

EASTERN ROADLESS AREAS UNDER THREAT



HOW THE U.S. FOREST SERVICE MINIMIZES
ROADLESS AREAS WITH BIASED PROCEDURES

By
Jim Furnish, Consulting Forester

A Report by the Heritage Forests Campaign

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EXECUTIVE SUMMARY

The protection of roadless forests in the East under the Roadless Area Conservation Rule holds the promise of restoring a vestige of what was once commonplace and is now rare—wild and natural places. National forests, almost exclusively, hold these treasures.

Under the Eastern Wilderness Act of 1975, the Forest Service is required to inventory roadless areas during the development of forest plans and to evaluate these areas in order to make a wilderness recommendation to Congress. Under the 2001 Roadless Area Conservation Rule, these roadless forests are to be protected from most forms of road construction, logging, and other development.

In recent years, the Forest Service has flagrantly abused its discretion by misinterpreting the Eastern

Wilderness Act and incorrectly applying ad hoc guidelines to the evaluation process. This has resulted in an inconsistent approach, suggesting an inherent anti-wilderness bias. It has also raised questions about the agency's credibility and stewardship.

There was a time when the Forest Service was in the forefront of wilderness advocacy. Early in the twentieth century, Forest Service employees such as Aldo Leopold and Bob Marshall were the creative genius behind this uniquely American ideal. Today, however, the agency appears to have abandoned that vision. *Eastern Roadless Areas under Threat* demonstrates a common pattern within the Forest Service of deliberately minimizing and eliminating opportunities to protect the last intact roadless forests in the East.

INTRODUCTION

The United States is unique among heavily populated nations because it had the foresight to protect significant areas of wild forests. This began in a time when such areas were still reasonably abundant—at least in the West. The guiding spirits of this effort—particularly Aldo Leopold, Arthur Carhart, and Bob Marshall—were able to draw on a personal passion and conviction for the protection of wild and intact landscapes.

These men were all employees of the Forest Service, and they moved the agency into the forefront of advocacy for protection and management of wilderness. They and others who followed in their footsteps were fearful of the steady erosion of the wild essence of the American West and aggressively pursued protection of large primitive areas, culminating in passage of the Wilderness Act in 1964.¹ The act enabled federal agencies to propose suitable areas to Congress for designation as wilderness areas—“where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.”²

Candidate areas for wilderness had not generally been subjected to logging and road building, thus these “roadless areas” retained their primitive character. In the 1970s, management of roadless areas became the subject of intense conflict and was the focus of two nationwide reviews.³ Increasingly, Forest Service proposals to log roadless areas were the subject of appeals and litigation aimed at blocking activities that would diminish their wild character. Roadless areas were recognized as having significant value for many environmental attributes such as forest health, clean water, and wildlife habitat, and were a hedge against increasing fragmentation of landscapes.⁴

The Forest Service, seeking to address the impasse over the future of roadless areas, ultimately issued a new regulation—the Roadless Area Conservation Rule—in 2001 to permanently preclude road building and commercial logging in roadless areas.⁵ The new regulation enjoyed overwhelming public support, but was among the most controversial actions in the agency’s history due to its fundamental revision of traditional policy. Lawsuits followed and are still making their way through the courts today. Also, the Forest Service is considering revising the rule to eliminate aspects of roadless area protection. Those who support roadless area protection remain deeply concerned about continued erosion of the wild character of these lands.

Today the National Forest System contains 35 million acres of wilderness, and almost 60 million acres of roadless areas (about 18 and 30 percent, respectively) of all 192 million acres of national forest lands. The largest portions are in Alaska and the West.

National forests in the East were somewhat unique. It became apparent soon after passage of the Wilderness Act that few areas in the East would qualify as wilderness because extensive logging and road building had occurred prior to their acquisition by the federal government. To rectify this problem, Congress passed the Eastern Wilderness Act of 1975 to enable consideration of lands where the imprint of man’s works had been substantially erased, the land had reverted to a more natural condition, and renewed opportunities for solitude and primitive recreation were possible. Under these criteria, there are now many wildernesses in the East, although most are smaller than their western counterparts.

The debate over the re-establishment of meaningful wilderness areas in the populous East has been a long and heated one, and the management of roadless areas is at the core of the issue. Although the early leaders of the Forest Service were energetic wilderness advocates, many in the agency today are skeptical, even hostile to this notion, and there remains a consistent and continued emphasis on logging and road building. In short, the Forest Service has not equitably discharged its statutory responsibility to protect roadless areas in the eastern half of the country.

