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Environmental Impact Statement

National Forest System Land Management Planning

United States Department of Agriculture, Forest Service

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National Forest System Land Management Planning Environmental Impact Statement

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Abstract: The Agency proposes to publish a rule at 36 CFR part 219 as a final land management planning rule following litigation which resulted in the invalidation of a rule issued on January 5, 2005 (2005 rule). The 2005 rule guides development, revision, and amendment of land management plans for units of the National Forest System (NFS). The Agency is considering six alternatives in detail, including the proposed action. The proposed action, originally described as the preferred alternative in the draft environmental impact statement, is the planning rule as published on January 5, 2005, amended on March 3, 2006, and modified in response to comments (Alternative A). The other alternatives are: the 2000 rule as it existed before promulgation of the 2005 rule (Alternative B); the 1982 rule as it existed before promulgation of the 2000 rule (Alternative C); a modified version of the 2005 rule, which does not include the requirements for an environmental management system (EMS) (Alternative D); a modified version of the 2005 rule, which does not include the requirements for an EMS and includes timber requirements placed in Agency directives under the 2005 rule (Alternative E); and a modified version of the 2005 rule, which includes requirements for EMS and also includes timber requirements placed in Agency directives under the 2005 rule (Alternative M). Based on public comment on the draft environmental impact statement, Alternative M is the preferred alternative. Seven other alternatives were considered and eliminated from detailed study (Alternatives F-L). The effects analysis concluded that there would be no potential direct, indirect, or cumulative effects from implementation any of the alternatives. The environmental impact statement is available online at http://www.fs.fed.us/emc/nfma/2008_planning_rule.html.

The proposed rule was published for comment in the Federal Register on August 23, 2007 (72 FR 48513). The draft environmental impact statement was published for comment at http://www.fs.fed.us/emc/nfma/2008_planning_rule.html and in hard copy on August 20, 2007. Comments were accepted on the proposed rule and draft environmental impact statement until October 22, 2007, and approximately 79,000 comments were received. Diverse and interrelated comments ranged from strictly procedural to technically specific and demonstrate the interests, thoughts, and opinions that people in the United States have about NFS land management.

SUMMARY

The Agency sought public comment on a proposed land management planning rule at 36 CFR part 219 following a court order invalidating the rulemaking on the National Forest System (NFS) land management planning rule issued on January 5, 2005, (2005 rule), amended on March 3, 2006 (72 FR 48513). The proposed was modified in response to comments on the draft environmental impact statement. The proposed planning rule and alternative planning rules would establish administrative procedures whereby NFS land management plans are developed, revised, and amended.

This action is needed because the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476 *et seq.*), as amended by the National Forest Management Act of 1976 (NFMA) (90 Stat. 2949 *et seq.*; 16 U.S.C. 1601–1614), requires the Secretary of Agriculture to promulgate regulations under the principles of the Multiple-Use Sustained-Yield Act of 1960, for the development and revision of land and resource management plans (16 U.S.C. 1604(g)).

The 2005 rule at 36 CFR part 219 (70 FR 1022) resulted from a review of the National Forest System Land Management Planning Rule issued on November 9, 2000 (2000 rule). The review found: (1) the 2000 rule has definitions and analytical requirements that are complex and unclear and therefore, are subject to inconsistent implementation across the Agency; (2) complying with the regulatory direction in the 2000 rule regarding ecological sustainability and science consistency checks would be difficult; and (3) the complexity of the 2000 rule makes it difficult and expensive to conduct.

This proposal to publish a land management planning rule improves on the 2000 rule with a planning process that is easier to understand, is in the Agency's capability to accomplish, is consistent with the capabilities of NFS lands, and recognizes the strategically programmatic nature of planning.

This rulemaking is the result of a U.S. district court order dated March 30, 2007, which enjoined the United States Department of Agriculture from implementing and utilizing the 2005 planning rule (70 FR1022) until the Department complies with the court's order regarding compliance with the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and the Administrative Procedure Act (APA) (*Citizens for Better Forestry et al. v. USDA*, C.A. C05-1144 (N. D. Cal.)).

The Agency published a Notice of Intent in the Federal Register on May 11, 2007 (72 FR 26775), to start the public involvement process. Also, the Agency sent a letter on May 14, 2007, to more than 500 stakeholders giving notice of its intent to prepare an environmental impact statement to analyze and disclose potential environmental consequences associated with a NFS land management planning rule.

The proposed rule was published for comment in the Federal Register on August 23, 2007 (72 FR 48513). The draft environmental impact statement was published for comment electronically at http://www.fs.fed.us/emc/nfma/2008_planning_rule.html and hard copy on August 20, 2007. Comments were accepted on the proposed rule and draft environmental impact statement until October 22, 2007.

The Forest Service reviewed documents filed in *Citizens for Better Forestry et al. v. USDA* (N.D. Calif.), comments in response to the notice of intent, comments in response to the draft environmental impact statement, comments collected during promulgation of the 2005 rule (70 FR 1022), Agency planning directives (72 FR 4478, 71 FR 10956, 71 FR 5124), and the Agency categorical exclusion for land management planning (71 FR 75481). An interdisciplinary team developed the following issues for discussion:

Diversity of Plant and Animal Communities

Some respondents are concerned that the 2005 rule procedures for diversity weaken protection for fish and wildlife species because the 2005 rule does not include requirements for managing habitat to maintain viable populations, requirement to select management indicator species (MIS), and requirement to either establish habitat objectives for MIS or monitor population trends of MIS.

Timber Management Requirements of 16 U.S.C. 1604(g)

Some respondents are concerned that the 2005 rule guidance for timber resource management (36 CFR 219.12(b)(2)) is inadequate because it does not include the level of specificity of the 1982 rule. Further, some respondents contend the timber management requirements from NFMA are legally required to be in the regulations. Although the 2005 rule states that these requirements will be found in internal Forest Service directives, courts have frequently found that internal Agency directives are not judicially enforceable.

Identification of lands not suited for timber production (16 U.S.C. 1604(k))

Some respondents are concerned that the 2005 rule guidance for identification of lands not suited for timber production (36 CFR 219.12(a)(2) (2005)) is insufficient because it does not include the level of detail that was included in earlier rules. They are concerned that this level of detail represents an elimination of resource protection standards.

Standards and Prohibitions

Some respondents are concerned that the 2005 rule limits land management plans to strategic plan components rather than being a conventional plan. A conventional plan would include plan components that prohibit uses or activities in management areas or prohibit activities near specific ecological features, such as within 100 feet of streams. Some respondents are concerned with guidelines because the 2005 planning rule allows the responsible official discretion (36 CFR 219.12(b)(2)).

Environmental Impact Statement

There is concern that by not requiring an environmental impact statement for plan revisions, the proposed action (2005 rule) does not require consideration of a full range of planning alternatives, reduces public involvement in land management planning, and leaves consideration of cumulative effects to project-level analyses.

Best Available Science and Land Management Plans

Some respondents are concerned because the 2005 rule requires the responsible official to consider the best available science, while the 2000 rule requires the responsible official to ensure that the plan is consistent with the best available science (36 CFR 219.24 (2005)).

Management requirements

Some respondents are concerned that the proposed planning rule does not include minimum specific management requirements as were contained in the 1982 rule at §219.27(1982). They contend that the lack of management requirements in a planning rule will reduce environmental protections and result in significant environmental impacts. They further contend that lower environmental requirements in a planning rule will likely result in less environmental protection at the unit and site-specific levels.

These issues led the Agency to develop alternatives to the proposed action. The Forest Service developed six alternatives for detailed study, including the No Action and Proposed Action alternatives, in response to the significant issues.

Alternative A (Proposed Action)

The 2005 rule; as originally published on January 5, 2005, amended on March 3, 2006, and with an updated effective date and transition period date at §219.14; was the proposed action and was originally described as the preferred alternative in the draft environmental impact statement. In response to public comment on the draft environmental impact statement, the proposed action was edited for clarity and to address the following: (1) reference to categorical exclusions was removed because direction is in Agency NEPA procedures; (2) wording was added to acknowledge that the responsible official may identify an area as generally unsuitable for various uses; (3) wording was added to allow administrative corrections to include other projections of uses or activities; (4) language was added allowing a comprehensive evaluation report to be combined with other documents, including NEPA documents; and (5) Alaska Native Corporation was added to the list of possible partners for joint monitoring. This rule is Appendix A of this environmental impact statement.

The proposed rule: (1) describes the NFS land management planning framework; (2) establishes requirements for sustaining social, economic, and ecological systems and for developing, amending, revising, and monitoring land management plans; and (3) clarifies that land management plans under this rule, absent extraordinary circumstances, are strategic and are one stage in an adaptive management planning cycle for NFS land management. The intended effects of the rule are to: (1) streamline and improve the planning process by increasing the adaptability to changes in social, economic, and environmental conditions; (2) strengthen the role of science in planning; (3) strengthen collaborative relationships with the public and other governmental entities; and (4) reaffirm the principle of sustainable management consistent with the Multiple-Use Sustained-Yield Act and other authorities.

Alternative B (No Action)

Under the No Action alternative, the 2000 rule at 36 CFR part 219, as it existed before promulgation of the 2005 rule, would guide development, revision, and amendment of land management plans for the NFS. This rule: (1) describes the framework for NFS land and natural resource planning; (2) reaffirms sustainability as the goal for NFS planning and management; (3) establishes requirements for the implementation, monitoring, evaluation, amendment, and revision of land and resource management plans; and (4) guides the selection and implementation of site-specific actions. The 2000 rule, as amended, is Appendix B of this environmental impact statement.

Alternative C

Under this alternative, the 1982 rule at 36 CFR part 219, as amended, would guide development, revision, and amendment of land management plans for the NFS.

This rule requires integration of planning for national forests and grasslands (including planning for timber, range, fish and wildlife, water, wilderness, and recreation resources) with resource protection activities, such as fire management, and other resource uses such as minerals. Alternative C is in Appendix C of this environmental impact statement.

Alternative D

This alternative is the same as the proposed action (Alternative A) but without either environmental management system (EMS) requirements or references to EMS. The EMS section at §219.5 in the proposed action is not in this alternative. EMS would not be part of the plan set of documents. EMS establishment would not be required before plan approval and it would not mark the end of the transition period.

Alternative E

This alternative is the same as the proposed action (Alternative A) as modified by: (1) removing environmental management systems (EMS) requirements and various references to EMS, (2) adding standards as a plan component, (3) adding more direction about identifying lands suitable for timber production and timber harvest, and (4) adding various timber management requirements from the National Forest Management Act (NFMA). This direction for various timber management requirements is currently specified in Forest Service directives (FSM 1921.12, FSH 1909.12, chapter 40).

Alternative M – Preferred Alternative

This alternative was developed in response to a host of comments received in response to the draft environmental impact statement. This alternative is the same as the proposed action (Alternative A) as modified by: (1) revising EMS requirements; (2) allowing standards as a plan component, (3) having requirements to evaluate and disclose uncertainties in Agency directives rather than in the rule; (4) adding timber management requirements from the National Forest Management Act (NFMA) (16 U.S.C. 1604(g)) and additional detailed direction concerning identification of lands not suited for timber production; (5) revising the transition language; (6) adding the definition of ‘timber harvest’; and (7) adding several additional editorial changes to improve clarity.

Seven additional alternatives (F – L) were considered and eliminated from detailed study because they did not meet the purpose and need for action.

Major conclusions of the environmental analysis are as follows:

Regardless of the planning rule used, land management plans for each unit of the NFS will reflect social and economic values placed on NFS lands and environmental laws, regulations, and requirements for protection of the environment. The proposed planning rule and alternative planning rules merely set forth processes to recognize and document these values and environmental protections.

The proposed planning rule and alternative planning rules have no direct, indirect, or cumulative effect on the human environment. None of the alternatives would result in unavoidable adverse effects or a decrease in NFS land productivity. Finally, these rules do not call for any irreversible or irretrievable commitments of resources.

The environmental impact statement for the proposed planning rule is available online at http://www.fs.fed.us/emc/nfma/2008_planning_rule.html.

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CHAPTER 1. PURPOSE OF AND NEED FOR ACTION

Document Structure

The Forest Service has prepared this environmental impact statement in compliance with NEPA and other relevant Federal and State laws and regulations. This environmental impact statement discloses the direct, indirect, and cumulative environmental impacts that could result from the proposed action and alternatives. This environmental impact statement is available online at http://www.fs.fed.us/emc/nfma/2008_planning_rule.html.

The document is organized into four chapters:

Chapter 1. Purpose and Need for Action: This chapter includes information on the history of the proposal, the purpose of and need for action, and the Agency's proposal for achieving the purpose and need. This chapter also details how the Forest Service informed the public of the proposal and how the public responded. Finally this chapter summarizes issues with the proposed action identified from internal and external scoping.

Chapter 2. Alternatives, including the Proposed Action: This chapter provides a more detailed description of the Agency's proposed action and alternative methods for achieving the stated purpose. These alternatives were developed based on significant issues identified during scoping.

Chapter 3. Affected Environment and Environmental Consequences: This chapter describes the environmental effects of implementing the proposed action and other alternatives.

Chapter 4. Consultation and Coordination: This chapter provides a list of preparers and agencies consulted during the development of the environmental impact statement.

Appendices: The appendices provide more detailed information to support the analyses presented in the environmental impact statement.

Index: The index provides page numbers by document topic.

Additional documentation, including more detailed analyses, is in the project planning record.

Background

The Forest Service is responsible for managing the lands and resources of the NFS, which include 193 million acres in 44 states, Puerto Rico, and the Virgin Islands. The NFS is composed of 155 national forests, 20 national grasslands, one national prairie, and other miscellaneous lands under the jurisdiction of the Secretary of Agriculture (the Secretary).

The Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476 *et seq.*), as amended by the National Forest Management Act of 1976 (90 Stat. 2949 *et seq.*; 16 U.S.C. 1601-1614), requires the Secretary to promulgate regulations under the

principles of the Multiple-Use Sustained-Yield Act of 1960 for the development and revision of land and resource management plans (16 U.S.C. 1604(g)).

The first planning rule, adopted in 1979, (44 FR 53928) was substantially amended on September 30, 1982 (47 FR 43026), and was partially amended on June 24, 1983, (48 FR 29122), and on September 7, 1983 (48 FR 40383). It is the 1982 rule, as amended, that has guided the development, amendment, and revision of the land and resource management plans (plans) on all national forests and grasslands.

