

Saving Our Natural Legacy



The Future of America's Last Roadless Forests

A CENTER FOR BIOLOGICAL DIVERSITY REPORT

Saving Our Natural Legacy: The Future of America's Last Roadless Forests

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Kilkenny Inventoried Roadless Area, White Mountain National Forest
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Introduction

America's national forest roadless areas contain some of our nation's last pristine forests. From the expansive wilds of Alaska and the northern Rockies to the colorful deciduous woods of New England and the Appalachians, these last remnants of unspoiled backcountry provide critical refuge for wildlife, headwaters to rivers, and unparalleled recreational opportunities for millions of Americans.

The American public has strongly and repeatedly declared its support for permanently protecting national forest roadless areas. But the Bush administration undermined protections established under previous administrations. Today, roadless areas throughout most of the country are in jeopardy. Some have already been clearcut, while others are slated for logging.

National forest roadless areas represent hope for the future — a future in which humans protect the natural world for its own sake and for our own. Decisive action is needed now from the Obama administration and Congress to preserve these last sanctuaries of life and natural beauty. It's time to answer America's call to protect roadless areas with strong, permanent, and nationally consistent policy.

National Forest Roadless Areas: Our Natural Legacy

Within the 193-million-acre national forest system, more than 58.5 million acres remain without roads and mostly undisturbed

from past management activities. Many of these roadless areas are pristine and have never been spoiled by road building, logging, mining, or other development. Some, such as those in some eastern national forests, have miraculously recovered from reckless



Windham-Port Houghton Inventoried Roadless Area,
Tongass National Forest, Alaska
photo by George Wuerthner

clearcutting that took place a century ago and today provide healthy ecosystems harboring a diversity of plants and animals.

Tremendous benefits attend keeping pristine forests as they are, since they provide

- healthy watersheds and sources of clean drinking water for millions of people;
- resilient and intact ecological systems better able to withstand the effects of global climate change than developed forests;
- critical refuge for plants, animals, and imperiled species;
- opportunities for backcountry recreation such as fishing, camping, and hiking; and

- bulwarks against the spread of nonnative invasive plant species.¹

The Winding, Rocky Path to Roadless Area Conservation

To insure the permanent protection of these remaining roadless areas, the Forest Service adopted the Roadless Area Conservation Rule (or Roadless Rule) in early 2001.² The rule provided strong, national protection for all remaining roadless areas by establishing carefully considered limitations on road building, logging, and other development.³

The American public overwhelmingly supported the 2001 Roadless Rule. More than 1 million citizens commented on the rule, with more than 95 percent in favor of strong, substantive protections for our roadless areas.

But the Bush administration wasted little time in attempting to dismantle the Roadless Rule. It refused to defend the rule in court and developed a much weaker “state petitions rule,” which relied on state governments to voluntarily submit roadless area management plans. Under this rule, if states failed to submit a plan, roadless areas management would revert to individual forest plans, which have consistently targeted roadless areas for increased development. As it happened, only two states — Idaho and Colorado — submitted petitions, and both petitions would weaken roadless area protection.

The Bush administration’s rule was later found unlawful, and the 2001 Roadless Rule was reinstated throughout much of the West.

However, its legal status remains uncertain, with appellate court decisions pending in two different federal circuits.⁴ As a result, roadless areas in 29 states, including those in the southern Rockies, the Midwest, the South, and the East, are currently without the protection of the rule. Some places have already been clearcut, and local Forest Service officials have numerous plans in the works to invade some of the most precious roadless lands in the country.



Pemigewasset Inventoried Roadless Area,
White Mountain National Forest, New Hampshire
photo by Mollie Matteson

1. 66 Fed. Reg. 3244, 3245 (Jan. 12, 2001).

2. 66 Fed. Reg. 3244 (Jan. 12, 2001).

3. 36 C.F.R. 294.12-13.

4. See *Cal. ex. rel. Lockyer v. U.S. Department of Agriculture*, 2008, U.S. Dist. LEXIS 100053, *5-6 (N.D. Cal., Dec. 2, 2008).