THE ISSUE

Whenever the Forest Service develops or revises a forest plan, it is required to analyze roadless areas for their suitability as wilderness. There are two primary reasons for this: legal case law and expedience.

The Forest Service has been required by the courts to recognize the significance of roadless areas and prepare an Environmental Impact Statement (EIS) when proposing activities such as logging and road building that could negatively impact their roadless character and suitability for subsequent wilderness designation. Thus, it is expedient to conduct roadless area inventory and analysis in association with the forest plan, since the plan must be accompanied by an EIS. To accomplish this, the Forest Service follows an explicit three-stage process (1) to develop an inventory of all qualifying roadless areas, (2) to evaluate each for its wilderness suitability, and (3) to make recommendations to Congress for each area analyzed.

The Stage 1 roadless area inventory should be an objective, structured process resulting in a mapped, quantified set of areas to be evaluated.⁶ Stage 2 is a subjective evaluation of each inventoried area for suitability as wilderness. Throughout the East, the Forest Service has made repeated, fundamental, and willful errors by improperly revising and reinterpreting its own regulations.

The most fundamental error occurs from misuse of the term “improved road.” Although this is clearly intended, according to the official Forest Service Handbook, to apply to roadways suitable and maintained for passenger sedans, the agency has begun using guidelines that classify closed roads, four-wheel drive roads, and even trails for off-road vehicles as “improved.” Federal legislation and the Forest Service Handbook allow an area in the East to qualify as wilderness even if it has up to one-half mile of improved roads per 1,000 acres.⁷ For almost

a decade, however, the Forest Service has improperly disqualified many roadless areas from the inventory by citing the presence of any road.

The second error occurs in applying a criterion referred to as the “core of solitude,”⁸ a concept requiring that a core area of the roadless acreage must be manageable for conditions that would be classed as primitive or semi-primitive and non-motorized. Although a number of wilderness areas are adjacent to an improved road, the agency has adopted an arbitrary standard that roadless areas should be buffered from all roads by a half mile prior to calculating the acreage in the roadless area for the inventory. This buffer pays little or no heed to factors such as landform, vegetation, and road standard. In effect, it disqualifies hundreds of thousands of acres from wilderness suitability, a designation many areas rightly deserve.

It is essential that the Forest Service maintain the utmost integrity throughout the process so that there is no question about the agency’s trustworthiness in deciding the fate of precious public resources. Objective standards should be used consistently (*e.g.* consistent application of the improved road standard), and the agency’s performance should be unassailable to build credibility and confidence in the eventual outcome.

Yet evidence clearly shows a systematic effort to apply anti-wilderness standards to the evaluation process, resulting in hundreds of thousands of acres being deliberately eliminated from roadless area inventories in the East, and thus from Forest Service consideration as wilderness.

One crucial effect of eliminating land from the roadless inventory is that the protective measures of the Roadless Area Conservation Rule will no longer

apply, and the Forest Service will be free to pursue logging and road building once lands are “released.” If such released lands are in fact logged and roaded, they will likely lose the characteristics that required them to be identified as roadless.

This exposes yet deeper issues related to public trust and agency credibility. Some Forest Service officials tend to regard roadless areas as a “management nuisance” due to onerous legal and regulatory requirements, as well as heightened political sensitivity from intense public scrutiny of any project that threatens roadless areas. Indeed, roadless areas have often been targeted by the Forest Service for logging and road building so that they would lose their special status, thus relieving the agency from what it perceives as a burdensome management responsibility.

This is why the widely supported January 2001 Roadless Area Conservation Rule that precluded further logging and road building in roadless areas has been so controversial within the agency and so staunchly opposed by timber interests. These are regrettable developments for an agency that was once home to wilderness visionaries and leaders, and today holds wild forest resources as a public trust. At present, the Forest Service is not seen as an ardent defender of roadless areas, but rather a distrusted steward.

PLANNING CONTEXT

National forest planning is a very lengthy and complex process, and includes explicit requirements for dealing with roadless areas. Even prior to the adoption of the Roadless Rule, case law and the agency's own guidelines afforded roadless areas "special status," thus the Forest Service developed planning directives to ensure rigor and consistency.⁹ Guidance in this regard leans toward developing an inventory that is "generous." That is, it is preferable to err on the side of including more roadless area, rather than less, in an inventoried area simply because once an area is eliminated it will not be reviewed again for its suitability as wilderness. Due to the relative scarcity, unique history, and restorative capacity of wild lands in the East, legislation and agency guidance breathe discretion and latitude to enable the Forest Service to consider lands in eastern national forests as wilderness that would be deemed unworthy in the western national forests.

