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The Roadless Report: Analyzing the Impacts of Two Roadless Rules on Forested Wildlands

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Executive Summary

Only a fraction of the nation's public, forested wildlands—four percent of the United States—remain wild today. The Forest Service, the agency that manages national forests, manages two types of undeveloped wildlands within its jurisdiction. The first is Wilderness, which are areas designated by Congress under the Wilderness Act and protected by the statute's substantive requirements. The second is roadless areas (approximately 2.4 percent of U.S. land base), which are vulnerable to development from activities such as logging or road-building. Roadless characteristics are the exact same qualities that define Wilderness. Threats to these qualities include logging and constructing roads, both of which can fragment roadless landscapes and immediately eliminate roadless characteristics for generations. Outside of Alaska with its massive Tongass and Chugach National Forests, Idaho has the second largest and Montana the third largest roadless acreage. Idaho national forests have about nine million acres of roadless areas, 16 percent of the nation's roadless base. Montana national forests have about six million acres, 11 percent of the nation's roadless base.

The 2001 Roadless Area Conservation Rule (“National Roadless Rule”) and the Idaho Roadless Rule govern the states with the three largest roadless bases. The Forest Service, under the Clinton Administration, created the National Roadless Rule in response to strong public sentiment for protecting these areas and the clean water, the biological diversity, the forest health, and the recreational opportunities that roadless areas provide. The Bush Administration created a state-petitions process for each state to develop its own roadless rule, and before the Ninth Circuit set aside the process for violating several laws, the Forest Service published the Idaho Roadless Rule. Even after finding the state-petitions process unlawful, the Ninth Circuit later upheld the Idaho Roadless Rule.

With the National Roadless Rule in place for about 18 years and the Idaho Roadless Rule in place for about 10 years, we asked how well the National Roadless Rule and the Idaho Roadless Rule protect roadless areas in practice. We focused on Montana (governed by the National Roadless Rule) and Idaho (governed by the Idaho Roadless Rule). We first compared the rules to each other. The National Roadless Rule proclaims a prohibition on logging in roadless areas with four exceptions. The Idaho Roadless Rule divides roadless areas into a five-theme spectrum and allows logging activities that accordingly vary from more restrictive to not restrictive. In reviewing the rule's express language, four of Idaho's five themes impose less restrictions on logging than the National Roadless Rule, which amounts to the potential for more logging under the Idaho Roadless Rule in 84 percent of Idaho's roadless areas. Additionally, while the National Roadless Rule allows a national forest to augment

protection for any roadless area, the Idaho Roadless Rule forbids enhancing protection for any roadless area in Idaho.

The Forest Service provided the authors two spreadsheets that contained a preliminary accounting of logging in roadless areas in Montana and Idaho since 2010. This preliminary accounting identified the projects with roadless logging, and we found and examined the environmental analyses that authorized many of those projects. Friends of the Clearwater, a small forest-watchdog and educational nonprofit that monitors the wild Clearwater Basin in North Central Idaho, has on file most—if not all—projects over the last 30 years that proposed some logging in roadless areas on the Nez Perce and Clearwater National Forests, which encompass much of the Clearwater Basin.

We found that the National Roadless Rule initially stopped roadless logging entirely in the Nez Perce and Clearwater National Forests, but that the Idaho Roadless Rule reversed that. In the 1990s, the Forest Service logged over 6,000 acres in roadless areas. When the Forest Service first implemented the National Roadless Rule in 2001 and until 2008, no logging occurred on these two forests. Since the 2008 Idaho Roadless Rule, however, the Forest Service has authorized logging on over 1,000 acres of roadless areas in the Nez Perce-Clearwater National Forests alone, often in the name of “forest health.” Across Idaho, the Forest Service reported roadless logging in preliminary numbers ranging up to 18,000 acres of roadless areas. While the Idaho Roadless Rule is structured for increased logging, the National Roadless Rule has four exceptions. We found the Forest Service, while not choosing to log roadless areas in the Nez Perce and Clearwater National Forests when the National Roadless Rule governed (2001-2008), has spent the last decade regularly applying those exceptions in Montana.

In the past decade, the Forest Service has authorized a considerable amount of logging in Montana roadless areas under the National Roadless Rule. The Forest Service disclosed preliminary figures, enumerating that it authorized approximately 33,000 acres of roadless logging from 2010 to 2018. The Forest Service fit these logging projects under one of the four exceptions to the National Roadless Rule’s prohibition on logging. In approximately two-thirds of these projects, the Forest Service applied the exception for “stewardship-purpose” tree cutting to “restore” ecosystems.