The Forest Service has undertaken several reviews of the planning process implemented under the 1982 rule. The first review occurred in 1989 when the Forest Service, with the assistance of the Conservation Foundation, conducted a comprehensive review of the planning process and published the results in a summary report, *Synthesis of the Critique of Land Management Planning* (1990). The critique concluded that the Agency spent too much time on planning, that planning costs too much; and therefore, that the Forest Service needed a more efficient planning process.

Subsequently, the Forest Service published an Advance Notice of Proposed Rulemaking on February 15, 1991, (56 FR 6508) regarding possible revisions to the 1982 Rule. A proposed rule was published in 1995 (60 FR 18886), however, the Secretary elected not to proceed with that proposal.

In response to comments on the 1995 proposed rule, the Secretary convened a 13-member Committee of Scientists in late 1997 to evaluate the Forest Service's planning process and recommend changes. In 1998, the Committee of Scientists held meetings across the country and invited public participation. The Committee's findings were issued in a final report, *Sustaining the People's Lands* (March 1999). The Agency learned that by relying on the concepts and principles of social, economic, and ecological sustainability; by applying the best available scientific knowledge; and by effectively collaborating with a broad array of citizens, other public servants, and governmental and private entities land management planning could be improved. In response to many of the findings in the 1990 *Synthesis of the Critique of Land Management Planning* and the 1999 Committee of Scientists report, the Forest Service proposed a planning rule that would provide a more efficient planning process. A proposed rule was published on October 5, 1999 (64 FR 54074), and a final rule was adopted on November 9, 2000 (65 FR 67514).

In the environmental assessment for the 2000 rule the Agency stated, "The current regulation requires many detailed analyses that often are not responsive to evolving social, economic, and natural environments. Further, the existing regulation imposes now obsolete and sometimes unnecessary requirements. Finally, the Forest Service has found that these requirements often do not lead to the development of reliable or useful information regarding the condition of the environment on NFS lands or the production of products and services from those lands." The environmental assessment also stated, "Practical results from the first generation of plans for National Forests and Grasslands reveal a clear and pressing need to reduce the technical and administrative burdens of costly procedural requirements, improve coordination with the public and other governmental entities, and improve the application of the best available scientific understanding of sustainable ecological, social, and economic environments." (USDA Forest Service 2001)

The 2000 rule changed the Forest Service planning process by: (1) establishing ecological, social, and economic sustainability as the overall stewardship goal for managing the NFS; (2) identifying maintenance and restoration of ecological sustainability as the first priority for management of NFS lands; (3) requiring collaboration with the general public, interested organizations, Tribal, State and local governments, and Federal agencies in all phases of the planning process; (4) expanding monitoring and evaluation requirements; (5) specifying the involvement of scientists and establishing detailed requirements for the application of science in the planning process; and (6) providing a dynamic planning framework for solving problems and addressing issues at the appropriate scale. The 2000 rule applied to plan amendments and revisions and to project-level planning and decisionmaking.

The 2000 planning rule emphasized sustainability, which assists the Forest Service in providing for multiple uses through time. The 2000 rule also focused on updating existing plans and removing some analytical requirements of the 1982 rule, such as the requirements for developing benchmarks that were no longer considered helpful. The 2000 rule also emphasized public involvement more than the 1982 rule. The 2000 rule gave explicit direction on the use of science in the planning process, while the 1982 rule relied on knowledge shared through an interdisciplinary team approach without procedural requirements for the use of science. The 2000 rule replaced the post-decisional administrative appeal process for challenging plans with a pre-decisional objection process. The 2000 rule also delegated the authority for plan decisions to the forest or grassland supervisor, rather than to the regional forester. The 2000 rule recognized the plan as a dynamic document.

After adoption of the 2000 rule, the Secretary received a number of comments from individuals, groups, and organizations expressing concerns regarding the implementation of the 2000 rule. In addition, lawsuits challenging promulgation of the rule were brought by a coalition of 12 environmental groups from seven states and by a coalition of industry groups (*Citizens for Better Forestry v. USDA*, No. C-01-0728-BZ- (N.D. Calif., filed February 16, 2001)) and (*American Forest and Paper Ass'n v. Veneman*, No. 01-CV-00871 (TPJ) (D.D.C., filed April 23, 2001)). As a result of these lawsuits and concerns raised in comments to the Secretary, the Department of Agriculture initiated a review of the 2000 rule focusing on implementation. The NFMA Planning Rule Review, completed in April 2001, concluded that many of the concerns regarding implementation of the rule were serious and required immediate attention. (USDA Forest Service 2001)

The Forest Service developed a business analysis model of the 2000 rule and then conducted a workshop with field-level planners to determine how to implement the 2000 rule based on the business model. The business model provided the basis for a systematic evaluation of the rule. The facilitated workshop centered on answering two questions: (1) Are the business requirements clearly understood? (2) What is the Agency's perceived ability to execute the requirements? An important consideration is that the evaluation of the 2000 rule was conducted by planning practitioners with current field-level experience. The practitioners were Agency experts in a variety of resource areas that could assess what can reasonably be accomplished, considering existing knowledge and information, the issues relevant to planning areas, and local staffing and funding situations. The business model review determined that implementation of the 2000 rule would require

significantly more time and budget than the Agency had previously committed to updating and maintaining unit plans. (USDA Forest Service 2002)

Having considered the reports of the review teams, the Acting Deputy Under Secretary for Natural Resources and Environment requested that the Chief of the Forest Service develop a proposed rule to revise the 2000 rule. A new planning rule was proposed on December 6, 2002 (67 FR 72770).

Also, interim final rules extending the transition from the 1982 planning rule to the 2000 planning rule were published in 2001 (66 FR 27552) and 2002 (67 FR 35431), the latter rule allowed Forest Service managers to elect to continue preparing plan amendments and revisions under the 1982 planning rule until a new final rule was adopted. An interim rule was published in 2003 (68 FR 53294) extending the date by which site-specific project decisions must conform with provisions of the 2000 planning rule until a new rule was promulgated. Finally, an interpretive rule was published in 2004 (69 FR 58055) to clarify the intent of the transition section of the 2000 rule regarding the consideration and use of the best available science to inform project decision making.

The final 2005 rule was published January 5, 2005 (70 FR 1022), and amended March 3, 2006 (71 FR 10837). It was subsequently the subject of litigation (*Citizens for Better Forestry et al. v. USDA* (N.D. Calif.)). In an order dated March 30, 2007, the United States District Court enjoined the USDA from implementing and utilizing of the 2005 rule until it takes additional steps to comply with the court's opinion regarding the APA, ESA, and NEPA. The Court stated, "In particular, the agency must provide notice and comment on the 2005 Rule as required by the APA since the court concludes that the rule was not a "logical outgrowth" of the 2002 Proposed Rule. Additionally, because the 2005 Rule may significantly affect the quality of the human environment under NEPA, and because it may affect listed species and their habitat under ESA, the agency must conduct further analysis and evaluation of the impact of the 2005 Rule in accordance with those statutes."

Without conceding the correctness of the Court's ruling, the Agency has decided to undertake this process, thus expediting much needed plan revisions.

Purpose and Need for Action

The purpose and need for action was described in the notice of intent to prepare an environmental impact statement published in the Federal Register on May 11, 2007. (72 FR 26775) While the notice stated the summary conclusions from the two planning rule reviews described below, the following discussion provides a complete list of findings from the two reviews.

The proposed rule has two purposes. The primary purpose is to improve upon the 2000 rule by providing a planning process that is understandable, is within the Agency's capability to implement, is consistent with the capabilities of NFS lands, recognizes the strategic and programmatic nature of planning, and meets the intent of the NFMA while making cost effective and efficient use of resources allocated to the Agency for land management planning.

The second purpose of this action is a response to the court order of March 30, 2007, (*Citizens for Better Forestry et al. v. USDA* (N.D. Calif.) described above. This

environmental impact statement was prepared to document analysis and evaluation of the impact of the 2005 rule in accordance with NEPA.

The proposed rule is needed to address the limitations of the 2000 rule as identified in the April 2001 NFMA Planning Rule Review and the May 2002 business model analysis workshop discussed above.

The NFMA Planning Rule Review found the following:

- (1) In the 2000 rule, ecological sustainability is a new management standard and economic and social sustainability has secondary focus, which is contrary to multiple use and sustained yield principles.
- (2) There are three problems identified regarding the viability provisions in the 2000 rule. First is the level of precision implied for measurement of viability; second is that the viability requirement in the rule extends beyond what is required in statute; and third is that a coarse-filter approach was offered as more consistent with scientific feasibility and more consistent with management of ecosystems than hundreds of individual species assessments.
- (3) The rule injects scientists directly into the planning process. While it might be appropriate to consider the best available science, it is the science that is relevant, not the person bringing it. The rule requirement to consult scientists could lead to confusion about the role of scientists in the decision.
- (4) Increasing dependence on research and development scientists alone would effectively overwhelm the research mission of the Forest Service.
- (5) The rule requires considerable analysis of ecological, economic, and social components of sustainability, all of which must be accomplished using the best available science. These analysis requirements are substantially greater than anything accomplished in even the most intense planning efforts and they are likely beyond the Agency's capability.
- (6) The rule calls for a science advisory board to counsel regional foresters regarding the application of science on issues identified by the Chief, and Federal Advisory Committee Act-compliant regional advisory boards to advise regional foresters regarding the application of science. The processes to establish Federal Advisory Committee Act - compliant science advisory boards are difficult and the costs could be substantial.
- (7) The rule describes a level and specificity of monitoring that might not be feasible. The rule includes requirements establishing monitoring methodologies, methods frequency of sampling and sampling protocols (that is, focal species and species-at-risk) in the plan. This could result in unnecessary delays of decisions and investments in information that are not warranted or necessary to make a reasoned decision.

The business model analysis workshop raised the following issues, which are similar to those noted by the NFMA Planning Rule Review:

- (1) The ability to achieve the ecological, social, and economic sustainability standards in the 2000 rule and the viability provisions for the diversity of plant and animal communities is questionable.
- (2) The 2000 rule includes unnecessarily detailed procedural requirements for scientific peer reviews, broad-scale assessments, monitoring, and science advisory boards.

(3) The rule requirements do not recognize the limits of budgets for use of science and it does not clearly relate use of science to the scope of issues in the planning process.

(4) The 2000 rule also did not recognize limitations on the availability of scientists. It is unwise to place such detailed requirements on the use of scientists in the rule given the ambiguities of the rule text and the limited availability of scientists. Although science is needed to inform the responsible official, the 2000 rule anticipated a level of involvement by scientists that might not be needed considering the planning issues or the anticipated amount of project activities in the plan area.

(5) The unnecessarily detailed requirements for monitoring and evaluation in the 2000 rule are likely beyond the capacity of many units to perform.

(6) Mixing programmatic and project-level planning direction in the rule is confusing.

(7) The monitoring requirements in the 2000 rule are overly prescriptive and do not provide the responsible official sufficient discretion to decide how much information is needed.

The business model analysis workshop conclusions are a suitable summary of both reviews:

(1) The 2000 rule has both definitions and analytical requirements that are very complex, unclear, and, therefore, subject to inconsistent implementation across the Agency;

(2) Compliance with the regulatory direction on such matters as ecological sustainability and science consistency checks would be difficult, if not impossible, to accomplish;

(3) The complexity of the 2000 rule makes it difficult and expensive to implement;

Moreover, in 2002, public comment on the proposed rule identified the following principles and practical considerations for plans and planning:

- *Plans should be strategic in nature.* The purpose of plans should be to establish goals for forests, grasslands, and prairies and establish the guidance to follow in pursuit of those goals. Such goals can be expressed by describing desired conditions, objectives, guidelines, suitability of areas, and special areas. Typically, a plan does not include final decisions approving projects or activities.
- *Plans must be adaptive and based on current information and science.* During the 15-year life expectancy of a plan, information, science, and unforeseen circumstances evolve. Adjusting plans and the plan-monitoring program using adaptive management principles and reaction to new information and science swiftly and efficiently must be possible.
- *Land management planning must involve the public.* Plans are prepared for the public's lands. Public participation and collaboration should be welcomed and encouraged as a part of planning. To the extent possible, responsible officials should work collaboratively with the public to help balance conflicting needs, to evaluate management under the plans, and to consider the need to adjust plans.
- *Plans must guide sustainable management of NFS lands.* The Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528–531) requires that NFS lands be managed to provide a continuous flow of goods and services to the nation. To meet this requirement, plans must focus on providing a sustainable framework –

based on social, economic, and ecological systems – that guides on-the-ground management of projects and activities and provides these goods and services.

- *Planning must comply with all applicable laws, regulations, and policies.*
Planning must comply with all applicable laws, regulations, and policies, although all these requirements do not need to be restated in a plan. For example, specific Best Management Practices under the Clean Water Act do not have to be repeated in the plan to be in effect and applicable to NFS projects and activities.

Based on the results of the previously mentioned reviews, principles, and practical considerations, a planning rule is needed that:

- Contains clear and readily understood requirements;
- Makes efficient use of Agency staff resources and collaborative efforts;
- Establishes a planning process that can be conducted within Agency planning budgets;
- Provides for diversity of plan and animal species, consistent with capabilities of NFS lands;
- Requires analyses that are within the Agency's capability to conduct;
- Recognizes the strategic nature of land management plans;
- Considers best available science;
- Requires public involvement in development of a monitoring strategy, taking into account key social, economic, and ecological performance measures and provides the responsible official sufficient discretion to decide how much information is needed;
- Promotes the use of adaptive management;
- Involves the public;
- Guides sustainable management; and
- Complies with applicable laws, regulations, and policies.

Proposed Action

The Agency proposed adoption of a planning rule that was essentially identical to the 2005 rule as published in the Federal Register on January 5, 2005 (70 FR 1022) and amended on March 3, 2006 (71 FR 10837). The effective date and the end of the transition period date of the 2005 final rule (§219.14) differs from this proposed rule. The proposed planning rule was the culmination of the Agency's response to issues with the previous planning rules: 1979 rule, 1982 rule, 1995 proposed rule, 1999 proposed rule, 2000 rule, and 2002 proposed rule. The proposed action was modified in response to public and internal Agency comments on the draft environmental impact statement. The proposed planning rule is in Appendix A.

