

**STATEMENT OF
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**BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
COMMITTEE ON NATURAL RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES**

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**CONCERNING FOREST SERVICE REGULATORY ROADBLOCKS TO
PRODUCTIVE LAND USE AND RECREATION: PROPOSED PLANNING RULE,
SPECIAL USE PERMITS, AND TRAVEL MANAGEMENT**

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to present the Agency's views regarding the administration of special uses and travel management on National Forest System (NFS) lands.

Part 1: The USDA Forest Service Planning Rule

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to provide the Department's view on the Forest Service's proposed planning rule, published on February 14, 2011. We appreciate the Subcommittee's interest in a matter of great import to the Agency and Department.

As a result of extensive collaboration and public involvement, the Forest Service received around 300,000 comments during the 90-day public comment period on the proposed rule and draft environmental impact statement. We have reviewed and analyzed the comments in the development of the final rule. We expect to publish the final environmental impact statement and final rule late this year or early in 2012.

In the 193 million acres of forests, grasslands and prairies that make up our National Forest System (NFS), the citizens of the United States are blessed with some of the most diverse, beautiful, and productive landscapes and watersheds on the planet. As required by the National Forest Management Act of 1976 (NFMA), land management plans for each forest and grassland provide a framework for integrated resource management and guide project and activity decisionmaking on a unit. The planning rule provides the overarching framework for individual NFS units to use in developing, amending, and revising land management plans to maintain, protect, and restore NFS lands while providing for sustainable multiple uses.

Planning Rule History

Currently, the Agency is using the procedures of a planning rule developed in 1982, which has guided the creation of every land management plan, revision or amendment to date. However, over the past thirty years, much has changed in our understanding of how to create and implement effective land management plans, and in our understanding of science and the land management challenges facing Forest Supervisors.

Ecological, social, and economic conditions across the landscape have altered. New best practices and scientific methods have evolved. And so has the country's understanding of and vision for the multiple uses and benefits provided by NFS lands.

Additionally, modifying land and resource management plans using 1982 rule procedures is often time consuming, costly and cumbersome. Because of this, units often wait until circumstances require a complete overhaul, rather than update plans incrementally, as new information is obtained or conditions change. This approach has made it challenging to keep plans current and relevant. Of the 127 land management plans for NFS lands, sixty-eight are past due for revision, meaning that they are fifteen years old or more.

Beginning as early as 1989, the Department and Forest Service have made numerous attempts to review, revise and modernize the planning rule. After two proposals in the 1990s, a final rule was published in 2000 to replace the 1982 regulations. That rule was challenged in court, and an internal review concluded that the number and specificity of its requirements were beyond the Agency's fiscal and organizational capacity to successfully implement. A new planning rule was developed and published in 2005, and a revised version in 2008, but each of those rules was held invalid by a Federal District Court on grounds that it violated National Environmental Policy Act requirements for analyzing environmental impacts, among other findings. The 2000 rule, which was never invalidated by a court, is the rule that is currently in effect. The Forest Service is utilizing the transition provisions from the 2000 rule for plan revisions and amendments pending finalization of a new rule. These transition provisions allow for use of the procedures from the 1982 rule.

The instability created by the history of the planning rule has had a significant negative impact on the Forest Service's ability to manage the NFS and on its relationship with the public. At the same time, the vastly different context for management and improved understanding of science and sustainability that has evolved over the past three decades creates an urgent need for a meaningful, durable, and implementable 21st century planning framework that will ensure that the Agency responds to new challenges and management objectives for NFS lands in a consistent way.

Collaboration and Public Participation

Because of the planning rule's history and the high degree of interest in management of the NFS, the Department and Forest Service decided to take a different approach to developing this new planning rule. We strongly believe that involving the public through a participatory, open, and meaningful process has been the best way to develop the rule. Our goal has been to learn from the previous efforts, and to listen to input from the public, Agency employees, other

governmental representatives, and internal and external scientists to develop a rule that endures.. As a result, the proposed rule issued in February 2011, and the final rule we are developing now, are the product of the most participatory and transparent planning rule development process in Forest Service history.