Despite the clear direction of Congress, however, agency planning has been biased against the protection of eastern roadless areas. Consider recent "guidance" documents issued by eastern forest managers. The guidelines raise two controversial issues: (1) the definition of an "improved road," and (2) the definition of a "core of solitude."

Road density threshold of "improved roads"

The Forest Service Handbook contains explicit guidance for assessing the suitability of an area for roadless designation.

The first step in evaluating potential wilderness is to identify and inventory all roadless undeveloped areas that satisfy the definition of wilderness as defined in the 1964 Wilderness Act.

According to the inventory guidelines, roadless areas qualify for inclusion if, in addition to meeting the statutory definition of wilderness, they meet one or more of three criteria:

1. They contain 5,000 acres or more.
2. They contain less than 5,000 acres but qualify for consideration because (a) their physiography or vegetation make them manageable in their natural condition, (b) they are self-contained ecosystems such as an island, or (c) they are contiguous to existing wilderness, primitive areas, administration-endorsed wilderness, or roadless areas in other federal ownership, regardless of their size.
3. They do not contain improved roads **maintained for travel by standard passenger vehicles**, except as permitted in areas east of the 100th meridian (a cartographic line running north to south and dividing the continental U.S. roughly in half).¹⁰

Finally, because of their unusual history, more permissive criteria are applied to forests in the East allowing areas that may not strictly qualify as "roadless" to still be considered for wilderness recommendation. National Forest System lands in the eastern United States have been acquired over time from private ownership. Consequently, criteria for inventorying roadless areas in the East recognize that much, if not all of the land, bears some signs of human activity and modification even though these lands have shown high recuperative capabilities. Roadless areas east of the 100th meridian qualify for consideration as potential wilderness even if they do not meet the above criteria, provided they meet two key tests:

First, the area must have existing or attainable National Forest System ownership patterns, both surface and subsurface, that could ensure perpetuation of identified wilderness values.

Second, the area may contain no more than a half mile of improved road for each 1,000 acres, and the road must be under Forest Service jurisdiction.¹¹

Genesis and interpretation of “core of solitude” concept

In recent years the Forest Service has begun to use an arbitrary “core of solitude” concept for eastern national forests (intended to clarify the subjective criteria for wilderness suitability) to disqualify areas from the roadless inventory, even though it is not mentioned anywhere in the Forest Service Handbook.

In August 1997, Eastern Regional Forester Bob Jacobs, who is responsible for 12.6 million acres of public land, issued “Guidelines for Completing Roadless Area Inventories during Forest Plan Revision.”¹² The letter from Jacobs, widely adopted by forest managers east of the 100th meridian, provides specific guidance on implementing criteria contained in the Forest Service Handbook, in particular stipulating that roadless areas must contain at least 2,500 acres of land in a *core of solitude* managed for non-motorized recreation that “could ensure perpetuation of identified wilderness values.” Jacobs’s letter also directs that lands within a half mile of improved roads must be excluded from the core of solitude calculations.

DISCUSSION

Road density and “improved” roads

According to an engineer for the Forest Service, “an improved road is any constructed or existing feature or facility created on the land for the purpose of travel by passenger vehicles (four wheeled, 2-wheel drive), which are legally allowed to operate on forest roads or public roads and highways, and vehicles are greater than 50 inches in width. [Such roads] will have an area for vehicles to travel on and will incorporate some manner for the disposal of surface runoff.”¹³

In simple terms this refers to “sedans” driving on some sort of maintained road surface. This is important because the Forest Service classifies and inventories roads according to five levels ranging from very primitive (level 1) through paved, two-lane roads (level 5). Levels 3, 4, and 5 are managed for sedans. Thus, using the Forest Service’s own direction, areas with less than one-half mile of level 3, 4, or 5 road per 1,000 acres can be inventoried as roadless. Management practices in the East also allow for existing roads to be closed or decommissioned to improve wilderness character.¹⁴

“Core of solitude” concept

This concept reflects the agency’s intention to assure that inventoried roadless areas have attributes suitable for wilderness. The 1997 memorandum from Regional Forester Jacobs states, “To meet roadless area inventory criteria, a ‘core’ of the roadless area must be manageable for conditions that would be classed as primitive or semi-primitive non-motorized.” The memo continues, “The 2,500-acre semi-primitive ‘core’ size is not an absolute minimum or acreage requirement. It is a guide The idea is to screen out ‘amoeba’ shaped configurations that may meet the minimum acreage requirement, but could

never be managed to provide the degree of solitude characteristic of wilderness.”¹⁵ Furthermore, Jacobs directs planners to eliminate all areas within one half mile of an improved road (here again the definition of an improved road is crucial) in calculating the core of solitude.

