving logging activities:

1. *A private logging company or the Forest Service itself identifies an area it wants to log.*
2. *The Forest Service determines whether the proposed logging is provided for in the forest plan. If the plan indicates that logging is permitted in the area, the Forest Service is likely to approve the timber harvest.*
3. *The Forest Service identifies logging techniques that are consistent with the forest plan and other conditions imposed by the plan. For example, a plan will indicate*

*whether clearcutting is permitted or if the logging company may only remove specific trees. The plan also indicates the degree of environmental protection provided to watersheds, wildlife and other resources during logging operations.*

- 4. The Forest Service, in collaboration with the logging company, develops a project plan that implements forest plan and other national requirements. The Forest Service also prepares a road-building plan and pays for roads needed by the logging company's trucks and other heavy equipment. The Forest Service may submit the project plan for review by public and/or science advisory committees, but is not required to do so.*
- 5. The Forest Service issues a permit for the logging and the logging company is free to begin cutting down trees.<sup>17</sup>*

## THE LEGAL SIGNIFICANCE OF ROADLESS AREAS

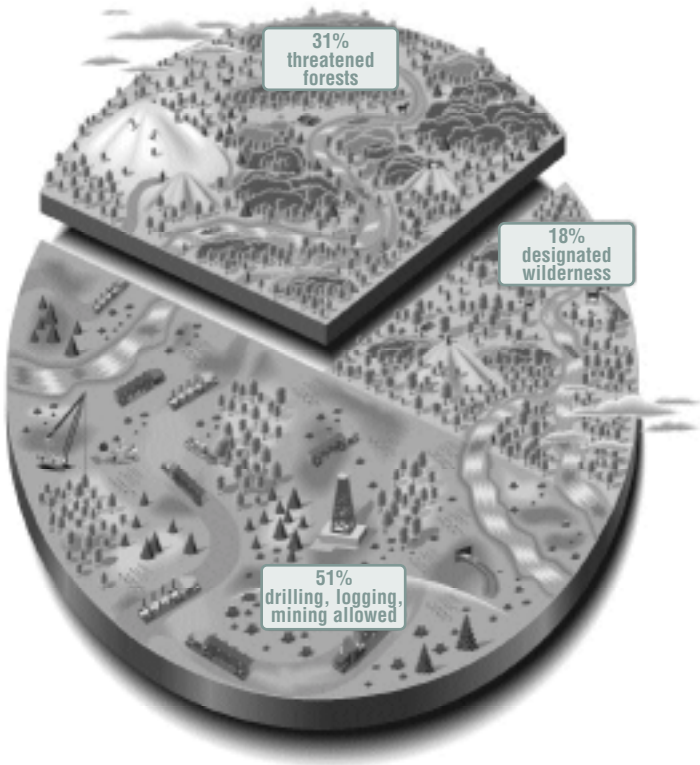
In 1964, Congress passed the Wilderness Act in order to preserve part of our federally owned lands in their natural state. Congress placed a number of limitations on which federal lands could be designated as wilderness, but the key criteria was that the land be roadless.

When the Wilderness Act became law, the Forest Service quickly determined that it did not know which of its lands contained roads and which did not. In 1972, the Forest Service began identifying roadless areas for wilderness consideration through the Roadless Area Review and Evaluation (RARE I). In 1979, the agency completed RARE II, a more extensive national inventory of roadless areas.

Areas identified as roadless by RARE II are called “inventoried” roadless areas. Under Forest Service regulations, only these inventoried areas are considered eligible for wilderness designation. Other areas are considered permanently dedicated to intensive uses such as timber production, mining and intensive recreation. Since 1964 Congress has preserved 18% of Forest Service lands as federally protected wilderness. The remaining roadless areas are eligible for timber production, or they may be added to our wilderness inventory or protected through administrative rules.

“Roadless area” has come to mean an area whose fate is unknown.

AMERICA'S NATIONAL FORESTS



**Will the logging, mining, and oil & gas interests  
get the last piece of the pie?**

## CLAIMS AND FACTS

### Local Control (Forest Management Plans)

**CLAIM:** The Roadless Area Conservation Rule is an unnecessary intrusion into the forest planning process. These decisions should be made at the local level through the normal planning process.

## FACT

During the past 20 years, local forest planning has often failed to protect national forests. During this time, 2.8 million acres of wild forest areas have vanished. The U.S. Forest Service estimates that another 5 percent to 10 percent of all wild forestlands will be lost during the next 20 years without the protection of a sound policy pertaining to the remaining areas.

