

**Statement of
James R. Lyons,
Under Secretary, Natural Resources and Environment
U.S. Department of Agriculture**

**Before the Subcommittee on Forests and Public Land Management
Energy and Natural Resources Committee
United States Senate**

**Regarding the Proposed National Forest Management Act Planning Rule
March 2, 2000**

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to discuss the Forest Service's proposed National Forest Management Act planning rule. Today I want to discuss the extensive public and scientific process that led to the development of the Forest Service's proposed rule and how the proposed rule will help the agency improve forest planning and management in the future. I also want to discuss the three central themes of the proposed rule: affirming sustainability as the foundation of national forest and grassland management; improving cooperation and collaboration; and better integrate science into the planning and management of national forests and grasslands.

BACKGROUND

Under the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (NFMA), the Secretary of Agriculture is required to "develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System" 16 U.S.C. 1604(a). Following enactment of the NFMA, the Forest Service promulgated a rule for implementation of the planning requirements. Although issued in 1979, no forest plans were ever completed under this rule. Soon after the Reagan Administration took office, then USDA Assistant Secretary for Natural Resources and Environment, John Crowell, withdrew this planning rule and sought to revise it. So much controversy was generated as a result of the revision efforts, that the Committee of Scientists involved in the development of the first rule was reconvened and enlisted to work on what eventually became the 1982 land management planning rule. This regulation guided the development of land and resource management plans for the national forests and grasslands during the first round of planning.

All in all, we have found that the existing planning rule, while appropriate for developing the first round of plans from scratch, is no longer well suited for implementing the National Forest

Management Act of 1976 or responding to the social, economic, and ecological issues currently facing the national forests and grasslands.

In light of this experience, consistent with the National Forest Management Act, Secretary Glickman convened a federal advisory committee of scientists of diverse backgrounds to provide advice on revising the planning regulations for the future. The members of the Committee of Scientists represented balanced views, experience, and academic backgrounds. Together, they had a breadth of expertise and a sum of experiences that made them well-qualified to undertake this review.

Secretary Glickman directed the Committee to make recommendations on how to best accomplish sound resource planning within the statutory mission of the Forest Service and the established framework of environmental laws. In my first meeting with the Committee of Scientists, I emphasized that the Secretary and I wanted the Committee to produce a set of recommendations that will last a generation in guiding future forest planning.

The Committee traveled to every region of the country and heard from the public, Forest Service employees, representatives of Tribes, state and local governments and other federal agencies, interest groups, former Chiefs of the Forest Service and members of the original Committee of Scientists. The Committee held more than 20 public meetings or teleconferences to gather input. The Committee heard a great deal about how the Forest Service was handling challenges in the field and tried to capture in their recommendations the best of what was already working on the ground for the Forest Service.

On March 15, 1999, the Committee released their findings and recommendations in a report entitled, "Sustaining the People's Lands: Recommendations for Stewardship of the National Forests and Grasslands into the Next Century." The Committee recommended that the Forest Service make sustainability the foundation for management of the National Forest System. They also recommended that the Forest Service improve coordination with the public, Tribes and other government entities, and more effectively incorporate science and other information relevant to the issues facing our national forests and grasslands into the planning process.

The Forest Service convened a rule writing team to craft a rule based on the Committee of Scientists' report. While it was not an easy task, and at times, there were differences of professional opinion, the Committee of Scientists and the rule writing team succeeded in developing a proposed rule that will dramatically improve the effectiveness of national forest and grassland planning in the future.

I should note that the Committee's recommendations and the proposed rule capture significant on-the-ground innovations in Forest Service planning. In fact, during their travels, the Committee found numerous examples of innovation in planning and collaborative partnerships on the national forests and grasslands. They noted several times in their report that the planning framework they proposed, and that the Forest Service incorporated in the proposed rule, was actually created by Forest Service employees who were willing to innovate to try new methods of public outreach and

scientific involvement in the field. Indeed, results from these efforts suggest that once the planning framework is fully institutionalized across the country, it will dramatically improve the effectiveness of national forest and grassland planning in the future.