These erroneous interpretations of the statutory meaning of the Forest Service Handbook contend that not only must a roadless area exceed 5,000 acres, but it should also contain a “core of solitude” exceeding 2,500 acres. This additional and arbitrary guideline makes the criteria for the protection of roadless areas in the East more exclusive than in the West, the opposite of clear Congressional intent. All national forest areas over 5,000 acres without roads are to be included in roadless inventories. But under these biased criteria, areas in the East must also stand the test of the “core of solitude.”

Nowhere, however, does the agency’s national planning guidance mention a core of solitude; rather, the guidelines from the regional forest manager are predicated on false and arbitrary constructs. Contrary to the actual statutes pertaining to eastern forests which call for a more “permissive” approach, regional managers have chosen to apply a hard and fast, quantified criterion to wilderness and wrongly emphasized the concept of solitude, only one of many subjective factors to be considered. Consequently, hundreds of thousands of acres of roadless area that merit roadless protection and wilderness consideration have been capriciously eliminated from the inventory and never evaluated for wilderness suitability. Although Congress specifically asked the agency to relax the standards to ensure that eastern areas with the potential to provide a wilderness experience be included based on their current character, some in the Forest Service have decided to defy this legislative mandate.

ANALYSIS OF SPECIFIC NATIONAL FOREST PLANS

Specific examples of forest plans demonstrate the consequences of these misguided procedures. Because of the diverse nature of eastern national forests, several regions were analyzed to show the effect of these false interpretations in a variety of situations: New England (White Mountain National Forest and Green Mountain National Forest), Lake States (Chequamegon-Nicolet, and Superior National Forests), mid-Appalachian (Jefferson National Forest), and southern Appalachian (Cherokee and Chattahoochee-Oconee National Forests). It should be noted that federal public lands in the East often provide the only opportunity to experience large, wild landscapes. In addition, there is usually only one national forest per state in the East (unlike the West where, for example, California has 20). Thus, the failure to meet public demand for wilderness in the East is intensified.

NEW ENGLAND AREA

WHITE MOUNTAIN NATIONAL FOREST

Managers of the White Mountain National Forest are in the process of revising their forest plan. As required, they have completed an inventory of roadless lands and will document their wilderness suitability evaluation when the revision is complete. At a public meeting in March 2003, the agency presented a draft inventory of roadless lands. This included 16 areas totaling about 288,000 acres.

Observers noted that the inventory process wrongly excluded thousands of acres of potential wilderness by applying the half-mile buffer between roadless areas and existing roads. To its credit, the Forest Service reviewed national guidelines and made significant adjustments by expanding the boundaries to roads or natural features. The total inventoried

roadless acreage was revised upward by 33 percent from 288,000 acres to 383,000 acres.

By improving the accuracy of the inventory, the integrity of the process also improved. The inventory process is intended to be as objective as possible. Initially, the forest manager used unduly restrictive criteria that reduced the acreage that could meet roadless standards. Despite some continuing problems, the inventory has increased, and the probability has also increased that many more of these roadless areas will merit wilderness consideration. Yet, White Mountain National Forest is one of the few eastern forests to adjust its inventory to conform more closely to national standards set forth in the Forest Service Handbook.

GREEN MOUNTAIN NATIONAL FOREST

The evaluation of a specific roadless area—Lamb Brook—provides ample evidence of the misuse of the inventory process in this forest. The critical issue for the Lamb Brook area is the “Stage Road,” now used only by snowmobiles. The road’s ownership is disputed between the adjacent township and the Forest Service.

The rugged and mountainous area encompasses 17,500 undeveloped acres, including the proposed 5,000-acre Lamb Brook Wilderness, just north of the Massachusetts border.

Using the regional criteria for roadless inventory, the agency reduced the total acreage to a residual area by buffering the Stage Road (not classified as a road, but a motorized trail) and other Forest Service and township roads. Consequently, the remaining acreage in the proposed Lamb Brook area failed to meet the arbitrary 2,500-acre core of solitude thresh-

old. There were more than 2,500 acres in the core of solitude if surrounding private lands were included in the calculation, but the core was too small if only Green Mountain National Forest land was considered. Thus, the roadless area was dropped from the inventory because the snowmobile corridor changed the semi-primitive core from “non-motorized” to “motorized.”

