

## Analysis of Proposed National Forest Regulations for Watershed Protection

The proposed planning rule outlines basic concepts, but it lacks the details and binding requirements necessary to bring about Agriculture Secretary Vilsack's vision for protecting and restoring water and watersheds on our national forests.

The draft rule requires that all plans delineate riparian areas (§219.8(a)(3)), and each plan must include plan components (objectives, standards, and guidelines) to maintain, protect, or restore riparian areas (§219.8(a)(3)). Both of these requirements are steps in the right direction. However, these steps are incomplete because the draft rule fails to direct Forest Service planners on how to determine the riparian area boundaries; there is no default minimum riparian area width; there are no minimum management standards applicable to riparian areas; and there is no special management direction for riparian areas. We recommend, based on the input of a highly qualified scientific panel, that the rule require each Forest Plan to (1) establish ecologically defined riparian reserves, with (2) minimum default widths of 100 feet, within which (3) all management actions must be restorative of aquatic and riparian values, and where (4) special management direction applies. We further propose a prohibition on all management activities within riparian areas unless the activity is scientifically proven to be necessary to maintain or restore the areas.

Similarly, the draft rule requires each plan to identify watersheds that are a priority for maintenance or restoration (§219.7(e)(1)(i)), but it fails to even generically require the Forest Service to maintain or protect these areas, and it fails to give Forest Service planners guidance or sidebars on what types of areas should be identified and how geographically distributed they should be. We recommend identifying and protecting a comprehensive network of key watersheds well-distributed across the planning unit to serve as aquatic strongholds.

The proposed rule lacks any standard limiting specific activities acknowledged to be harmful to watersheds in either riparian areas or priority watersheds. Grazing is mentioned only once in the entire draft, in a long list of forest multiple uses. The draft rule lacks direction or standards for road system conditions or new road construction in particular areas, despite in fact that forest roads are universally recognized as the primary threat to watershed health. We propose a general set of minimum standards and guidelines for watershed protection that each Forest Plan can adapt to its own needs.

Half-measures will not maintain healthy watersheds or restore those that are already damaged. In the draft rule (Feb. 10, 2011 at 23), the Forest Service acknowledged that “[p]ublic comment ranged between those who wanted very prescriptive national standards in the rule for such things as road density or riparian area widths and those who wanted very few requirements.... The proposed rule reflects a balance....” The problem with the “balance” struck by the agency is that it is inadequate to ensure that Forest Plans actually protect aquatic resources. The draft rule provides no meaningful guidance to focus forest planning efforts; with only undefined requirements, each Forest will waste resources to reinvent and re-justify measurable, enforceable standards and guidelines for protection and restoration of water and watersheds, or worse, they will fail to adopt the requirements necessary to safeguard the water resources of our national forests for the 21<sup>st</sup> century.