Decision Framework

The Under Secretary for Natural Resources and Environment, USDA, will decide which of the following alternative planning rules or modifications thereto to promulgate.

Public Involvement

A notice of intent was published in the Federal Register on May 11, 2007. The notice of intent asked for public comment on the proposal until June 11, 2007. Because of the extensive amount of public comment already received on the 2005 rule, planning directives, and the Agency categorical exclusion for land management planning, no public meetings were held for the scoping effort.

In addition to considering comments received during the scoping period, the Forest Service reviewed the court's opinion in *Citizens for Better Forestry et al. v. USDA* (N.D. Calif.) and comments collected during promulgation of the 2005 rule (70 FR 1022), Agency planning directives (72 FR 4478, 71 FR 5124), and the Agency categorical exclusion for land management planning (71 FR 75481). Based on comments and the reviews, an interdisciplinary team developed a list of issues to address.

Comments on the notice of intent to prepare an environmental impact statement

The Agency received a little more than 800 responses regarding the notice of intent to prepare an environmental impact statement. The responses ranged in length from one sentence to sixty-two pages. Comments contained within the responses included advocacy for a particular planning rule, suggested analyses to conduct, issues to consider, compliance with laws and regulations, and alternatives to the proposed action.

The comments represent a wide range of viewpoints. Some responses applauded the proposed action and encourage the agency to move forward as quickly as possible. Other respondents had fundamentally different viewpoints from the Agency regarding the proposed action, the nature of a planning rule, and the potential environmental impacts of the proposed action. Alternative viewpoints were helpful in preparation of the issues, alternatives, and environmental consequences sections of this environmental impact statement.

Some responses raised specific issues with the proposed action while others raised broader points of debate with overall management of the NFS. Some respondents also suggested alternatives to the proposed action while others suggested alternative processes for promulgating a planning rule or alternative purposes for the NFS. The suggested alternatives are discussed in Chapter 2.

A number of respondents offered advice about what analysis should be completed or what procedures were most appropriate. The Agency also received many comments regarding the purpose and need, the nature of planning, and what should be accomplished through the planning regulation. The Agency considered all comments, including those determined to be outside the scope of the environmental impact statement. Scoping comments are included in the project record.

Comments on the draft environmental impact statement

The proposed rule was published for comment in the Federal Register on August 23, 2007 (72 FR 48513). The draft environmental impact statement was published for

comment, both electronically at http://www.fs.fed.us/emc/nfma/2008_planning_rule.html and in hard copy on August 20, 2007. Comments were accepted on the proposed rule and draft environmental impact statement until October 22, 2007. The Agency received approximately 79,500 comments on the proposed rule and draft environmental impact statement. Of these, about 78,500 are form letters. The remaining letters consist of original responses or form letters with added original text. Some respondents focused their remarks on provisions of the proposed rule, others concentrated on the alternatives and analyses in the DEIS, and many comments applied to both.

Comments received on the proposed planning rule and the draft environmental impact statement reflect the continued debate about the appropriate way to develop and implement forest management plans for NFS lands. Many concerns raised during this comment period were also mentioned during earlier rulemaking efforts for the 2005 planning rule and the 2000 planning rule. Respondents were clearly aware of the earlier debates and often referred to earlier rules, earlier public involvement processes, and the various court cases and rulings that surround earlier proceedings. In several cases, respondents ask that their earlier comments be included in the record for this rule, and some attached copies of their earlier comments to their responses on this action.

Overall, comments reflect what individuals see as the appropriate role of the Forest Service in the management of Federal lands and resources. Many see national forest system lands as ecosystems providing a host of resources including wildlife habitat, clean water and air, a diversity of species, recreation, and the potential capacity to help control global climate change. Accordingly, many express the view that the primary goal of the Forest Service should be the “protection of our national ecosystems and resources.” These respondents believe that national forest system lands need more environmental safeguards, not fewer. Some respondents argue that the Forest Service has a responsibility to protect Federal lands for the benefit of the entire nation, not just the interests of local groups, private corporations, extractive industries, or individual politicians. Some request specifically that the laws governing the national forests be designed to protect the forests from the destructive effects of mining and logging. Some suggest that there are “plenty of public lands that allow the commercial utilization of those resources” and encourage the Forest Service to retain protections on forests and grasslands. Others note that forest management should be “conducted within a framework of continual learning.” The sentiment among many is that national forest system lands and their resources should be protected for the good of the nation, the globe, and human well-being. As a result, many of these respondents oppose the proposed rule because they believe that it does not adequately protect the resources of the national forests from the impacts of extractive uses. They see the rule as moving away from the wildlife conservation and environmental protection efforts of the past 20 years. Further, they are concerned that the rule would “eliminate meaningful public participation in local forest planning.” Concern that the rule would weaken the protections provided in the National Forest Management Act is also frequently expressed by respondents. These respondents argue that the rule weakens or eliminates “mandatory protections for wildlife and clean water.” Further, respondents argue that the proposed rule does not comply with the requirements of the National Environmental Policy Act.

Overall, comments reflected what individuals see as the appropriate role of the Forest Service in the management of Federal lands and resources. Many see NFS lands as ecosystems providing a host of resources including wildlife habitat, clean water and air, a diversity of species, recreation, and the potential capacity to help control global climate change. Accordingly, many expressed the view that the primary goal of the Forest Service should be the “protection of our national ecosystems and resources.” These respondents believe that NFS lands need more environmental safeguards. Some respondents argued that the Forest Service has a responsibility to protect Federal lands for the benefit of the entire nation, not just the interests of local groups, private corporations, extractive industries, or individual politicians. Some requested specifically that the laws governing the national forests be designed to protect the forests from the destructive effects of mining and logging. Some suggested that there are “plenty of public lands that allow the commercial utilization of those resources” and encouraged the Forest Service to retain protections on forests and grasslands. Others noted that forest management should be “conducted within a framework of continual learning.” The sentiment among many is that NFS lands and their resources should be protected for the good of the nation, the world, and human well-being. As a result, many of these respondents oppose the proposed rule because they believe that it does not adequately protect the resources of the national forests from the impacts of extractive uses. They see the rule as moving away from the wildlife conservation and environmental protection efforts of the past 20 years. Further, they are concerned that the rule would “eliminate meaningful public participation in local forest planning.” Concern that the rule would weaken the protections provided in the NFMA was frequently expressed by respondents. These respondents argue that the rule weakens or eliminates “mandatory protections for wildlife and clean water.” Further, respondents argue that the proposed rule does not comply with the requirements of NEPA.

On the other hand, respondents that support the rule tend to favor a multiple-use policy that includes extractive industries, such as mining and timber; facilities for utilities, such as telecommunications; and hunting. Some of these respondents noted that among other things the rule would do a better job of addressing the needs of “both game and non-game wildlife,” would provide greater flexibility to adapt to changes on the ground as “our understanding of the relevant science” changes, and would support a “community-based” approach to forest planning. Some respondents support the proposed rule because they see it as an effective tool for streamlining the planning process and “truncat[ing] the endless cycle of planning, appeals and litigation.” Further, they noted that until new planning regulations are issued, units of the Forest Service “are unable to complete their planning process, resulting in significant uncertainty for the agency and public.” Others note that under the 1982 planning rule, revisions to forest plans could often take several years to complete. These respondents see the proposed rule as an effective way to reduce the time and expense required for forest plan revisions.

On the other hand, some who oppose the rule argue that the 2005 Rule and the court cases surrounding it are the reason for the “planning gridlock,” and that the Forest Service should establish more protective rules, such as the 1982 rule.

Of all the responses received, the majority has been form letters with only respondents’ signatures. Some respondents have added personal comments in addition to their

signature to form letters. In addition to original letters, these form letters represent some of the strongest positions taken by respondents.

The CEQ regulations at 40 CFR 1503.4 direct agencies to respond to comments by one or more of the following means:

- Modify alternatives including the proposed action;
- Develop and evaluate alternatives not previously given serious consideration;
- Supplement, improve, or modify its analyses;
- Make factual corrections; and
- Explain why the comments do not warrant further Agency response.

Based upon comments received on the draft environmental impact statement, Alternatives A, D, and E were modified and an additional alternative was developed and evaluated. Several others were considered and eliminated from detailed study for reasons described in Chapter 2. The analysis was improved. Comments and Agency responses are summarized in Appendix G.

Issues

The CEQ regulations at 40 CFR 1501.7 direct agencies to “Determine the scope (§1508.25) and the significant issues to be analyzed in depth in the environmental impact statement” and to “identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (§1506.3).” Scope consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. (40 CFR 1508.24) The scope of this environmental impact statement is defined by the proposed action, alternatives developed to address significant issues while meeting the purpose and need for action, and the potential impacts identified in the significant issues.

The Forest Service identified as significant issues that could directly or indirectly result from implementing the proposed action. Issues identified as not being significant were those, (1) outside the scope of the proposed action; (2) already decided by law or other regulation; (3) unrelated to the decision to be made; or (4) conjectural and not supported by scientific or factual evidence. A list of non-significant issues and why they are considered non-significant is in the record.

The Forest Service identified the following significant issues during scoping. This set of issues was validated by comments received in response to public review of the draft environmental impact statement. The issues represent alternative viewpoints concerning the possible effects of implementing the proposed planning rule.

Diversity of Plant and Animal Communities

Some respondents are concerned the proposed action’s (2005 rule) ecosystem diversity and species diversity provisions weaken the protections for fish and wildlife species because they do not include the requirements for managing habitat to maintain viable populations or the requirement to select management indicator species (MIS), establish habitat objectives for MIS, or monitor population trends of MIS that were included in the 1982 rule. Some respondents have the concern that the 2005 rule eliminates or relaxes

substantial environmental protections for wildlife habitat because it does not establish provisions to “ensure” habitat for viable populations.

Some respondents are concerned that the 2005 rule provides too much discretion to the responsible official and therefore delegates decision-making authority that will not be subject to stringent court review. Even though the 2005 rule requires guidance to be placed in the Agency directive system, some respondents believe agency directives are unenforceable by the courts. The 2005 rule is viewed as giving more discretion to responsible officials than previous planning efforts.

Timber Management Requirements of 16 U.S.C. 1604(g)

Some respondents are concerned that the 2005 rule guidance for timber resource management (36 CFR 219.12(b)(2)) is inadequate because it does not include the level of specificity of the 1982 rule. Further, some respondents contend that NFMA requires that timber management provisions to be in the regulations instead of Agency directives as proposed by the 2005 rule.

Identification of Lands Not Suited for Timber Production (16 U.S.C. 1604(k))

Some respondents are concerned that the 2005 rule guidance for identification of lands not suited for timber production (36 CFR 219.12(a)(2)(2005)) is insufficient because it does not include the level of detail that was included in earlier rules. They are concerned that this level of detail represents an elimination of resource protection standards.

Standards and Prohibitions

Some respondents are concerned that the 2005 rule limits plan content to strategic plan components rather than a traditional package of standards and guidelines as was adopted by the 1982 planning rule.

Some respondents are concerned that the 2005 rule allows responsible official discretion in complying with guidelines (36 CFR 219.12(b)(2)). The 2005 rule preamble states that the responsible official has “the latitude to depart from guidelines when circumstances warrant it” (70 FR 1026).

Some respondents believe that only measurable mandatory standards allow the public to hold the Forest Service accountable.

Environmental Impact Statement

Some respondents are concerned that the proposed action’s (2005 rule) procedures related to NEPA are inadequate because an environmental impact statement would not be required for land management plans. Under the proposed action, a responsible official may categorically exclude approval of a plan, plan amendment, or plan revision from NEPA documentation. There is concern that by not requiring an environmental impact statement, the proposed action does not require consideration of a full range of planning alternatives, reduces public involvement in land management planning, and leaves consideration of cumulative effects to project-level analyses.

Best Available Science and Land Management Plans

Some respondents advocate that the 2000 rule is better than the 2005 rule because the 2000 rule requires the responsible official to ensure that plan amendments and revisions are consistent with the best available science (36 CFR 219.24 (2000)). Respondents are

concerned the 2005 rule only requires that the responsible official “take into account” the best available science. They commented that a responsible official should not make a decision without the input of science and scientists. They contend the responsible official’s discretion under the 2005 rule might conflict with provisions for the use of scientific and collaborative input.

Management Requirements

Some respondents are concerned that the proposed planning rule and alternatives do not include minimum specific management requirements as the 1982 rule does at §219.27(1982). They contend that the lack of management requirements in the planning rules will reduce environmental protections and result in significant environmental impacts. They further contend that lower environmental requirements in a planning rule will result in less environmental protection at the unit and site-specific levels

CHAPTER 2. ALTERNATIVES, INCLUDING THE PROPOSED ACTION

Introduction

This chapter describes and compares the alternatives considered with the proposed planning rule. This section compares the alternatives and presents the differences between each alternative to establish a basis for choice by the decision maker and the public. The information used to compare the alternatives is based upon the design of the alternative and its responsiveness to the issues and purpose and need for action.

Alternatives Considered in Detail

The Forest Service developed six alternatives, including the No Action and Proposed Action alternatives, in response to the significant issues and comments on the draft environmental impact statement.

Alternative A (Proposed Action)

The proposed action was the 2005 rule as originally published on January 5, 2005 (70 FR 1022), and amended on March 3, 2006 (71 FR 10837), and with updated effective date and transition period date at §219.14. The proposed rule was modified in response to comments on the draft environmental impact statement. The modifications are detailed in the alternative description that follows. The rule is in Appendix A. This alternative includes guidance in the Agency's planning directives, consisting of detailed planning procedures and analysis processes that would be used if this alternative is selected. These directives are available at <http://www.fs.fed.us/emc/nfma/index5.html>.

The proposed rule describes the NFS land management planning framework; requires plans to address sustainability of social, economic, and ecological systems; and clarifies that land management plans under this rule, absent extraordinary circumstances, are strategic in nature and are one stage in an adaptive cycle of NFS land management planning. The intended effects of the rule are to: (1) streamline and improve the planning process by increasing the adaptability to changes in social, economic, and environmental conditions; (2) strengthen the role of science in planning; (3) strengthen collaborative relationships with the public and other governmental entities; and (4) reaffirm the principle of sustainable management consistent with the Multiple-Use Sustained-Yield Act and other authorities.