The rule will be implemented in conjunction with the forest planning process, strengthening the benefits of that process. Patchwork decisions affecting small areas of forests can add up to large-scale loss of water quality, wildlife habitat, and forest health.



## Energy and Existing Resource Leases

**CLAIM: The U.S. must drill for oil and gas reserves in protected areas of national forests to provide adequate supplies for America's energy needs.**

FACT

Production of oil and natural gas in national forests currently yields only 0.4% of our country's domestic output.<sup>18</sup> Most of the energy reserves located in areas now protected by the Roadless Area Conservation Rule have already been leased for exploration, and these leases would be honored under the rule.<sup>19</sup>

The rule allows expansion of oil and gas operations, including new roads, within existing or renewed leased areas.<sup>20</sup>

The oil and natural gas in protected areas would not relieve short-term national needs because discovering, developing and producing these resources could take up to 10 years.

## Forest Fire Prevention

**CLAIM: The new rule hinders fire-fighting efforts and limits fire prevention tactics such as cutting and removing combustible underbrush.**

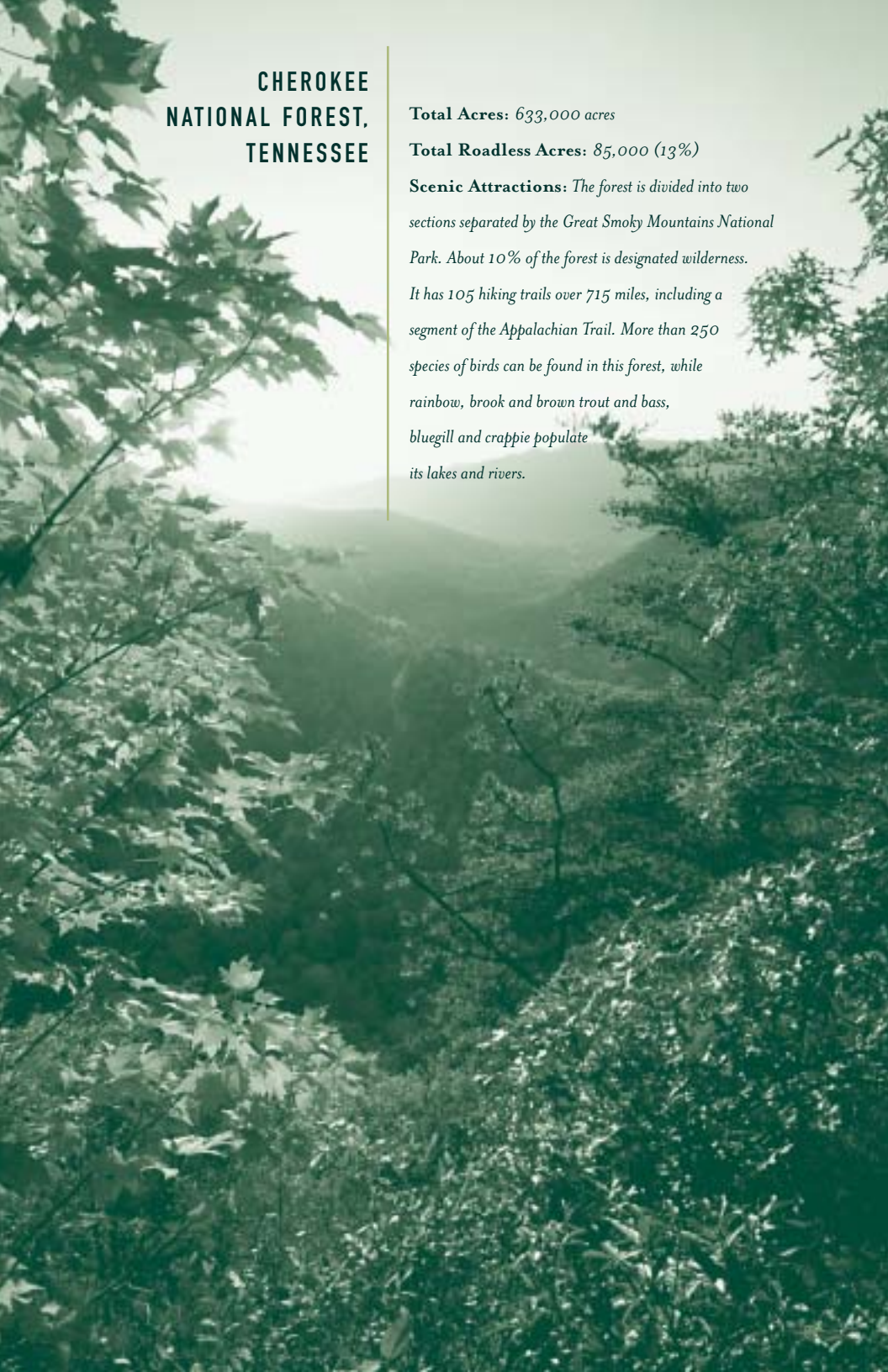
# FACT

The rule does not affect the Forest Service's ability to fight fires. It allows for road construction in case a fire threatens public health and safety. It also allows road building in cases of an imminent threat of flood, fire, or other natural disaster.<sup>21</sup>

The rule does not significantly limit the Forest Service's ability to reduce potential fire risks by prescribed burning or mechanical treatment to remove underbrush and other fuel in protected areas.<sup>22</sup>

*“At the current rate in which the Forest Service is funded to do the kind of fuel treatment that the government calls for [it] would take an excess of 30 years to get the work done. So why enter the roadless areas when the highest risk, the greatest threats to communities and the most accessible lands are already roaded?”*

—Jim Lyons, Former Agriculture Undersecretary for Natural Resources and Environment.<sup>23</sup>



**CHEROKEE  
NATIONAL FOREST,  
TENNESSEE**

**Total Acres:** 633,000 acres

**Total Roadless Acres:** 85,000 (13%)

**Scenic Attractions:** *The forest is divided into two sections separated by the Great Smoky Mountains National*

*Park. About 10% of the forest is designated wilderness.*

