

The viability standard is discretionary, the protections are not clearly defined, the “extrinsic conditions” clause is ambiguous, and the results of applying the standard are not evaluated through monitoring.

1. The standard only applies to those “species of conservation concern” for which the local forest determines there is “evidence demonstrating significant concern about its capability to persist over the long term in the plan area.”
2. The proposal does not set out clear criteria for how local forests are to make the critical determination of whether a species does or does not receive protection under the viability standard. Formal mechanisms for determining the long-term persistence of a species, such as population viability analysis, are not required. Criteria will instead be relegated to the FS Directive System.
3. Due to definitional ambiguity, it is not clear what level of protection the standard affords a species. Under the proposed rule, a population’s viability is based on an undetermined relationship between the population’s distribution and the population’s ability to be “resilient and adaptable”. Because the terms “resilient and adaptable” are not defined, it appears that a local forest could determine at its discretion when a population is sufficiently distributed to meet the viability standard. Finally, and critically, there is no requirement to monitor species of conservation concern to determine if the standard is being met.
4. Local forests are not obligated to meet the “viability standard” if the forest decides that it is incapable of doing so. While a reasonable “extrinsic conditions” clause is good policy, the proposal introduces an undefined and apparently discretionary standard, based on an apparent discretionary evaluation of the “inherent capability of the plan area.” There does not appear to be a formal mechanism or objective approach for assessing and documenting the “inherent capability” of a forest for the purposes of making this determination.

To justify this narrow and discretionary application of the viability standard, the agency assumes that achievement of a vague “healthy and resilient” ecosystem management standard will “maintain species diversity.” However, the ecosystem standard suffers from severe definitional ambiguity and a failure to verify that it is in fact meeting its species diversity objectives.

1. Given the definitional ambiguity of the terms, it is not clear how the local forest will define and interpret their obligations, and monitor their achievements under the “healthy and resilient” ecosystem standard. Again, critical criteria for establishing these standards will be relegated to the FS Directive System, meaning that it will be largely up to the local forest to determine when a forest is “healthy” and “resilient.”
2. Critically, the proposal assumes that achievement of the ecosystem standard will “maintain the diversity of native species”. This major assumption can only be verified through establishing a definition and means of measuring ecosystem “health and resiliency” and “species diversity”. Unfortunately, the concept of “species diversity” is not defined for management purposes. The last Committee of Scientists was explicit that “species diversity” goals must be translated into measurable viability standards. The proposed rule should do the same.
3. The assumption that healthy and resilient ecosystems lead to species diversity could be verified if the rule contained monitoring of the condition and likely persistence of focal species. Monitoring the status and trends of these indicators of ecosystem condition, using measurable viability parameters, is a well established metric for estimating species diversity. Using focal species explicitly in this way would be the best means of verifying that these ecosystems are in fact meeting species diversity objectives. The rule does not currently require such monitoring.
4. Although the preamble suggests that focal species could be used to verify the effectiveness of the ecosystem approach in maintaining species diversity, the actual rule language fails to ensure that focal species monitoring will actually be used with any consistency for these purposes. The local forest is only required to monitor the “status” of focal species; there is no obligation to evaluate their viability, and therefore to meaningfully assess the objective to maintain species diversity. Failing to establish a management standard for focal species makes monitoring a paper exercise and fails to provide for any accountability.