



## U.S. SENATOR MARIA CANTWELL WASHINGTON

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### Preserving America's Last Remaining Wild Forests

On November 17, 2011, Senator Maria Cantwell introduced the Roadless Area Conservation Act of 2011 with 19 of her Senate colleagues.

America's 58.5 million acres of wild roadless lands provide invaluable and irreplaceable societal and economic benefits worth billions of dollars annually. Roadless areas create jobs, protect air and water quality, preserve fish and wildlife habitat, and deliver unique outdoor recreational opportunities.

- Roadless National Forest lands contain watershed areas that serve as the prime source of clean drinking water for more than 900 U.S. cities and 3,400 public water supply systems.
- Roadless areas generate a significant portion of the outdoor industry's \$730 billion in annual revenues.
- Roadless areas provide habitat for over 1,600 threatened or endangered plant and animal species.
- Roadless areas allow the U.S. Forest Service to address their estimated \$5.3 billion road maintenance backlog instead of using taxpayer dollars to subsidize new roads.

Washington State is blessed with just over two million acres of roadless forests, about one-fifth our national forests. These pristine areas provide clean water for our cities, critical habitat for iconic wildlife like salmon, and support Washington's robust outdoor industry. In fact, Washington State's outdoor recreation industry contributes more than \$11.7 billion to the state's economy every year while supporting more than 115,000 jobs.

#### **Roadless Areas Under Threat**

Unfortunately, America's 58.5 million acres of wild roadless lands, spanning 38 states, are under threat. The rapid encroachment of development, particularly in the West, along with new legislative proposals risk upsetting the balanced national forest governance approach that has served the nation well for decades.

With more than half of America's National Forests already open to development, there is an urgent need to safeguard the remaining undeveloped forest lands as a home for wildlife, a haven for recreation, and a heritage for future generations. The Roadless Area Conservation Act of 2011 accomplishes this goal, ensuring continuity of millennial old wild forestlands and their irreplaceable services and benefits to current and future generations of Americans.

### **The Roadless Act Is Flexible and Balanced**

The Roadless Area Conservation Act would codify this balanced policy by protecting pristine roadless areas while still allowing for new roads and logging to fight forest fires and ensure public safety, continued oil and gas development on existing leases, and full access to recreational activities including off-road vehicle use.

### **The Roadless Act has Significant Support from the Public**

Like the original 2001 Roadless Rule, this legislation reflects the premium that Americans place on these last remaining untouched public lands. To date, the U.S. Forest Service has received over 4.2 million comments on the roadless rule --the most extensive public involvement in a federal rulemaking ever-- with the vast majority in support of the rule's protections. This legislation is strongly supported by fishing and hunting groups, the outdoor recreation industry, and environmental groups.

### **The Roadless Act Provides Major Benefits**

- According to a recent U.S. Department of Agriculture (USDA) report, National Forests and wilderness areas attract over 173 million recreational visitors per year and directly contribute **\$14 billion annually** to the U.S. economy.<sup>1</sup>
- In a 2011 study, the National Fish and Wildlife Foundation found that the direct economic effect of hunting, fishing and wildlife watching associated with National Forest Service land totaled **\$9.5 billion in annual retail sales, supported 189,400 jobs and provided \$1.01 billion in annual federal tax revenues.**<sup>2</sup>
- Roadless areas provide a **foundation for the U.S. outdoor industry's \$730 billion in revenue each year.**<sup>3</sup>
- In Washington, roadless areas are pristine attractions for the **\$11.7 billion outdoor recreation industry**, which generates **\$560 million in annual state tax revenue** and **supports 115,000 jobs** according to the Outdoor Industry Foundation.

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<sup>1</sup> U.S. Department of Agriculture (USDA) Forest Service, 2010. National Visitor Use Monitoring Results. USDA Forest Service, National Summary. Available from: [http://www.fs.fed.us/recreation/programs/nvum/nvum\\_national\\_summary\\_fy2009.pdf](http://www.fs.fed.us/recreation/programs/nvum/nvum_national_summary_fy2009.pdf).

<sup>2</sup> National Fish and Wildlife Foundation, 2011. The Economics Associated with Outdoor Recreation, Natural Resources Conservation and Historic Preservation in the United States. Available from: [http://www.trcp.org/assets/pdf/The\\_Economic\\_Value\\_of\\_Outdoor\\_Recreation.pdf](http://www.trcp.org/assets/pdf/The_Economic_Value_of_Outdoor_Recreation.pdf)

<sup>3</sup> Outdoor Industry Foundation, 2006. The Active Outdoor Recreation Economy: A \$730 Billion Annual Contribution to the U.S. Economy. Available from: <http://www.outdoorindustry.org/images/researchfiles/RecEconomypublic.pdf?26>

