

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
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April 19, 2006

The Honorable Mike Johanns
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Avenue SW
Washington, D.C. 20250

Dear Mike,

With this letter, I am submitting the enclosed petition to protect the 7,581 acres of National Forest System inventoried roadless areas in South Carolina in accordance with the 2001 Roadless Area Conservation Rule (2001 Rule). The enclosed petition includes the requested information and establishes the need for protecting all of South Carolina's scarce inventoried roadless areas.

In evaluating whether to file this petition, my staff consulted with interested parties across a variety of sectors, including the forest products industry, state agencies and organizations focused on environmental protection, outdoor recreation, and wild life resources. Based on these consultations, the lengthy analysis and public involvement process undertaken by the Forest Service in developing the 2001 Rule, and continuing input to my office and state agencies, we are confident that there is broad support for re-establishing the protections provided to inventoried roadless areas under the 2001 Rule. Moreover, South Carolina's roadless areas can be protected without limiting public access and without affecting the timber industry. We would hope that protecting these areas, as part of a larger effort to improve the quality of life in South Carolina, will provide benefits for the South Carolina tourism and recreation industries.

Given our petition for full protection of roadless areas, I request that the Forest Service suspend any projects involving road construction, harvesting or other development in any of these areas while this petition is being considered and until a final state-specific protective rule is adopted. In addition, I support the request that a number of governors have made that you develop an expedited rule-making process for states seeking to protect all inventoried roadless areas where there is broad-based support for such protection. Such a process would limit the resources necessary for a state rule-making process and quickly and efficiently provide much needed

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certainty in the management of U.S. Forest Service roadless areas. In other words, I suspect that, based on the nature of the current process, costs are simply too high and that a streamlined alternative would benefit taxpayers as well as policy makers.

South Carolina's roadless areas are important not only for their scenic beauty and the recreational opportunities they provide, but also for their environmental benefits including serving as sources of clean water and wildlife habitat. These unique and scarce places have an even higher value because of the intense development pressures facing South Carolina. Given the importance of these areas, I submit the enclosed petition requesting full protection of these areas in accordance with the 2001 Roadless Rule. I appreciate your prompt consideration of the attached petition and look forward to your response in the near term. Thanks and take care.

Sincerely,



Mark Sanford

MS/as

Enclosure

cc: The Honorable Mark Rey, Undersecretary for Natural Resources and Environment
The Honorable Dale Bosworth, Chief of the United States Forest Service

"The Francis Marion National Forest is well roaded."

Francis Marion National Forest
Road Review 2003

"Inadequate funding has created a backlog of maintenance work and led to deteriorating road conditions. This has had adverse impacts on natural resources, increased vehicle maintenance costs and safety hazards to the public."

Francis Marion National Forest
Road Review 2003

"Nearly all arterial and collector forests system roads are in place on the Forest.... The forest maintains less than 40% of the system to the current road management objective level."

Sumter National Forest
Final Environmental Impact Statement 2004.

South Carolina Roadless Area Petition

This petition, submitted by the Governor of South Carolina on behalf of its citizens, is to request that the U.S. Secretary of Agriculture promulgate a regulation protecting the national forest system inventoried roadless areas in the state, in accordance with the provisions of the 2001 Roadless Area Conservation Rule, published on January 12, 2001 at 66 Fed. Reg. 3244-3273.

Because of the enormous pressure from population growth and development facing this state, and because we are losing 200 acres a day of farm and forest land every year to suburban development, we have determined it is crucial to protect those areas which are still remote and natural and provide clean water and wildlife habitat. This state has embarked on an ambitious and wide-ranging effort to protect its important farm economy, its timber resources, its wildlife habitat and hunting lands, and its beautiful vistas which are important for tourism – the state's No. 1 industry. These efforts include significant state and federal investment in protecting areas such as Mountain Bridge Wilderness, Jocassee Gorges, Bonneau Ferry, Wappoola, areas surrounding the Francis Marion National Forest, the ACE Basin, and more. The roadless areas in South Carolina's two national forests, the Francis Marion near the coast and the Sumter in the upper part of the state, complement and enhance these state efforts.

The Francis Marion has a total of 1,009 miles of classified roads, including 557 miles of Forest Service roads, on 250,000 acres of land. The Sumter National Forest has 1,053 miles of Forest Service roads and 2,641 miles of total roads including state and county roads, on 362,000 acres (Sumter Plan, p. 2-29) in the central Piedmont and western mountains of South Carolina. Forest Service documents show this heavy load of

roads is more than the agency can manage and beyond what is needed for safety, recreation, logging, hunting or mining. It is in the best interest of the citizens of South Carolina that we maintain and permanently protect the nearly 8,000 acres of roadless area remaining on these two forests.

We hereby submit the following information to complete this petition.