On January 31, 2006, the Forest Service adopted directives for the 2005 rule that set forth the legal authorities, objectives, policy, responsibilities, direction, and overall guidance that Forest Service line officers, Agency employees, and others would need to use along with the rule for plan development, amendment, and revision (71 FR 5124). If the United States Department of Agriculture (Department) promulgates the proposed rule as final, the Agency would implement this rule using the current directives, modified, as necessary, to account for any changes because of this rulemaking. If changes are required to directives, the Agency will provide an opportunity to the public to comment on future changes to the directives where there is substantial public interest or controversy concerning the future changes.

In response to comments received on the draft environmental impact statement from both the public and within the Agency, the proposed action was modified as follows:

219.1, Purpose and applicability – “required components” is replaced with “plan components” to be consistent with §219.7.

219.4, NEPA compliance – the requirement for plan development, revision, and amendment to comply with Agency NEPA procedures is revised to remove the reference to categorical exclusion.

219.6, Evaluations and monitoring – Within paragraph (a)(1), language is added stating that a comprehensive evaluation report may be combined with other documents, including NEPA documents. This change is made to eliminate a perception that two documents may be required in such a case. Within paragraph (b)(2), the provision requiring the monitoring program evaluate multiple-use objectives is removed because paragraph (b)(1) also requires that the monitoring program evaluate “objectives for the plan” that include multiple-use objectives. Also within paragraph (b)(2), the provision requiring the monitoring program to determine the effects of the various resource management activities within the plan area on the productivity of the land is changed. The provision now requires that the monitoring program evaluate the effects of each management system to ensure that the system will not produce substantial and permanent impairment of the productivity of the land. This change is made to make the provision agree with NFMA words at 16 U.S.C. 1604(g)(3)(C). Alaska Native Corporation is added to the list of possible partners for joint monitoring.

219.7, Developing, amending, or revising a plan – Within paragraph (a)(2)(iv), wording is added to acknowledge that the responsible official may identify an area as generally unsuitable for various uses. At paragraph (b)(4), wording is added to allow administrative corrections to include other projections of uses or activities. This change was made to allow planners to update projections of other uses besides timber to be updated. At paragraph (c)(6), wording is added to require that if a plan approval document is the result of an EA or EIS process, the plan approval document would be prepared in accordance with Forest Service NEPA procedures. This wording was added to ensure that a plan approval document in these circumstances would meet both the requirements of the final rule and Agency NEPA procedures.

219.8, Application of a new plan, plan amendment, or plan revision – language is changed to require consistency with applicable plan components.

219.9, Public participation, collaboration, and notification – the name Alaska Native Corporation is added to the list of persons to which the responsible official must provide opportunities for collaboration. At paragraph (b)(3) (v), language is modified to provide required content for a public notice in cases where an ongoing planning process was delayed because of the court’s order (*Citizens for Better Forestry et al. v. USDA*, C.A. C05-1144 (N. D. Cal.)).

219.16, Definitions – The term “Alaska Native Corporations” is added to the definitions section. The definition of the term “adaptive management” has been modified to agree with the definition used in the ongoing NEPA rule-making.

The proposed action is intended to address the shortcomings of the 2000 rule and to incorporate the five principles and practical considerations previously described.

Specifically, the proposed planning rule meets the purpose and need for action through the following features:

- Includes requirements that are clear and readily understood;
- Makes efficient use of Agency staff resources and collaborative efforts;
- Is within Agency planning budgets;
- Provides for diversity of plant and animal species, consistent with capabilities of NFS lands;
- Requires analyses that are within the Agency's capability to conduct;
- Recognizes the strategic nature of land management plans;
- Considers best available science;
- Requires public involvement in development of a monitoring strategy, taking into account key social, economic, and ecological performance measures and provides the responsible official sufficient discretion to decide how much information is needed;
- Promotes the use of adaptive management;
- Involves the public;
- Guides sustainable management; and
- Complies with applicable laws, regulations, and policies.

Alternative B (No Action)

Under the No Action alternative, the 2000 rule at 36 CFR 219, as amended, would guide development, revision, and amendment of land management plans for the NFS. For purposes of analysis, the Agency assumes the transition language at §219.35 in the 2000 rule would not remain in perpetuity. Thus, the option to revise or amend land management plans under the provisions of the 1982 rule is not contemplated in the analysis of this alternative.

The 2000 rule describes the framework for NFS land and natural resource planning; establishes sustainability as the first priority for NFS planning and management; establishes requirements for the implementation, monitoring, evaluation, amendment, and revision of land and resource management plans; and guides the selection and implementation of site-specific actions. The 2000 rule, as amended, is in Appendix B. There are no directives specified for plan development, plan amendment, or plan revisions under the 2000 rule.

The results of the 2001 NFMA Planning Rule Review and the subsequent business model workshop discussed in Chapter 1 formed the basis for the purpose and need for a new planning rule. Accordingly, Alternative B does not meet many facets of the purpose and need for action. It is consistent with some, however, through the following features:

- Provides for diversity of plan and animal species, consistent with capabilities of NFS lands;

- Considers best available science;
- Involves the public;
- Guides sustainable management; and
- Complies with applicable laws, regulations, and policies.

This alternative also addresses a number of issues:

- The diversity of plant and animal communities issue by requiring management for a high likelihood of viable native and desired non-native species in the plan area;
- The timber management requirements issue by including the timber management requirements of NFMA section 6(g);
- The identification of lands not suited for timber harvest issue by including the suitability requirement of NFMA section 6(g);
- The standards and prohibitions issue by including standards;
- The environmental impact statement issue by requiring preparation of an environmental impact statement for plan revision; and
- The best available science issue by requiring land management plans to be consistent with best available science.

Alternative C (1982 Planning Rule)

This alternative consists of the 1982 rule at 36 CFR 219 as it existed before promulgation of the 2000 rule. This rule requires an integration of planning for National Forests and Grasslands, including the planning for timber, range, fish and wildlife, water, wilderness, and recreation resources; together with resource protection activities, such as fire management; and the use of other resources, such as minerals. The 1982 rule, as amended, is in Appendix C. This alternative includes guidance in the Agency's planning directives, consisting of planning procedures and analysis processes that would be used if this alternative is selected. Directives for plan development, plan amendment, or plan revisions under the 1982 rule are specified at FSM 1926. Directives are available at <http://www.fs.fed.us/emc/nfma/index5.html>.

This alternative addresses the following issues:

- The diversity of plant and animal communities issue by including a requirement to manage habitat to maintain viable populations of existing native and desired non-native vertebrate species in the planning area;
- The timber management requirements issue by including the timber management requirements of NFMA section 6(g);
- The identification of lands not suited for timber harvest issue by including the suitability requirement of NFMA section 6(g);
- The standards and prohibitions issue by including standards and guidelines;

- The environmental impact statement issue by requiring preparation of an environmental impact statement for plan development, revision, and significant amendment; and
- The management requirements issue by including minimum specific management requirements.

Alternative C partially meets the purpose and need for action through the following features:

- Includes requirements that are clear and readily understood;
- Involves the public;
- Guides sustainable management; and
- Complies with applicable laws, regulations, and policies.

It should be noted that normally an action alternative would not be studied in detail if it does not fully meet the purpose and need. However, the Agency is in litigation where the plaintiff argues that the 1982 rule not the 2000 rule, is in effect as a result of the court’s injunction of the 2005 planning rule. Since the proposal is to revise an existing rule, taking no action would entail continuing under the existing rule. Whether one believes the 2000 rule or the 1982 rule is the existing rule or “no action alternative”, both are considered. Furthermore, all but one of the issues concerning the proposed action are based on the public’s many years of experience with the 1982 planning rule. Accordingly, the 1982 rule provides a useful basis for comparison of the alternatives.

Alternative D

This alternative is the same as the proposed action (Alternative A) but without environmental management system (EMS) requirements and without any references to EMS. The EMS section at §219.5 in the proposed action is not included in this alternative. EMS would not be part of the plan set of documents. Establishment of an EMS would not mark the end of the transition period and EMS establishment would not be required before plan approval. This alternative includes the same guidance in the Agency’s planning directives as the proposed action (2005 rule), consisting of detailed planning procedures and analysis processes that would be used if this alternative is selected. These directives are available at <http://www.fs.fed.us/emc/nfma/index5.html>.

This alternative was developed at the request of the responsible official to include an alternative without EMS in the rule but within the range of alternatives considered. Due to its similarity to the proposed planning rule, this alternative is described in terms of its differences. To facilitate comparison with the proposed planning rule detailed in Appendix A, section 219.5 is reserved to preserve subsequent paragraph numbering. The following paragraphs would differ from those of the proposed action:

219.5 Reserved

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[Asterisks Indicate Text Not Reprinted.]

219.7 Developing, amending, or revising a plan

(a)(1) Plan documents or set of documents. The Responsible Official must maintain a plan document or set of documents for the plan. A plan document or set of documents includes, but is not limited to, evaluation reports; documentation of public involvement; the plan, including applicable maps; applicable plan approval documents; applicable NEPA documents, if any; and the monitoring program for the plan area.

* * * * *

[Asterisks Indicate Text Not Reprinted]

219.14 Effective dates and transition

* * * * *

(b) Transition period. For each unit of the National Forest System, the transition period begins on the effective date of this subpart and ends one year after the effective date of this subpart.

* * * * *

(d)(2) Plan amendments initiated during the transition period may continue using the provisions of the planning regulations in effect before November 9, 2000 (See 36 CFR parts 200 to 299, Revised as of July 1, 2000) or may conform to the requirements of this subpart.

* * * * *

(e)(1) The responsible official is not required to halt the process and start over. The responsible official may apply this subpart as appropriate to complete the plan development, plan amendment, or plan revision process.

* * * * *

Alternative D meets the purpose and need for action through the following features:

- Includes requirements that are clear and readily understood;
- Makes efficient use of Agency staff resources and collaborative efforts;
- Is within Agency planning budgets;
- Provides for diversity of plant and animal species, consistent with capabilities of NFS lands;
- Requires analyses that are within the Agency’s capability to conduct;
- Recognizes the strategic nature of land management plans;
- Considers best available science;
- Requires public involvement in development of a monitoring strategy, taking into account key social, economic, and ecological performance measures and provides the responsible official sufficient discretion to decide how much information is needed;
- Promotes the use of adaptive management;
- Involves the public;
- Guides sustainable management; and
- Complies with applicable laws, regulations, and policies.

Since Alternative D only differs from the proposed action by the absence of EMS requirements, it does not address any of the issues.

Alternative E

This alternative is the same as the proposed action (Alternative. A) as modified by (1) removing EMS requirements and various references to EMS; (2) adding standards as a plan component to address the standards and prohibitions issue; (3) adding additional direction regarding the identification of lands suitable for timber production and timber harvest to address the identification of lands not suited for timber production issue; and (4) adding various timber management requirements from NFMA to address the standards and prohibitions issue.

The EMS section at §219.5 in the proposed action is not included in this alternative. EMS would not be part of the plan set of documents. Establishment of an EMS would not mark the end of the transition period and EMS establishment would not be a requirement before plan approval.

Standards would be added as a sixth plan component to section 219.7. Standards would be requirements, limitations, or prohibitions to land uses and management actions. Changes to standards would require a plan amendment.

Direction would be added at section 219.12(a) for suitable uses. Direction would include provisions for identification of lands not suited for timber production; lands suitable for timber production; and lands where trees may be harvested for multiple use values, other than timber production.

Direction would be added at section 219.12 (b) for timber management requirements established in NFMA at 16 U.S.C. 1604(g) (3). The direction would require a plan to include (1) limitations on even-aged timber harvest methods; (2) a maximum size for openings created by timber harvest; (3) requirements for timber management to achieve aesthetic objectives; (4) requirements for timber management to maintain or restore soil and water resources; (5) requirements that timber harvest projects be considered through interdisciplinary review; and (6) requirements to insure that even-aged stands of trees scheduled for harvest during the planning period have generally reached culmination of mean annual increment of growth.

Section 219.12 of the planning rule would also be modified to require that plans include a limitation on timber harvest based on an estimate of the long-term sustained-yield capacity. The plans would limit the average annual quantity of timber sold during a decade from the lands identified as suitable for timber production to a quantity equal to or less than the estimated long-term sustained-yield capacity. However, plans could allow for exceptions based on adverse events, such as fire or wind, or based on an imminent threat from insects or disease.

This alternative maintains the provision at §219.4, which defers to Agency NEPA procedures for the level of environmental analysis and documentation required in plan development, plan amendment, or plan revisions. Under this alternative, the level of NEPA analysis and documentation would be based on how a unit applies the six plan components. It would be possible for one unit to rely on a categorical exclusion to approve a plan, a second unit to prepare an environmental assessment for its plan, and a third unit to prepare an environmental impact statement for its plan.

This alternative includes the same guidance in the Agency’s planning directives as the proposed action (2005 rule), consisting of detailed planning procedures and analysis processes that would be used if this alternative is selected. These directives are available at <http://www.fs.fed.us/emc/nfma/index5.html>.

Due to its similarity to the proposed planning rule (Alternative A), this alternative is described in terms of its differences. If this alternative is selected, the rule’s sections may not be numbered the same as the proposed action. To facilitate comparison with the proposed planning rule as detailed in Appendix A, section 219.5 is reserved to preserve subsequent paragraph numbering.

In response to public comment on the draft environmental impact statement, this alternative was modified from the draft environmental impact statement to include an additional difference from the proposed action. At 219.7(c)(6), wording is added to require if a plan approval document is the result of an EA or EIS process, the plan approval document would be prepared in accordance with Forest Service NEPA procedures. This wording was added to ensure that a plan approval document in these circumstances would meet both the requirements of the final rule and Agency NEPA procedures.

The following paragraphs differ from those of the proposed action:

219.5 Reserved

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[Asterisks Indicate Text Not Reprinted.]

219.7 Developing, amending, or revising a plan

* * * * *

(a)(1) Plan documents or set of documents. The responsible official must maintain a plan document or set of documents for the plan. A plan document or set of documents includes, but is not limited to, evaluation reports; documentation of public involvement; the plan, including applicable maps; applicable plan approval documents; applicable NEPA documents, if any; and the monitoring program for the plan area.

