

Indicator 7.49:

U.S. Forest Sustainability Indicators <https://www.fs.fed.us/research/sustain/>

Enforcement of laws related to forests

Kathleen A. McGinley and Frederick W. Cabbage

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What is the indicator and why is it important?

Market forces allocate many forest resources and services, but promoting and protecting accepted standards of forest sustainability, such as environmental protection, tenure rights, and aesthetic values typically requires laws, regulations, and guidelines. Fiscal incentives, technical assistance, and similar persuasive means may promote compliance. Improper and inadequate levels of oversight and enforcement, however, may substantially diminish the effectiveness of some laws, regulations, and guidelines. When noncompliance is detected, it may be necessary to prosecute and penalize offenders to deter harmful activities that threaten forests and their sustainable management (e.g., illegal logging, endangered species damage or destruction).

What does the indicator show?

The United States has an extensive array of laws and other policy directives that require enforcement actions related to sustaining forest conditions. They exist at national and subnational levels and address environmental conditions (air, water, hazardous waste), wildlife and fisheries (harvest limits, species preservation, subsistence hunting), timber resources and extraction (harvest limits, road construction, health and safety), and special-features protection (sensitive or fragile areas, archeological sites), among many other factors and activities. Enforcement actions include inspections, investigations, fines, and other penalties to deter violations and noncompliance with sustainability standards.

Traditionally, the corresponding oversight agency developed and enforced these forest laws and regulations from the top down. More recently, local efforts to agree on, monitor, and even enforce forest-related rules are emerging

from the bottom up, often out of community forestry and conservation efforts. For example, collaboratively designed and implemented multiparty monitoring is a required facet of the Collaborative Forest Landscape Restoration Program, as authorized by the 2009 Forest Landscape Restoration Act, which focuses on and funds collaboratively designed restoration projects on national forests.

Federal lands. Numerous laws and related rules and regulations include enforcement mechanisms for Federal forest land, such as the Endangered Species Act of 1973, the National Forest Management Act of 1976, the Clean Water Act of 1987, the Clean Air Act of 1990, and the Paleontological Resources Preservation Act of 2009. Federal agencies, such as the U.S. Department of the Interior, Bureau of Land Management (BLM), National Park Service (NPS), and Fish and Wildlife Service (FWS) and the U.S. Department of Agriculture, Forest Service, with forest land management and protection mandates have substantial authority and institutional capacity to enforce forest-related laws, regulations, and guidelines.

Together, the BLM, NPS, FWS, and Forest Service have established law enforcement programs with combined budgets that exceeded \$470 million and included more than 4,000 law enforcement personnel in fiscal year (FY) 2010 (table 49-1). While Federal forest and natural resource law enforcement budgets and personnel are significant, extensive Federal land holdings mean the ratio of land area to law enforcement officer can be very high, augmenting the challenges in detecting and investigating forest offenses and crimes. For example, in FY 2012, the BLM managed a total land area that averaged more than 800,000 acres per law enforcement officer. In some locations, such as Alaska, an individual officer's area of responsibility can exceed 25 million acres. In FY 2010, the Forest Service managed a total land area that averaged about 250,000 acres per officer.

Table 49-1—Total land area, number of units, number of visitors, and enforcement personnel and enforcement budget for key Federal land management agencies in the United States, 2010

Sources: Kim Kinville, Forest Service, Law Enforcement and Investigations, pers. comm; websites of the Forest Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the National Park Service

Agency	Total land area (million acres)	Management units (number)	Total annual visitors (million)	Law enforcement	
				Personnel (number)	Budget (million USD)
DOI BLM	245	417	57M	303	\$28.5
DOI NPS	841	401	279M	3,097	\$232.7
DOI FWS	150	561	40M	326	\$65.8
Forest Service	193	175	173M	766	\$145.1

DOI BLM = U.S. Department of the Interior, Bureau of Land Management; DOI NPS = U.S. Department of the Interior, National Park Service; DOI FWS = U.S. Department of the Interior, Fish and Wildlife Service.