1. **Location and Description of Lands** – All inventoried roadless areas identified by the U.S. Forest Service in their inventory of roadless lands within the State of South Carolina in the Francis Marion National Forest and the Sumter National Forest. These lands are shown on maps in the Final Roadless Area Conservation Rule EIS (FEIS Vol. 2, 2001) and described in Appendix C of the Final Environmental Impact Statement for the Revised Land and Resource Management plan for the Francis Marion National Forest (March 1996) and in Appendix C of the Final Environmental Impact Statement for the Revised Land and Resource Management Plan for the Sumter National Forest (2004). We have attached additionally a map of protected lands in South Carolina, produced by the SC Nature Conservancy, to show how the inventoried roadless areas fit with current conservation efforts. And, we are adding another map from the Landscape Mapping Project, produced by several conservation partners and timber industries, which highlights important corridors and buffers that should be protected around biologically important areas.
2. **Management Requirements** – We request that these inventoried roadless areas be managed in accordance with the requirements set forth in the Roadless Area Conservation Rule published January 12, 2001, 36 C.F.R. §§ 294.10 – 294.14, 66 Fed. Reg. 3272-3273. In short, the 2001 Rule prohibits road construction and reconstruction in inventoried roadless areas with limited exceptions, and prohibits timber harvesting in these areas except in specific limited circumstances. We request that the provisions of the 2001 Rule along with its preamble (66 Fed. Reg. 3244-3271) be incorporated into this petition as the “particular management requirements” with no exceptions, and that the 2001 Rule and its preamble also be incorporated into the South Carolina rule requested by this petition with no exceptions.

The 2001 Rule is a balanced approach with reasonable exceptions which allow continued access on existing roads and a number of management practices including limited timber cutting in roadless areas so long as new roads or reconstructed roads are not required. For example, the preamble and the 2001 Rule provide that:

“This final rule will not close or otherwise block access to any of those [existing National Forest System] roads” (66 Fed. Reg. 3249).

“Management actions that do not require the construction of new roads will still be allowed, including activities such as timber harvesting for clearly defined, limited purposes [set forth in § 294.13, 66 Fed. Reg. 3273]...

Existing classified roads in inventoried roadless areas may be maintained and used for these and other activities as well” (66 Fed. Reg. 3250).

Tree cutting of generally small diameter timber is allowed “to improve threatened, endangered, proposed, or sensitive species habitat.” 294.13(b)(1)(i). “Tree cutting [of generally small diameter timber] for wildlife habitat improvement could proceed if it is designed to maintain or help restore ecosystem composition or structure to conditions within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period” (294.13(b)(1), 66 Fed. Reg. 3257). Such cutting can also occur to reduce the risk of uncharacteristic wildfire effects. 294.13(b)(1)(ii).

Section 294.13(b)(2) of the 2001 Rule allows “timber cutting, sale or removal in inventoried roadless areas when incidental to implementation of a management activity not otherwise prohibited by this rule.” Examples given include trail construction or maintenance and fire line construction for wildland fire suppression or control of prescribed fire. (66 Fed. Reg. 3258).

3. Circumstances and Needs Addressed by Petition

- a. Conserving Roadless Area Values – The general prohibition on new road construction in these inventoried roadless areas and the restrictions on commercial timber harvests provided in paragraph 2 above would conserve roadless area values and characteristics and maintain those values over the long term. According to the Francis Marion Road Review 2003, developing new roads in unroaded areas causes substantial change in the quantity and quality of the recreation experience. Such experiences are harder and harder to come by as development encroaches on existing wild spaces. Only 1.3% of South Carolina national forest land still qualifies as roadless (well below the national average of 31%), yet our forests are within a day’s drive of more than half of the U.S. population. The Forest Service projects that demand for backcountry recreation will increase by 171% by 2050 (Sumter Revised Plan EIS at 3-268). Population growth along the coast has been explosive and development threatens many inholdings within the Francis Marion. Similarly, increasing development along the I-85 corridor poses threats to the Andrew Pickens District of the Sumter. Retaining the few remaining roadless areas in the state will be increasingly important for tourism and recreation in these populated areas.
- b. Human Health and Safety – The essence of the paragraph 2 requirements is to prohibit new road construction but maintain access and use of existing roads at the status quo level. Under paragraph 2, new roads can be constructed to protect public health and safety. Furthermore, fuel reduction timber harvesting can occur to reduce the risk of uncharacteristic wildfire effects. In addition, national forest lands are the single largest source of drinking water

for Americans. On the Sumter, a number of communities rely at least in part on Forest Service lands, including pristine roadless areas, to safeguard the watersheds of their drinking supplies. For example, roadless areas help supply clean drinking water to Seneca, SC and surrounding communities. On the Francis Marion, water for most communities comes from individual wells. Maintaining the high quality of surface and ground waters is of paramount importance.