The Forest Service’s quality of discourse, in terms of concluding how logging impacts roadless characteristics, has shifted over time, further facilitating logging in roadless areas. Prior to the National Roadless Rule, 1990s Forest Service project-specific environmental analyses in Idaho’s Nez Perce and Clearwater National Forests recognized that logging degraded and eliminated roadless characteristics. The agency held that timber harvest modified natural processes, shelterwood logging created unnatural disturbances in the landscape, and cutting trees, which generated features such as stumps, created signs of human alteration. Even in the environmental analyses for the National Roadless Rule and the Idaho Roadless Rule, the Forest Service recognized generally that logging and road construction can potentially eliminate roadless characteristics.

Despite the Forest Service’s earlier position, the agency occasionally reversed its conclusions about the harm of logging after the advent of the National Roadless Rule. Between 2001 and 2008 in Idaho, the Forest Service sometimes concluded in its environmental analyses, as it had in the 1990s, that logging would degrade roadless characteristics. However, sometimes during these seven years, the Forest Service concluded that roadless characteristics might be improved by logging, specifically in reducing the potential for stand-replacing wildfire by removing dead or dying trees from the natural ecosystem. If the Forest Service could assert that ecosystems would be improved with logging, the Forest Service could apply an exception under the National Roadless Rule and cut trees in a roadless area. The Idaho Roadless Rule adopted this “stewardship purpose” logging exception for themes that

govern most of Idaho’s roadless base. After the Idaho Roadless Rule began to govern roadless areas in Idaho, we have seen this flip in reasoning solidify, with the Forest Service commonly concluding that logging in a roadless area will often have neutral or beneficial impacts to roadless characteristics.

With the new conclusion that logging augments roadless characteristics, the Forest Service is able to exploit logging exceptions under the National Roadless Rule and logging permissions under the Idaho Roadless Rule. The Forest Service in Montana and Idaho, post 2010, similarly analyze the impacts of logging on roadless characteristics. Regardless of which rule governs, below are several examples of the reasoning that the Forest Service employs to conclude that logging will either not impact or beneficially impact roadless characteristics. The Forest Service argues that (1) taking no action will adversely impact roadless characteristics; (2) logging inflicts only temporary, short-term effects on roadless characteristics; (3) there will be minimal impacts (even while considering other roadless areas with evidence of similar timber harvests to have demonstrably impaired roadless characteristics); (4) a little more detriment is negligible if there is already evidence of any prior human activities; and (5) intense logging on a small part of the roadless area will not, on average, impact the whole roadless area.

Science fleshes out the fallacy of some of this reasoning. Peer-reviewed science establishes that natural tree death—regardless of its cause—is a process by which forests renew and exists in healthy forests and their ecosystems. Severe fires are part of the natural history of some forests, specifically those in northern Rocky Mountains of Idaho and Montana. Forests in the western United States generally have not experienced more fires as a direct result of bark beetle activity. Global warming—not the Forest Service’s history of fire suppression—greatly influences fire seasons. Even with global warming, older unlogged forests, which include many roadless areas, have been found to burn less severely than thinning trees, which tends to open up and dry out forest vegetation that remains.

Time fleshes out the fallacy of the remaining reasoning. When the Forest Service revises forest plans, we found a pattern where the agency drops isolated acreage from its roadless inventory and wilderness-recommendation process due to evidence of timber harvest. The Forest Service Handbook directs the agency to identify a basic potential-wilderness inventory; the agency can include areas where logging has occurred if improvements are not substantially noticeable. The Forest Service will also use this criterion to update its roadless inventory. In two different forest plans, the Forest Service dropped the roadless acres where timber harvest had occurred because at the time of review, those portions of roadless areas did not meet the criteria for potential wilderness or espoused roadless characteristics.

In conclusion, neither the National Roadless Rule nor the Idaho Roadless Rule are protecting roadless areas from logging. The Forest Service appears to be exploiting exceptions and permissions in both rules, and the Forest Service’s environmental analyses have shifted to justify utilizing the exceptions in an unchecked manner. Given these rules—particularly the National Roadless Rule—are not as protective as we thought, there needs to be a substantive review of both rules and of the remaining roadless areas in the United States. Additionally, the public and the government need to engage in a thoughtful discourse about whether protecting roadless areas is a priority and, if so, how to effectively do that.

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