The development of the 2011 proposed rule was informed by 26,000 public comments made on the Notice of Intent (NOI); a Science Forum with panel discussions from 21 scientists; regional and national roundtables held in over 35 locations and attended by over 3,000 people; regional and national roundtables and 16 government-to-government consultations with Tribes; and over 300 comments on a planning rule blog developed to reach people online. The Agency and Department also reviewed previous rules and planning efforts, current science, and best practices being implemented on NFS lands; worked closely with other agencies; and actively engaged and sought feedback from Forest Service employees.

After the proposed rule was published in February 2011, we took the unprecedented step of hosting another series of meetings to provide the public with information about the proposal in order to help inform their review of the proposed rule and the Draft Environmental Impact Statement (DEIS). We held 29 national and regional public forums that were attended by over 1,300 people. Some of these forums were presented through video teleconferencing, reaching 74 locations across the country in all. In total we received 300,000 comments on the proposed rule and the DEIS during the 90-day comment period.

The Department and Forest Service believe that our approach and commitment to meaningful public engagement sets a new standard for public land management, and we are continually learning as we travel this path. Above all else, as we saw so many people take the time to come out to workshops on their local units, participate via the internet, or submit comments, we have been gratified to see once more how people truly cherish their National Forests and Grasslands and care deeply about their management.

The New Rule

The Department and Forest Service used the input we received through our public involvement process to develop the proposed rule and DEIS, and we are currently working to make further improvements to the rule based on the comments received on the proposed rule and DEIS. Because the rule is currently in the clearance process, I cannot give a definitive statement as to what the final rule will say.

That said, we believe the new rule will correct the inefficiencies of the 1982 planning procedures and provide a modern framework for planning in order to sustain and restore the health and resilience of our National Forests. The goal is to produce an efficient planning process to guide management of NFS lands so that they are ecologically sustainable and contribute to social and economic sustainability, with resilient ecosystems and watersheds, diverse plant and animal communities, and the capacity to provide people and communities with a range of social, economic, and ecological benefits now and for future generations.

The planning framework in the new rule would help the Agency provide clean water, habitat for diverse fish, wildlife, and plant communities, opportunities for sustainable recreation and access, and a broad array of other multiple uses of NFS lands, including for timber, rangeland, minerals and energy as well as hunting and fishing, wilderness, and cultural uses.

We intend to emphasize integrated resource management so that all relevant elements of the system are considered as a whole, instead of as separate resources or uses. We are considering the inclusion of requirements in the new rule to sustain and restore the health and resilience of our National Forests and watersheds. There would be a strong emphasis on protecting and enhancing water resources, including important sources of drinking water for downstream communities.

We are also considering the inclusion of requirements in the new rule to provide for diversity of plant and animal communities, and would be designed to provide habitat to keep common native species common, contribute to the recovery of threatened and endangered species, conserve candidate species, and protect species of conservation concern. The new rule would provide the same or better level of protection as the 1982 rule while removing the problematic provisions of the 1982 procedures, such as requirements for management indicator species (MIS), which have been proven cumbersome, ineffective and do not reflect the latest science.

We are also considering the inclusion of requirements in the new rule to contribute to social and economic sustainability. Plans would be required to provide for sustainable recreation, and to protect cultural and historic resources. Planning would consider and provide for a suite of multiple uses, including ecosystem services, watershed, wildlife and fish, wilderness, outdoor recreation, energy, minerals, range, and timber, to the extent relevant to the plan area. Plans would also guide the management of timber harvest on NFS lands.

The new rule would create a framework that allows adaptive land management planning in the face of climate change.

We intend to create a more efficient and effective planning process through an adaptive framework of land management assessment, planning and monitoring. This framework is intended to assist Forest Supervisors to adapt plans to reflect new information and changing conditions. Information developed in each phase would inform the public and feed into the next phase, building a strong base of information and public input that would support a shared understanding of and vision for the landscape. Responsible officials would then be able to use monitoring data and other sources of information to amend plans and keep them current and effective.