- c. Reducing Hazardous Fuels and Restoring Essential Wildlife Habitats – Hazardous fuels are addressed in subparagraph b. above. Paragraph 2 above (which incorporates the text and the preamble of the 2001 Rule) allows maintenance of existing wildlife openings and prescribed fire including fire line construction for its control. (66 Fed. Reg. at 3258). Furthermore, paragraph 2 allows timber cutting to improve threatened, endangered, proposed or sensitive species habitat, thus addressing any need to restore essential wildlife habitats.
- d. Access to Facilities and Private Property – Paragraph 2's requirements do not close existing roads. Access is maintained at the status quo level. Furthermore, a road can be constructed, in accordance with the regulatory procedures for obtaining access, if it is needed to access reserved or outstanding private rights.
- e. Existing Roadless Areas – Inventoried roadless areas in the East can have up to 1/2 mile of road per 1,000 acres and still meet inventory requirements. There are no roadless areas within South Carolina's national forests that have been altered in the last decade that need to be removed from the roadless inventory. The Forest Service determined that roadless area recreation with opportunities like those available on the Francis Marion are not available elsewhere in the coastal region and stated these opportunities will be fewer as development continues. Further, the Road Review states that the road system on the Francis Marion is completely adequate to meet current and future needs. According to Sumter Forest officials, "Nearly all arterial and collector forest system roads are in place on the forest." Sumter EIS, p. 3-336.
- f. Economic and fiscal impact –
 - i. Costs of deferred maintenance: The Francis Marion is being funded at only 51% of its annual maintenance needs now and had a backlog of maintenance needs at more than \$12 million in 2003. The Sumter is being funded at 63% of its annual maintenance needs and had a backlog of over \$20 million on its 1,053 miles of road as of 2003. This means the assets the Forest Service currently holds, in terms of roads, are being neglected and allowed to deteriorate. It makes no fiscal sense to add new roads when the Forest Service cannot maintain what it already has.

- ii. No logging revenue will be lost: In South Carolina, prohibiting commercial timber harvesting in roadless areas will have only a very slight, almost imperceptible, impact on timber interests. Only about 1% (See Table 26 on p. 27 in the SC's Forest Resources – 2000 Update: Average annual removals from NFs 7.2, from all classes 679.7) of the state's timber comes from the national forests, and roadless areas are only 1.3% of the national forest land base. Further, no logging has occurred in these areas since the late 1990's and this has had no effect on the timber industry in this area. Moreover, the Forest Service is only utilizing a portion of the lands slated for removal under current plans in South Carolina – as a result, there are a significant number of more accessible existing options for timber removal in South Carolina's national forests.
- iii. Sell-off of industry lands: There has been a massive sell-off of timber industry land in South Carolina in the past few years, with almost 750,000 acres moving from the timber industry to real estate development marks. Projections are that even more is coming on the market. Clearly, the industry does not rely on the timber on these few remaining roadless areas within the state's two national forests.
- iv. Timber sales are more costly on FS lands: The Forest Service notes that many timber sales in inventoried roadless areas cost more than revenues received. Road construction costs in roadless areas are often higher due to rugged terrain or sensitive ecological factors.

4. Management Differences from Existing Land and Resource Management Plans

The roadless area management requirements in paragraph 2 are clear in prohibiting new road building and commercial timber harvesting in inventoried roadless areas except in certain specified circumstances. Under the Revised Sumter National Forest Management Plan, 2,856 acres of roadless areas are open to permanent road construction. In addition, 86% of the Sumter roadless areas, or 5,285 acres, are open to large tree logging that is not allowed under the 2001 Roadless Rule. Thus, the continuation of the 2001 Rule requirements as provided in paragraph 2 would restrict roadbuilding and logging in the aforementioned areas except in the limited circumstances detailed.

Under the Francis Marion National Forest Management Plan, the roadless area management direction is ambiguous, potentially allowing roadbuilding and large tree logging for salvage and other purposes not permitted under the terms of the 2001 Roadless Rule. Thus, implementation of paragraph 2 would limit the potential for new roadbuilding and commercial logging in the Francis Marion's inventoried roadless areas.

It is worth noting that, as a result of the process leading up to the 2001 adoption of the Roadless Rule, roadbuilding and commercial timber harvesting have not been occurring in roadless areas over at least the last eight years in the Francis Marion or Sumter National Forests.

5. Comparison to Existing State Land Conservation Policies

Management of roadless areas in accordance with paragraph 2 is consistent with South Carolina's Wildlife Plan which promotes recreation, conservation and the provision of wildlife habitat for South Carolina's citizens. Local land use plans do not cover management of federal lands, so no inconsistencies with local plans are expected.

Further, several municipalities in the Charleston Area have come together to form a pact to protect the Francis Marion National Forest from further incursion by urban development on the private lands surrounding the forest. This pact includes provisions that no water or sewer lines will be extended to private lands adjacent to the forest, and that any annexations or rezoning will conform to the current protective zoning by Charleston County. These actions further support the desire to preclude further disturbance in the National Forest.

