October 1, 2021

Randy Moore, Chief
U.S. Forest Service
1400 Independence Ave., SW
Washington, DC 20250-0003

RE: The Wilderness Society's 30x30 Recommendations

Dear Chief Moore:

On April 1, 2021, The Wilderness Society transmitted its *Initial Recommendations to the U.S. Forest Service for 30x30 Conservation*, which are attached. Six months later, The Society is following up with a more specific set of recommendations. As stated in our initial recommendations, The Wilderness Society strongly supports the Biden Administration's goal of conserving at least 30% of the lands and waters in the United States by 2030 ("30x30"), as set forth in Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*.[1] We wish to work constructively with the USFS and others towards achieving that goal.

First, the Forest Service's 30x30 conservation actions must be grounded in principles of social justice, equity, and inclusion. In furtherance of the President Biden's *Executive Order on Advancing Racial Equity and Support for Underserved Communities*, The Wilderness Society encourages the Forest Service to take a community-based, equity-for-all approach toward 30x30 conservation. To the extent possible, 30x30 conservation should be conceived, or led, by the community itself to use and manage the place in a way that protects and sustains its ecosystem function and allows the whole community to enjoy its benefits equitably. This approach may include co-creation, consultation, shared decision-making, and collaborative management of land designations. The Forest Service must make a concerted effort to engage Black, Indigenous, people of color (BIPOC) and communities most directly linked to proposed 30x30 actions. Community-led conservation has the potential to bring people together to transform policy and practice for all public lands – either through specific examples that serve as models for others, or through a broad movement that encourages new possibilities and practices.

We want to commend the USDA and USFS for taking decisive action to protect the immensely valuable roadless areas and old-growth forests of the Tongass National Forest by launching the "Southeast Alaska Sustainability Strategy" on July 15. The Wilderness Society strongly supports all four components of the Sustainability Strategy:

- Restoring protections of the 2001 Roadless Area Conservation Rule to the Tongass.

[1] On May 6, USDA and three other agencies issued a preliminary report, *Conserving and Restoring America the Beautiful 2021*, recommending eight principles to guide the nationwide 30x30 effort. https://www.doi.gov/sites/doi.gov/files/report-conserving-and-restoring-america-the-beautiful-2021.pdf.

- Ending large-scale, old-growth timber harvest and focusing resources to support forest restoration, recreation, climate resilience, and sustainable young-growth management.
- Engaging in meaningful consultation with Tribal Nations.
- Identifying short- and long-term opportunities for investment that reflect the diverse opportunities and needs in the region.

Not only is the Sustainability Strategy great news for the Tongass National Forest, but it is also an important contribution to the Administration's national 30x30 goal. Furthermore, we believe it is an excellent example of 30x30 actions that the Forest Service and other land management agencies should be taking nationally.

The urgent need remains, however, to take other decisive actions to protect threatened landscapes that are also critical to meeting the 30x30 goal. Most prominently, USFS needs to work closely with the Department of the Interior to initiate long-term protections for the Rainy River Watershed on the Superior National Forest, where proposed sulfide-ore copper mining threatens the Boundary Waters Canoe Area Wilderness and other downstream protected areas.

Following are additional steps that the USDA and USFS should consider taking to advance 30x30 conservation throughout the National Forest System. In developing these 17 recommendations, we have been mindful of the Forest Service's limited capacity to undertake national rulemaking and NEPA processes (in addition to the process necessary to reinstate roadless area protection on the Tongass National Forest). For that reason, we have identified several recommendations – specifically, B2, C1, C2, D1, and D2 – that could potentially be bundled together into a single, wide-ranging Forest Service climate change rulemaking. We believe that a climate-focused rulemaking could address the agency's regulatory capacity problem while also making major progress toward meeting the President's 30x30 conservation and climate change goals as they relate to national forest management.