* * * * *

(a)(2)(vi) Standards. Standards are requirements, limitations, or prohibitions applicable to land uses and management actions within the plan area. Standards are explicitly identified in a plan as “standards.” Standards are established to achieve the desired conditions and objectives of a plan and to comply with applicable laws, regulations, Executive orders, and Agency directives.

* * * * *

(c)(6) If a plan approval document is, in whole or part, the culmination of an EA or EIS process, the plan approval document or pertinent part thereof, must be done in accordance with Forest Service NEPA procedures.

* * * * *

219.12 Suitable uses and provisions required by NFMA

(i) The Responsible Official must identify lands within the plan area as not suitable for timber production (§219.16) if:

* * * * *

(a) (2)(i)(E) The technology is not available for conducting timber harvest without causing irreversible damage to soil, slope, or other watershed conditions or substantial and permanent impairment of the productivity of the land;

(a) (2)(i)(F) There is no reasonable assurance that such lands can be adequately restocked within 5 years after final regeneration harvest;

(a) (2)(i)(G) Lands not suited for timber production may be available for timber harvest pursuant to paragraph (c) of this section.

* * * * *

(a)(3)(Lands suitable for timber production. After considering physical, ecological, social, economic, and other pertinent factors to the extent feasible, a Responsible Official may establish timber production as an objective in a plan for any lands not identified in paragraph (a) of this section. The Responsible Official must review lands not suited for timber production at least once every 10 years, or as otherwise prescribed by law, to determine their suitability for timber production. As a result of this 10-year review, timber production may be established as a plan objective for any lands found to be suitable for such purpose through amendment or revision of the plan.

(a)(4) Lands where trees may be harvested for multiple use values other than timber production. Designation of lands as not suitable for timber production does not preclude the harvest of trees for other multiple use values. Except for lands described at (a)(2)(i)(E) of this section, trees may be harvested to create temporary or permanent openings for wildlife habitat improvement; to establish fuel breaks or reduce fuels; to create vistas; to enhance recreation use; to manage cultural/heritage sites; to salvage dead or dying trees; or to achieve other multiple use purposes not related to timber production.

(b) NFMA requirements. A plan must include plan components to ensure that the following requirements related to timber management are met:

(1) Limitations on even-aged timber harvest methods, including provisions to require harvest in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and aesthetic resources and the regeneration of the timber resource, including requirements that even-aged harvest may occur only upon a finding that it is appropriate and that clearcutting may occur only upon a finding that it is the optimum method to meet the objectives and requirements of the plan;

(2) Maximum size openings created by timber harvest according to geographic areas, forest types, or other suitable classifications for areas to be cut in one regeneration harvest operation. This limit may be less than, but will not exceed, 60 acres for the Douglas-fir forest type of California, Oregon, and Washington; 80 acres for the southern yellow pine types of Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Oklahoma, and Texas; 100 acres for the hemlock-Sitka spruce forest type of coastal Alaska; and 40 acres for all other forest types. The plan must allow for exceeding its limitations on maximum size openings after appropriate public notice and review by the supervisor of the responsible official who normally would approve the harvest proposal. The plan maximum size openings must not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm;

(3) Requirements that cut blocks, patches, or strips that are shaped and blended to the extent practicable with the natural terrain;

(4) Requirements for maintaining or restoring soil and water resources, including protection for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment, when management activities are likely to seriously and adversely affect water conditions on fish habitat;

(5) Requirements that timber harvest projects be considered through interdisciplinary review, assessing the potential environmental, biological, aesthetic, engineering, and economic impacts on the sale area, as well as the consistency of the sale with the multiple use of the general area, and that the harvesting system used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber; and

(6) Requirements for assuring that even-aged stands of trees scheduled for harvest during the planning period have generally reached culmination of mean annual increment of growth. This requirement applies only to regeneration harvest of even-aged stands on lands identified as suitable for timber production and where timber production is a management objective for the harvest.

(i) The culmination of mean annual increment of growth requirement does not apply to cutting for experimental or research purposes; to non-regeneration harvests, such as thinning or other stand improvement measures; to management of uneven-aged stands or to stands under uneven-aged silvicultural systems; and to salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack.

(ii) A plan may identify categories of activities that are exceptions to the culmination of mean annual increment if necessary to meet resource objectives, such as wildlife habitat enhancement, visual enhancement, or riparian area improvement. Exceptions to the culmination of mean annual increment requirement and the reasons for these exceptions must be specifically disclosed during the public participation process for a plan.

(c) Limitation on timber harvest—(1) Estimate of the long-term sustained-yield capacity. The responsible official must estimate the amount of timber that could be harvested annually in perpetuity on a sustained-yield basis from National Forest System lands identified as suitable for timber harvest (§219.16). This estimate must be based on the yield of timber that could be harvested consistent with achievement of objectives or desired conditions in the applicable plan and a specified management intensity consistent with these multiple use objectives. Increased harvest levels may be based on intensified management practices, such as reforestation, thinning, and tree improvement if such practices justify increasing the harvests in accordance with the Multiple-Use Sustained-Yield Act. Such estimates of yield must be adjusted downward if anticipated practices are not successfully implemented to achieve objectives or desired conditions. The responsible official may combine one or more administrative units, or parts of administrative units, for the purpose of estimating the amount of timber that could be harvested annually on a sustained-yield basis.

(2) *Limitation on timber sold.* Within any decade, the responsible official must limit the quantity of timber sold during that decade from the lands identified as suitable for timber harvest to a quantity equal to or less than that estimated in paragraph (c)(1) of this section.

(3) *Exceptions to limitations of timber sold.* The responsible official may sell timber from areas that are substantially and adversely affected by fire, wind, or other events, or for which there is an imminent threat from insects or disease, and may either substitute such timber for timber that would otherwise be sold or, if not feasible, sell such timber over and above the limit established in paragraph (c)(1) of this section. If departure from the quantity of timber established in paragraph (c)(2) of this section is necessary to meet overall multiple use objectives of the plan, the requirements in 16 U.S.C. 1611 must be followed.

* * * * *

219.14 Effective dates and transition

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(b) Transition period. For each unit of the National Forest System, the transition period begins on the effective date of this subpart and ends one year after the effective date of this subpart.

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(d)(2) Plan amendments initiated during the transition period may continue using the provisions of the planning regulations in effect before November 9, 2000 (See 36 CFR parts 200 to 299, Revised as of July 1, 2000) or may conform to the requirements of this subpart.

* * * * *

(e)(1) The responsible official is not required to halt the process and start over. The responsible official may apply this subpart as appropriate to complete the plan development, plan amendment, or plan revision process.

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§ 219.16 Definitions.

Timber harvest: The removal of trees for wood fiber use and other multiple-use purposes.

* * * * *

Alternative E meets the purpose and need for action through the following features:

- Includes requirements that are clear and readily understood;
- Makes efficient use of Agency staff resources and collaborative efforts;
- Is within Agency planning budgets;
- Provides for diversity of plant and animal species, consistent with capabilities of NFS lands;
- Requires analyses that are within the Agency's capability to conduct;
- Recognizes the strategic nature of land management plans;
- Considers best available science;
- Requires public involvement in development of a monitoring strategy, taking into account key social, economic, and ecological performance measures and provides the responsible official sufficient discretion to decide how much information is needed;
- Promotes the use of adaptive management;
- Involves the public;
- Guides sustainable management; and
- Complies with applicable laws, regulations, and policies.

This alternative addresses the following issues:

- The timber management requirements issue by including the timber management requirements of NFMA section 6(g);
- The identification of lands not suited for timber harvest issue by including the suitability requirement of NFMA section 6(g);

- The standards and prohibitions issue by explicitly allowing standards and guidelines; and
- The environmental impact statement issue by requiring that plan development, revision, and amendment comply with Agency NEPA procedures, which would involve an environmental assessment or environmental impact statement for prohibitions or final decisions concerning projects or activities.

Alternative M

Alternative M is the preferred alternative.

This alternative is a modification of the proposed action (Alternative A) in response to public and internal Agency comments on the draft environmental impact statement. Alternative M is very similar to Alternative E except it includes requirements for EMS and places requirements for long-term sustained-yield capacity and culmination of mean annual increment in Agency directives. This alternative is within the range of alternatives considered in the draft environmental impact.

Due to its similarity to the proposed planning rule (Alternative A) as modified in response to public comment, this alternative is described in terms of its substantive differences below. Alternative M also has a number of editorial changes from the proposed action for purposes of clarity. Complete text of this planning rule alternative is found in Appendix D.

219.5 – Environmental management systems – the wording is modified to: (1) clarify that the scope of an EMS will include land management environmental aspects as determined by the responsible official; (2) remove the requirement for an EMS prior to approving a plan, plan revision, or plan amendment, but add a requirement that no project or activity approved under a plan developed, amended, or revised may be implemented under this alternative until the responsible official establishes an EMS or the responsible official conforms to a multi-unit, regional, or national level EMS; (3) allow a responsible official to conform to a multi-unit, regional, or national level EMS as an alternative to establishing an EMS for a specific unit of the National Forest System; and (4) requires the Chief to establish direction for EMS in the Forest Service directives.

219.7 – Developing, amending, or revising a plan – At paragraph (a)(3), a paragraph is added to explicitly list standards as a possible plan component. This change places in the rule the Agency intent for standards to be an option for the responsible official as described in the preamble to the proposed rule (72 FR 48528).

219.11 – Role of science in planning – the requirements to evaluate and disclose substantial uncertainties in science used and to evaluate and disclose substantial risks associated with plan components based on that science are both removed. The Agency directives system already requires the responsible official to evaluate substantial risks and substantial uncertainty in the best available science (FSM 1921.8, FSH 1909.12, chapter 40).

219.12 – Suitable uses and provisions required by NFMA – Within paragraph (a)(1), in the discussion of identification of suitable uses, language is added to acknowledge that the responsible official may identify an area as generally unsuitable for various uses and language is modified to say that the plan approval document may include project and

activity decisions in accord with Forest Service NEPA procedures. Within paragraph (a)(2), in the discussion of identification of lands not suitable for timber production, language is added to explicitly require the responsible official to identify lands as not suitable for timber production if (1) the technology is not available for conducting timber harvest without causing irreversible damage to soil, slope or watershed conditions or substantial and permanent impairment of the productivity of the land; and (2) there is no reasonable assurance that such lands can be adequately restocked within 5 years after final regeneration harvest. A new paragraph (a)(3) is added to direct the responsible official to consider physical, ecological, social, economic and other factors when identifying lands suitable for timber production. In addition, language is added to discuss the NFMA requirement to review lands not suited for timber production every 10 years (16 U.S.C. 1604(k)). A new paragraph (a)(4) is added to clarify and provide further direction about salvage sales or other harvest necessary for multiple-use objectives other than timber production that may take place on areas that are not suitable for timber production as previously discussed at paragraph (a)(2)(ii). A new paragraph (b) is added that says the plan should include provisions for timber management. The verb should is used to recognize that extenuating circumstances are likely to occur at times, for example, some national forests and grasslands do not have timber programs. Language is also added to this paragraph to deal with the four conditions related to timber harvest at 16 USC 1604 (g)(3)(E) and the five conditions related to even-aged harvest at 16 USC 1604 (g)(3)(F). The language requires that these plan provisions deal with protection of bodies of water, esthetics, fish, recreation, soil, watershed, and wildlife; interdisciplinary review; size limits for cutting of areas in one harvest operation; and the regeneration of the timber resource. Furthermore, paragraph (b) requires that the harvesting system used not be selected primarily because it will give the greatest dollar return or the greatest unit output of timber. The provision requiring that Agency directives deal with additional NFMA requirements of the 2007 proposed rule is re-designated at paragraph (c) of this section. This section requires the directives deal with requirements of limitations on timber removal (16 U.S.C. 1611) and culmination of mean annual increment of growth.

219.14 – Effective dates and transition – Paragraph (b)(2) of this section combines discussions from the proposed rule at paragraph (d)(2), paragraph (d)(3), and (e)(2). This paragraph allows responsible officials to use the objections process of this rule or the appeal procedures if they amend under the 1982 procedures. Paragraph (b)(3) of this section is a modification of paragraph (e) of the proposed rule. A provision is added at paragraph (b)(3)(ii) stating the responsible official is not required to start over upon a finding that process conforms to the final rule. Paragraph (f) about management indicator species (MIS) from the proposed rule is removed because this revised paragraph (b)(3) eliminates the need to discuss MIS as a separate topic. Paragraph (b)(3) also discusses plans developed, amended, or revised using the 1982 rule. For those national forests and grasslands, the 1982 rule is without effect. Therefore, no obligations remain from the 1982 rule including MIS, except those that are specifically included in the plan.

219.16 – Definitions – The term “timber harvest.” is added to the definitions section because of the previously mentioned additions to section 219.12. The definition of “species” is removed for two reasons: (1) during review of the proposed rule other agencies pointed out that there may be confusion between statutes and the proposed definition for species; (2) the definition of species-of-concern in the proposed rule

demonstrates the Agency's intent to deal with the species for which management actions may be necessary to prevent listing under the Endangered Species Act.

Alternative M meets the purpose and need for action through the following features:

- Includes requirements that are clear and readily understood;
- Makes efficient use of Agency staff resources and collaborative efforts;
- Is within Agency planning budgets;
- Provides for diversity of plant and animal species, consistent with capabilities of NFS lands;
- Requires analyses that are within the Agency's capability to conduct;
- Recognizes the strategic nature of land management plans;
- Considers best available science;
- Requires public involvement in development of a monitoring strategy, taking into account key social, economic, and ecological performance measures and provides the responsible official sufficient discretion to decide how much information is needed;
- Promotes the use of adaptive management;
- Involves the public;
- Guides sustainable management; and
- Complies with applicable laws, regulations, and policies.

This alternative addresses the following issues:

- The timber management requirements issue by including the timber management requirements of NFMA section 6(g);
- The identification of lands not suited for timber harvest issue by including the suitability requirement of NFMA section 6(g);
- The standards and prohibitions issue by explicitly allowing standards and guidelines; and
- The environmental impact statement issue by requiring that plan development, revision, and amendment comply with Agency NEPA procedures, which would involve an environmental assessment or environmental impact statement for prohibitions or final decisions concerning projects or activities.