6. Effect on Fish and Wildlife

Under paragraph 2, fish and wildlife would benefit from the management requirements.

- a. Benefits to fish – fish populations would benefit from the prevention of the sedimentation effects resulting from road construction and subsequent road management without an adequate maintenance budget. The Forest Service currently has a \$10 billion backlog on road maintenance (approx. \$39 million in South Carolina). On the Sumter, the forest maintains less than 40% of the system to the current road management objective level. EIS, p. 3-338. Road maintenance on classified roads is permissible in inventoried roadless areas under paragraph 2. Thus, any existing roads can be maintained, and the agency will not have the burden of trying to maintain new roads in these remote areas.
- b. Fewer roads and less fragmentation will benefit species that need contiguous canopy – The restriction on new roads and the limitations on commercial timber harvesting will benefit wildlife species that thrive in larger blocks of mature forests with less fragmentation. National forests are one of the few places where we can provide this important habitat. As noted above, timber harvesting can be done to improve habitat for threatened, endangered,

proposed or sensitive species. Inventoried roadless lands constitute only approximately 1.3% of the national forest in South Carolina and much of the rest of the national forest is open to timber harvesting that may benefit certain game species. In addition, existing wildlife openings in roadless areas can continue to be maintained under paragraph 2 (see preamble to the 2001 Roadless Rule). Thus, the rule will benefit species favoring mature unfragmented habitat, while species benefiting from early successional habitat can be accommodated elsewhere in the national forests.

Habitat fragmentation and the conversion of natural landscapes to human use is a challenge our state continues to address in its efforts to protect and enhance wildlife habitat. Providing protections to roadless areas would support these efforts by keeping these habitats free from mechanical disturbance, barriers and sedimentation.

- c. Roads affect hydrology and wetlands – Road systems typically alter both surface and subsurface hydrologic patterns to some extent. Subsurface water patterns are altered as road surfaces cut into hillslopes, severing the normal subsurface flow path along the slope. Sometimes the cutting into slopes contacts groundwater or stormflow leading to perennial or ephemeral flows into ditches. Surface flow paths are also altered by the road surface, cutbank and fillslopes. Roads located on exceptionally flat terrain may have drainage problems or contribute to offsite flooding. Usually the road surface is compacted relative to the surrounding terrain. This causes an obstruction in subsurface flow pathways and adds to water retention, rutting and drainage problems. Roads with extensive ditch lines may cause impacts to the surrounding terrain by altering the normal flow paths and transporting water for long distances.
- d. Roads help introduce non-native species – Roads increase the risk of introduction and spread of exotic plant species throughout the forest. Road corridors tend to promote the spread of invasive plant species, since invasive plant species readily invade the disturbed, high light environments provided along roads. This problem is exacerbated since often invasive plant species have been intentionally planted along road corridors primarily for soil stabilization purposes. Ditchlines of some roads connect to swampy areas occupied by the flatwoods salamander allowing the introduction of predatory fish that feed on the salamander. Potential adverse effects to native and desired non-native plant and animal species and ecosystem function are high.

Exotic invasive species are known to pose the second largest threat to endangered species after habitat destruction. For example, invasive exotic species such as cogongrass, if found on the forest, could severely alter desired fire regimes. Invasive plants such as tall fescue along road corridors compete with native vegetation and alter native community composition.

The inventoried roadless areas in the Francis Marion are near designated wilderness such as Wambaw Swamp and Little Wambaw Swamp. These areas consist primarily of wetlands. Road construction on the perimeter could modify the hydrology of the area thereby negatively affecting the swamp hardwood communities. Similarly, the inventoried roadless areas in the Sumter, Big Mountain and Bee Cove, neighbor the Ellicott Rock Wilderness Area and potential extensions, and fragmentation of the roadless area habitat could effect species using these large tracts of mature forest and the Upper Chattooga Wild River corridor.

7. Agency Consultation and Public Involvement Efforts

Many South Carolinians have publicly supported full protection for our state's roadless areas. As of November 2004, the U.S. Forest Service had received nearly 10,000 comments from South Carolina asking that roadless areas be fully protected. As the 2001 Rule was developed in 1999 and 2000, the Forest Service held three public meetings on roadless area management in Columbia, South Carolina to provide information and receive input from the public. Just recently, 1,525 South Carolina residents signed a petition under the Administrative Procedure Act asking the agency to reinstate the 2001 Roadless Rule. Citizen correspondence to the Governor's office and government agencies continues to voice strong support for full protection of South Carolina's roadless areas as the Governor's office has received 735 emails and letters and countless calls.

The Governor's office has consulted with relevant state agencies and other concerned parties through meetings, correspondence and phone conversations. This process has varied depending on the parties involved and their level of interest in the roadless issue. The Governor's office has sought relevant information on topics including fish and wildlife biology, fish and wildlife management, forest management, outdoor recreation, tourism and economic and environmental benefits and impacts.