Obama Administration “Timeout” for Roadless Areas Only a Start

On May 28, 2009, Secretary of Agriculture Tom Vilsack signed an interim directive regarding inventoried roadless areas within the national forest system. The directive removes the authority of local Forest Service officials to authorize logging or road construction within roadless areas, transferring that authority solely to Secretary Vilsack. According to the administration’s press release, the directive will ensure that the secretary can carefully consider activities within inventoried roadless areas while a long-term roadless policy is developed. The directive lasts for one year, but it can be renewed for an additional year.

There are a few important limitations to the administration’s interim directive. First, it applies only to roadless areas that were inventoried and identified at the time of the 2001 Roadless Rule, and thus it does not apply to the many new roadless areas identified through more recent forest planning. Second, the directive is procedural only — it replaces local official authority with secretary of agriculture authority and thus offers no new substantive protections for any roadless areas. Third, the directive does not affect roadless areas within Idaho’s national forests because when it was signed, the state of Idaho had already developed its own state-specific rule through the Bush administration’s state petitions rule. Last, it only applies prospectively; thus any projects already approved (but not yet logged) that are located within roadless areas may still move forward.

The May 2009 directive is certainly a step in the right direction, and the Obama administration should be applauded for recognizing the critical importance of this issue in its first policy decision that affects our national forests. However, the directive also re-emphasizes the critical need for strong, permanent protection for all remaining roadless

areas on our national forests, extending beyond those inventoried and included in the 2001 Roadless Rule.

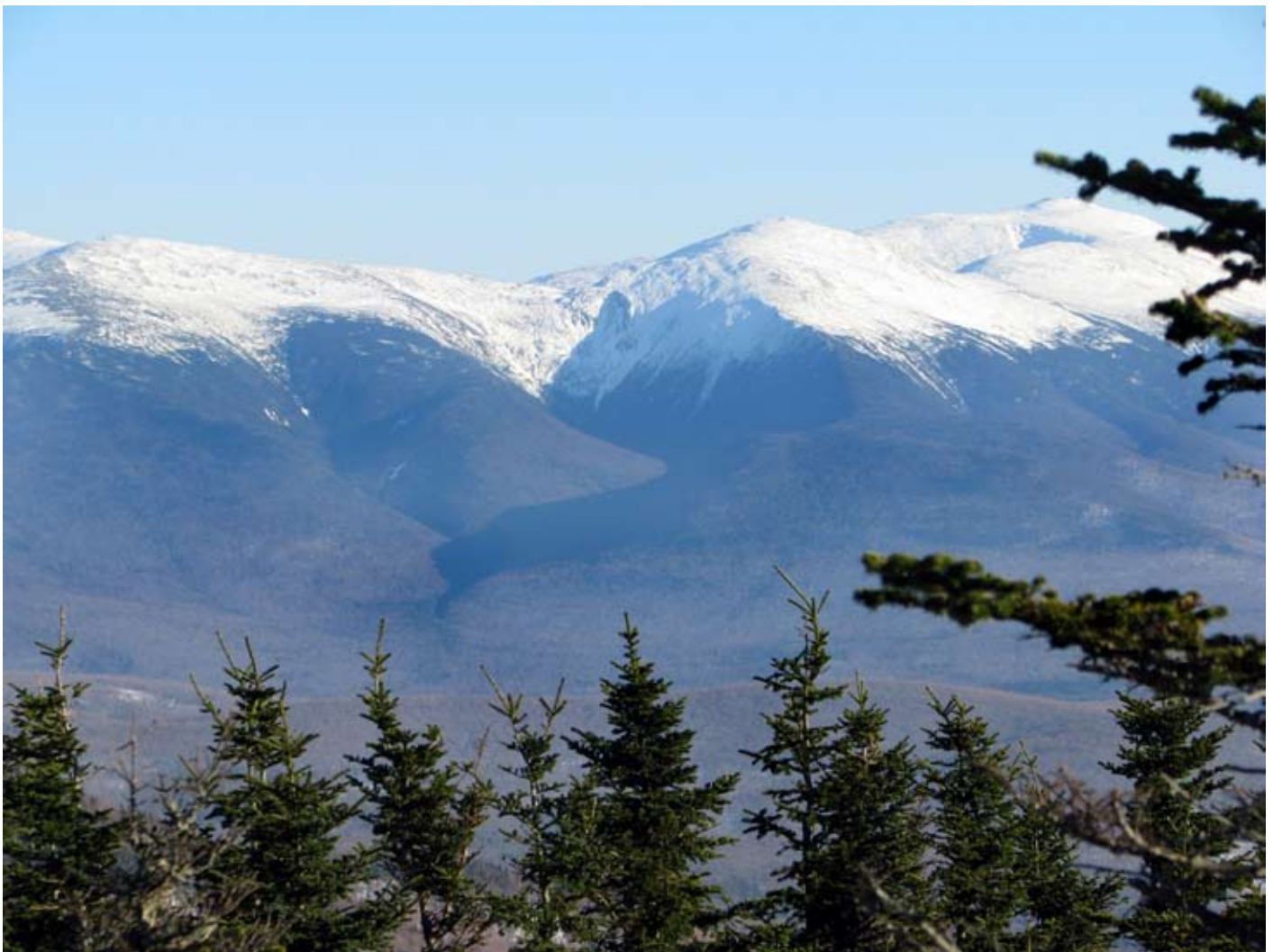
The Need for Nationally Consistent Policy