The new rule would strengthen public engagement throughout the planning process, for which we are considering specification of numerous opportunities for meaningful dialogue and input. Responsible officials would be required to seek input from the public, consult with Tribes, encourage participation by youth, low-income populations, minority groups, and affected private landowners, and seek input from and coordinate with related planning efforts by other government entities including Tribes, States, counties, local governments, and other Federal agencies.

Additional direction we are considering for the new rule would be to use the most accurate, reliable and relevant scientific information available to inform the planning process. The appropriate interpretation and application of science provides the foundation for planning, with other forms of information, such as local and indigenous knowledge, public input, agency policies, results of monitoring, and the experience of land managers also taken into account in determining how to accomplish desired outcomes.

The strategy we are considering for monitoring under the new rule would take place at the unit level and at a broader scale. Monitoring would be a central part of both plan content and the planning process, allowing responsible officials to test assumptions, track changing conditions, measure effectiveness in achieving desired outcomes, and feed new information back into the planning cycle so that plans and management can be changed as needed.

We are also considering a requirement in the new rule that NFS lands be managed in the context of the broader landscape. While the Forest Service does not intend to and cannot direct management of lands outside the NFS, under the new rule, responsible officials would use assessments, monitoring and public engagement to create a continually evolving understanding of conditions, trends, and stressors both on and off NFS lands, and would work in the planning phase to respond to changing conditions across the landscape, and coordinate, where appropriate and practicable, with other land managers and owners to accomplish shared objectives.

Conclusion

We received a wide variety of public comments on the proposed rule and the draft environmental impact statement. We are coming to the end of our work on finalizing the rule. We are committed to creating a final rule that will help the Forest Service be more effective in its task of restoring and protecting our natural resources, support communities, and adapt to changing conditions. It represents our desire to create a modern and efficient planning rule based on science, public input, and Agency experience.

Management of America's 193 million acres of national forests and grasslands is enormously important for present and future generations. The Department's goal is a collaboratively developed, meaningful and enduring planning rule and a more efficient, effective, and participatory land management planning process.

Part 2: Special Uses

The Forest Service manages approximately 74,000 special use authorizations. Special use authorizations allow for the use of NFS lands for numerous purposes to benefit the public. Types of special uses range from communications sites, transmission lines, and other energy-related uses to public service facilities such as ski areas, resorts, and marinas to services such as outfitting and guiding. There are 180 types of special uses.

Consistent with the Forest Service's statutory authorities to manage NFS lands, special uses are authorized utilizing standard forms that contain provisions to protect the environment, including

fish and wildlife habitat, air and water quality, and esthetic values; lives and property; and other preexisting lawful users of NFS lands. In addition, provisions in special use authorizations protect Federal property and economic interests, provide for effective management of NFS lands, and otherwise protect the public interest.

The special uses program provides significant public benefits. Numerous energy-related pipeline and transmission line rights-of-way cross NFS lands, and numerous relay towers for communications uses are located on NFS lands. Private businesses and non-profit entities provide approximately half of the recreation opportunities on NFS lands, including 122 ski areas, 260 resorts, 76 marinas, 297 organizational camps, 294 concession campground operations, 5,000 outfitting and guiding operations, and nearly 1,000 recreation events each year.

Some of these uses, such as pipeline and transmission line rights-of-way, outfitting and guiding, and communications sites, are also conducted on lands managed by the United States Department of the Interior, Bureau of Land Management (BLM), under the same statutory authority. The Forest Service coordinates extensively with BLM to realize efficiencies and consistency in regulations, land use instruments, and other aspects of management of these programs. Holders of Forest Service and BLM land use authorizations benefit from this interagency coordination.

Forest Service special uses generate approximately \$76 million in land use fees annually. The Forest Service is authorized to retain land use fees charged for organizational camps, commercial filming, outfitting and guiding, and recreation events to cover some of the costs to administer those uses.

Special uses provide many benefits to the American public and are one of the many ways that NFS lands provide resources and services. Special uses provide business opportunities for large and small companies, thereby serving the national and local economies. The public benefits greatly from this program by receiving services which could not be provided by the Forest Service.