In this process, the Governor's office has consulted with the South Carolina Department of Natural Resources (SC DNR), the Department of Health and Environmental Control (SC DHEC), the Department of Agriculture (SCDA), the State Forestry Commission (SCFC) and the State Department of Parks, Recreation and Tourism (SC PRT). We have worked to accommodate the concerns of state agencies - specifically, their support for provisions allowing emergency management activities in roadless areas. Upon review of the details of the management requirements in the 2001 Rule, we have concluded that the provisions of the Rule accommodate any necessary management activities as further discussed in paragraphs 2 through 6 of the petition.

In addition to consulting with government agencies, South Carolina has also engaged a number of other organizations including those representing the forest products industry and those concerned with outdoor recreation, environmental protection and forest and wildlife protection. These groups included the South Carolina Forestry

Association, the South Carolina Coastal Conservation League, the South Carolina Chapter of the Sierra Club, South Carolina Forest Watch, and the South Carolina Native Plant Society. In these consultations, the state has gathered information on the impact of restoring full protection for roadless areas on the timber industry in the state, the recreational opportunities in roadless areas, the wildlife habitat benefits of roadless areas, and the importance of these areas to the State's travel and tourism industries.

We have also informed the state of Georgia, with whom we share inventoried areas, of our intent to file a petition. Our consultation process with concerned parties, together with the strong public support for roadless area protection and the track record of having roadless areas off limits since at least 1998, has informed this petition and confirmed the advisability of requesting protection of roadless areas consistent with the 2001 Roadless Rule.

8. Cooperating Agency

The State is willing to participate as a cooperating agency in the environmental analysis for a state-specific rulemaking that seeks paragraph 2 level protection for all of South Carolina's inventoried roadless areas.

Attachments:

Maps of South Carolina Roadless Areas

SC Nature Conservancy Map of Protected Lands

Landscape Mapping Project Map of SC

Roadless Areas in South Carolina

Francis Marion National Forest

<i>Hellhole Bay Extension</i>	890 acres
Witherbee Ranger District	
Berkeley County, SC	
32 miles N. of Charleston, SC	

<i>Little Wambaw Swamp Extension</i>	<u>530</u>
Wambaw Ranger District	
Charleston County, SC	
28 miles N. of Charleston, SC	

Total Francis Marion	1,420
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Sumter National Forest – All in Andrew Pickens Ranger District, Oconee County, SC

<i>Elliott Rock 1</i>	300 acres
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<i>Elliott Rock 2</i>	530
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40 miles W. of Greenville, SC and
100 miles NE of Atlanta, GA

