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**Subject:** Clarification of Implementation of the 2012 Planning Rule, Directives, and Regional Forester Sensitive Species

**To:** Regional Foresters

This memo is to clarify the implementation of the 2012 Planning Rule (36 Code of Federal Regulations (CFR) part 219) and Directives (Forest Service handbook ((FSH 1909.12), and Regional Forester Sensitive Species as defined by FSM 2670. The planning rule established species of conservation concern (SCC) (36 CFR 219.9); the Forest Service Manual (FSM) sets out a policy for sensitive species (Forest Service Manual (FSM) 2670, "Threatened, Endangered and Sensitive Plants and Animals"). Both these categories were established so species remain viable on National Forest System lands, and therefore we have determined it is unnecessary to apply the processes for sensitive species to administrative units once they have completed a plan revision under the 2012 planning rule. Applying both systems on the same administrative unit would be redundant.

As noted in the preamble to the 2012 planning rule, "[Regional Forester Sensitive Species] are...similar to species of conservation concern." 77 Fed. Reg. 21175 (April 9, 2012). FSM 2670, the chapter for Threatened, Endangered, and Sensitive species, established a framework for integrating the Forest Service's objectives to conserve threatened and endangered species (T&E), and provide for diversity of plant and animal communities. Special attention was given to "sensitive species," which are "those plant and animal species identified by a Regional Forester for which population viability is a concern." (FSM 2670.22, FSM 2670.5).

The 2012 Planning Rule requires a coarse filter, fine filter approach in order to "maintain the diversity of plant and animal communities and the persistence of native species in the plan area" (36 CFR 219.9). A plan must include fine-filter components when the coarse filter components would not provide the ecological conditions to maintain viable populations of species of conservation concern. A species of conservation concern is a species "that is known to occur in the plan area and for which the Regional Forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area." 36 CFR 219.9 (c).

Regional Foresters are responsible for determining the best way to achieve the objectives for the conservation of at-risk species (FSM 2670.44). For plan revisions being prepared pursuant to the 2012 Planning Rule, the Regional Forester must identify SCC specific to the planning unit during the planning process. The coarse filter, fine filter approach of the 2012 Planning Rule is sufficient to meet the sensitive species objectives of FSM 2670. Once a revised plan is in effect, the Regional Forester's Sensitive Species list no longer applies to that unit.



Regional Forester's sensitive species requirements under FSM 2670 apply to those units with land management plans created or revised prior to the 2012 Planning Rule. Upon revision of one of these plans under the 2012 planning rule, a biological evaluation is required to document the effect of a plan revision on sensitive species because the 2012 Planning Rule SCC framework is not in effect until the Record of Decision is final.

The Washington Office will provide additional guidance in the near future regarding the implementation of the SCC framework during and after a plan revision pursuant to the 2012 Planning Rule. We will monitor implementation of the 2012 planning rule, with respect to the identification and selection of SCC, and technical guidance will be developed through substantial consultation with you and your staffs, as well as with the National Advisory Committee for Implementation of the 2012 National Forest System Land Management Planning Rule. In addition, the Washington Office will revise FSM 2670 to more closely align with the 2012 Planning Rule. You will be provided with an update to this letter when that occurs.

Finally, please be assured this memorandum, and future guidance or changes to the directives are not intended to relax our responsibilities to provide ecological conditions to support viable populations of fish, plants, and wildlife on National Forest System lands.

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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