*It has 105 hiking trails over 715 miles, including a segment of the Appalachian Trail. More than 250*

*species of birds can be found in this forest, while*

*rainbow, brook and brown trout and bass,*

*bluegill and crappie populate*

*its lakes and rivers.*

**CLAIM: Road building helps suppress forest fires.**

## FACT

An analysis of Forest Service fire data showed that prohibiting road construction and reconstruction in presently wild areas would not increase the number of acres burned by forest fires.<sup>24</sup>

Areas that already have roads face a higher potential for catastrophic wildfire from human causes such as logging where waste from timber operations acts as tinder for fires.<sup>25</sup>

Roads are associated with increased fire starts,<sup>26</sup> and disrupted ecosystem health,<sup>27</sup> because logging companies often harvest the largest trees—the ones most able to survive fires.

### Forest Health

**CLAIM: Roads are needed to manage forests.**

**Without them, forests are at risk from disease and insect infestation.**

## FACT

Natural forests are well adapted to insect cycles and can survive even widespread infestations. In fact, many forest areas may depend on periodic insect infestations

to remain healthy. Studies recognize the benefits from standing and downed dead trees left by insect infestations. They—

- Provide food and shelter for wildlife,
- Form fish-spawning pools,
- Filter water for downstream use, and
- Fertilize soils for future generations of forest life.<sup>28</sup>

The rule allows local officials to log and sell small trees in protected areas to reduce fire risk.<sup>29</sup>

Roads leave indelible marks on the land. Poorly maintained roads can contribute to erosion and landslides. In addition, road construction may introduce invasive, non-native species, increase fires from human causes, disrupt habitats, and compromise ecological integrity.<sup>30</sup>

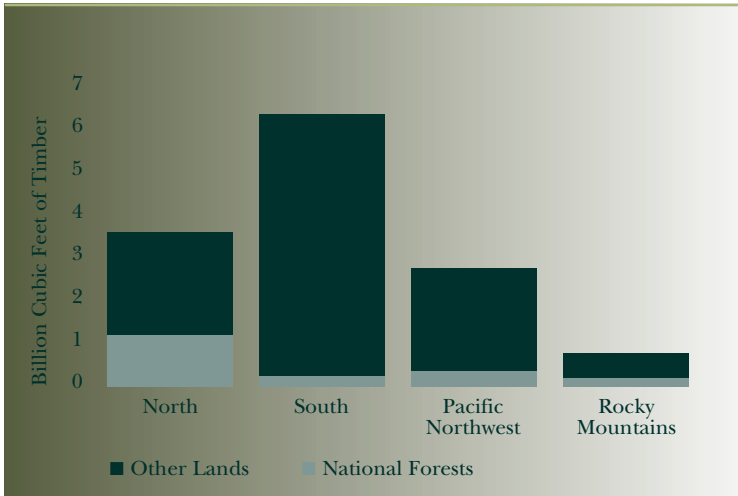
## Logging

**CLAIM: The rule prevents timber harvesting.**

# FACT

More than half (51%) of national forests are already open to road building and logging on suitable timberlands. In addition, the rule permits logging of small diameter trees in protected areas. Even so, according to Jim Lyons, former Agriculture Undersecretary for Natural Resources and Environment, roadless areas

## U. S. T I M B E R H A R V E S T, 1 9 9 6



would only provide one-half of 1 percent of the national timber supply, a small amount from a timber impact standpoint.<sup>31</sup> (A sizeable portion of wilderness areas is completely unsuited for logging.)