OVERVIEW OF THE PROPOSED RULE

The Committee of Scientists' report and the proposed planning rule are based on the same three key themes: affirming sustainability as the foundation of national forest and grassland management; improving cooperation and collaboration; and more effectively integrating science into the planning process .

1. The sustainability of the National Forest System is fundamental.

The proposed rule would affirm the Committee's recommendation that ecological sustainability provide a foundation upon which management for national forests and grasslands can contribute to economic and social sustainability. The goal of long-term sustainability is fully consistent with the Committee of Scientists' recommendations and the array of laws and regulations that guide the use and enjoyment of the National Forest System. These laws clearly proclaim a national policy to provide, in perpetuity, the multiple benefits and uses derived from national forests and grasslands. In fulfilling the policies articulated by Congress and continuing to meet the needs of the American people, we reaffirm that sustainability should serve as the foundation for National Forest System management and that ecological sustainability is the first priority for the stewardship of the national forests and grasslands.

2. Collaboration among people is key to success.

As Gifford Pinchot stated nearly a century ago in offering his perspective on managing the national forests, "National Forests are made for and owned by the people. They should also be managed by the people.... If National Forests are going to accomplish anything worthwhile the people must know all about them and must take a very active part in their management. What the people as a whole want will be done. To do it, it is necessary that the people carefully consider and plainly state just what they want and then take a very active part in seeing that they get it."

Guided by the philosophy of Pinchot and the recommendations of the Committee of Scientists, the proposed planning rule is designed to facilitate greater public collaboration in all phases of the planning process. The procedures in the proposed rule would encourage land managers to more actively engage the American people in the planning and management of the national forests and grasslands. The responsible Forest Service official would serve as a convener, facilitator, leader, or participant in collaborative settings that provide opportunities for early, open, and frequent public involvement. The goal is to achieve a greater understanding among land managers and those who care about how these lands should be managed. The proposed rule encourages Forest Service land managers to build cooperative relationships with individuals, groups, state and local

governments, Tribes, and other federal agencies.

The proposed regulation would encourage the public to be involved in identifying concerns and problems, considering available information and assessing current conditions, and identifying potential solutions even before a proposal for agency action. This early public involvement would make more information available to the public, enhance their ability to participate in the process, and lead to better communication about expectations and outcomes. To further enhance the collaborative process, advisory committees could be used to assist the responsible official in determining whether there is a reasonable basis for proposing an action to address an issue.

To further collaboration, the proposed rule would also replace the post-decision appeal process with a pre-decisional objection process. Under a pre-decisional objection process, a person could object to a pending decision before the agency makes a final decision, a process very similar to the protest procedures now in effect in the Bureau of Land Management. The intent is to further streamline the planning process and encourage resolution of issues before a decision is made and it is consistent with Committee of Scientist's recommendations.

3. Best available science would guide planning.

The Committee of Scientists and the proposed rule describe a critical role for science and scientists in the planning process. Under the proposed rule, scientists would be involved in helping to identify new issues and translate new information about the conditions of forests and grasslands; conducting appropriate broad-scale assessments and local analyses; and in helping managers and the public formulate potential solutions to issues by analyzing management options. The proposed regulation would provide for: an independent scientific review of the effectiveness of land management plans in meeting the goal of sustainability during the revision process; the establishment of a National Science Advisory Board and access for each national forest to a science advisory board; when appropriate science consistency evaluations to determine whether the planning process is consistent with the best available science; and when appropriate and practicable, independent scientific peer reviews of the findings and conclusions originating from broad-scale assessments.

The proposed rule addresses many of the lessons learned since 1982. These lessons include increasing the role of scientists in the planning process, shifting focus on managing entire ecosystems rather than single species or outputs, developing regional ecosystem assessments as underpinning to planning, and including the concept of “adaptive management,” which requires more effective monitoring of management actions and their effects. The planning rule is also flexible so that the Forest Service will be able to adapt as it learns more about the dynamics of ecological, social, and economic systems in the future. By better integrating science and scientists into the planning process, the proposed rule will enable the Forest Service to make better choices for meeting the needs of American citizens today and tomorrow.

