

STATEMENT OF

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UNITED STATES DEPARTMENT OF AGRICULTURE

Before the

**U.S. House of Representatives Committee on Resources
Subcommittee on Forests and Forest Health**

**Regarding the Interrelationships of Rulemakings and
Multiple Forest Plan Amendments**

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MADAM CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to discuss the interrelationships of Forest Service rulemakings and regional planning efforts. My name is Randle Phillips, and I am the Deputy Chief for Programs and Legislation for the Forest Service. I am accompanied by Chris Risbrudt, Director for Ecosystem Management Coordination for the Forest Service.

Today I would like to discuss the interrelationships of the agency's rulemakings, other proposals of national or regional interest, and how they are related to our draft revisions to the strategic plan.

There are numerous ongoing efforts in the Forest Service to implement applicable law, regulations, and policies through forest planning, rulemaking, and strategic planning. These initiatives show that the Forest Service is actively seeking to implement its mission of caring for the land and serving people. We are working aggressively to address the important natural resources issues of today so that all Americans will be able to enjoy the products, services, and values of the national forests and grasslands for years to come.

Strategic Plan

The strategic plan is intended to guide future agency actions in managing the national forests and grasslands resources. The Government Performance and Results Act (GPRA) requires the Forest Service to revise the agency's strategic plan by September 2000. The goals and objectives of the revised Forest Service strategic plan will guide the way in which the Forest Service views and reports accomplishments in managing the nation's national forests and grasslands. The strategic plan is intended to provide guidance both for near-term actions and for long-term land health, public service, and other outcomes.

The four goals of the Forest Service's strategic plan -- ecosystem health, multiple benefits for people, scientific and technical assistance, and effective public service -- establish the overall focus for agency programs for the next three to five years. Collectively, these components of the strategic plan will provide guidance for future management actions and investments, as well as a set of milestones for evaluating progress toward the goals.

The agency's proposed rules are consistent with the goals and objectives of the draft strategic plan. The draft strategic plan was released for public comment on December 1, 1999, and the strategic plan is expected to be finalized in September 2000.

Planning Rule

Currently, the Forest Service has three separate but consistent rulemaking proposals. Together, these proposals provide a comprehensive strategy for accomplishing long-term sustainability of our forests and grasslands.

The first is the proposed planning rule, which has been in progress for 10 years. We have found that the existing planning rule issued in 1982, while appropriate for developing the initial round of plans under the National Forest Management Act of 1976 (NFMA), warrants changes to better respond to the social, economic, and ecological issues currently facing national forests and grasslands, improve implementation of NFMA, and to incorporate the lessons learned from applying the current rule during the last two decades.

The proposed planning rule provides the framework for land and resource planning. It emphasizes ecological, social and economic sustainability, collaboration with the public, integration of science into analyses, and problem solving. This regulation, when finalized, will guide the revisions of land and resource management plans and

site-specific projects. We have completed the review of comments on the proposed rule, incorporated changes to address those comments, and expect to release the final rule later this summer.

The proposed planning rule does not mandate specific actions to be taken; it specifies a process for planning. The proposed rules for managing our road transportation system and for roadless area conservation are consistent with the proposed planning rule and add specificity for road and roadless area management planning. Moreover, key elements of the road management and roadless area conservation proposals would be implemented in the future through forest plan amendments or revisions that would follow the sustainability, collaboration, science, and other requirements of the planning rule.

The draft strategic plan and the planning rule also work well together. The strategic plan provides the Forest Service's national goals and objectives. Land and resource plans, developed under the planning rule, articulate regional and local goals and objectives for the National Forest System and guide on the ground site-specific actions. Provisions in the proposed planning rule ensure that the agency's national goals and objectives, articulated in the strategic plan, will be considered in the revision and amendment of land and resource management plans, the development of site-specific projects, and ongoing monitoring efforts. This linkage does not exist today under the current planning rule, but it is absolutely essential for promoting agency-wide accountability and achieving the long-term results outlined in the agency's strategic plan.

Road Management Rule

With more than 380,000 miles of roads within the National Forest System, enough to circle the globe 15 times, the Forest Service is challenged to provide safe and affordable public access to the National Forest System without degrading land health and water quality. In addition, a recent assessment of needs for national forest road maintenance and reconstruction indicated that over \$8.4 billion would be required to clean up the backlog of road related problems that exist on the landscape. The agency also loses roughly 1000 miles of national forest road access to passenger cars every year because it doesn't have the funds to adequately maintain them.

The proposed rule for road management is designed to help us make the Forest Service road system safe, responsive to public and agency needs, environmentally sound, and affordable to manage. It emphasizes the use of science and public involvement at the local level to identify needed and unneeded roads. The proposed rule would require the completion of road analyses to ensure that local managers

have the best available information when making decisions on which roads are needed and which are unneeded. This road analysis would be incorporated into individual forest plans through the amendment or revision process, which would be guided by the sustainability, collaboration, science, and other requirements of the planning rule.