¹Total land area and land units include national parks, monuments, battlefields, military parks, historical parks, historic sites, lakeshores, seashores, recreation areas, scenic rivers and trails, and the White House. More than half of the law enforcement budget is directed toward resource protection against vandalism and for archeological safeguards.

Altogether, law enforcement of forested Federal lands focuses on a wide array of actions including timber, mineral, cultural, and other resource trespass and theft; arson; unlawful use of roads and lands; harm or destruction of endangered species; occupational safety and health; and illegal drug/substance production and distribution. In 2013, the majority of incidents and violations occurring on the National Forest System (193 million acres) lands

were associated with the illegal or unauthorized use of or activities on forest roads and trails (from unauthorized timber transport to parking violations); illegal/unauthorized use or activity with off-highway vehicles; and human-caused fires (fig. 49-1). As the number of Forest Service law enforcement personnel and budgets have increased in recent years, the number of forest-related law enforcement incidents and violations have been decreasing, with the

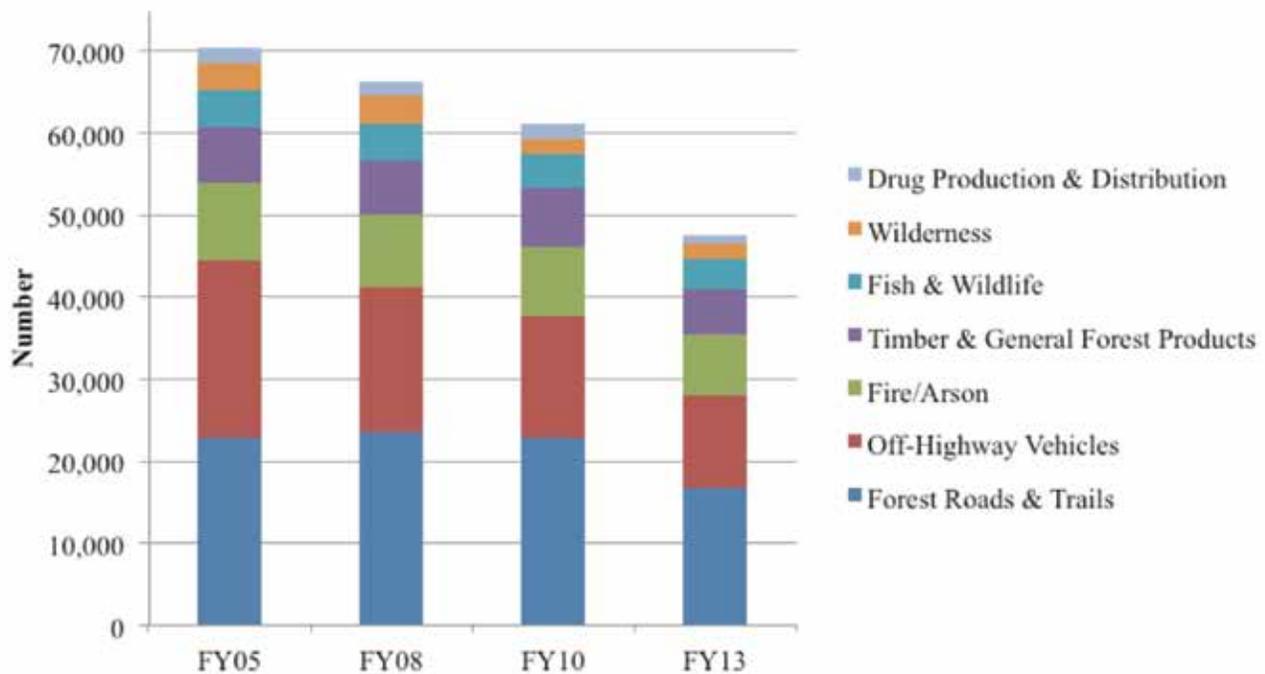


Figure 49-1—Number of forest-related violations and incidents by category for 2005, 2008, 2010, and 2013. Sources: Kim Kinville, Forest Service, Law Enforcement and Investigations, pers. comm. FY = fiscal year.

exception of fire-related and timber-theft violations, which increased slightly between 2005 and 2013. In 2005, the number of fire-related violations totaled 748, and in 2013 totaled 877. In 2005, the number of timber theft and general forest products violations totaled 1,335, and in 2013 totaled 1,403. Timber theft violations and incidents on Forest Service lands range from localized theft of fuel wood and other forest products to permit violations and to complex illegal logging cases.