A. Roadless Area Conservation

Once the Roadless Area Conservation Rule is reinstated in the Tongass National Forest, approximately 58 million acres of Inventoried Roadless Areas (IRAs) – nearly 30 percent of the National Forest System – will be administratively protected from most road building and logging activity. While IRAs currently are not considered to be "protected areas" in the USGS Gap Analysis Program (GAP 1 and 2 lands), we believe that the Forest Service has several opportunities to enhance the IRAs' contribution to achieve the 30x30 goal. Besides restoring the Roadless Rule in the Tongass, we recommend that the agency take the following actions to strengthen IRA protection nationally – none of which would require the agency to undertake an additional rulemaking or NEPA process.

1. Support the Roadless Area Conservation Act. Legislation to enact the Roadless Rule as statutory law has been re-introduced in both Houses of Congress: S. 877 sponsored by Senator Cantwell with 20 co-sponsors, and H.R. 279 sponsored by Representative Gallego with 86 co-sponsors. Passage of this legislation would effectively prevent any future Administration from

eliminating or weakening the protection of the Roadless Rule, such as the Trump Administration's controversial exemption of the Tongass National Forest. An upcoming legislative hearing on H.R. 279 may provide the Forest Service an opportunity to testify in support of the bill.

2. Amend the Forest Service Manual to highlight the biodiversity purpose of the Roadless Rule. The Forest Service Manual currently has a vacant placeholder section on management of IRAs: FSM 1925 [Reserved]. The Forest Service should fill in this section with management direction that includes clarification of the agency's intent to manage IRAs to conserve biological diversity values consistent with the 30x30 goal of E.O. 14008. As stated in the preamble to the Roadless Rule:

> Roadless areas function as biological strongholds and refuges for many species. Of the nation's species currently listed as threatened, endangered, or proposed for listing under the Endangered Species Act, approximately 25% of animal species and 13% of plant species are likely to have habitat within inventoried roadless areas on National Forest System lands. Roadless areas support a diversity of aquatic habitats and communities, providing or affecting habitat for more than 280 threatened, endangered, proposed, and sensitive species. More than 65% of all Forest Service sensitive species are directly or indirectly affected by inventoried roadless areas. This percentage is composed of birds (82%), amphibians (84%), mammals (81%), plants (72%), fish (56%), reptiles (49%), and invertebrates (36%).[2]

The Roadless Rule is one of the most important laws protecting fish and wildlife habitat and conserving biodiversity on federal lands. By highlighting this important function of the Roadless Rule in the Forest Service Manual, the Forest Service would enhance the Rule's contribution to achieving the 30x30 goal.

3. Establish a consistent process for approving Roadless Rule exceptions. Until three years ago, the Chief of the Forest Service was responsible for approving exceptions to the Roadless Rule's general prohibitions on road building and logging in IRAs. On October 24, 2018, Chief Christiansen delegated that responsibility to the Regional Foresters, saying, "In light of the well understood implementation of the Roadless Rule, project-by-project oversight by the Washington Office is no longer necessary." The Chief went on to say:

> My expectation is [that] Regional Foresters give thoughtful consideration in making decisions for exceptions to ensure we maintain roadless characteristics as the 2001 Roadless Rule intends. The Director of Ecosystem Management Coordination will also maintain oversight to support and guide Regional Foresters, as well as inform national leadership of our consistency in meeting the intent of the 2001 Roadless Rule.

[2] 66 Fed. Reg. 3244, 3245 (Jan. 12, 2001).

However, to our knowledge, the Washington Office has never provided formal guidance to the Regional Foresters about how to evaluate potential exceptions to the Roadless Rule, leaving it to the discretion of each Region. As a result, the process for reviewing potential exceptions appears to vary widely among the regions, and numerous problems have arisen, including a lack of consistent public notification or involvement when an IRA would be affected by a proposed management activity. Therefore, we recommend that the Forest Service amend the Forest Service Handbook to provide guidance to the Regional Foresters on the process they should use to ensure that road building and logging activities in IRAs comply with the Roadless Rule. The Forest Service Handbook amendment process could take place at the same time and in the same manner as the Forest Service Manual is amended, as discussed above.