Part 3: Travel Management

I will now take the opportunity to testify before you today on travel management on National Forest System (NFS) lands. I would like to update the Committee on the status of implementation of the Forest Service's travel management rule.

Background

The Forest Service manages 155 national forests and 20 national grasslands, in 42 States and the Commonwealth of Puerto Rico. By law, these lands are managed under multiple use and sustained yield principles. The mission of the Forest Service is to sustain the health, diversity, and productivity of America's forests and grasslands to meet the needs of present and future generations. The Forest Service oversees a vast and complex array of natural resources and land use opportunities.

One of the key opportunities provided on NFS lands is outdoor recreation. The most recent National Visitor Use Monitoring figures show that the national forests and grasslands receive almost 171 million visits each year. Visitors participate in a wide range of motorized and non-motorized recreational activities, including camping, hunting, fishing, hiking, horseback riding, bicycling, cross-country skiing, over-snow vehicle use, and operating off-highway vehicles (OHVs). Annually approximately 11 million visitors engage in OHV activities on NFS lands. Over-snow vehicle users and visitors driving on forest roads for pleasure add to this total.

Travel Management

Nationally, the Forest Service manages over 200,000 miles of NFS roads that are open to motor vehicle use. In addition, approximately 155,000 miles of trails are managed by the Forest Service, with an estimated 37 percent or 57,500 miles of those trails open to motor vehicle use, including over-snow vehicles.

This transportation system ranges from paved roads designed for passenger cars to single-track trails used by motorized dirt bikes. Many roads designed for high-clearance vehicles (such as logging trucks and sport utility vehicles) also accommodate use by all-terrain vehicles (ATVs) and other OHVs not normally found on city streets. Almost all NFS trails serve non-motorized uses, including hiking, bicycling, cross-country skiing and horseback riding, alone or in combination with motor vehicle uses. National Forest System roads accommodate non-motorized use as well.

National forests include public roads managed by state, county, and local governments. These roads serve the commercial and residential needs of local communities and private lands intermingled with and near the lands we manage. Many county roads are cooperatively constructed and maintained through cooperative forest road agreements executed under the National Forest Roads and Trails Act. State and county roads also provide access to NFS lands, and we continue to work in cooperation with states and counties to manage our multi-jurisdictional transportation system.

In the 1960s, recreational motor vehicle use on NFS roads was relatively light compared with timber traffic. Today, recreational motor vehicle use constitutes 90 percent of all traffic on NFS roads. Much of the road system maintenance needs and resource damage concerns are the result of continuous recreational use of roads originally designed and constructed for controlled intermittent commercial use. We consider capability to maintain roads in decisions to designate roads for motor vehicle use.

The Travel Management Rule

In 2005, under Former Chief Dale Bosworth, the Forest Service recognized unmanaged recreation as one of the four major threats to the National Forests and Grasslands, and developed an approach to enhance management of motor vehicle use on NFS lands. The Forest Service is continuing to implement the 2005 Travel Management Rule. The travel management rule has three subparts: Subpart A – Administration of the Forest Transportation System; Subpart B –

Designation of Roads, Trails, and Areas for Motor Vehicle Use; and Subpart C – Use by Over-Snow vehicles.

Unmanaged roads can create both safety and resource problems. Where roads are no longer adequately maintained, erosion and silting into channels is common. In national forests with a significant amount of motor vehicle use, some users have created their own roads. These user-created roads were never engineered properly, surveyed for potential impacts, or vetted for need. Under certain conditions, these roads may cause significant damage to the surrounding ecosystem, for example, by channeling concentrated water flows that scour the forest floor and deposit soils in watercourses. Additionally, since these roads were never engineered, they may pose hazardous conditions that can pose safety threats, such as poor sight distance for motorists, hikers, or bikers navigating around a blind corner. The travel management rule is a crucial step to address these concerns.

SUBPART A

Subpart A of the travel management rule requires each administrative unit of the NFS to identify the minimum road system needed for safe and efficient travel and for the protection, management, and use of NFS lands. Identification of the minimum road system includes identification of roads that are no longer needed to meet forest resource management objectives and that may be decommissioned or considered for other uses.