The proposed Lamb Brook Wilderness was an ample-sized area (17,500 acres) that might have benefited from further analysis for wilderness suitability, but it was drastically scaled down because regional criteria, inconsistent with national direction, were wrongly applied. The forest supervisor can still rectify this situation by using the discretion granted him to include the area even though it fails to meet the flawed regional standards. In this case, thoughtful consideration of an area of significant interest would help the Forest Service meet its obligations under the Eastern Wilderness Act and restore the agency’s credibility as a steward of wild places.

LAKE STATES AREA

CHEQUAMEGON-NICOLET NATIONAL FOREST

Chequamegon-Nicolet National Forest recently revised its forest plan. The detailed process paper documenting the analysis notes that 67 areas, encompassing well over 100,000 acres, were considered as potential roadless areas. Each was screened according to the mapping criteria of the forest management plan. This screening eliminated 16 areas. A subsequent field inspection to measure road density and core of solitude standards disqualified another 42 areas. The nine remaining areas (consisting of seven tracts totaling about 50,000 acres and two other “non-standard” areas of about 11,000 acres) were ultimately judged suitable for consideration as wilderness based on the forest supervisor’s discretion and interpretation of the 1997 guidelines.

There are currently about 44,000 acres of wilderness in the Chequamegon-Nicolet National Forest, and after completing the analysis of the nine candidate areas, the final recommendation was to study three

areas totaling only 15,500 acres—sharply down from the nearly 62,000 acres of inventoried roadless areas. According to the forest plan, this decision was based largely on an agency perception that wilderness was an important national issue, but this view was negated by a lack of political support from local governments.

The definition of an improved road and the application of the core of solitude concept were crucial in determining the outcome of this inventory. Although the national standards could not be more straightforward—improved roads must be useable by and maintained for standard passenger cars, regional forest management crafted several pages of nuanced rationalization intended to clarify the meaning of the regulation. Regrettably, the regional direction obfuscated the issue and misinterpreted the Forest Service Handbook to eliminate a large (but unknown) acreage of roadless land from the inventory.

In addition, it used the core of solitude concept to create a bogus threshold of 2,500 acres that must be met after eliminating areas within a half-mile of improved roads. Through a series of faulty interpretations, the agency maintained that trails for all-terrain vehicles (ATV) also were to be buffered because they violated the “non-motorized” ideal essential to solitude. Yet the official handbook indicates that Eastern wilderness can include up to a half mile of improved passenger-car road per 1,000 acres, although nowhere does it indicate that ATV trails should be included in this total. Over the years, managers of the Chequamegon-Nicolet National Forest have allowed roads and logging throughout much of this area. Now, using two recently invented management tools—the “non-motorized trail standard” and the core of solitude principle—Forest Service officials were able to eliminate 58 areas from roadless consideration and focus only on the remaining nine.

Because the documentation does not specify the amount of area disqualified for consideration as wilderness, we can only speculate on the impact of flawed regional direction on the analysis. One can assume, however, that by eliminating 58 of 67 areas,

at least 100,000 acres of legitimate roadless areas were never evaluated for further wilderness study. This acreage represents more than double the amount of existing wilderness acreage and at least six times more than the acreage identified for further study.

SUPERIOR NATIONAL FOREST

Superior National Forest completed a proposed forest plan accompanied by a draft Environmental Impact Statement making it possible to evaluate the management analysis to date. It, too, utilized the same flawed concepts of improved road and core of solitude. There are 13 previously inventoried roadless areas totaling about 61,500 acres in the Superior National Forest, and management identified 22 new areas totaling about 44,000 acres that met the inventory criteria. Of the original 13 inventoried roadless areas, only about 16,500 acres remain roadless in parts of eight areas because managers have allowed logging and road building since the original inventory was conducted. The five remaining areas were entirely disqualified from further roadless evaluation.

The rationale for this decision ultimately rested on a lack of enough semi-primitive core area or too many roads, although there is little or no explicit documentation given in the plan. One can only guess at precisely how much acreage was eliminated due to the lack of a core of solitude or road density factors.