International laws. The United States participates in international efforts to ensure the legality and protection of forest resources and products; many of these efforts have enforcement requirements. For example, the United States participates in the legally binding Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the United Nations Convention on Combatting Desertification, the International Tropical Timber Agreement, the Ramsar Convention on Wetlands, the Convention for the Protection of Migratory Birds, and numerous free trade agreements with environmental chapters. In particular, CITES is a legally binding, international agreement with the purpose of ensuring that international trade in specimens of wild animals and plants does not threaten their survival. The FWS is designated with enforcing the provisions of CITES. The agency works with numerous partners including Federal and State agencies, industry groups, and conservation organizations to carry out these authorities.

The U.S. Government also takes action to enforce the legality of imported wildlife, plants, and wood products, as stipulated in the U.S. Lacey Act, which was amended in 2008 to include a ban on the import and trade of illegally harvested wood. These amendments proceeded with support from the forest industry, conservationists, and both major political parties for its potential to level the playing field for U.S. timber and protect private property rights, while respecting the sovereignty of trading partner countries. An interagency group implements and enforces the amendments. The group includes the FWS; Forest Service; U.S. Department of Agriculture, Animal and Plant Health Inspection Service; U.S. Department of Homeland Security, U.S. Customs and Border Protection; Office of the U.S. Trade Representative, U.S. Department of Justice, U.S. Department of State, the Council on Environmental Quality, and the U.S. Department of Commerce.

State and local governments. Nearly all States have forest and/or water quality laws that authorize enforcement of actions intended to enhance forest sustainability on public and private lands. These laws cover issues like fire control, timber trespass, forest practices, forest health, and roads.

Also, there are many county, parish, and local regulations that require local oversight and enforcement. Most States have adequate institutional resources and capacity to oversee and enforce forest-related laws, regulations, and guidelines. According to the National Association of State Foresters, about \$31 million or 1 percent of the \$2.8 billion of State forest agency expenditures was spent on forest practices oversight and enforcement in 2014, and significantly more (\$275 million, 10 percent) was spent on technical assistance, education, and outreach related to sustainable forestry practices.

Forty-nine States have forest management best practices (BMP) guidelines. Twenty States use a strictly voluntary approach to enforce BMPs (technical assistance, education, fiscal incentives); 11 States use a strictly regulatory approach (inspections, investigations, fines, penalties); and 19 States use a “quasi-regulatory” approach in which State law specifies a desired outcome (e.g., maintaining water quality) and provides voluntary BMPs, but does not prescribe a specific method for achieving the desired outcome. Regional and national data demonstrate generally high and increasing levels of BMP implementation over time. In 2013, the average implementation rate of forestry BMPs nationwide was 91 percent according to the National Association of State Foresters—up from 89 percent in 2012. Regionally, Pacific Coast States had slightly higher implementation rates (94 percent) than those in the Rocky Mountain Region and the Southern Region (92 percent), which were slightly higher than the Northern Region (87 percent). Nevertheless, even where implementation and compliance with BMPs is high, their effectiveness depends in large part upon their content and the breadth and depth of forest practices that they address.

What has changed since 2010?

The U.S. Government has not enacted any major laws that affect forest law enforcement and governance since 2010, but enforcement authorities related to forest sustainability continue to increase in number, complexity, and scale. For example, while the Federal Government has enforced the Lacey Act wildlife and plant provisions for more than a century, new implementation challenges associated with globally tracking legal timber created some opposition to the 2008 amendments. A wide-ranging coalition of public, private, and civil society groups still agree that the Lacey Act amendments have helped forest protection and discouraged illegal logging globally and contributed to more sustainable supply chains locally. Additionally, more private-sector and even some public lands choose to comply with voluntary

guidelines for sustainable forest management, such as forest certification standards, that often go beyond the requirements at Federal, State, and local levels.