Over the past 20 years, however, forests have become more valuable as recreational areas. Camping, hunting, fishing and related activities in national forests contribute more income to the country's economy and create more jobs than logging on these lands. The recreational value solely of our national forests and wilderness areas now exceeds \$594 million annually, more than revenues from timber sales that totaled \$544 million in 1996.<sup>32</sup> According to the General Accounting Office, the nation-

al forest timber program lost \$995 million between 1992-1994 and over \$1.05 billion between FY 1995 and FY 1997.<sup>33</sup>

The roadless rule “grandfathers” a large supply of timber from protected areas of the Tongass rainforest,<sup>34</sup> amounting to a seven year “transition supply” despite substantial timber from portions of the Tongass already containing roads.<sup>35</sup> In addition, the rule allows local forest managers to continue offering timber sales from those sections of protected forests that were roaded and partially logged if the area was not inventoried before the rule went into effect.<sup>36</sup>

*“Timber sale activities are far less expensive and controversial in the areas accessed by the Forest Service’s existing 380,000-mile road system. The Forest Service provides about 3 billion board feet annually from these lands. In fact, because most logging already occurs in roaded areas, the department’s proposal would affect less than 5 percent of the timber sale program that existed prior to the current road building moratorium. Indeed, the department’s proposal does not shut down the timber program, and it is far from being a ‘back door’ way to advocate zero harvesting on our national forests.”*

*-Dan Glickman, former U.S. Secretary of Agriculture.<sup>37</sup>*



**SHAWNEE  
NATIONAL FOREST,  
ILLINOIS**

**Total Acres:** 277,50657

**Total Roadless Acres:** 10,000 acres (4%)

**Scenic Attractions:** *This forest lies between the Mississippi and Ohio rivers and features beautiful rock formations and lookout bluffs surrounded by maple, dogwood, oak, and pine trees, providing spectacular fall foliage. There is a secluded canyon with camping areas, a small creek with swimming holes and 137 miles of hiking trails. The lakes in this forest cover more than 2,700 acres.*



## Forest Planning Process

**CLAIM: The rule is biased toward excessive influence from environmentalists, without consulting local government officials or allowing for sufficient local input.**

FACT

The rule results from historic public involvement. After 3 years of study, more than 600 public meetings, and 1.6 million public comments, the rule was approved in January 2001—the product of the most thorough federal rulemaking ever.

A majority of the public in 49 states favors the rule. Numerous state and national surveys conducted by both Republican and Democratic pollsters have shown that a sizeable majority of the public consistently favors forest conservation. A national poll conducted by the Mellman Group in April 2001 found that 67 percent of Americans favor the rule.<sup>38</sup>

## Public Access

**CLAIM: The rule shuts off access to private property within protected national forests.**

FACT

Current regulations do not affect access. The rule does not affect the right of access to property owned by states or individuals.<sup>39</sup>


**CLAIM: The rule blocks access to national forests for recreational purposes.**

## FACT

The rule does not close any existing roads or trails, nor does it change current access regulations for hikers, cyclists, campers, or off-road vehicles. The new rule allows full access to national forest lands for cross-country skiing, horseback riding, backpacking, hunting and fishing, swimming, hang-gliding, canoeing, rafting, day hiking, bird watching, trail running, photography, picnicking, rock climbing, and visits to cultural and historic sites.