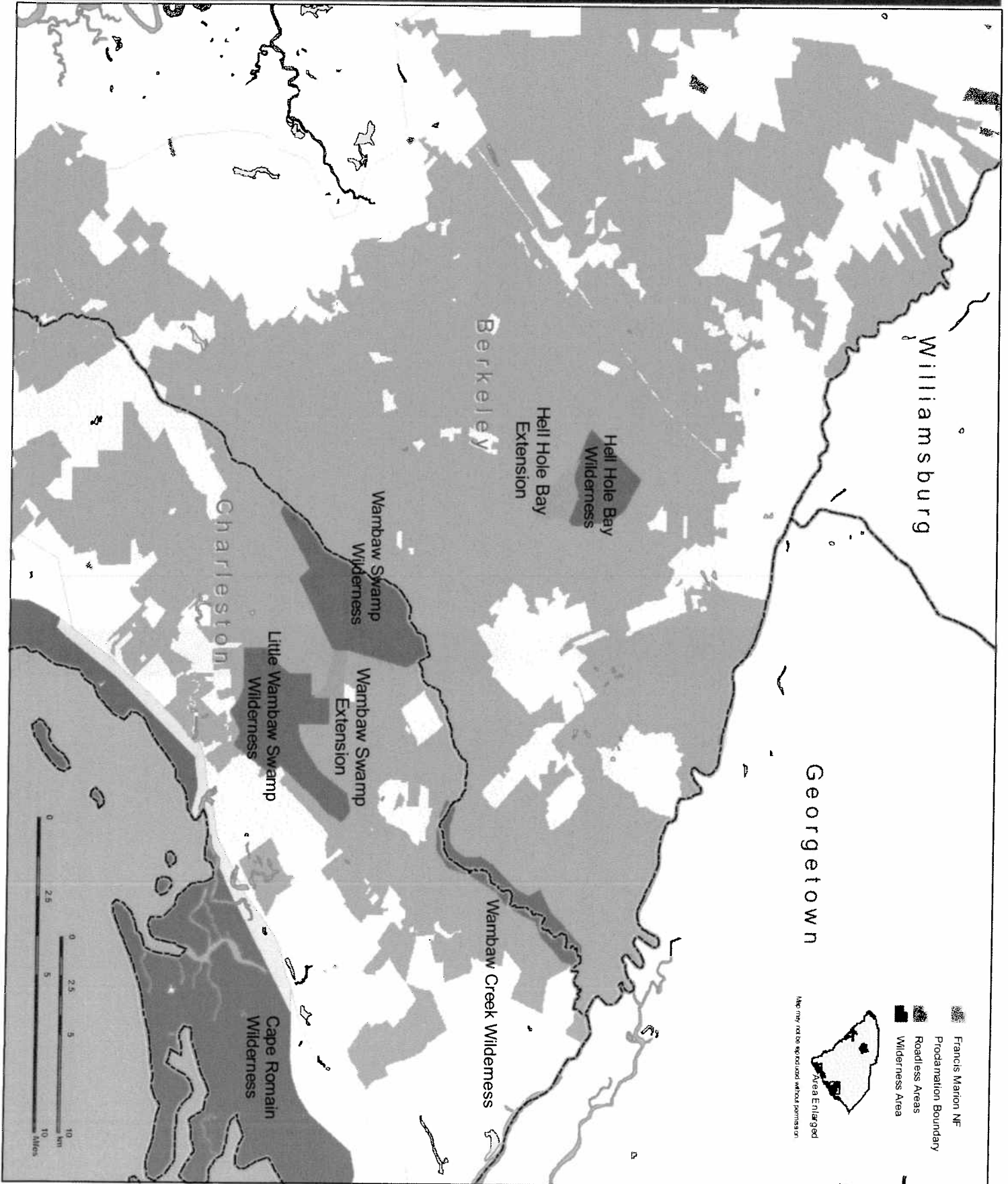
<i>Big Mountain</i> (aka as Rock Gorge)	2,332
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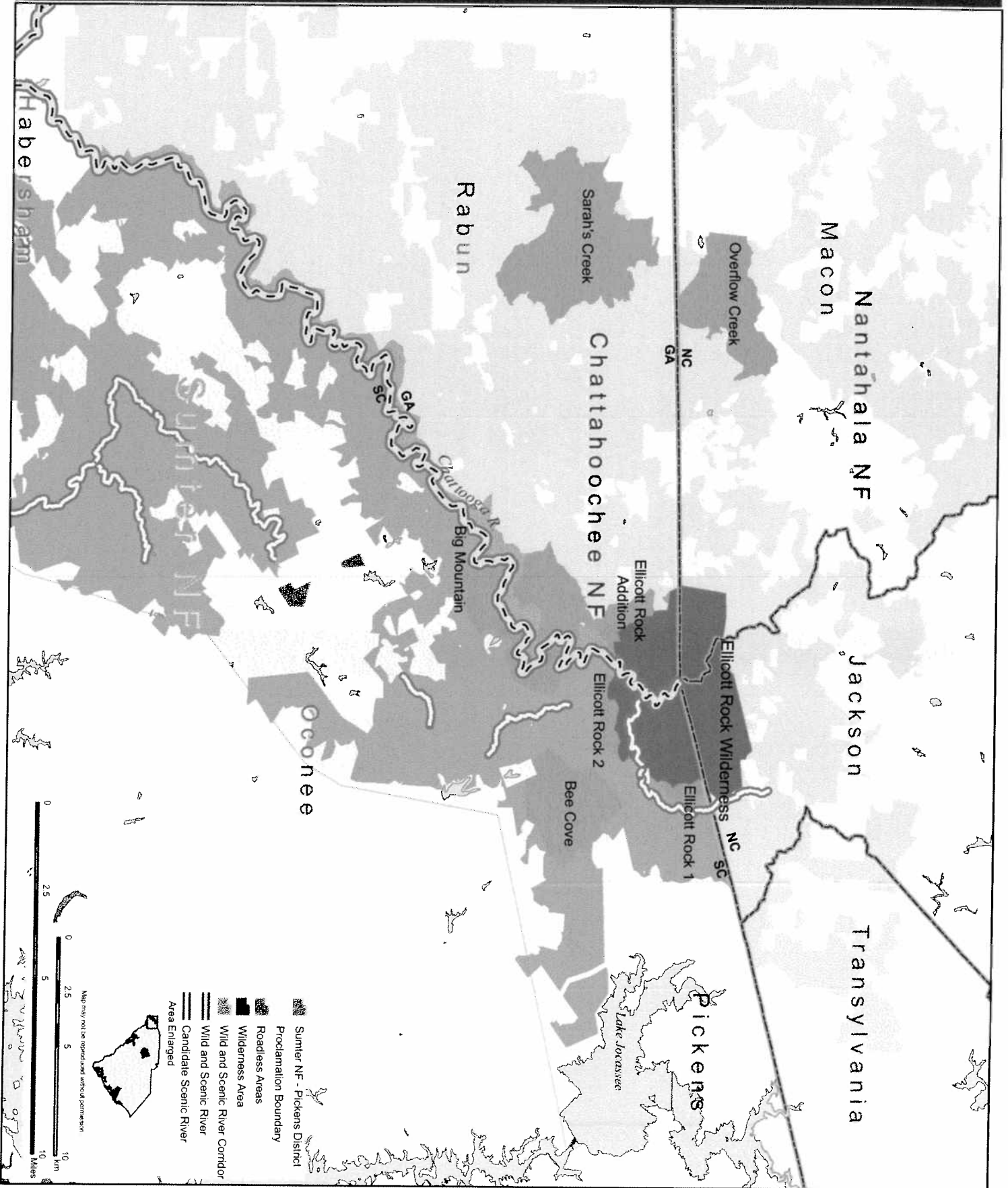
Centrally located between
Clayton, GA, Highlands, NC and Walhalla, SC