Alternatives Eliminated from Detailed Study _____

Several additional alternatives were suggested in response to the notice of intent to prepare this environmental impact statement and in response to the draft environmental impact statement. These alternatives were not carried through the analysis in detailed study because they either do not meet the stated purpose and need for action or duplicate the existing range of alternatives as discussed below.

Alternative F

This suggested alternative consists of a modification of the proposed action with the following features:

- Declares that ecological sustainability is the prime directive for national forest management;
- Requires land management plans to contain an annual monitoring and evaluation process specifying the resources to be monitored, monitoring frequency, data to be collected, how data is to be collected, and trigger points that require immediate attention;
- Requires land management plans to contain must-achieve natural resource standards, and;
- Requires that land management plans and amendments comply with NFMA and be documented in an environmental impact statement and record of decision.

This alternative does not meet the purpose and need for action in that it places ecological sustainability above all other multiple-use sustained-yield principles. The 2001 NFMA Planning Rule Review found this concept “at odds with the reality that the three components of sustainability (ecological, economic, and social) are inextricably linked and cannot be separated”, “conflicts with Congressional direction”, and “establishes the key requirement for forest planning, a criterion that is impossible to measure with clarity and any degree of scientific consensus.” Accordingly, the modification to declare that ecological sustainability is the prime directive does not meet the purpose and need to comply with NFMA, or to require analyses that are within the Agency’s capability to conduct.

The monitoring requirements in this alternative do not meet the purpose and need for a planning rule that recognizes the strategic nature of land management plans. The suggested monitoring requirements certainly have merit, but they are more operational than strategic in their detail. Details similar to those suggested can be found in Forest Service Manual (FSM) 1909.12, section 12, which requires that the strategic monitoring program be described in the plan while the operational components are described in several other documents associated with the plan’s monitoring program: (1) annual evaluation report, (2) comprehensive evaluation report, (3) monitoring guide, and (4) annual monitoring work plan.

Absent the two modifications that do not meet the purpose and need, the second two modifications in the suggested alternative largely duplicate Alternative E. Alternative E includes the resource standards related to timber harvest from NFMA section 6(g) and explicitly allows for other standards. While Alternative E does not require an environmental impact statement, any plans that approve projects and activities, or that command anyone to refrain from undertaking projects and activities, or that grant, withhold or modify contracts, permits or other formal legal instruments would require an environmental assessment or an environmental impact statement. It should also be noted that the respondent contends that NFMA requires preparation of an environmental impact statement for development and revision of land management plans. In fact, NFMA only requires that a planning rule include direction on when and for what plans an environmental impact statement shall be prepared (16 U.S.C 1604(g)(1)).

Alternative G

One respondent suggested using the Wilderness Society's forest vision, America's National Forests in the 21st Century: The Wilderness Society's Vision (The Wilderness Society 1999) as a basis for developing an alternative that provides greater protection for forest resources than the 1982, 2000, or 2005 planning rules. The Wilderness Society's paper presents a number of ideas, positions, and suggestions concerning forest management and land management planning. The paper presents five principles to achieve the vision. Some of the suggestions would require Congressional action to redefine the purpose of the NFS and, therefore does not meet the purpose and need to comply with applicable laws. The Agency believes other suggestions related to public involvement, availability of information, and consideration of best available science are already addressed within the range of alternatives. However, the vision itself does not represent an alternative planning rule.

Alternative H

Other respondents proposed that a "restoration" alternative be considered. This alternative would have restoration as the prime directive and commodities as a byproduct, natural or historic range of conditions would be the template for restoration, areas that already provide high-quality habitat and watershed conditions would be protected, sources of degradation would be controlled, restoration priorities would be those that derive relatively large gains from relatively small investments, practices with low impacts and high effectiveness would be favored, the importance of natural processes would be recognized, and maintenance costs would be reduced.

This alternative would require Congressional action to redefine the purpose of the NFS and, therefore does not meet the purpose and need to comply with applicable laws. None of the alternatives, however, preclude development of a land management plan that places a priority on restoration or that provides guidance for the appropriate use of the suggested practices.

Alternative I

One respondent suggested developing an alternative that "substantively increases protection of fish and wildlife", calling it a "refuge alternative", while another suggested an alternative should be crafted that ensures population security for plant and animals. The NFMA directs the Forest Service to "provide for diversity of plant and animals based on suitability and capability of the specific land area..."

Substantive increases in protection and insurance of security of populations are beyond the capability of the NFS lands and, therefore, do not meet the purpose and need to provide for diversity of plan and animal species, consistent with capabilities of NFS lands. Further, reserving NFS land as a refuge for wildlife is inconsistent with the Forest Service mission. Only Congress can implement this broad of a change in management of the NFS. Consequently, this alternative does not meet the purpose and need for a planning rule that complies with applicable laws.

Alternative J

One respondent recommended that a reasonable alternative for the planning rule would make binding landscape level decisions while still providing the agency with the discretion necessary to implement project level decisions.

Binding landscape-level decisions in a planning rule is a contradiction in terms as the planning rule is national in scope and “landscape-level” implies a more localized scale such as a national forest or grassland. Binding national-level decisions, such as those required by NFMA section 6(g) are included in all alternatives. In some alternatives the NFMA section 6(g) requirements are detailed in the rule while other alternative rules reference Agency directives. The requirement for making binding landscape-level decisions in land management plans, such as standards, are included in Alternatives B and C and explicitly allowed in Alternative E and M. In this context, Alternative J duplicates alternatives within the existing range.

Alternative K

Another respondent suggested that the agency consider alternative approaches to each of several key components of forest planning rule, such as zoning, standards and guidelines, monitoring, and public participation. For instance, zoning decisions are a critical component of forest planning, so one alternative could be to have management prescriptions defined on an independent area-by-area basis, another option would be to use species overlays to inform decisions about management prescriptions, and a third option would be to make zoning decisions based on landscape ecology.

The alternatives already include various approaches to zoning-type decisions such as suitability of lands for resource management, different requirements for standards and guidelines as plan components, different approaches to monitoring, and various requirements for public involvement. The suggested approaches to zoning-type decisions: management prescriptions based on management areas, species overlays, or landscape ecology all have merit. However, these alternative approaches would have different utility depending upon where they were applied. Requiring any particular method in a planning rule removes flexibility at the land management planning level to employ the appropriate method. Any and all of the suggested approaches are allowed under all of the alternative rules. This alternative does not meet the purpose and need to recognize the strategic nature of land management plans.

Alternative L

One respondent recommended creating a formal advisory group to generate alternative planning rules. Such a process is not without merit. However, the Agency has already invested considerable resources in developing the 2005 rule. The proposed planning rule (2005 rule) is the result of 28 years of learning about land management planning rules through experience with application, collaboration, and various forms of public and scientific review. This alternative is outside the scope of this analysis because it entails discontinuing the current rulemaking process and beginning a new, advisory group process, leading to a new proposed action. Accordingly, this alternative is accommodated by the no action alternative. By choosing to remain under the current planning rule (no

action) the responsible could then charter an advisory group to begin a new rule development process.

Alternative Comparison

The proposed planning rule and the alternatives considered in this environmental impact statement would affect the *process* whereby NFS land management plans are developed, revised, and amended. They establish administrative procedures. None of these rules dictate how administrative units of the NFS are to be managed. The Agency does not expect that any of these rules would dictate the mix of uses that may occur on any or all units of the NFS. The proposed planning rule and the alternatives are all the same in that they would have no direct, indirect, or cumulative impact on the human environment.

The alternatives studied in detail are compared below in terms of how they address the significant issues identified in Chapter 1. Detailed responses to the issues are found in Chapter 3.

How Each Alternative Addresses the Issues

Chapter 3 discusses in detail how each alternative addresses each issue. Below is a summary of the Chapter 3 discussions. Table 2 further summarizes this discussion for purposes of comparison.

Diversity of Plant and Animal Communities Issue

The alternatives in this environmental impact statement provide for diversity in three different ways within the six alternatives considered. All three ways have provisions designed to provide for sustaining the diversity of plant and animal communities as required by NFMA.

All three alternative ways have analysis provisions for diversity criteria. Alternative A (proposed action) and Alternatives D, E, and M (modifications of the 2005 planning rule) require that plans provide a framework to contribute to sustaining native developed ecological systems by providing conditions to support a diversity of native plant and animal species. The analysis provisions in Alternatives A, D, E, and M are in the Forest Service Directive System. Alternative B (2000 rule) requires a high likelihood of viability of native and desired non-native species. Alternative C requires responsible officials to maintain “viable populations of existing native and desired non-native vertebrate species within the planning area.” By comparison, NFMA requires only that managers “provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives.” Alternative B (2000 rule) has the most intensive analysis requirements.

All three ways have provisions for monitoring that apply to species diversity. Alternative A (proposed action) and Alternatives D, E and M (modifications of the 2005 planning rule) require that the plan monitoring program consider key social, economic, and ecological performance measures. Species diversity is part of ecological performance. Alternative B (2000 planning rule) requires monitoring of ecological conditions known or suspected to support focal species and selected species-at-risk. Monitoring of species populations is optional. Alternative C (1982 planning rule) requires monitoring of

population trends of MIS species. Alternative C supplies the least discretion to the responsible official.

Timber Management Requirements of 16 U.S.C. 1604(g) Issue

All alternatives incorporate the requirements related to timber management from NFMA. With the exception of a few minor variations in phraseology, the alternatives use identical language. Alternatives A (2005 rule) and D (2005 rule modified) place most of the NFMA requirements in the Forest Service Directive system (see Forest Service Manual (FSM 1921.12 and Forest Service Handbook FSH 1909.12, chapter 60 online at <http://www.fs.fed.us/emc/nfma/index5.html>). Alternative B (No Action, 2000 rule) has some requirements in the directives and some in the rule. Alternative C (1982 rule) places most of the requirements within the rule. Only Alternatives E and M (2005 rule modified) include all the requirements within the rule. Since Agency employees should not depart from the directive system without appropriate justification and supervisory concurrence¹, it is expected that the timber management requirements from NFMA would be met under all alternatives. The statutory language of NFMA continues to be the controlling legal authority under each of the alternatives.

If the Agency developed plans under the provisions of each of the five different alternatives, plans could have different tones and formats. For example, a plan produced following guidance from alternative C might state, “even-aged cut blocks should be shaped and blended with the natural terrain”, and a plan following alternative A might not discuss even-aged cut blocks. Under Alternative A, Forest Service directives require responsible officials to shape such cut blocks to be shaped and blended with the natural terrain. Therefore, when the guidance from the rule and the directive system are considered together, it is unlikely that timber management would be significantly different under any of the alternatives. Under each alternative, the unit’s timber management would be consistent with direction from NFMA.

Identification of Lands Not Suited For Timber Production (16 U.S.C. 1604(k)) Issue

All alternatives provide guidance to identify lands not suited for timber production, as directed by NFMA. Alternatives A (2005 rule), and D (2005 rule modified) provide a brief description of the requirements with additional details in the Forest Service Directive system (see Forest Service Manual (FSM 1921.12 and Forest Service Handbook FSH 1909.12, chapter 60 online at <http://www.fs.fed.us/emc/nfma/index5.html>). Alternatives A and D do not include provisions to explicitly list the criteria that timber harvest not cause irreversible damage to resources such as soil productivity or watershed condition and the criteria of reasonable assurance of adequate restocking. Whereas Alternatives B, E, and M include provisions about irreversible damage and restocking. Alternative C (1982 rule) provides extensive detail within the rule. Alternative C envisions the planning process using alternatives when plans are developed, amended, or revised to explore different management intensities for timber production on suited lands. Alternative C provisions include various required economic analysis when plans are developed, amended, or revised.

¹ OMB’s “Final Bulletin for Agency Good Guidance Practices, 1/18/07

Standards and Prohibitions Issue

The differences between the alternatives with respect to standards are few.

Provisions in Alternatives A, D, E, and M include the use of guidelines in the 2005 planning rule. Alternatives E and M explicitly allow responsible officials to include standards in plans. Under Alternative A and D, responsible officials may include standards. With guidelines under these four alternatives, responsible officials have the discretion to approve projects or activities when the project or activity design varies from the guideline but the design is an effective means of meeting the purpose of the guideline to maintain or contribute to the attainment of relevant desired conditions and objectives. If variance were appropriate, the responsible official's rationale would be fully explained in the project and activity decision document. Under these alternatives, managers have the flexibility to use appropriate direction based on the site-specific requirements of a project. The focus of environmental analysis is not at the plan level, but at the project level where proposals can be analyzed at the appropriate scope and scale. Collaboration is emphasized at all phases of land management planning.

Alternative B uses standards of the 2000 planning rule. Standards may be mandatory (shall) or discretionary (should). Some repetition of law, policy, or regulation is expected. Collaboration is emphasized at all phases of planning, including the project level.

Alternative C uses the standards and guidelines approach of the 1982 planning rule. Managers have the discretion to vary from forest plan standards and guidelines through site-specific plan amendment. Public involvement is emphasized at all phases of planning and project development.

Environmental Impact Statement Issue

The alternatives present an array of responses to the three parts of this issue (alternatives, public involvement, and cumulative effects). Alternatives B and C involve consideration of alternatives to the proposal traditionally found in an environmental impact statement, while Alternatives A, D, E and M allow for an iterative approach to development of a proposed action in which various options are considered before a proposal is made. Public involvement opportunities do not differ dramatically between the alternatives. All alternatives provide public involvement opportunities equal to or greater than public involvement opportunities required by Agency NEPA procedures for preparation of an environmental impact statement. Plan components that approve or prohibit projects or activities under Alternatives A, D, E, and M would require a NEPA cumulative effects analysis. For plan components under Alternatives A, D, E, and M that do not approve or prohibit projects or activities, the traditional NEPA cumulative effects analysis would be conducted as projects and activities are proposed for approval. Additionally, Alternatives A, D, E and M require preparation of comprehensive evaluation reports at the time of plan development and revision. Such reports describe current resource conditions and trends. For amendments, annual evaluations of monitoring information would reflect changing conditions, science, and other relevant information.

Best Available Science and Land Management Plans Issue

All of the alternatives address the role of science in the planning process. Starting with Alternative C, the Forest Service successively clarified and strengthened the role science has in the planning process. However, the alternatives that represent the more recently

proposed rules (Alternatives A, B, D, E, and M) describe this role more explicitly than Alternative C (1982 rule).