The proposed road management rule does not propose to construct or close specific roads. Rather, it establishes a scientific and public process to gather the information that is needed for such decisions to be made at the local level. The roads analysis required by the proposed rule would help address issues such as: "What Forest Service roads are high priority and should be upgraded?" "What roads are of lesser importance, no longer needed, or environmentally damaging?" "Should certain roads be closed, decommissioned, or converted to other uses such as hiking, biking, or walking trails?"

As proposed, the road management policy includes transition language to conserve roadless areas and ensure that the agency is considering the best available science, public needs, maintenance costs, and resource management objectives before it adds new roads to the existing road system. Until national forests complete a road analysis procedure and incorporate this analysis into their forest plan, the proposal would require a compelling need, an environmental impact statement, and regional forester approval before the agency could build new roads in roadless areas. Most of the roadless areas affected by this transition language are already under an interim road building moratorium. Projects that have already been approved or are in areas that have already been roaded would not be affected by this requirement

This proposal would require forest plans to be amended to include a roads analysis. Many forests already are including a roads analysis in their forest plan revision. This rule provides a consistent framework for that analysis throughout the National Forest System. We are in the process of reviewing the public comments and expect to release the final rule by September 2000.

Together, the proposed roads management rule and roadless area conservation strategy form a cohesive strategy for moving the agency away from building new roads and towards maintaining and repairing its existing roads. For years the public and agency have questioned the logic of building new roads, especially in controversial roadless areas, when the agency simply cannot afford to maintain its existing road system.

Under the two policies, the Forest Service would still build roads, but the agency would concentrate its construction in areas that already have roads and on reconstructing existing roads. Before building roads, the Forest Service would also take a harder look at the environmental, economic, and social costs of building and then maintaining these roads before building them. By taking these actions, the Forest Service would be able to target its limited resources on maintaining and improving the roads the American people use to access the National Forest System.

The proposed road management policy contributes to achieving several of the goals and objectives proposed in the draft strategic plan. For example, the first goal of the draft strategic plan is “Ecosystem Health.” Objective 1.a calls for the Forest Service to improve and protect watershed conditions to provide water quality and quantity necessary to support ecological functions and intended beneficial uses. The proposed road management policy would require the Forest Service to take a hard look at its existing and future road system in order to better protect water quality, soil resources, and watershed health.

Similarly, Goal 4, Effective Public Service, calls for the Forest Service to enable the efficient delivery of products and services. The proposed road management policy would make the national forest road system safe and efficient to manage, focusing on maintaining needed roads.

Roadless Area Conservation Rule

The third initiative is the roadless area conservation proposal. The Forest Service has attempted to address the management of roadless areas for over 30 years. With the continued loss of open space to urban and other uses, there is a need to conserve roadless areas to provide unfragmented habitat that is crucial to many species of wildlife, fish, and plants, to serve as reference areas for research, and to maintain some largely undisturbed landscapes and recreational opportunities in undeveloped settings.

The roadless area conservation proposal would generally restrict road construction and reconstruction in inventoried roadless areas. During future forest plan revision, the local manager would consider protections for roadless area characteristics in both inventoried roadless and other unroaded areas.

The proposed rule would not require Forests to amend their forest plans. Local responsible officials' discretion to initiate forest plan amendments, as deemed necessary, would not be limited by this provision. However, there may be instances where local officials elect to initiate amendment or revision of forest plans following

final promulgation of this rule. Again, any forest plan revision or amendment would be guided by the sustainability, collaboration, science and other requirements of the planning rule.

The proposed roadless area conservation rule also contributes to achieving several of the goals proposed in the draft strategic plan. For example, the first goal of the draft strategic plan is “Ecosystem Health.” Objective 1.a calls for the Forest Service to improve and protect watershed conditions to provide water quality and quantity necessary to support ecological functions and intended beneficial uses. By prohibiting road construction in inventoried roadless areas and then protecting other roadless characteristics at the local level, where warranted, the roadless area conservation proposal would protect critical watersheds and promote water quality. The proposal is also consistent with other ecosystem health objectives, including increasing fish and wildlife habitat.

Finally, the fourth goal of the draft strategic plan - Effective Public Service - calls for the Forest Service to enable the efficient delivery of products and services. For example, Objective 4.b calls for improving the safety and economy of Forest Service roads to provide greater security for the public and employees. The roadless area conservation proposal will enable the Forest Service to end 25 years of controversy surrounding roadless areas, target its limited resources more effectively and better provide the goods and services demanded by the American people.

We plan on releasing the final rule late this calendar year. The environmental impact statement for the proposed rule contains a discussion of the cumulative effects analysis with other Forest Service proposed rules. That discussion will be expanded, as appropriate, in response to comment on the draft analysis.

Other Agency Rulemaking

You also asked us to address the Administration's Unified Federal Policy and Environmental Protection Agency's Total Maximum Daily Load (TMDL) proposals.

Unified Federal Policy

The Administration's proposed Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management is part of the Administration's Clean Water Action Plan. This proposal requires that Federal agencies work collaboratively with States, Tribes and stakeholders on developing watershed assessment protocols, selecting priority watersheds for joint action, implementing pollution prevention, and incorporating watershed management goals into planning

and programs.