4. Codify the Roadless Rule in the Code of Federal Regulations. Even though the Roadless Rule was promulgated more than two decades ago, and the Rule's legality was upheld by the Tenth Circuit Court of Appeals nearly one decade ago, the Rule has still not been officially codified in the Code of Federal Regulations (CFR). While the Roadless Rule is commonly cited as 36 CFR 294, Subpart B, when one looks up that citation, the Roadless Rule is nowhere to be found. Instead, one finds the outdated State Petitions Rule, which was adopted by the G.W. Bush Administration in 2005 but was quickly invalidated by the courts and has not been in effect for more than a decade. The Roadless Rule's absence from the CFR inconveniently requires one to look up the January 12, 2001 Federal Register notice to see exactly what the Rule requires. Furthermore, the continued presence of the obsolete State Petitions Rule at 36 CFR 294, Subpart B, undoubtedly results in much confusion by Forest Service staff and members of the public who mistakenly assume that the current CFR citation is accurate. This would be a minor administrative task that, like our other roadless area recommendations, would not require any public rulemaking or NEPA process.

B. Old/Mature Forests and Carbon Storage

Some of the richest stores of forest carbon in the world, as well as essential habitat for many imperiled species, are found in the older and mature forests of the National Forest System. Consequently, Forest Service management of those forests plays an important part in the federal government's efforts to combat the climate crisis (and protect biodiversity) by keeping vast amounts of carbon securely sequestered in the forest and out of the atmosphere. Yet, there is no law or national policy specifically governing the management of older and mature forests. Most protection is provided indirectly through forest management plans (including the Northwest Forest Plan) and species recovery plans implementing the National Forest Management Act and the Endangered Species Act, respectively.

The Forest Service's recently announced intent to end large-scale old-growth timber harvest in the Tongass National Forest is commendable, as the Tongass holds a significant share of all carbon stored in the National Forest System. Still, the Forest Service can and should do much more to safeguard the unique ecological and social values of older and mature forests as part of its 30x30 conservation strategy.

Recognizing the value of older and mature forests, Congress is currently advancing legislation that would provide the Forest Service special funding to improve information about and protection for older and mature forests. The budget reconciliation bill that the House Agriculture Committee approved on September 13, with The Wilderness Society's enthusiastic support, includes $50 million "to develop and carry out activities and tactics for the protection of older and mature forests on National Forest System land, including completing an inventory of older and mature forests within the National Forest System." We look forward to working with the Forest Service to implement this legislation; however, even if the legislation is not enacted, we recommend that the agency take the following actions to conserve older and mature forests for their carbon storage, biodiversity, and other ecological and social values.

1. Conduct a rapid, scientific inventory of older and mature forests. The Forest Service generally lacks high-quality, up-to-date inventory data about older forest conditions. Most of the carbon-rich older forests in the Pacific Northwest have not been thoroughly inventoried for more than 30 years. Not much is known about the amount, location, condition, species mix, and age distribution of older forests in other regions. The inventory should be led by Forest Service research and university scientists, using the best available remote sensing data along with FIA inventory data and other available sources of information. While some public involvement in developing the inventory process is desirable, no rulemaking or NEPA process would be needed to plan or carry out the inventory.

2. Permanently protect older and mature forests, perhaps as part of a broader climate change policy. As noted above, there is currently no statute, regulation, or directive that specifically protects older and mature forests, and current forest plans and recovery plans generally do not take into account the important role these forests play in storing carbon and combatting climate change. The Forest Service has several regulatory options available to provide short- and long-term protection of older and mature forests on national forest lands. For example, the agency could adopt an interim regulation that temporarily prohibits or restricts commercial timber harvest of older/mature forests while the above-recommended inventory is completed, followed by a permanent rule promulgated after full public involvement and NEPA analysis of alternatives. For policy integration and efficiency, regulatory protection of older and mature forests could be adopted as a component of a larger Forest Service climate change strategy, which might also address issues like watershed conservation, wildlife migration corridors, and wildfire mitigation.

3. Appoint a federal advisory committee including scientists, tribes, and stakeholders. An advisory committee of forest ecology experts, tribal leaders, and key stakeholders – including BIPOC leaders and communities – should be convened to help the Forest Service develop and implement a scientifically sound and culturally informed management policy for older and mature forests, advising both the inventory and regulatory processes recommended above. The committee should address issues such as workable definitions of older and mature forests; practical differences between moist and dry forest ecosystems; and appropriate management of

older/mature forests to optimize carbon storage, wildlife habitat, and other values, including use of prescribed fire and wildfire management. The committee should prioritize input from tribal leaders and utilize Traditional Ecological Knowledge (TEK) relating to sustainable management of older and mature forests.