- **138 million Americans—nearly 50 percent of Americans ages six and older— participated in outdoor recreation activities such as hiking, camping, birdwatching, fly fishing and paddling in 2010**, according to a new survey by the Outdoor Foundation.<sup>4</sup>
- Wilderness areas are important because many people base their location decisions on quality of life, such as access to the outdoors for hunting, fishing, sightseeing or other recreation opportunities.<sup>5</sup>
- Roadless National Forest lands contain watershed areas that serve as the prime source of **clean drinking water for more than 900 U.S. cities and 3,400 public water supply systems**. These areas are crucial to the consistent supply of pure drinking water, particularly in areas prone to drought.<sup>6</sup>
- The recreation opportunities and natural beauty of roadless areas have proven to be a major driver of economic growth in the western U.S. since the early 1970s. Nationwide, between 1990 to 2004, **counties with roadless wilderness areas grew faster than non-wilderness counties** in terms of population, total personal income, per capita income, employment, and average earnings per job.<sup>7</sup>

## Roadless Rule is Responsible Government

- **The 2012 Federal budget reduces the Forest Service’s annual budget for roads by \$73 million—a 33 percent cut from the 2011 level**. Considering its major budget constraints, the Forest Service should implement a “fix it first” strategy, addressing the many urgent maintenance problems with current infrastructure rather than adding to the taxpayer burden by encouraging new road construction without a reasonable purpose for public health and safety, resource protection, or access to private lands.<sup>8</sup>

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<sup>4</sup> Outdoor Foundation, 2011. Outdoor Recreation Participation Report 2011. Available from:

<http://www.outdoorfoundation.org/pdf/ResearchParticipation2011.pdf>

<sup>5</sup> P. Lorah and R. Southwick, 2003. Environmental protection, population change, and economic development in the rural western United States. *Population and Environment* 24. 255-272.

<sup>6</sup> United States Department of Agriculture, Forest Service, 2012. Fiscal Year 2012 President’s Budget: Budget Justification. Available from:

<http://www.fs.fed.us/aboutus/budget/2012/justification/FY2012-USDA-Forest-Service-budget-justification.pdf>

<sup>7</sup> A.J. Hansen, R. Rasker, et al., 2002. Ecological causes and consequences of demographic change in the new west. *BioScience* 52, 151-162. Available from: <http://www.bioone.org/doi/full/10.1641/0006-3568%282002%29052%5B0151%3AECACOD%5D2.0.CO%3B2>; R. Rasker, 2011. Testimony before U.S. House of Representatives, Subcommittee on National Parks, Forest and Public Lands Legislative Hearing on H.R. 302, H.R. 758, H.R. 817, H.R. 845, H.R. 846 and H.R. 2147, (September 13).

<sup>8</sup> United States Department of Agriculture, Forest Service, 2012. Fiscal Year 2012 President’s Budget: Budget Justification. Available from:

<http://www.fs.fed.us/aboutus/budget/2012/justification/FY2012-USDA-Forest-Service-budget-justification.pdf>

- **The Forest Service is responsible for 373,400 miles of existing roads on federal lands—more than eight times the total mileage of the Federal interstate highway system.<sup>9</sup>** The Forest Service has a **maintenance backlog of \$5.3 billion for its existing roads** and other infrastructure, to which the 2012 Federal budget allocates just \$9.1 million. **At current funding levels, it would take 582 years to clear the current maintenance backlog—even if no additional maintenance needs were ever added to it.<sup>10</sup>**

### **The Roadless Act Codifies Current Protections**

- The Roadless Act does not apply to or affect state, tribal, county, municipal, or private lands, and does not impact existing U.S. Forest Service roads or trails.
- The Roadless Act does not close any existing roads or trails, and will not restrict off-road vehicle use or access to private or state inholdings within roadless areas.

### **Roadless Rule Overcame All Legal Challenges**

- The Tenth Circuit Court of Appeals' recent decision upholding the 2001 Roadless Rule is the culmination of a long and complex legal journey. The Wyoming Federal District Court's October 2011 decision to invalidate and enjoin the Roadless Rule nationwide was appealed to the Tenth Circuit Court of Appeals by both the Obama Administration and Earthjustice.
- On October 21, 2011, the Tenth Circuit Court of Appeals reversed the Wyoming Federal District Court's decision. In its unanimous, 120-page opinion, the Tenth Circuit decisively and conclusively rejected all of the numerous legal claims and arguments in the State of Wyoming's lawsuit challenging the Roadless Rule.
- The Court of Appeals ordered that the injunction against the Roadless Rule be vacated, notably stating that "the district court abused its discretion in permanently enjoining the Roadless Rule on a nationwide basis because the court's action was based on the erroneous conclusion that Wyoming had succeeded on the merits of its claims."

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<sup>9</sup> U.S. Department of Transportation Federal Highway Administration, 2011. Frequently Asked Questions. Available from: <http://www.fhwa.dot.gov/interstate/faq.htm#question3>

<sup>10</sup> United States Department of Agriculture, Forest Service, 2012. Fiscal Year 2012 President's Budget: Budget Justification. Available from: <http://www.fs.fed.us/aboutus/budget/2012/justification/FY2012-USDA-Forest-Service-budget-justification.pdf>