Alternatives A, B, D, E, and M articulate that the responsible official has discretion on how to accomplish considering the best available science. However, Alternative B has more stated requirements, in particular, requiring responsible officials to ensure that plan amendments and revisions are consistent with best available science. This presents a significant challenge to responsible officials on how to accomplish this determination. Even though the responsible official may use a science advisory board under Alternative B to evaluate the use of science in planning, Alternative B does not establish the criteria to use in reviewing the consistency with the best available science. Alternative B allows the responsible official to establish that evaluation criteria in working with the reviewing participants, notably a science advisory board.

Alternatives A, D, E, and M explicitly allow responsible officials to also use science advisory boards as well as independent, scientific peer reviews to evaluate how the best available science is taken into account during the planning process. Documenting whether plan amendments or revisions are consistent with the best available science under Alternative B or documenting how the best available science is taken into account under Alternatives A, D, E, and M are greater Agency obligations than the “integrated consideration” of science requirement in NFMA (16 U.S.C. 1604(b)).

Alternative M is similar to alternatives A, D, and E in that science must be taken into account, but in this alternative there are no explicit provisions in the rule to evaluate or disclose substantial science uncertainties or risks associated with plan components based in that science. Consideration of risks and uncertainties is required in the Forest Service Directives System (FSH 1909.12 chapter 40) and is not duplicated in the rule in this alternative.

Management Requirements Issue

Alternative C (1982 rule) uses the term “management requirements” as a category to include direction for unit planning and project implementation regarding compliance with a variety of laws and regulations. This direction falls under seven different headings: (a) Resource protection; (b) Vegetative manipulation; (c) Silvicultural practices; (d) Even-aged management; (e) Riparian Areas; (f) Soil and Water and; (g) Diversity. This direction generally reiterates laws, regulations, and Agency directives. Recognizing that planning must comply with all applicable laws, regulations, and policies, the rest of the alternatives (A, B, D, E, and M) do not contain minimum specific management requirements as a category section. When considered in conjunction with the applicable laws, regulations, and Forest Service directives, all alternatives would provide for these resource protections.

Environmental Management System

The responsible official requested that the interdisciplinary team include consideration of an alternative similar to the proposed planning rule, but without an environmental management system (EMS). Accordingly, Alternative D is the same as the proposed action except that EMS is not included in the rule. Similarly, EMS is not included in the Alternative E planning rule. Alternative M, however, does include EMS in the rule. Since Alternatives B and C reflect previous planning rules, EMS is not included in these alternatives. It should be noted that the Agency is complying with Executive Order 13423

- Strengthening Federal Environmental, Energy, and Transportation Management.
Therefore, in all alternatives, EMS guidance will still be in Agency directives.

How Each Alternative Meets the Purpose and Need for Action

With the exception of Alternatives B and C, each alternative considered in detail meets the purpose and need for action. However, each action alternative addresses the purpose and need for action differently. To facilitate comparison, each alternative is displayed in Table 1 in terms of how it fulfills the purpose and need for action. Chapter 3 discusses in detail how each alternative addresses the purpose and need for action. Note that some of these topics are also included in the issues discussion.

Table 1—Comparison of Alternatives to Purpose and Need for Action

	Alt A, 2005 Planning Rule	Alt B – No Action, 2000 Planning Rule without transition	Alt C, 1982 Planning Rule	Alt D	Alt E	Alt M
Readily understood	Requirements are focused, where detail is lacking Forest Service Directives provide clarity. No applicable case law has been developed	Analytical requirements are numerous and complex. There is little experience and case law.	Rule is understood based on experience and case law from the courts. Rule has numerous difficult and antiquated provisions.	Same as Alternative A	Same as Alternative A	Same as Alternative A
Efficient²	About 3 years to revise	About 6 years to revise	About 5 years to revise	Same as Alternative A	Same as Alternative A	Same as Alternative A
Cost Effective³ Planning (annual average Agency costs for 2010-2022)	45 million	99 million	71 million	45 million	50 million	50 million
Cost Effective⁴ Monitoring (annual average Agency costs for 2010-2022)	51 million	32 million	33 million	47 million	47 million	51 million

² U.S. Department of Agriculture, Forest Service. Cost-Benefit Analysis - The Proposed Rule (36 CFR 219) for National Forest Land Management Planning. (2007)

³ *Ibid*

⁴ *Ibid*

	Alt A, 2005 Planning Rule	Alt B – No Action, 2000 Planning Rule without transition	Alt C, 1982 Planning Rule	Alt D	Alt E	Alt M
Consistent with capabilities of NFS lands for diversity of plant and animal communities	Rule requires plan components for ecological and species diversity. Further procedural and technical direction is in directives including direction for plans to provide for self-sustaining populations of species of concern (both plant and animal).	Rule requires plan components for ecological and species diversity. Rule requires providing ecological conditions with a high likelihood of supporting viability of native and desired non-native species. Ability of Forest Service to provide these conditions or demonstrate ability to maintain minimum populations is unknown.	Rule requires that plans maintain viable populations of native and desired non-native vertebrate species. Ability of Forest Service to maintain or adequately demonstrate ability to maintain minimum populations is difficult.	Same as Alternative A	Same as Alternative A	Same as Alternative A

	Alt A, 2005 Planning Rule	Alt B – No Action, 2000 Planning Rule without transition	Alt C, 1982 Planning Rule	Alt D	Alt E	Alt M
Analyses are within Agency's capability to conduct	Analysis is focused on comprehensive evaluation of sustainability for strategic plan decisions. The analysis requirements of the planning rule do not apply to projects. Analysis related to EMS is a new analysis process. The alternative is within the Agency's capability	<p>Analysis of ecological sustainability would be difficult if not impossible to accomplish. The 2000 rule lacks recognition of the limits of Agency budget and personnel. There is confusion about whether plan analysis requirements for ecological sustainability apply to projects or not.</p> <p>Requirements for national science advisory board, regional science advisory boards, and science consistency reviews require complexity in the review of the best available science.</p>	The 1982 rule requires many complex analysis requirements. The rule requires, alternatives, benchmarks, estimating effects of hypothetical projects, management area direction, management indicator species (MIS), management prescriptions, minimum management requirements, and others. While the agency has operated under this rule, analyses have been time consuming and difficult.	Similar to Alternative A, except does not require EMS.	Same as Alternative A, except does not require EMS	Same as Alternative A

	Alt A, 2005 Planning Rule	Alt B – No Action, 2000 Planning Rule without transition	Alt C, 1982 Planning Rule	Alt D	Alt E	Alt M
Recognizes the strategic nature of planning	This rule is focused on limited set of plan components and evaluation of sustainability. Plan is recognized as strategic and project direction is not contained in the planning rule.	The rule envisions plans focused on limited plan decisions, The rule provides detailed direction for forest planning and creates confusion about which parts of the rule apply to project planning.	The rule mixes three levels of planning. The rule provides direction for project implementation. The EIS analysis requires assumptions about site specific decisions that could occur under the plan.	Same as Alternative A	Same as Alternative A	Same as Alternative A

	Alt A, 2005 Planning Rule	Alt B – No Action, 2000 Planning Rule without transition	Alt C, 1982 Planning Rule	Alt D	Alt E	Alt M
Use of science	<p>The rule requires the responsible official to take into account the best available science and document that it has been appropriately interpreted and applied. Responsible official must also evaluate and disclose substantial uncertainties in that science and substantial risks associated with plan components based on that science;</p>	<p>The rule requires the responsible official to be consistent with best available science when amending or revising plans. However, doing project analysis the responsible official must consider science.</p> <p>In addition, the rule requires a national science advisory board, regional science advisory boards, and science consistency reviews.</p> <p>The 2000 rule does not recognize limitations on the availability of scientists in regional assessments, plan revisions, plan amendments, and project planning.</p>	<p>Planning teams must integrate knowledge of the physical, biological, economic, and social sciences into the planning process. Research needs are identified during planning and periodically reviewed during monitoring and evaluation.</p>	<p>Same as Alternative A</p>	<p>Same as Alternative A</p>	<p>Same as Alternative A, except that the requirements to evaluate and disclose substantial uncertainties in the science and to disclose substantial risks associated with plan components based on the science are moved to the Agency’s directives.</p>

	Alt A, 2005 Planning Rule	Alt B – No Action, 2000 Planning Rule without transition	Alt C, 1982 Planning Rule	Alt D	Alt E	Alt M
Monitoring	<p>The rule requires public involvement in development of the monitoring strategy. The rule provides the most discretion to responsible officials. It does not specify project monitoring requirements.</p> <p>Requires the plan monitoring program to take into account key social, economic, and ecological performance measures.</p> <p>It requires an annual monitoring evaluation and directs responsible official to take into account financial and technical capabilities in preparing the monitoring program.</p>	<p>This rule provides discretion to responsible officials but also requires monitoring of more specific items and contains greater requirements to support monitoring decisions. This includes monitoring of focal species and species at risk. It also requires monitoring of social and economic sustainability and site specific actions.</p> <p>It requires an annual monitoring evaluation and directs that scientists must be included in the design and evaluation of monitoring strategies</p>	<p>The rule gives discretion to responsible officials but requires monitoring of a number of specific items including Management Indicator Species (MIS) This requires monitoring of population trends of MIS. This alternative has the least discretion regarding monitoring of population trends.</p> <p>It requires a periodic evaluation of monitoring. .</p>	Same as Alternative A	Same as Alternative A	Same as Alternative A

	Alt A, 2005 Planning Rule	Alt B – No Action, 2000 Planning Rule without transition	Alt C, 1982 Planning Rule	Alt D	Alt E	Alt M
Plans must be adaptive and based on current information and science	<p>Strongly promotes the use of adaptive management principles to support continuous improvement of management.</p> <p>It is designed to allow for rapid evaluation and adjustment of plans. Contains a structured monitoring and evaluation feedback sequence. EMS further strengthens this feedback sequence.</p>	<p>Embraces adaptive management principles. Allows for rapid amendment of plans, but has substantial requirements for revision of plans. Contains a structured monitoring and evaluation feedback sequence.</p>	<p>Does not explicitly encourage adaptive management. Amendment and revision contain a number of difficult requirements.</p>	<p>Similar to Alternative A, except does not require EMS</p>	<p>Similar to Alternative A, except does not require EMS.</p>	<p>Same as Alternative A</p>
Planning must involve the public	<p>The rule emphasizes public involvement including collaboration.</p>	<p>The rule emphasizes public involvement including collaboration.</p>	<p>The rule requires public notice and comment.</p>	<p>Same as Alternative A</p>	<p>Same as Alternative A</p>	<p>Same as Alternative A</p>

	Alt A, 2005 Planning Rule	Alt B – No Action, 2000 Planning Rule without transition	Alt C, 1982 Planning Rule	Alt D	Alt E	Alt M
Plans must guide sustainable management	This alternative is focused on comprehensive evaluation and plan components to achieve ecological, social and economic sustainability.	Sustainability is a guiding principle of the 2000 planning rule. It contains a number of detailed analysis and plan requirements for ecological sustainability and also requirements for social and economic sustainability.	The 1982 rule says that plans provide for multiple use and sustained yield of goods and services from the NFS lands in a way that maximizes long-term net public benefits in an environmentally sound manner. Therefore, the 1982 rule includes concepts similar to sustainability.	Same as Alternative A	Same as Alternative A	Same as Alternative A

	Alt A, 2005 Planning Rule	Alt B – No Action, 2000 Planning Rule without transition	Alt C, 1982 Planning Rule	Alt D	Alt E	Alt M
Planning must comply with all applicable laws, regulations, and policies	Same as Alternative B	This rule recognizes that planning must comply with all applicable laws, regulations, and policies. The rule does not include minimum management requirements. The rule creates a framework to comply with ESA ⁵ , CAA ⁶ , CWA ⁷ , and so on. During planning, the responsible official develops guidance for protection of natural resources through the collaborative process and considering the best available science.	The 1982 rule is redundant with other resource requirements such as ESA, CAA, and CWA by specifying minimum management requirements to meet or exceed the requirements of other laws, rather than recognizing that planning must comply with all applicable laws, regulations, and policies.	Same as Alternative B	Same as Alternative B	Same as Alternative B

⁵ ESA – Endangered Species Act

⁶ CAA – Clean Air Act

⁷ CWA – Clean Water Act

Table 2—Comparison of Alternatives by Issue

Issues	Alternative A Proposed Action 2005 Rule	Alternative B No Action 2000 Rule	Alternative C 1982 Rule	Alternative D	Alternative E	Alternative M
Diversity	<p>Rule requires a framework to contribute to ecological sustainability through ecosystem diversity, and where responsible official decides that additional provisions are needed to provide for species diversity then the plan must include additional provisions within the limits of Agency authorities, the capability of the plan area, and multiple use objectives.</p> <p>Responsible Official has discretion to design monitoring program.</p>	<p>Rule requires plan decisions must provide for ecological conditions that provide a high likelihood of viability of species.</p> <p>Responsible Official must monitor habitat of focal species and selected species-at-risk, but has discretion in monitoring of species populations.</p>	<p>Rule requires that plan provide for habitat to maintain viable populations of native and desired vertebrate species.</p> <p>Responsible Official must select MIS, and monitor MIS population trends.</p>	Same as Alternative A	Same as Alternative A	Same as Alternative A

Issues	Alternative A Proposed Action 2005 Rule	Alternative B No Action 2000 Rule	Alternative C 1982 Rule	Alternative D	Alternative E	Alternative M
Timber Management Requirements of 16 U.S.C. 1604(g)	In the directives	In the rule	In the rule	In the directives	In the rule	In the rule
Identification of lands which are not suited for timber production 16 U.S.C. 1604(k)	Rule provides brief direction, with substantive detail in directives.	Rule provides direction, with additional detail in directives.	Rule provides direction, with additional detail in directives	Same as Alternative A.	Rule provides direction, with additional detail in directives.	Rule provides direction, with additional detail in directives.
Standards and Prohibitions	Not included explicitly	Explicitly includes standards	Explicitly includes standards	Not included explicitly	Explicitly allows standards and prohibitions	Explicitly allows standards and prohibitions
Environmental Impact Statement	CE ⁸ would be typical	EIS ⁹ for revision; EIS or EA ¹⁰ or CE for amendment	EIS for plan development, revision, or significant amendment; EA or EIS for amendment	CE would be typical	CE would be typical, however an EIS or EA would be required for plan components that approve or prohibit projects or activities	CE would be typical, however an EIS or EA would be required for plan components that approve or prohibit projects or activities