C. Watershed Conservation

As the federal agency responsible for managing lands that supply 50 percent of the water in the western U.S., the Forest Service can make a unique and major contribution to the President's goal to conserve 30 percent of U.S. lands and waters by 2030. The Forest Service's Watershed Condition Framework (WCF) provides a science-based process to engage a diverse group of partners and stakeholders in protecting and restoring watershed conditions and improving their resiliency to climate change.

1. Protect high-quality watersheds. As part of the WCF, the Forest Service has identified "properly functioning watersheds" that are in relatively pristine condition, along with watersheds that are at-risk or degraded. The properly functioning watersheds, which cover about 50 percent of the land in the National Forest System, are primarily in wilderness and roadless areas but also include some roaded areas that may be relatively lacking in protection. Up to now, the WCF process has focused on restoring at-risk or degraded watersheds to a properly functioning condition, rather than on making sure that the currently high-quality watersheds remain in properly functioning condition. Conserving the properly functioning watersheds should be a cornerstone of the Forest Service's 30x30 policy. This policy objective could be accomplished through a variety of regulatory and non-regulatory methods, such as by adding a WCF section to the Forest Service Manual and/or including WCF conservation direction in a broader climate change rulemaking.

2. Protect watersheds that supply drinking water. Although one in five Americans rely on the national forests for their clean drinking water, Forest Service regulatory protection of municipal water supplies is surprisingly weak. The current regulation at 36 CFR 251.9 -- which was adopted in 1988 during the height of the Forest Service's timber production era – states in part:

> (a) The Forest Service shall manage National Forest watersheds that supply municipal water under multiple use prescriptions in forest plans (36 CFR part 219). When a municipality desires protective actions or restrictions of use not specified in the forest plan, within agreements, and/or special use authorizations, the municipality must apply to the Forest Service for consideration of these needs.

This antiquated regulation gives no hint that the Forest Service has an independent legal duty to protect communities' drinking water flowing from the national forests.[3] Nor does it signal that

[3] The 2012 Planning Rule requires that forest plans "maintain or restore … [w]ater resources in the plan area, including … public water supplies … and other sources of drinking water (including guidance to prevent or mitigate detrimental changes in quantity, quality, and availability)." 36 CFR 219.8(a)2).

the Forest Service is even interested in partnering with communities to help safeguard their municipal drinking water. The Forest Service should incorporate public drinking water supplies into its 30x30/climate change conservation strategy and start by overhauling its regulations to make it clear that the agency takes seriously its obligation to work with communities to protect and improve their drinking water supplies. The Forest Service should make it a special priority to ensure that environmental justice communities have clean, reliable drinking water.

3. Reinstate priority watershed restoration as a key performance measure. The WCF provides an important performance measure for the Forest Service to gauge its progress toward achieving national goals. During the Obama Administration with Secretary Vilsack's leadership, the Forest Service included in its annual budget justifications the number of priority watersheds upgraded to an improved condition class. Unfortunately, that WCF-based performance measure was dropped during the past administration. The Forest Service should resume use of improved watershed conditions as a key performance measure and as a metric for 30x30 conservation. With Congress currently considering legislation that would provide abundant, multi-year funding for national forest watershed restoration, there is reason to hope and believe that the Forest Service can make impressive gains in restoring watersheds between now and 2030.

D. Wildlife Migration Corridors and Connectivity

Scientists emphasize the importance of maintaining a connected network of protected areas to prevent ecosystems and species populations from becoming isolated, reduce the risk of extinction, and ultimately sustain biodiversity. Keeping protected areas connected in a network through suitable linkages between core habitat areas is increasingly recognized as a conservation priority in the current era of rapid climate change, enabling species to move more readily in response to changing environmental conditions. [4] Habitat connectivity can help species escape from or recolonize areas affected by events such as wildfires or floods, often exacerbated by climate change.