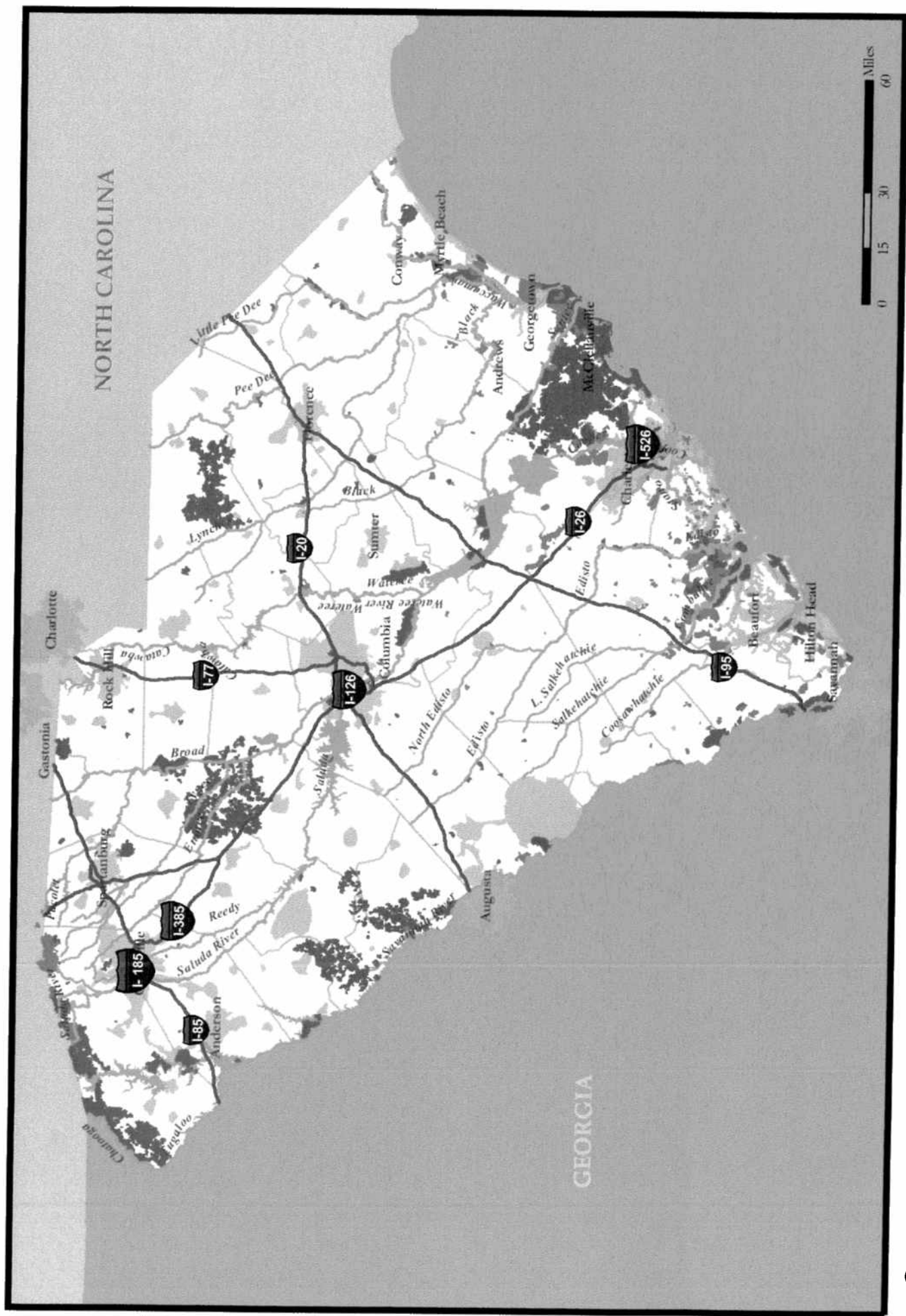
<i>Bee Cove</i>	<u>2,999</u>
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40 miles W. of Greenville, SC and
100 miles NW of Atlanta, GA