Identifying the minimum road system involves an interdisciplinary and science-based travel analysis that is intended to identify opportunities to increase or decrease the road system, as appropriate, based on the unique ecological, economic, and social conditions in each national forest or grassland. NFS roads of all maintenance levels must be included in the travel analysis. Regional Foresters must certify for completion the travel analysis reports for the administrative units under their jurisdiction.

Subpart A is designed to work in conjunction with other frameworks and processes, the results of which collectively inform future decisions. These other frameworks and procedures include the Watershed Condition Framework, the Framework for Sustainable Recreation, and forest-wide planning under the National Forest Management Act.

Most administrative units have completed travel analysis or the equivalent for passenger car roads. A small percentage of administrative units have completed travel analysis for roads designed for high-clearance vehicles and for roads used only intermittently.

SUBPART B

Subpart B of the Travel Management Rule requires Forest Supervisors or other responsible officials to designate those roads, trails, and areas where motor vehicle use is allowed in their administrative units or ranger districts and to identify them on a motor vehicle use map (MVUM). Once an MVUM is published for a unit or district, use in that unit or district that is inconsistent with those designations is prohibited. By the end of fiscal year 2011, 77 percent of administrative units had designated roads, trails, and areas that are open to motor vehicle use,

and have published a motor vehicle use map. The remaining units are actively engaged in completing their motor vehicle use map.

The Travel Management Rule provides a nationally consistent framework for local decision-making regarding motor vehicle use on NFS lands. Decisions are made by local agency officials, who have greater knowledge of the affected resources. Local decision-making also allows for more effective participation by the public; local, county, state, and other federal agencies; and Tribal governments. Under the travel management rule the public must be given the opportunity to participate in the designation process, thereby resulting in better decisions and local support for them.

Implementation of Travel Management Decisions under Subpart B

Although completing the route and area designation process and publishing MVUMs under Subpart B represents a tremendous amount of work for the Forest Service and the public, these steps constitute only the beginning of the process to actively manage motor vehicle use and to provide sustainable motor vehicle recreational opportunities.

Forest Service public outreach efforts inform people how to minimize their impacts with motor vehicles while enjoying the national forests. Messages include staying on designated routes, being courteous to other users, and being knowledgeable of agency regulations. Education generally is provided by Forest Service employees, routinely supplemented by the many volunteers and other partners. The Forest Service's capability to inform and educate the public about where and how they may operate motor vehicles is greatly enhanced by the many hours of time provided by volunteers and partners.

Education works both ways. Many members of the public have extensive historical and practical knowledge of the landscape. Involving them in the process and learning from them are essential elements of the dialogue.

Several national organizations assist the Forest Service with disseminating educational messages about responsible recreational use. The National Off-Highway Vehicle Conservation Council (NOHVCC) consists of enthusiasts who promote responsible riding in many ways. The American Motorcyclist Association partnered with the Motorcycle Industry Council to produce a brochure on responsible riding. Tread Lightly! is a non-profit organization whose mission is to protect recreational access and opportunities through education and resource stewardship. Tread Lightly! works with the Forest Service and other land management agencies, manufacturers, industry, and motorized vehicle recreation organizations to promote resource protection.

Although signs are no longer the primary tool for enforcement of motor vehicle restrictions on NFS lands, signs remain a critical part of OHV management in the NFS. Signs and route markers are installed, as appropriate, to help the public understand where they may operate motor vehicles on NFS roads, on NFS trails, and in areas on NFS lands.

The Forest Service will monitor designated routes and areas for effects on natural and cultural resources, public safety, and conflicts among uses, as well as consider input on the need for additional opportunities for motor vehicle use. Monitoring may also focus on the level of compliance and route conditions. Revisions to designations may be made based on the results of monitoring.

SUBPART C

Subpart C provides for regulation of over-snow vehicles. Designation of routes and areas for over-snow vehicles is discretionary. Some Forests are moving ahead with this analysis, which will help provide quality recreational experience, while minimizing conflicts.

Mr. Chairman, this concludes my prepared statement. I would be happy to answer any questions you or other members of the Subcommittee may have.