The Forest Service previously has acknowledged the need for wildlife corridors and landscape-scale connectivity in the era of climate change. In 2008, under the direction of Chief Kimball, the Forest Service adopted a *Strategic Framework for Responding to Climate Change* that identified the "development of wildlife corridors to facilitate wildlife migration" as one of several "anticipatory actions intended to prevent serious disruptions due to changing climate."[5] Similarly, the 2012 Land Management Planning Rule requires plan revisions to maintain or

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However, as noted below, it may take decades for the Forest Service to incorporate this requirement into plan revisions.

[4] Belote RT, Dietz MS, McRae BH, Theobald DM, McClure ML, Irwin GH, et al. (2016) Identifying Corridors among Large Protected Areas in the United States. PLoS ONE 11(4): e0154223. https://doi.org/10.1371/journal.pone.0154223.

[5] USDA Forest Service (2008). Strategic Framework for Responding to Climate Change, p. 21. https://www.fs.fed.us/climatechange/documents/strategic-framework-climate-change-1-0.pdf.

restore connectivity in ecosystems and watersheds, taking into account climate change and other stressors.[6]

However, some Forest Service managers and planners recently have shown scant interest in designating wildlife corridors or improving landscape connectivity. For example, the Rio Grande National Forest hosts important wildlife corridors in the San Juan Mountains of southern Colorado, including some that cross into New Mexico and at least one that provides critical lynx linkage habitat. However, the recently revised Rio Grande forest plan fails to designate or otherwise protect those corridors, even though the plan for the Carson National Forest in New Mexico establishes an important wildlife movement area – the San Antonio Management Area – that is directly adjacent to the Rio Grande forest.

1. Issue direction to prioritize the conservation of wildlife migration corridors, including a rulemaking to develop agency policies and resources. In 2018, Interior Secretary Zinke issued a Secretarial Order (#3362) on *Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors*. Zinke's order instructed Interior agencies to work with western state wildlife agencies to enhance and improve the quality of wildlife corridor habitat for deer, elk, pronghorn, and "a host of other species." Likewise, we urge the Forest Service to use its rulemaking authority, in close coordination with tribes and Interior Department agencies, to develop policies that prioritize conservation of wildlife migration corridors and landscape connectivity more broadly. Potentially this regulatory direction could be adopted as part of a larger climate change rulemaking.

2. Establish Riparian Conservation Networks to provide connectivity. The national forests are often particularly well situated to provide excellent habitat connectivity and climate change refugia through their extensive riparian area systems that connect headwaters to lowlands in a structured, complex, and dendritic pattern.[7] The 2012 Planning Rule requires forest plans to maintain or improve the ecological integrity of riparian areas, including connectivity.[8] Some recent forest plans, such as for the Flathead National Forest in Montana, have expanded the width of riparian areas in recognition of their valuable role as movement corridors for both terrestrial and aquatic species. However, it may take decades before all forest plans are revised. The Forest Service should take immediate action – again, potentially as part of a larger climate change rulemaking -- to establish a Riparian Conservation Network to provide connectivity as a key ecological defense measure against climate change.

3. Direct agency staff to review and revise or amend all forest plans to fully identify and conserve corridors, coordinating with tribes and other federal agencies. As noted above, the 2012 Planning Rule requires plan revisions to maintain or restore connectivity of ecosystems and

[6] 36 CFR 219.8(a)(1).

[7] Fremier, A.K., et al. (2015) A riparian conservation network for ecological resilience. *Biological Conservation* 191:29-37.

[8] 36 CFR 219.8(a)(3).

watersheds. While the Forest Service only has capacity to fully revise a few plans at a time, the agency could also amend many more plans to address a limited set of priority issues, such as identification of migration corridors and landscape connectivity. In adopting such plan revisions and targeted amendments, the Forest Service should take care to consult with affected tribes, involve BIPOC communities, and coordinate with state and other federal agencies – especially when adjacent lands are managed by those agencies.