The proposed rule also affirms the Forest Service's commitment to the viability of all species and

recognizes the unique contributions national forest and grassland stewardship can make in maintaining species viability. At the same time, it recognizes the limits of our scientific understanding and financial and technical capability to conduct viability assessments. The proposed rule would use focal species as indicators of ecological conditions and the best available science and information, including professional opinion and the principles of conservation biology, and to assess the viability of appropriate species of flora and fauna.

PUBLIC COMMENT

After releasing the proposed rule in early October 1999, the Forest Service began a public comment period. To demonstrate its commitment to greater cooperation, the Forest Service held a series of 23 town meetings about the proposed rule in rural and urban communities across the country. At many of the locations, the Forest Service also conducted meetings with representatives from Tribes, state and local governments, and other federal agencies. Hundreds of people participated in these meetings, and many of them commented positively on the small group discussion format the Forest Service used at the meetings to give people the opportunity to talk with each other and the agency about their ideas and concerns.

In total, the Forest Service received more than 11,000 comments on the proposed rule, including some from members of the Committee of Scientists. The feedback we have received is very helpful as we craft a final rule that is scientifically sound and efficient to implement. I would like to thank you, Mr. Chairman, and everyone else who commented on the proposed rule for their contributions.

Those who commented were generally supportive of the proposed rule. At the same time, many people asked for clarifications on specific issues. Some people challenged the legal basis for making sustainability the foundation of forest management as the Committee of Scientists had recommended. Other raised questions about the implementability of the proposed rule, the role of scientists in the planning process, and the use of the historical range of variability concept.

To discuss these questions, Chief Dombeck and I met last week with an interagency advisory team and the Forest Service leadership team, including all of the regional foresters and research station directors. We feel confident based on these discussions and the Committee of Scientists' recommendations that we have sound legal and scientific footing to make the achievement of ecological, social, and economic sustainability the overall goal for management of national forest system lands. Given the Forest Service mission, ecological sustainability will also continue to be the foundation for national forest stewardship and for providing a wide variety of products, services, and other values from the national forests and grasslands.

We also worked to improve the clarity of the proposed rule. For example, we will clarify in the final rule that the concept of historical range of variability is intended to be an analytical tool for understanding ecological conditions and changes over time rather than a specific objective land

managers should pursue. Pre-European conditions may be a good reference point for this analysis; they may not be. The key is for land managers and scientists to have an understanding of ecological conditions and changes over time and to use this and other important information to guide management actions that maintain and restore the sustainability and productivity of America's forest in the long run.

NEXT STEPS

Based on the public comments we have received, we are making adjustments to the proposed planning regulations. We hope to have these completed and to issue the final rule later this spring. In addition, we are preparing agency directives to further clarify how our employees are to conduct planning within the revised regulations. We will be conducting agency-wide training on planning methods and techniques for improving relationships among government agencies, tribal governments, and others interested in the future of national forests and grasslands. We anticipate that this training will continue as we implement the revised planning procedures.

SUMMARY

I want to acknowledge that some have argued that the NFMA is broken and that the environmental laws that guide national forest management do not articulate a clear mission for the Forest Service. I strongly disagree. On principle, our laws remain sound and reflect the evolution of American interest and concern for our land, air, water, and wildlife. Both the Committee and the statutory roots of the Forest Service suggest that the agency has a strong mission to protect the sustainability of the land so that multiple benefits can be bestowed to the American people for this and many generations to come. Problems with the existing planning regulation have led some to suggest that the Forest Service needs a new legislative mission, but we are far from exhausting the flexibility within the NFMA or other laws to improve their implementation. In fact, I am confident that given the hard work of the Committee of Scientists and the Forest Service leadership that, once finalized, the agency's proposed planning rule and the concept of sustainability will guide Forest Service planning and management clearly and effectively well into the 21st Century.

**Statement of
James R. Furnish
Deputy Chief, National Forest System**

**Forest Service
United States Department of Agriculture**

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

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