With the adoption of the 2001 Roadless Rule, the Forest Service determined that *all remaining inventoried roadless areas must be uniformly protected at the national level*. Agency officials knew that national, uniform protection is necessary to guard against local decisions that fail to adequately account for the importance of roadless area protection. The Forest Service recognized that

- protection is necessary at the national level so that the Forest Service could see the “whole picture” regarding roadless area management;
- there is potential for local Forest Service officials to fail to appreciate the national significance of roadless areas and their associated values;
- roadless areas and their ecological values can be incrementally reduced through road construction and development if management decisions are made on a case-by-case basis at the local level; and
- added together, the national results of the localized reductions of roadless areas may comprise a substantial loss of roadless areas’ values over time.⁵

Time has demonstrated that the Forest Service was absolutely right to be concerned about the incremental loss of our remaining roadless areas if their management and protection was left to the discretion of local officials. In recent years, individual national forests have commenced logging and even clearcutting within roadless areas.

5. 66. Fed. Reg. at 3246.



Kilkenny Inventoried Roadless Area looking to Great Gulf Inventoried Roadless Area,
White Mountain National Forest, New Hampshire
photo by Mollie Matteson



Chestnut Ridge Inventoried Roadless Area,
Allegheny National Forest, Pennsylvania
photo by Mollie Matteson

The Case of New England's Wild Forests: Death by a Thousand Cuts

The eastern United States contain only 3 percent of the nation's remaining roadless areas.⁶ The region is densely populated, and millions of people see national forests as prime places to camp, hike, hunt, fish, and reconnect with friends and family outdoors. In New England, public land is very scarce (for example, it makes up only 12 percent of land in Vermont, 15 percent in New Hampshire, and 5 percent in Maine), yet most of it is open to road building and logging. Protecting national forest roadless areas would do much to safeguard wildlife habitat for sensitive and recovering species, such as Canada lynx, northern goshawk, black bear, and wild brook trout, while having very little impact on the region's timber supply.

In a situation analogous to that of the 2001 Roadless Rule, the American people vigorously declared their support for protecting all remaining roadless areas on the White Mountain National Forest in New Hampshire and Maine when the Forest Service revised the forest plan in 2005. The most frequently mentioned issue in public comments received by the Forest Service was roadless area protection, with more than 90 percent of these comments in favor of protection. The local Forest Service leadership chose to ignore this widespread public support for roadless areas, and with the completion of the plan began systematically proposing and approving numerous timber sales within roadless areas.

The following table provides a list of ongoing and authorized timber sales within roadless areas on the White Mountain National Forest:

Timber Sale	Roadless Area Affected	Acres of Logging Within Roadless Area	Road Construction/ Reconstruction	Status
Than Brook	Wild River	464	Yes	Partially logged/clearcut
Batchelder Brook	South Carr Mountain	139	Yes	Partially logged/clearcut
Mill Brook	Kilkenny	292	N/A*	Citizens' appeal denied
Kanc7	Sandwich 4	875	Yes	Citizens' appeal denied
Stevens Brook	South Carr Mountain	157	N/A*	Decision signed

*The extent of road construction or reconstruction for this project is unclear due to inconsistent and undefined use of alternative terms, such as road "maintenance," road "restoration," "reclassification," and "upgrade of maintenance level."

