

Congress of the United States
Washington, DC 20515

February 17, 2012

Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Vilsack,

In light of the release of the proposed final National Forest Management Act planning regulations, we wish to follow up on our May 16, 2011 letter on this subject. Our earlier letter commended the positive conservation vision contained in draft regulations issued last February but expressed concern over the adequacy of certain aspects of the proposal, particularly the protections for wildlife. While the proposed final regulations published in the Federal Register on February 3, 2012 provide an improved framework for accomplishing your positive vision, we continue to have concerns about the adequacy of the species-specific wildlife safeguards for our national forests and urge that they be strengthened.

The proposed final regulations place strong emphasis on maintaining and restoring the ecological integrity of ecosystems and watersheds, while providing for multiple uses and ecosystem services. These elements could provide a solid foundation for forest restoration, building climate resilience and watershed protection.

However, the proposal still leaves wildlife protections uncertain and the agency's process for implementing these protections is not sufficiently transparent. For example, as currently drafted, the proposed final rule would allow local forest supervisors to bypass wildlife species-specific requirements simply by declining to make a determination as to whether the ecosystem integrity and habitat components of the plan are sufficient to protect the diversity of species. The proposed final regulations also eliminate a key requirement important to sportsmen and conservationists that has been in place since 1982 that the Forest Service maintain well-distributed populations of species across a forest, a change which could undermine the chances of sustaining healthy populations of common species to prevent their becoming species at risk. Further, the agency is given the discretion to meet the rule's substantive mandates through either standards "or" guidelines, and the definition of "guidelines" is exceedingly vague.

While we greatly appreciate the vision and overall direction of your department's forest management proposal, we hope that you will make improvements to the wildlife protections before the regulations are finalized in early March. These improvements will help ensure that

wildlife is adequately protected on the nation's nearly 200 million acres of national forests and that your positive vision for these lands is more fully realized.

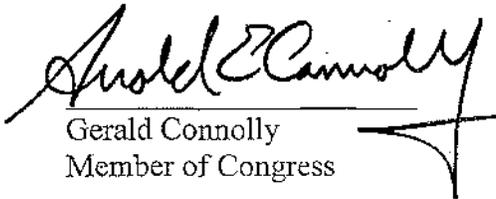
Sincerely,



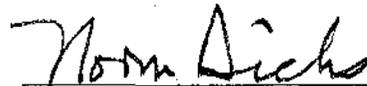
Ron Kind
Member of Congress



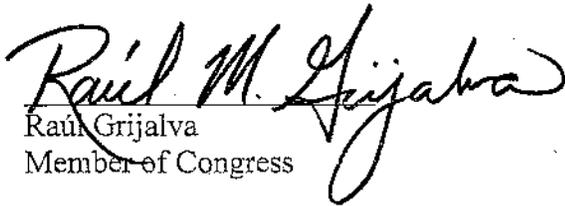
Earl Blumenauer
Member of Congress



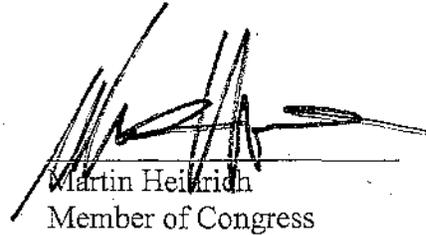
Gerald Connolly
Member of Congress



Norm Dicks
Member of Congress



Raul Grijalva
Member of Congress



Martin Heinrich
Member of Congress



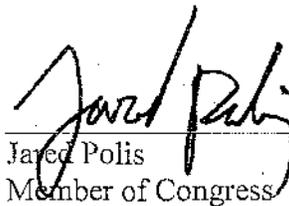
Michael Honda
Member of Congress



Barbara Lee
Member of Congress



Betty McCollum
Member of Congress



Jared Polis
Member of Congress

Charles Rangel
Charles Rangel
Member of Congress

F. Pete Stark
F. Pete Stark
Member of Congress

Maxine Waters
Maxine Waters
Member of Congress

February 9, 2012

Honorable Tom Vilsack
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Vilsack:

On August 14, 2009, in Seattle's verdant Seward Park, you gave a historic speech on national forest policy in which you directed the U.S. Forest Service to "develop a new planning rule to ensure management and restoration of our National Forests with a goal to protect our water, climate, and wildlife while creating local economic opportunity." You stated that "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 communities, and collaboration into how we manage our National Forests." Since then, more than 300,000 Americans have participated in the rulemaking process, expressing strong support for the vision which you so eloquently articulated in Seattle.

Now the forest planning rule has reached the final decision-making stage. After a year of environmental review, draft proposals, and public outreach, the Forest Service released its final preferred alternative and environmental impact statement on January 26, 2012. The agency's preferred alternative would require national forest management plans to use the best available science to maintain and restore the ecological integrity of ecosystems and watersheds, while providing for multiple uses and ecosystem services. The alternative may be modified through the final rule and record of decision.

While we applaud the agency's efforts to respond to concerns with the draft rule, we believe that the wildlife conservation provisions of the rule must be strengthened by making a few last changes. The Forest Service, the land, and the public are best served by clear direction to maintain species where they are now found, consistent with ecological considerations and the agency's abilities. We strongly urge adoption of a final rule and record of decision that address the following concerns:

- As currently worded, the preferred alternative could be read to allow local forest supervisors to bypass the wildlife species-specific requirements of the rule simply by declining to make a determination as to whether the ecosystem integrity and diversity components of the plan are sufficient to protect at-risk species. The final rule should require the responsible official to make a determination as to whether additional protection is needed for specific species and to include the necessary protection in the plan.

- The preferred alternative eliminates the explicit requirement to maintain “well-distributed” populations of at-risk species. Though flexible enough for restoration needs and climate adaptation, this has probably been the single most important environmental safeguard in forest planning. It has underpinned the Forest Service’s best landscape-level planning, equipped officials to fend off pressure to shortchange natural values, and helped the public stop ill-advised rollbacks by other administrations. Omitting that key phrase, combined with inherent flexibility in the preferred alternative’s ecosystem plan components, could be interpreted to allow huge losses of range, for example for brown bears, wolves, or bald eagles in the 17 million-acre Tongass rainforest.
- In addition, we are concerned that the Forest Service’s stated intent to ensure consistency between forest plans and actions on the ground may not be met under the rule as it is currently drafted. The preferred alternative states that standards “or” guidelines must be used to meet the rule’s substantive mandates (see, e.g., Sec. 219.9(b)(1)), and the current definition of guidelines would allow broad discretion for deviation so long as the project is “designed” to comply with the original “intent.” It does not appear to require that the project reasonably achieve the guideline’s intended results, so long as someone’s view of its “intent” is met. We urge the Service to clarify that plans must include standards as well as guidelines and to adopt a strengthened definition of guideline that ensures that any variance achieves the expected effect of the applicable guideline.

We are prepared to discuss changes in the rule language that would correct these problems.

The forest planning rule presents a historic opportunity to chart a brighter future for the 193 million-acre National Forest System. Indeed, it could be one of the greatest environmental accomplishments of this Administration, laying out your new vision for collaborative and science-based national forest management and restoration. We urge you to make the necessary changes in the final rule and record of decision to realize this vision.

We respectfully request to meet with you to discuss our concerns about the forest planning rule at your earliest convenience. Thank you very much for considering our input.

cc: Under Secretary Sherman, Chief Tidwell, Nancy Sutley, Sally Ericsson

Sincerely,

Jamie Rappaport Clark
President
Defenders of Wildlife

William H. Meadows
President
The Wilderness Society

Trip Van Noppen
President
Earthjustice

Dominick DeLaSalla
President, Chief Scientist
Gcos Institute

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Tom Sobal
Executive Director
Quiet Use Coalition