The rule also entitles ski areas to expand inside their permit areas, and to build roads and cut timber to construct ski runs. Most importantly, it encourages local communities to make decisions about recreational activities on national forest lands.<sup>40</sup>

The rule does not bar off-road vehicles (ORV) from protected areas, but leaves the matter to local regulation.<sup>41</sup> Access routes designated and managed as trails by a local national forest are not considered roads and therefore can be maintained by the forest service.<sup>42</sup>



# WHAT DOES THE BUSH ADMINISTRATION WANT TO DO?

## **THE ROADLESS AREA CONSERVATION RULE: WHY CHANGE IT?**

*ON JULY 10, 2001, THE BUSH ADMINISTRATION OPENED A NEW PUBLIC COMMENT PERIOD ON THE ROADLESS AREA CONSERVATION RULE BY ASKING “SCOPING” QUESTIONS. AS THE FOLLOWING CHART SHOWS, THESE QUESTIONS ARE CLEARLY, SPECIFICALLY, AND REASONABLY ADDRESSED IN THE ORIGINAL RULE.*

### Bush Administration

"What is the appropriate role of local forest planning as required by the National Forest Management Act in evaluating protection and management of inventoried roadless areas?"<sup>1</sup>

"What is the best way for the Forest Service to work with the variety of States, tribes, local communities, other organizations and individuals in a collaborative manner to ensure that concerns about roadless values are heard and addressed through a fair and open process?"<sup>4</sup>

"How can the Forest Service work effectively with individuals and groups with strongly competing views, values, and beliefs in evaluating and managing public lands and resources, recognizing that the agency cannot meet all of the desires of all parties?"<sup>5</sup>

"How should inventoried roadless areas be managed to provide for healthy forests, including protection from severe wildfires and the buildup of hazardous fuels as well as to provide for the detection and prevention of insect and disease outbreak?"<sup>8</sup>

"How should communities and private property near inventoried roadless areas be protected from the risks associated with natural events, such as major wildfires that may occur on adjacent federal lands?"<sup>9</sup>

### Roadless Area Conservation Rule

The rule was devised because the local planning process did not adequately protect forests. In the last 20 years the forests have lost 2.8 million roadless acres to roads and logging.<sup>2</sup>

The Bush administration has also circulated draft regulations that would severely limit ecological and scientific standards for forest planning.<sup>3</sup>

The rule has already been the subject of more than 1.6 million official comments and 600 public hearings, held on each national forest and in each Forest Service region. Ninety-five percent of public comments favored the strongest forest protection.<sup>6</sup>

The rule allows for continuing local input in the forest planning process. Local forest officials will determine when it is appropriate to allow road building or logging under the rule's exceptions. Recreation management and wilderness recommendations will continue to be addressed through the forest planning process.<sup>7</sup>

Insect, disease and fire risks are very uncommon in roadless areas. According to the Forest Service, less than 2 percent of the inventoried roadless areas are at combined risk of insects, disease and fire.<sup>10</sup>

The rule says, "Roads may be constructed when needed to protect public health and safety in cases of an imminent threat of flood, fire or other catastrophic event..." The rule also allows trees to be cut to reduce the risk of severe wildfire.<sup>11</sup>

## Bush Administration

"What is the best way to implement the laws that ensure States, tribes, organizations, and private citizens have reasonable access to property they own within inventoried roadless areas?"<sup>12</sup>

"What are the characteristics, environmental values, social and economic considerations, and other factors the Forest Service should consider as it evaluates inventoried roadless areas?"<sup>15</sup>

"Are there specific activities that should be expressly prohibited or expressly allowed for inventoried roadless areas through Forest Plan revisions or amendments?"<sup>1</sup>

"Should inventoried roadless areas selected for future roadless protection through the local forest plan revision process be proposed to Congress for wilderness designation, or should they be maintained under a specific designation for roadless area management under the forest plan?"<sup>16</sup>

## Roadless Area Conservation Rule

Access to state and private land inholdings is not inhibited in any way by the rule. The Federal Register notice accompanying the rule clearly states, "this rule does not affect a state's or private landowner's right of access to their land."<sup>13</sup> In addition, the maintenance of roads and trails in roadless areas is not prohibited or hindered.<sup>14</sup>

Roadless areas provide sources of clean drinking water and biodiversity, critical habitat for a wide variety of wildlife, including threatened and endangered species. They serve as a barrier against the spread of weeds and pests, and offer opportunities for scientific study and research. Roadless areas provide opportunities for recreation, and escape for millions of Americans every year.

The rule represents a balanced approach to national forest management. Fifty-one percent of national forests are already open to logging, mining and drilling. Restricting logging, mining, and drilling on the last 30% ensures that these areas will serve as a haven for recreation, a home to wildlife, and a heritage for our children.

The local forest planning process has not adequately protected forests, and should not be used to do so now. Some roadless areas do not qualify for wilderness protection, but all roadless areas should receive the national protections contained in the rule that allow future generations to enjoy their benefits.