Superior National Forest is home to the famed Boundary Waters Canoe Area Wilderness, about one-half million acres that *National Geographic Magazine* once described as one of 50 “must-see” sites worldwide. Given the acknowledged magnificence of this wilderness, one might assume that forest managers would seek to protect as much of the surrounding landscape of comparable beauty as possible. Yet the agency’s wilderness study of adjacent proposed wilderness appears cavalier. This leaves the impression that the Forest Service sees no need for additional wilderness because of the mere existence of the Boundary Waters Canoe Area Wilderness. It is further apparent that management of the lands

adjacent to the Boundary Waters wilderness has allowed significant portions of roadless areas to degrade to the extent that they no longer qualify for consideration. That legacy, coupled with the application of flawed criteria, has resulted in a questionable outcome for the analysis to this point. Fortunately, it is still possible to remedy the process prior to completion of the final plan by rigorously applying national direction and taking seriously the wilderness and roadless values.

MID-APPALACHIAN AREA

JEFFERSON NATIONAL FOREST

Documentation for the revised forest plan for Jefferson National Forest lists several dozen individual areas that were considered before selecting those to evaluate for suitability as wilderness. In all, more than 250,000 acres were considered prior to selecting 20 roadless areas amounting to only about 85,000 acres. Of the 20, only three, along with 12 other areas adjacent to existing wilderness—25,200 acres in all—were recommended as wilderness study areas.

The “core of solitude” concept figured prominently in the agency’s analysis. For example, although there were about 252,000 acres initially inventoried in Jefferson National Forest, the agency soon narrowed this by two-thirds by eliminating lands within a half-mile of an improved road. This unwarranted reduction, directly tied to the use of regional standards rather than those in the Forest Service Handbook, distorted the results.

First, the agency included virtually all roads in the “improved road” category rather than only level 3, 4, and 5 roads suited for low-clearance passenger cars as specified in Forest Service regulations. Second, the arbitrary elimination of all lands within a half-mile of such roads to create a buffer for a “core of solitude” further reduced the roadless area inventory. As a result, two-thirds of the land suitable for consideration as wilderness was eliminated. One can only conclude that the agency appears to be manipulating the process to eliminate or minimize potential wilder-

ness in direct opposition to the clear and urgent call by Congress in 1975 for additional wilderness in the eastern United States.

Even worse, the supervisor of Jefferson National Forest, William Damon, also used regulatory discretion¹⁶ to *exclude* established roadless areas from wilderness evaluation, even though the intent of federal policy is to allow officials to *add* unique areas.

The willful elimination of the majority of inventoried roadless areas which should have been evaluated for their wilderness suitability resulted in finding less than 10 percent of inventoried lands suitable for wilderness study. Once again, this gives the impression that the agency is actively attempting to minimize wilderness areas in the East.

SOUTHERN APPALACHIAN AREA

CHATTAHOOCHEE-OCONEE NATIONAL FOREST

Chattahoochee-Oconee National Forest completed its forest plan revision in 2004. Documentation of their analysis listed 23 individual areas that were considered before selecting those for final evaluation for wilderness suitability. Together, about 65,000 acres of inventoried roadless areas were considered prior to selecting 11 roadless areas for wilderness suitability study. These totaled about 8,000 acres, or 12 percent of the original area studied. There are 117,000 acres of existing wilderness from prior Congressional designations in this forest.

This analysis did not eliminate lands from the inventory using buffers to identify the remaining “core of solitude.” Rather, it discussed the core of solitude within each roadless area in terms of manageability. This again points out the inconsistency that results from substituting regional guidelines for national statutory norms. The Chattahoochee-Oconee “hybrid” analysis properly retained roadless areas within a half-mile of an improved road, yet “discounted” the character of the land due to the assumption that the proximity to a road negatively impacted on solitude.

Nevertheless, a critical error was made by excluding two formerly inventoried roadless areas—Cold Mountain and Rocky Face—based on the agency’s view that the road density exceeded half-mile of improved road per 1,000 acres. The roads in question were not under Forest Service jurisdiction, were impassable in a passenger car, and definitely were not “improved.” In fact, these roads had been abandoned by the state, indicating that these two areas should have been included in the roadless inventory. Because they were both excluded, however, neither Cold Mountain nor Rocky Face appears in the official analysis record.

The bias against wilderness areas was evident in an earlier roadless area review in 1995 when only 11,000 acres were initially assessed. After conservation groups countered that the agency was intentionally excluding legitimate roadless areas, the inventory was recalculated upwards to 65,000 acres, the area now addressed in planning documents. Considerable time and effort could have been saved if this evaluation had been done correctly from the beginning.

Forest managers rationalize the relatively small acreage recommended for further wilderness study on the basis of two factors: First, about 95 percent of all lands in Georgia above 3,000 feet elevation are on national forest lands, and wilderness designation would restrict the agency’s options to use timber harvest to create early successional habitat (dominated by trees less than 10 years old) for sensitive wildlife species. Secondly, the agency argued that forest ecotypes within virtually all the inventoried roadless areas are similar to the existing wilderness in Georgia. Thus, there is little need or opportunity to improve wilderness diversity by adding more of the same to this resource.

