

*Wildlife and Hunting Heritage  
Conservation Council*

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October 14, 2011

The Honorable Tom Vilsack  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington D.C. 20250

**Re: U.S. Forest Service “Planning Rule”**

Dear Secretary Vilsack:

The Wildlife Hunting Heritage Conservation Council (Council) on behalf of the hunting community would like to bring to your attention key issues with serious implications for hunting and hunting heritage related to the U.S. Forest Service (USFS) proposed rule-making (“planning rule”, February 14, 2011).

The proposed rule makes little mention of hunting and fails to make hunting a priority in the planning process as forest management plans are revised. For example, the word “hunting” appears only once in the draft rule and then only in the context of habitat management. Hunting and its collateral industries play an important role for local economies that rely on hunting as a revenue generator for rural communities. Hunting creates jobs at the local community level. We emphasize that these communities rise and fall economically due to the revenues generated. Direct employment and the services that accompany hunting are important economic drivers for those communities. Outfitters and hunting guides depend on these revenues, in addition to lodging, food service, fuel sales, and other local industries. *These activities have been going on for more than 100 years on the western forest lands.* The Council recognizes that the National Forest Management Act (NFMA) of 1976 requires land management plans for each national forest and grassland. The process for the development and revision of plans, along with the required contents of plans, is outlined in the proposed planning rule.

The USFS is currently reviewing comments on the proposed rule. Comments from a number of hunting organizations have been submitted. The following highlight our major concerns:

1. The proposed rule provides that “the plan must include plan components to maintain the diversity of plant and animal communities ... and maintain viable populations of species of concern within the plan area.” A viable population is the estimated population size necessary to ensure species survivability. The Council has deep concerns about the use of the term “viable populations” in the proposed planning rule. The 1976 National Forest Management Act (NFMA) amendment to the 1974 Forest and Rangeland Renewable Resources Planning Act (RPA) mandated diversity only at the ecological community level, not at the species population level where population viability applies. Further, responsibility for species’ populations lies primarily with state wildlife and fish management agencies (see Public Trust

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Doctrine and North American Model for Wildlife Conservation), and federal agencies charged with protecting migratory birds and ESA listed species. The NFMA planning rule requirement to maintain viable populations of vertebrates remains technically challenging/infeasible and has relied mostly on “surrogates” to satisfy judges and minimize legal exposure. The Boone and Crockett Club comments dated April 12, 2011 provide a very in-depth analysis of the concerns with using the term “viable populations”.

2. Several terms are undefined and lack clarity, such as “sustainable recreation”, “socially sustainable conservation”, “candidate species”, “focal species”, “indicator species”, “keystone species”, “ecological engineers”, “umbrella species”, “link species”, “species of conservation concern”, and “management indicator species”. We recommend that the USFS consolidate, define, and then consistently use the appropriate term to avoid generating confusion and differing interpretations, potentially leading to more lawsuits and accompanying forest management gridlock.

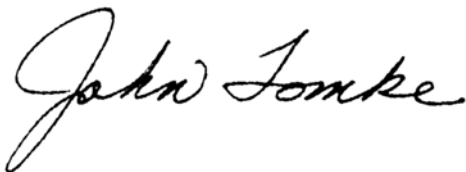
3. The negligible reference to hunting in the rule (a single mention) offers little in the way of express protections for hunting, potentially inviting the courts rather than the USFS to resolve questions over the role that hunting will play on National Forests in the future.

4. The monitoring requirements within the proposed rule need to be absolutely clear that performance or completion of monitoring goals set forth in plans are NOT a precondition to continuing issuance or renewal of special use permits. The requirements must not become an excuse for management inaction. It is always possible to get additional and “better” information – we do not want the process of excessive information gathering to become a basis for delays in decision making. And, lastly, the requirements should not burden guiding and hunting permittees with the cost of monitoring. The proposed rule should provide assurances that associated agency costs for monitoring will not be passed on to guiding and hunting permittees.

5. The planning rule should explicitly state the key role of state fish and wildlife agencies in managing and conserving fish and wildlife resources within their state, and affirm the need for the USFS to fully cooperate with these statutory partners. This clarification will help ensure the planning rule is strategic, comprehensive, and cooperative in scope.

We appreciate your time and attention to these important points.

Sincerely,

A handwritten signature in black ink that reads "John Tomke". The signature is written in a cursive, flowing style.

John Tomke, Chair  
Wildlife and Hunting Heritage Conservation Council

Cc:  
Tom Tidwell, Chief, U.S. Forest Service