E. Forest Planning

The forest planning process required by the National Forest Management Act and the 2012 Planning Rule is potentially an important means to achieve community-based conservation because it requires extensive public engagement and provides opportunities for administrative designations within a 30x30 framework. For example, through forest planning the Forest Service can make more robust wilderness recommendations, especially for lands that possess high levels of biodiversity and ecosystems that are under-represented in the protected area network.

A significant downside is that full plan revisions ordinarily take at least four years to complete, and the Forest Service currently lacks the staff capacity and budget to revise plans for more than a few national forest units at a time. Potentially, a focused 30x30 plan amendment process could be completed more quickly and cover more ground at a regional or landscape scale, with multiple units and even cross-agency planning occurring simultaneously. Either way, the forest planning process should be one of the "tools" in the Forest Service's toolbox for achieving 30x30 conservation.

1. Prioritize and request full funding for forest planning. The 2012 Planning Rule provides an excellent, science-based process to engage the public in charting future management of national forests and grasslands. The Forest Service got off to a good start with implementation of the Rule in several "early adopter" forests, but planning was de-emphasized during the past Administration, new plan revisions halted, and momentum was lost. Some plan revisions that were completed missed critical opportunities to adopt plan components, designations, and other direction that would have advanced 30x30 principles. The Forest Service should apply the lessons learned from the early adopter plan revisions and make implementation of the 2012 rule a high priority for the agency, including in its annual budget requests.

2. Issue national direction to incorporate 30x30 goals into forest planning. We have been disappointed that the Washington Office apparently has not yet provided any guidance to regional or local forest planners about incorporating the Administration's 30x30 conservation goal into the forest planning process. The planning process required by the 2012 Planning Rule, including its ecological integrity mandate, is well aligned with the 30x30 initiative. However, in the absence of national guidance, planners and responsible officials will likely just ignore the 30x30 initiative, thereby wasting an important opportunity to engage local agency staff and the public in the initiative. The Washington Office should move quickly to develop and issue

guidance explaining the scientific rationale for 30x30 conservation and the various ways in which forest plans can help meet the 30x30 goal.

3. Identify and elevate suitable lands and waters to higher levels of conservation. Through forest planning, the Forest Service can administratively contribute to 30x30 by bolstering the conservation status of specific land areas and watersheds, either through designations or more protective plan components. For exa mple, Inventoried Roadless Areas and other unroaded areas are identified and evaluated during the planning process and considered for enhanced protection as Recommended Wilderness Areas or other conservation designations. Wildlife corridors are another important tool that should be considered and adopted in forest plans, whether through a designation or a management or geographic area with associated plan components aimed at protecting and enhancing connectivity. The Forest Service should explicitly factor the 30x30 initiative into the planning process and move all appropriate areas into higher levels of conservation.

4. Maintain the regional framework of the Northwest Forest Plan. Adopted in 1994, the Northwest Forest Plan was a visionary, science-based, management plan that protected the region's late-successional/old-growth forest and aquatic ecosystems and species. While climate change was not a forest planning issue at that time, the Plan's conservation strategy of late-successional reserves, riparian reserves, and key watersheds materially contribute to achieving the Administration's 30x30 conservation and carbon storage objectives. The Northwest Forest Plan was intended to be a 100-year plan and to be flexible enough to address new conditions, threats, and opportunities.[9] Before embarking on individual forest plan revisions in that region, the Forest Service should ensure that the regional framework of the Northwest Forest Plan is maintained. Clear direction could be provided – without a rulemaking or NEPA process -- by adopting a regional supplement to the planning directives that guide implementation of the 2012 Planning Rule (FSM 1920 and FSH 1909.12).

In conclusion, we urge the Forest Service to be a leader in the Biden Administration's 30x30 conservation initiative. Please give serious consideration to The Wilderness Society's recommendations, including our suggestion to act on several of them through a single rulemaking process dealing with key climate change issues. We would appreciate the opportunity to meet with you and appropriate staff to discuss these recommendations.

Sincerely,

Melyssa L Watson

Melyssa Watson
Executive Director, The Wilderness Society

[9] Spies, T., et al. (2019). Twenty-five years of the Northwest Forest Plan: What have we learned? *Front Ecol Environ* 17(9): 511-529.

cc: Meryl Harrell, USDA Under Secretary for NRE
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