6. USDA Forest Service Roadless Areas: Potential Biodiversity Conservation Reserves, <http://www.ecologyandsociety.org/vol7/iss2/art5/main.html>.

Moreover, the White Mountain National Forest's status as "ground zero" in the Forest Service's return to logging roadless areas is not about to change. The agency has acknowledged that virtually all future logging projects on the forest will include logging within roadless

areas. Unfortunately, since the Obama administration's "timeout" does not apply to roadless areas identified by the Forest Service after 2000, more than a third of the roadless lands on the White Mountain National Forest are left open to intrusion and development.



South Carr Mountain Inventoried Roadless Area before (left) and after (below) the Batchelder Brook timber sale, White Mountain National Forest, New Hampshire
photos by Mollie Matteson



Roadless Area Development: Coming Soon to a Forest Near You

The White Mountain National Forest is not alone in its plans to continue logging and clearcutting in roadless areas. While the Obama administration's "timeout" is a step in the right direction, this directive does not even apply to the numerous roadless areas that the Forest Service has identified since 2001, and in fact provides no new substantive protections for any roadless areas. Unfortunately, history has shown that in the absence of strong national protections, certain national forests will continue to log and clearcut thousands of acres of roadless areas.

Evidence of this fact abounds as plans for similar actions emerge from forests across the country. For example, the Dixie National Forest in Utah has an active proposal for a timber sale that would clearcut and road more than 4,000 acres. Over 60 percent of this logging would occur in roadless areas officially inventoried by the Forest Service five years ago during the revision of the forest plan. The timber sale is the biggest and most devastating logging project proposed for a roadless area in Utah since 1998.



The Superior National Forest in northeastern Minnesota has similarly drawn an arbitrary distinction between "Roadless Rule" roadless areas and the more recently identified "forest plan" roadless areas. The national forest is relying on this new distinction to justify its proposal to clearcut significant acreage within roadless areas as part of its Echo Trail logging project, which borders the Boundary Waters Canoe Area Wilderness.

Intrusive projects are being queued up for other national forest roadless areas, from phosphate mining in Idaho to the proliferation of logging roads and oil and gas drilling in Colorado. Roadless areas on the Allegheny National Forest in Pennsylvania are being converted into industrial sites as energy companies drill into privately owned oil and gas resources beneath the surface.

As feared, the Obama administration has also already allowed new roadless area logging to proceed despite its new directive on roadless areas. Just two months after the timeout was declared, Secretary Vilsack approved a major, controversial timber sale in the South Revilla Inventoried Roadless Area on the Tongass National Forest in Alaska.

Make no mistake — logging and road building within roadless areas is already occurring, and without strong, national protection for our remaining roadless areas, it will be coming soon to a national forest near you.

[Pacer Lake Inventoried Roadless Area, Dixie National Forest, Utah](#)
photo by Kevin Mueller

The Solution: *Permanent* Protection for *All* Roadless Areas

American citizens have repeatedly made clear their overwhelming and widespread support for protecting the last pristine areas of our national forests. Moreover, President Barack Obama declared his support for the Roadless Rule during his presidential campaign. While the recently released “interim directive” is a step in the right direction, more steps are needed.

First, the administration should immediately expand its May 2009 directive to include all inventoried roadless areas in the national forest system, including the additional roadless areas that have been identified by the Forest Service through forest plan revisions and amendments subsequent to the 2001 Roadless Rule. The Forest Service’s arbitrary and

unsupported distinction between the so-called “Roadless Rule” roadless areas and “forest plan” roadless areas should end now. Second, the administration should promptly call upon its own Department of Justice to stop defending the Bush administration’s state petitions rule in court. Third, the administration should eliminate the exemption for the Tongass National Forest from the 2001 Roadless Rule, and clarify that the Rule applies to all newly identified roadless areas in addition to those areas mapped at the time of the Rule. Last, Congress should pass legislation to permanently protect these roadless areas. There is no need for any additional roadless acreage to be logged or roaded prior to receiving the lasting protection that the public has demanded and the areas deserve.

To learn more about roadless area protection and what you can do to help, go to: http://www.biologicaldiversity.org/programs/public_lands/forests/roadless_area_conservation/index.html.



South Carr Mountain Inventoried Roadless Area,
White Mountain National Forest, New Hampshire
photo by Mollie Matteson

