



File Code: 1920
Route To:

Date: JUN 06 2016

Subject: Clarification of Implementation of the 2012 Planning Rule, Directives, and Species of Conservation Concern

To: Regional Foresters

This memo is to clarify implementation of the 2012 Planning Rule (36 Code of Federal Regulations (CFR) 219) and Directives (Forest Service Handbook (FSH) 1909.12) with respect to species of conservation concern (SCC) (36 CFR 219.9(c)). It applies to forests initiating forest plan revisions and, as practicable, to currently ongoing plan revision efforts.

Timing and identification of SCC

The rule requires the Responsible Official to identify *potential* species of conservation concern and to assess existing information for them in the assessment (36 CFR 219.6 (b)(5)). FSH 1909.12, Chapter 20, Section 21.22a requires you to identify the SCC and to work with the public in doing so. The Directive currently states you have the responsibility to identify SCC early enough to expedite the planning process. This should occur during the planning development phase but may occur at any time. Whenever SCC are identified the rationale must be given.

However, given our experience implementing this direction, we now recognize that identifying the SCC and providing the rationale for doing so, including supporting best available scientific information (BASI), is most useful when you make them available to the public well before release of the draft environmental impact statement (DEIS) (FSH 1909.12, Chapter 20, Section 21.22a). The intent is to allow the Forest Service to engage with the public about their concerns regarding the SCC before release of the DEIS. Early identification of SCC will also provide the public with critical information to better inform their participation in the development plan components. Therefore, for forests initiating new revision efforts or for forest revisions that have not completed their assessments, the SCC and rationale for them should be made available to the public well in advance of the DEIS.

Eliminating species for consideration as SCC

Identification of SCC must be based on current conditions in the plan area. Species should not be eliminated from inclusion as SCC based upon existing plan standards or guidelines, proposed plan components under a new plan, or threats to persistence beyond the authority of the Agency or not within the capability of the plan area, such as climate change. All rationale for not including a species as SCC should be based on the BASI, and the criteria at FSH 1909.12, Chapter 10, Section 12.52c.

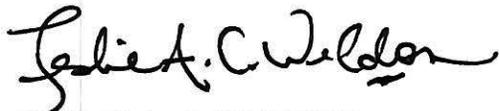


The plan area's distinctive role and contribution to species conservation within the broader landscape

If a species is determined to be at risk across its range, but is determined to be secure within the plan area, it cannot be a SCC. The definition of SCC describes the context for identifying SCC as the plan area. SCC must occur in the plan area and there must be substantial concern about the species capability to persist in the plan area. (36 CFR 219.9(c); FSH 1909.12, Chapter 20, Section 12.52(c)). However, the planning unit may serve a distinctive role in the conservation of the species.

The Agency is required to evaluate the plan area's distinctive roles and contributions within the broader landscape and may exercise its discretion to exceed the minimum regulatory requirements in appropriate circumstances. (36 CFR 219.7(f); FSH 1909.12, Chapter 20, Section 22.32). When exercising your oversight responsibility, where you deem plan components would contribute to ecological sustainability of the species in the broader landscape (FSM 1921.11), you may require the forest supervisor to provide plan components that contribute to the ecological sustainability of the species within its range where SCC criteria are not strictly met. You may also require the forest supervisor to provide plan components as needed to protect or maintain the distinctive role or contribution of the plan area with regard to the species. For example, if the ecological conditions within the plan area provide a safe haven for a species at risk in the broader landscape, then plan components to maintain those ecological conditions should be included in the final plan.

If you have any questions, please contact Chris French, Director of Ecosystem Management Coordination, Rob Harper, Director of Wildlife, Fish, Watersheds, Air and Rare Plants, or Allen Rowley, Director of Range and Vegetation Ecology.



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