Total Sumter	6,161
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South Carolina Protected Lands

Legend

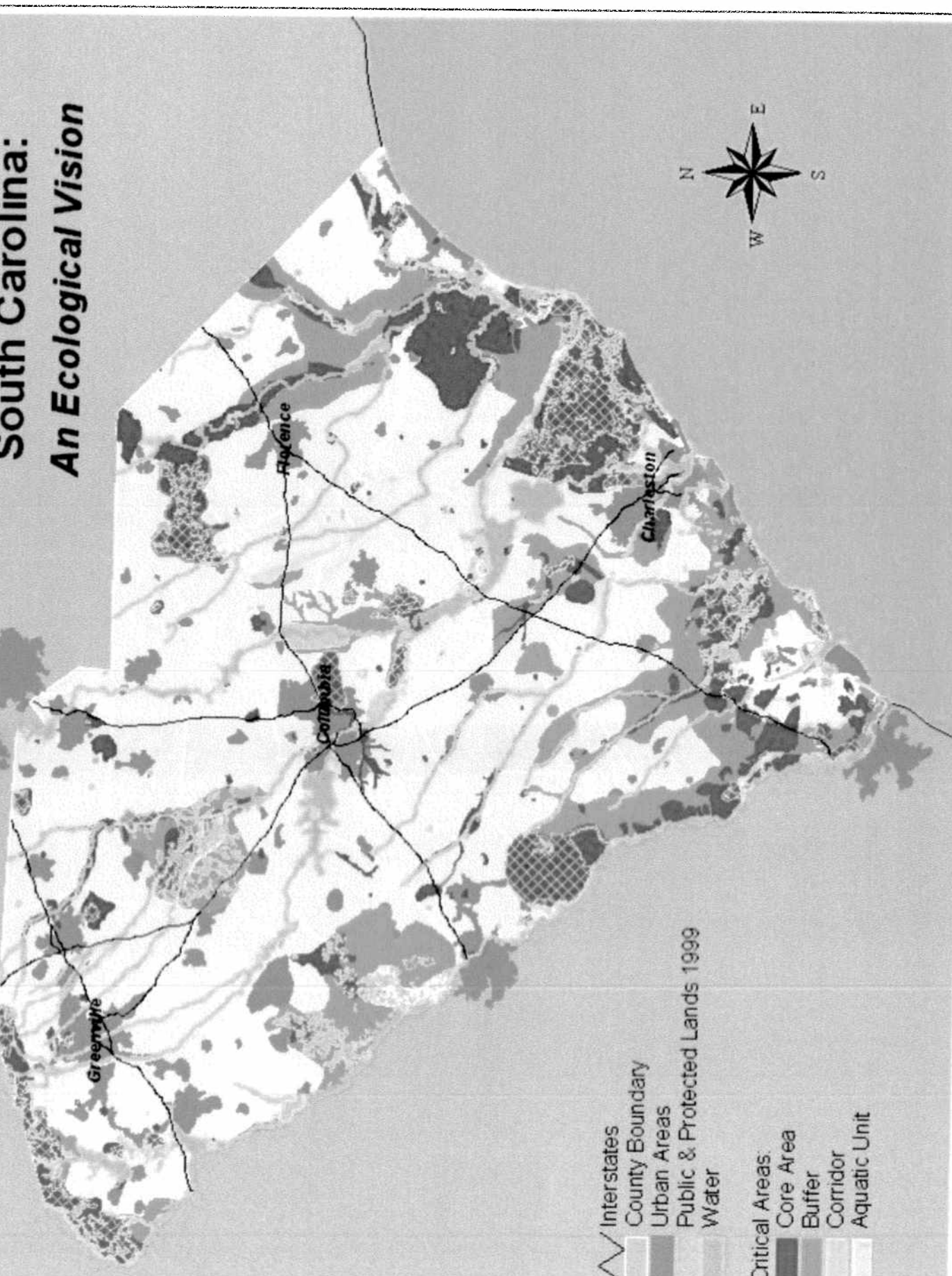
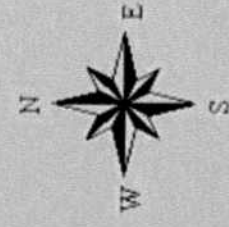
- Private Protected Lands
- Public and Military Lands
- Federal & State Protected Lands
- Urban Areas

- Interstate Highways



Map produced by
The Nature Conservancy-SC.
Boundaries and geographic
accuracy are approximate.
3/6/2006

South Carolina: An Ecological Vision



- Interstates
 - County Boundary
 - Urban Areas
 - Public & Protected Lands 1999
 - Water
- Critical Areas:**
- Core Area
 - Buffer
 - Corridor
 - Aquatic Unit