

Indicator 52. Extent to Which the Legal Framework (Laws, Regulations, Guidelines) Supports the Conservation and Sustainable Management of Forests, Including the Extent to Which It—Provides for the Management of Forests to Conserve Special Environmental, Cultural, Social, and/or Scientific Values

What Is the Indicator and Why Is It Important?

Forests often possess unique or otherwise special social, cultural, scientific, and environmental values. Formal legal mechanisms are often needed to protect those values from certain uses and activities. Since the values to be protected are often large in number and wide in scope, the resulting legal framework is frequently complicated and many times broadly dispersed among Federal, State, and local governments.

What Does the Indicator Show?

Legal capacity for conserving special forest values is driven by societal interest in various sets of values, most often involving amenity values (nature, scenery, lifestyle), environmental quality values (air, water), ecological values (biological diversity, endangered species), public use values (recreation, tourism), commodity values (timber, range, forage, water, minerals), and spiritual values (reverence for forests). In the last three decades, emphasis appears to have given priority to ecological and environmental quality values, with other values being given far less consideration.

Federal legal capacity to conserve special forest values is incredibly broad (more than 250 individual Federal laws focus on the conservation of special values), involving restricted use or set-aside laws (e.g., wilderness designation), procedural and administrative laws (e.g., environmental impact statement review), fish and wildlife conservation laws (e.g., fisheries' restoration), cultural and recreational laws (e.g., archeological site protection), forestry and forest resource laws (e.g., management of Federal forests), and pollution control

and prevention laws (e.g., pesticide management). Few of these laws call for integration and coordination of protective measures to conserve special values; protection is instead generally afforded sector by sector (e.g., wildlife, wilderness, scenic easements, historic sites) within the forest resource sector.

State governments also have extensive legal capacity to conserve special forest values, doing so via education programs, technical assistance initiatives, fiscal and tax incentives, regulatory programs, and State government ownership of forests. In 1994, eight States had formal programs devoted to wilderness. State legal capacity to conserve special values is increasingly being dispersed among a variety of agencies, a situation fostering potential for overlap in conservation purposes. Local units of government also have legal capacity to conserve special values associated with forests, although such capacity is not uniform in substance or in application across local units of government.

Assisted by State and Federal laws, private landowners pursue interest in conserving special forest values using conservation easements, land retirement programs, fiscal incentive programs, registry programs, deed restrictions, mutual covenants, leases, and general management. Private sector organizations and conserving special forest values are many in number, ranging from local civic trusts to large national land trusts. In recent years, private land trusts have been especially active in the conservation of special forest values, with more than 1,200 regional and local land trusts existing in 2000. These trusts were responsible for direct ownership, or transfer of ownership to government agencies, of more than 2.6 million acres of land.