The agency notes that there are about 110,000 acres of national forest land above 3,000 feet elevation, 44,000 acres of which have already been classified as wilderness where timber harvest and road construction are prohibited. The ability to create and maintain early-successional habitat above 3,000 feet

elevation is a legitimate concern, but there is ample opportunity elsewhere in the nearly 70,000 acres proposed for further wilderness study to harvest timber to create habitat for special wildlife needs. Generally, young forest conditions in 10-20 percent (in this case 10,000-20,000 acres) of a particular ecotone are considered ample, leaving about 50,000 acres for careful consideration as wilderness. Consequently, the arguments used by the managers of the Chattahoochee-Oconee National Forest to eliminate all but 12 percent of inventoried roadless lands from further wilderness study are fundamentally flawed.

As to ecotype diversity in Georgia, it would be fortuitous if there were diverse and varied habitats in the state's highest elevation sites, but such is not the case, in all likelihood due to a natural phenomenon. The fact that existing roadless areas do not offer additional diversity should not necessarily exclude them from further study for wilderness consideration, since there are numerous other benefits associated with wilderness management cited by the Forest Service Handbook, including "existence value" even for non-users, protecting unique geological, ecological, or scenic resources, and meeting demand for wilderness recreation.

Once again, it appears that, far from being an advocate for wilderness, the Forest Service has become an apologist for eliminating it.

CHEROKEE NATIONAL FOREST

The recently completed forest plan for Cherokee National Forest documented an analysis of 18 individual areas that were considered before selecting those to be evaluated for wilderness suitability. In all, about 85,000 acres of inventoried roadless areas were considered before selecting six areas adjacent to existing wilderness and one freestanding area for suitability study. These totaled some 20,000 acres, or approximately 23 percent of the inventory. In addition, there are about 67,000 acres of existing wilderness from prior Congressional designations.

This analysis did not eliminate lands from the inventory by imposing buffers of one-half mile between improved roads and the "core of solitude" of potential wilderness. Instead, the analysis discussed the core of solitude within each roadless area in terms of manageability. This again illustrates the inconsistency in applying regional guidelines. The analysis of the Cherokee National Forest properly included those roadless areas within a half mile of an improved road, yet "discounted" the character due to the perceived impacts of this proximity on solitude.

For example, in the relatively large Bald Mountain Roadless Area, nearly 12,000 acres were determined to have a core of solitude of only about 4,000 acres based on the existence of 10.6 miles of road either in or adjacent to it. There is no statutory foundation to eliminate two-thirds of the area because of diminished qualities for solitude. The arbitrary half-mile buffer for semi-primitive, non-motorized recreation is a recent invention of regional forest managers and illustrates how the wilderness quality of a roadless area can be subjectively skewed to diminish its value.

Other national forests now engaged in the forest plan revision process, such as Monongahela and Allegheny National Forests, have followed suit in using these arbitrary and erroneous interpretations of national policy. The consistent application of the core of solitude concept throughout these and other analyses violates Congressional law and the agency's own regulations. Moreover, it raises doubts about the legitimacy and credibility of the ultimate wilderness recommendations.

CONCLUSION

The foregoing examples make it immediately obvious that managers of each national forest applied standards written by the Eastern and Southern Regional Foresters that deviated from official guidelines. These directives misapplied the concepts of “improved road” and “core of solitude” to roadless evaluations.

Wrong on Principle

The regional direction ostensibly sought to clarify regulations that apply to all national forests, yet the result was not only ambiguous, but wrong. The deficiencies have been repeatedly brought to the attention of the Forest Service over a period of several years, but the agency has steadfastly maintained its position. Although wilderness advocates have appealed the decisions by regional forest managers to the Forest Service, federal litigation is likely necessary to resolve the impasse. It appears that the agency’s position rests on a profound bias against wilderness areas. This is completely counter to the mission of the Forest Service, whose founders established the wilderness concept nearly a century ago. The wildernesses we now enjoy throughout the United States owe their existence to steadfast advocacy in the face of stubborn opposition. As the examples of the individual eastern forests clearly attest, the definition of wilderness in the eastern United States continues to divide the Forest Service.

Inconsistency

Examples from New Hampshire to Georgia make clear the striking inconsistencies among regional forest managers in carrying out their stewardship responsibilities. To his credit the manager of White Mountain National Forest modified procedures when challenged, while others like the manager of

Jefferson National Forest adhered resolutely to flawed interpretations.