The Unified Federal Policy will be implemented on a watershed basis. It is not affected by these proposed rulemaking efforts, but it is consistent with changes in policy direction in the Forest Service's three rulemaking efforts and the strategic plan. For example the Unified Federal Policy will be implemented using a collaborative problem solving process consistent with the proposed planning rule. The watershed and water quality protection goals are also consistent with the strategic plan and related efforts.

TMDL

The Environmental Protection Agency (EPA) proposed revisions to its Total Maximum Daily Load (TMDL) program in August 1999. The proposal included a provision related to forestry operations that were causing significant water pollution problems. EPA worked closely with the USDA to develop an alternative approach to reducing water pollution from forest operations and to address other concerns of the USDA. The revised approach, described in a Joint Statement of the USDA and the EPA, gives States the lead role in forest water quality and encourages the development of strong State forest water quality programs.

Although the revised approach developed jointly by the EPA and the USDA was a significant improvement over the August proposal, EPA decided that there was a need to describe this approach to the wide range of interested parties, to discuss how this approach would work, and to get ideas for improvements. In response to the interest in additional discussion of forest water quality issues, EPA will not include forestry provisions in the TMDL regulations to be finalized this summer. The Agency expects to repropose provisions of the TMDL proposal related to forestry later this fall along the lines described in the USDA/EPA Joint Statement.

Broad Scale Assessments and Multiple Forest Plan Amendments

Your invitation letter also asked about various forest plan amendment efforts, including the Interior Columbia Basin Ecosystem Management Project (ICBEMP), the Sierra Nevada Framework, Northwest Forest Plan survey and manage policy, the Quincy Library Group Forest Recovery projects, and the Giant Sequoia National Monument.

Each of these efforts contribute to achieving the goals proposed in the draft strategic plan – in fact, each specifically addresses several of the proposed long-term objectives associated with the goals including protecting watersheds, promoting

high water quality, and increasing fish and wildlife habitat. They also draw on all program areas of the Forest Service and utilize collaborative partners, focus on ecosystem health, and provide a range of uses, products and services within the capability of sustainable ecosystems.

Cumulative Effects

Each of the environmental documents for the proposed rulemakings or multiple forest plan amendments contain a cumulative effects analysis as required by NEPA. For the roadless area conservation and the road management proposals, the cumulative effects will be addressed in their respective environmental impact statement and environmental analysis. Cumulative effects analysis can be used to modify alternatives to reduce any adverse environmental consequences and develop mitigation measures and monitoring protocols. Cumulative effects analysis is integral to Forest Service NEPA analysis, not a separate effort. Our goal is to use the cumulative effects analysis at the appropriate scale to make better decisions.

The agency's strategic plan provides the framework for monitoring and reporting agency accomplishments in strategic areas such as road maintenance and roadless area conservation. This plan is adjusted every 3 years to reflect changes in agency rules and priorities. All of the other initiatives feed into the strategic plan in painting a picture of national priorities.

The road management and planning rule proposals would create processes for making decisions on the management of lands and roads of the national forests. They would not dictate any specific outcome.

The roadless rule is the only national initiative that would lead to direct limitation of future activities. These impacts are discussed in the draft EIS for this proposal.

Similarly, the three proposed rulemakings efforts all have clear transition policies that address how they will affect ongoing projects. As proposed, the planning rule would apply to all forest plan amendments or revisions in which Forest Service has not released a draft EIS within one year of final publication of the rule. The proposed roadless conservation area policy would apply to all inventoried roadless areas, except those on the Tongass National Forest, for which a decision would be postponed until 2004, and all future forest plan revisions. The Forest Service would implement road analysis in the course of business on all national forests and grasslands.

The Sierra Nevada Framework and ICBEMP will result in changes to on-the-ground management by stipulating guidelines and standards. However, given the transition language of the three rule making efforts and the content of these projects, neither Sierra Nevada Framework, Survey and Manage, nor ICBEMP would be affected or delayed by the rulemaking efforts.

With the HFQLG (Herger Feinstein Quincy Library Group) pilot project there will be no additional implications from the proposed road management policy. Implications from the proposed roadless area conservation rule would be minimal, since nearly all inventoried roadless areas are outside of the areas available for the pilot. The HFQLG Act does require the three affected forests to revise or amend their forest plans within 2 years of enactment. Depending on when they start the revision process, they may choose to either follow the current planning rule or to use the new rule, but the procedure that they follow should have no effect on the outcomes of forest plan decisions.

Summary

Madam Chairman, together the proposed planning rule, proposed road management policy, and proposed roadless area conservation rule provide a comprehensive strategy for accomplishing long-term sustainability of our national forests and grasslands. We believe that the Unified Federal Policy and multiple forest plan amendments are all consistent with the proposed rulemakings and the goals and objectives of the proposed strategic plan. Our proposed 2000 revision of the Forest Service strategic plan will provide the framework for reporting the success of implementing these initiatives over time. I look forward to reporting this success to you in the future.

Madam Chairman, this concludes my statement. I would be happy to answer any questions you and Members of the Committee may have.