1 <http://roadless.fs.fed.us/>

2 66 Fed. Reg. p.3246.

3 Katherine Pflieger, Associated Press, June 14, 2001

4 <http://roadless.fs.fed.us/>

5 *ibid*

6 <http://roadless.fs.fed.us/>

7 Section 294.12

8 <http://roadless.fs.fed.us/>

9 *ibid*

10 FEIS, Vol. 1, 3-119

11 Section 294.12(b)(1)

12 <http://roadless.fs.fed.us/>

13 66 Fed. Reg. p.3253

14 Section 294.12(c) and FEIS, Vol.1, p 3-212

15 <http://roadless.fs.fed.us/>

16 *ibid*



**LEWIS & CLARK  
NATIONAL FOREST,  
MONTANA**

**Total Acres:** *1.8 million acres*

**Total Roadless Acres:** *948,000 (51%)*

**Scenic Attractions:** *Seven mountain ranges can be viewed in this forest. It is home to the Lewis & Clark National Historic Trail Interpretive Center that commemorates the expedition and exploration of the unknown west. The Bob Marshal Wilderness Complex in this forest comprises 380,000 acres of untamed land.*

## ENDNOTES

- 1 <http://roadless.fs.fed.us>
- 2 <http://roadless.fs.fed.us>
- 3 <http://www.ourforests.org/polling/html>
- 4 *Los Angeles Times*, January 7, 2001.
- 5 *The Washington Post*, May 2, 2001.
- 6 *Albuquerque Journal*, April 1, 2001.
- 7 *Missoulian*, May 9, 2001.
- 8 *The Minneapolis Star-Tribune*, April 30, 2001.
- 9 *The Milwaukee Journal-Sentinel*, May 4, 2001.
- 10 66 Federal Register, p. 3243.
- 11 Government Accounting Office, "Forest Service: Distribution of Timber Sales Receipts, Fiscal Years 1995 Through 1997," November 1998.
- 12 U. S. Department of Interior and U. S. Department of Commerce, *1996 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*, p. vi from website—<http://www.census.gov/prod/3/97pubs/fhw96nat.pdf>
- 13 [www.usda.gov/news/releases/2001/05/0076.htm](http://www.usda.gov/news/releases/2001/05/0076.htm).
- 14 <http://www.usda.gov/news/releases/2001/05/0075.htm>
- 15 USDA "Roadless Area Conservation" <http://roadless.fs.fed.us/documents/rule/qa/pl.shtml>
- 16 <http://www.usda.gov/news/releases/2001/05/0075.htm>
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- 19 <http://www.roadless.fs.fed.us/documents/rule/ruledo.shtml>
- 20 Ibid.
- 21 Section 294.12(b)(1)
- 22 "Cohesive Strategy for Protecting People and Sustaining Resources in Fire-Adapted Ecosystems," U.S. Forest Service.
- 23 Testimony before the U. S. Senate, November 2, 1999.
- 24 USDA "Roadless Area Conservation: Question & Answer" <http://roadless.fs.fed.us/documents/rule/qa/fi.shtml>.
- 25 Thomas M. Power, Chairman, Economics Department, University of Montana
- 26 66 Federal Register, P. 3253

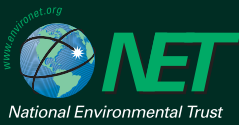
- 27 Federal Environmental Impact Study Chapter 1 p. 14
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- 29 36 CFR §294.13(b)(1)
- 30 *Park Falls Herald* (Wisc.) Dec. 16, 1999, U.S. Forest Chief  
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- 31 The NewsHour with Jim Lehrer, May 7, 2001,  
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- 32 Forest Service Annual Report, 1996
- 33 United States General Accounting Office, "Forest Service:  
Distribution of Timber Sales Receipts, Fiscal Years 1995 through  
1997," November 1998.
- 34 36 CFR §294.14(d)
- 35 Federal Environmental Impact Study chap. 3, p.378
- 36 36 CFR §294.13(4)
- 37 Testimony before the Senate, November 2, 1999
- 38 <http://www.ourforests.org/graphics/poll.pdf>.
- 39 [www.roadless.fs.fed.us/documents/rule/qa/fs.html](http://www.roadless.fs.fed.us/documents/rule/qa/fs.html).
- 40 66 Fed. Reg., p. 353.
- 41 36 CFR § 294.11, definition of "unclassified road."
- 42 USDA Forest Service "Roadless Area Conservation"  
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