Suspect Outcomes

The two stages in the roadless area evaluation—the inventory and the evaluation—have been the subject of repeated, fundamental, and willful errors due to the misinterpretation of the agency’s own regulations.

First, the interpretation of the term “improved road” is wrong. Although it was historically intended to apply to roadways suitable and maintained for passenger sedans, in recent years the agency has included closed roads, four-wheel drive roads, and even trails for off-road vehicles. Although federal legislation allows up to one-half mile of improved roads per 1,000 acres in the eastern U.S., many roadless areas otherwise suitable as wilderness have been improperly disqualified from the inventory.

Secondly, the subjective concept of the “core of solitude” has been used to eliminate roadless areas from the inventory. Although there are many cases where a wilderness boundary is adjacent to an improved road, the agency has applied an arbitrary standard for the past nine years that roadless areas should be buffered by a half-mile before calculating the acreage in the roadless area inventory. This ignores such factors as landform, vegetation, or road type. Consequently, hundreds of thousands of acres are being wrongly eliminated from the wilderness suitability evaluation.

Troubling Future

A pernicious consequence of eliminating hundreds of thousands of acres from roadless inventory is that if the Forest Service determines that an area is not part

of the roadless area inventory, the area can be logged and roaded. This creates a subtle yet powerful incentive to conduct logging and road building, because once logged and roaded these areas will no longer qualify for agency roadless protections and will be far less likely to receive future wilderness consideration. This is yet another example of anti-wilderness bias. Rather than striving to protect the wild character of these lands, the Forest Service is taking steps to shrink eligible wilderness areas.

Anti-Wilderness

These interpretative errors reveal a growing anti-wilderness bias within the Forest Service. An agency that once passionately championed wilderness values and resolutely upheld an unassailable process, now presents Congress deeply flawed recommendations. The Forest Service's current conduct of the roadless area inventory and wilderness suitability reviews is a radical departure from the values of its past glory.

ENDNOTES

- 1 Wilderness Act of 1964 (16 U.S.C. 1131-1136, 78 Stat. 890)—Public Law 88-577.
- 2 "Eastern Wilderness Areas Act of 1964" P.L. 93-622, 16 U.S.C. 1132.
- 3 U.S. Forest Service, Roadless Area Review and Evaluation, 1972 (RARE I) and Roadless Area Review and Evaluation, 1979 (RARE II).
- 4 Thomas M. Quigley and Sylvia J. Arbelbide, *An Assessment of Ecosystem Components in the Interior Columbia Basin*. PNW-GTR-405. USDA Forest Service, 1997.
- 5 "Roadless Area Conservation Rule," *Federal Register*, 66 (2000), p. 3246 et seq.
- 6 Forest Service Handbook (1992), 1909.12 Sec 7.1. Hereafter referred to as FSH.
- 7 FSH (1992), 1909.12 Sec. 7.11b (5).
- 8 [Robert T. Jacobs], USDA Forest Service. (1997). "Region 9 Guidelines for Completing Roadless Area Inventories During Forest Plan Revision." August. 9 pp. and Appendix A. Unpublished.
- 9 FSH (1992), 1909.12 Chapter 7.
- 10 FSH (1992), 1909.12 Sec. 7.11(3).
- 11 FSH (1992), 1909.12 Sec. 7.11b (5).
- 12 Jacobs, Op. Cit.
- 13 Personal communication dated March 26, 1997, from Bill Rees, Eastern Regional Office Engineering, U.S. Forest Service.
- 14 U.S. Forest Service, "Appendix E. Road Terminology," U.S. FSM 7703 (36 CFR 212.1 (41)), <www.fs.fed.us/r2/mbr/projects/roads/adobepdf/route/rap_app_e_rd_terms.pdf>. Decommissioning includes applying various treatments, which may include one or more of the following: (a) Re-establishing former drainage patterns, stabilizing slopes, and restoring vegetation; (b) Blocking the entrance to a road; installing water bars; (c) Removing culverts, re-establishing drainage-ways, removing unstable fills, pulling back road shoulders, and scattering slash on the roadbed; (d) Completely eliminating the roadbed by restoring natural contours and slopes; or (e) Other methods designed to meet the specific conditions associated with the unneeded roads.
- 15 Jacobs, Op. cit.
- 16 Jefferson National Forest Process Paper, "Roadless Inventory," Executive Summary, Para 2. See also, 36 CFR 217.19(A)(1)(i).



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