

Indicator 51. Extent to Which the Legal Framework (Laws, Regulations, Guidelines) Supports the Conservation and Sustainable Management of Forests, Including the Extent to Which It—Encourages Best Practice Codes for Forest Management

What Is the Indicator and Why Is It Important?

Forest management practices that are well designed are fundamental to the sustainability of forest resources. At all levels (stand, landscape, local, regional, national, global), forests depend on the application of forest practices that are capable of ensuring sustained use, management, and protection of important social, economic, and biological values. Well-founded best practice codes, and the forest management practices that comprise them, can ensure sustained forest productivity for market goods; protection of ecological values; and protection of the various social, cultural, and spiritual values offered by forests. They can be among the most important tools for responding to national trends and conditions involving forests.

What Does the Indicator Show?

In the United States, best practice codes represent an integration of technically effective, economically wise, and politically palatable forest practices considered necessary for sustaining forest conditions and values. These codes are commonly identified by terms such as "forest practice guidelines" and "best management practices." When implemented on public forests, best practice codes are applied directly (required) by forest administrators, whereas their application on private forests is encouraged by a variety of programs, including education, technical assistance, tax incentives, fiscal incentives, and regulatory requirements (a mixture of different types of programs has proven to be most effective). Best practice codes are often monitored to determine their rate of application and effectiveness.

Significantly strengthened in recent decades, a variety of Federal laws and associated Federal rules and administrative directives symbolizes significant legal

capacity to develop and implement best practice codes for both public and private land. This legal capacity is not always fully integrated, in that best practice codes are often developed for specific forest sectors within the forest sector (e.g., different codes for water quality, fish and wildlife, endangered species, scenic amenities). In some cases, Federal agencies develop and promote best practice codes for direct application to Federal land (e.g., via land management plans), while in other cases they develop codes for application on private forest land (e.g., endangered species recovery plans). Guided by statute, Federal agencies also encourage State governments to develop and promote the use of best forest practice codes.

State governments most commonly encourage the application of best practice codes by encouraging their voluntary application by landowners and timber harvesters. Such application is supported by extensive educational and technical assistance programs. State-initiated regulatory programs specifying the type and manner in which best practice codes are applied have especially increased both in number and intensity during the past three decades, as have related laws and regulations at local government levels. In 2001, all States had some form of best practice code of which 60 percent had been revised one or more times since 1994. In 1993, 522 local ordinances in 24 States required (by regulation) the application of best practice codes. Often in response to Federal incentives, 34 States in 1997 conducted monitoring programs to determine compliance with best practice codes.

Private organizations also actively develop and implement best practice codes. Certification programs, for example, are increasingly more common, involve more sophisticated codes, and are being applied to ever-larger areas of forest land.