⁸ CE – categorical exclusion

Issues	Alternative A Proposed Action 2005 Rule	Alternative B No Action 2000 Rule	Alternative C 1982 Rule	Alternative D	Alternative E	Alternative M
Alternatives as Provided By an EIS	May have iterative development of options	Alternatives considered as part of EIS	Alternatives required	May have iterative development of options	May have iterative development of options	May have iterative development of options
Public Involvement in Planning as Provided By an EIS	Collaborate/ participate in CER ¹¹ ; Early and frequent collaboration in establishing plan components, and designing monitoring program	Early and frequent opportunities for collaboration/participation at responsible official's discretion plus NEPA requirements for public participation	Encouraged to participate throughout the planning process. at responsible line officer's discretion plus NEPA requirements for public participation	Collaborate/ participate in CER; Early and frequent collaboration in establishing plan components, and designing monitoring program	Collaborate/ participate in CER; Early and frequent collaboration in establishing plan components, and designing monitoring program	Collaborate/ participate in CER; Early and frequent collaboration in establishing plan components, and designing monitoring program

⁹ EIS – environmental impact statement

¹⁰ EA – environmental assessment

¹¹ CER – comprehensive evaluation report

Issues	Alternative A Proposed Action 2005 Rule	Alternative B No Action 2000 Rule	Alternative C 1982 Rule	Alternative D	Alternative E	Alternative M
Cumulative Effects of Plans as Provided By an EIS	Considered in scoping. Cumulative effects were also analyzed when planning CE promulgated.	Cumulative effects considered for revision and amendment.	Cumulative effects considered for plan development or revision	Considered in scoping. Cumulative effects were also analyzed when planning CE promulgated.	Considered in scoping. Cumulative effects were also analyzed when planning CE promulgated. If an EA or EIS is prepared, cumulative effects would be included	Considered in scoping. Cumulative effects were also analyzed when planning CE promulgated. If an EA or EIS is prepared, cumulative effects would be included
EMS	EMS in rule	Rule silent on EMS	Rule silent on EMS	Rule silent on EMS	Rule silent on EMS	EMS in rule
Best Available Science	Must take into account	Must be consistent with	Requires use of science.	Must take into account	Must take into account	Must take into account
Management Requirements	Does not contain minimum specific management requirements as a category section.	Does not contain minimum specific management requirements as a category section.	Uses “management requirements” as a category to include direction for unit planning and implementation regarding compliance with a variety of laws and regulations.	Does not contain minimum specific management requirements as a category section.	Does not contain minimum specific management requirements as a category section.	Does not contain minimum specific management requirements as a category section.

CHAPTER 3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

Affected Environment

The Forest Service is responsible for managing the lands and resources of the NFS, which include approximately 193 million acres in 44 states, Puerto Rico, and the Virgin Islands. The System is composed of 155 national forests, 20 national grasslands, 1 national prairie, and other miscellaneous lands under the jurisdiction of the Secretary of Agriculture (the Secretary).

The Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476 *et seq.*), as amended by the National Forest Management Act of 1976 (NFMA) (90 Stat. 2949 *et seq.*; 16 U.S.C. 1601-1614), requires the Secretary to promulgate regulations under the principles of the Multiple-Use Sustained-Yield Act of 1960 that establish the process for the development and revision of land and resource management plans for the previously mentioned units in the NFS (16 U.S.C. 1604(g)).

The proposed planning rule and alternative planning rules would affect the *process* whereby NFS land management plans are developed, revised, and amended. They would establish administrative procedures to follow in developing, amending, and revising these plans. These rules do not dictate how administrative units of the NFS are to be managed. The Agency does not expect that any of these rules would dictate the uses that could occur on any or all units of the NFS. Moreover, the action alternatives would change the land management planning process over time, as individual land management plans are developed, revised or amended. No land management plans would be required to immediately change as a result of any of the alternative planning rules under consideration.

Environmental Consequences

Nature of Rules and Land Management Plans

Section 31.12 of FSH 1909.15 excludes from documentation in an environmental assessment or environmental impact statement (absent extraordinary circumstances) “rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instruction.” The proposed rule clearly falls within this category of actions and the Agency believes that no extraordinary circumstances exist that would require preparation of an environmental assessment or an environmental impact statement for a planning rule. However, the United States District Court in *Citizens for Better Forestry et al. v. USDA* (N.D. Calif.) held that “...the agency must conduct further analysis and evaluation of the impact of the 2005 Rule...” Without conceding the correctness of the Court’s ruling, the Agency has decided to undertake this process, thus expediting much needed plan revisions.

Land management plans are strategic in nature. A plan establishes a long-term management framework for a NFS unit. Within a plan framework, specific projects and

activities may be proposed, approved, and implemented depending on specific conditions and circumstances at the time of approval and implementation. The U.S. Supreme Court described the nature of land and resource management plans in *Ohio Forestry Ass'n v. Sierra Club*, (523 U.S. at 733 (1998)) explaining that plans are “tools for Agency planning and management.” The Court recognized that the provisions of such plans “do not command anyone to do anything or to refrain from doing anything; they do not grant, withhold, or modify any formal legal license, power, or authority; they do not subject anyone to any civil or criminal liability; they create no legal rights or obligations” (523 U.S. 733 (1998)). The Supreme Court repeated its characterization of analogous plan decisions as strategic without any immediate on the ground impact in *Norton v. Southern Utah Wilderness Alliance*, 124 S. Ct. 2373, 2382 (2004). The Supreme Court again observed that “land use plans are a preliminary step in the overall process of managing public lands—‘designed to guide and control future management actions and the development of subsequent, more detailed and limited scope plans for resources and uses.’” In addition, “a land use plan is not ordinarily the medium for affirmative decisions that implement the agency’s ‘project[ions].’” (542 U.S. 13 (2004))

Plans developed under the proposed rule and alternatives typically cannot be linked in a cause-effect relationship over time and within a geographic area to effects on the human environment without proposals for actions that approve or prohibit projects and activities. Rules that set out the process for the development, revision, and amendment of land management plans are even further removed from any foreseeable action from which environmental effects might arise. While this environmental impact statement is focused on the effects of the proposed and alternative planning rules rather than the effects of plans themselves, the foregoing discussion points out that the proposed planning rule and alternative planning rules are even further removed from any actions with environmental, social, or economic effects that can be meaningfully evaluated. (40 CFR 1508.23)

Environmental Review of Past Planning Rules

The Agency’s first planning rule, promulgated under the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 (NFMA) was published in 1979 and accompanied by an environmental impact statement (44 FR 53927). The environmental impact statement concluded:

“The specific effects of implementing any of the alternative regulation proposals are virtually impossible to quantify. Regulations developed to direct the process of preparation and revision of land management plans have no direct effect on the human environment. The regulations do not commit land or resources. They only establish procedures and standards and guidelines for planning future commitments.”

The environmental impact statement also stated:

“The effects on implementing alternative regulations on the physical and biological environment are not measurable except qualitatively. Each alternative set of regulations enhances plant and animal diversity, protects soil and water

values and the visual resource, and ensures long-term productivity. The actual results will be known after the individual forest or regional plans are completed.”

“There is no reliable way to estimate quantitatively the effect on the economic environment of promulgating any of the alternative regulations. It is assumed that better management decisions will result from improved economic analysis, because those decisions will be based on cost effectiveness data. Overall management of the NFS should become more cost effective and efficient.”

“Effects upon the social environment are difficult to quantify. No significant impacts or differences between the alternatives are anticipated.”

The Forest Service prepared an environmental assessment when it revised its planning rule in 1982 (47 FR 43026). The environmental assessment stated:

“...the specific effects of implementing the regulations and their revisions in whatever form, are virtually impossible to quantify. These regulations are formulated to direct the *process* of preparing and revising land management plans. Consequently, they have no direct effect on the quality of the environment or the economy. They only establish procedures, and standards and guidelines for planning future commitments.”

“Some general qualified effects or impacts of alternatives to the current regulations were presented in the FEIS which accompanied the regulations published in the Federal Register.”

In 2000, the Forest Service published an environmental assessment for another revision to its planning rule (National Forest System Land And Resource Management Planning Proposed Rule Environmental Assessment And Civil Rights Impact Assessment, Forest Service, 2000). Recognizing that the Forest Service now had a categorical exclusion in its NEPA implementing procedures, the environmental assessment stated:

“Although not required under the Forest Service regulations implementing the National Environmental Policy Act (NEPA), the Forest Service has decided to prepare this environmental assessment...”

The environmental assessment described, qualitatively, a number of effects that “could” occur, but went on to say:

“Thus the adoption of the proposed rule would not have a direct effect on the quality of the human environment. However, future implementation of the proposed rule on individual National Forests or Grasslands could affect decisions that are made for those lands.”

“Neither the Proposed Action nor the No Action Alternative requires any irreversible and irretrievable commitments of resources. Rather, the existing and proposed planning rules merely describe the process that the Forest Service currently uses and would use to make planning decisions for the National Forests and Grasslands. Any commitments of resources would take place at the forest level after the preparation and consideration of appropriate NEPA analysis and documentation.”

Direct Effects

The foregoing excerpts from environmental reviews of past planning rules illustrate the speculative nature of linking rules that establish the process for the development and revision of land management plans to environmental effects that can be meaningfully evaluated. The environmental impact statement for the 1979 planning rule spoke to this lack of cause and effect when it said, “Actual effects on the production of goods and services will be determined and verified when the planning is completed.” In 1979, the Forest Service believed planning would be completed when a land management plan was approved and that plan environmental impact statements also would generally be sufficient for the approval of future proposed projects and activities. The Forest Service now knows that at the point of plan approval, one can only speculate about the projects that might be proposed and budgeted and the natural events, such as fire, flood, insects, and disease that might occur that will make previously un-contemplated projects necessary or force changes in the projects and the effects of projects that were contemplated. Accordingly, planning is not completed until specific activities are authorized or prohibited and environmental effects meaningfully evaluated.

Ultimately, land management plans for each unit of the NFS reflect social and economic values placed on NFS lands and environmental laws, regulations, and requirements for protection of the environment. The proposed planning rule and alternative planning rules merely establish a process by which these values and environmental protections are recognized and documented. Consequently, the proposed planning rule and alternative planning rules have no direct effect on the human environment.

Some people disagree with the Agency’s conclusions concerning the absence of environmental effects of planning rules and have offered alternative viewpoints of the effects of the proposed planning rule. These alternative viewpoints make up the issues identified in Chapter 1, which are discussed in Chapters 2 and 3.

The alternative viewpoints collectively assert that the proposed rule does indeed have environmental effects. Under this view, because subsequent actions with ground disturbing effects are foreseeable as a result of a new rule, the rule itself is believed to be a causative factor in those effects. For this to occur however, the following links in this chain of causation must be connected: First, a planning rule would have to shape not only the framework for land management plans, but also influence their specific content. Second, the content of land management plans would influence the choice and design of future projects and activities in a plan area. Finally, certain projects and activities would have to be carried out or prohibited as a direct result of a land management plan. These events are not dominoes, certain to fall in line as the one before it topples. These events

are separate and independent Agency decisions tailored to the legal, fiscal, resource, policy, and other constraints specific to each level of decision. Such decisions are also guided by the judgment of the official responsible for the decision at each level.

The various planning rules require plan components such as desired condition, goals, objectives, standards, and/or guidelines, identification of land suitability for resource management, identification of special areas, and monitoring strategies. The individual units must identify their own respective desired conditions, goals and objectives, and the standards and/or guidelines to achieve them. The individual units must also identify which of their lands are suitable for resource management, and which lands should have or be recommended for special designation. Individual units must also develop their own monitoring strategies based on specific goals and objectives and local issues.

While land management plans would influence the choice and design of future projects and activities in a plan area, they do not compel or prohibit these actions. Just because a plan identifies certain lands as suitable for timber production does not dictate when, where, or how many acres, if any, of those lands will see a timber harvest. Conversely, lands not identified as suitable for timber production may still be harvested for other resource management purposes.

The factors, attendant to each of these determinations, are inherently unknowable in the context of a programmatic analysis. Any attempt to forecast them could be nothing more than speculation. The Council on Environmental Quality's Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, Question #18, states where there is total uncertainty about the future, the Agency is not required to speculate (46 FR 18026). CEQ's regulations also account for uncertainty by defining the point where effects can be meaningfully evaluated as the appropriate time for analysis (40 CFR 1508.23), and by acknowledging that decisionmaking can occur in the face of incomplete or missing information. Moreover, the regulations state that analysis of reasonably foreseeable impacts should not be based on pure conjecture. (40 CFR 1502.22)

Some have suggested that by meeting the stated purpose and need for action, the Agency's land management planning would be more efficient and less costly. They contend the savings in time and dollars would benefit project planning, resulting in more projects and therefore affect the environment. The improvements to land management planning efficiency and cost are not shared with project planning. Project planning would still be subject to environmental laws, regulations, and other requirements for the protection of the environment as they always have been. It is possible that in future years, savings in the Agency's planning budget could find its way into other resource management budget line items, but it is speculative to predict how Congress would fund the Agency.

Even accepting the alternative viewpoint that the proposed planning rule and alternatives could have environmental effects, they are too speculative to analyze. The promulgation of a planning rule that establishes administrative procedures to follow in developing, revising, and amending land management plans is not yet at a stage in the development of an action where the effects can be meaningfully evaluated. (40 CFR 1508.23) When the stage of planning is reached where there is a direct or even indirect cause and effect relationship between a proposed action and an environmental effect, the proposal will be analyzed and documented in the appropriate NEPA document and with appropriate public involvement.

Each of the alternatives includes the following land management plan requirements:

Table 3—Alternative Land Management Plan Requirements

Alternatives A and D <u>(2005 rule and modified)</u>	Alternatives E and M <u>(modified 2005 rule)</u>	Alternative B <u>(2000 rule)</u>	Alternative C ¹ <u>(1982 rule)</u>
Desired Condition	Desired Condition	Desired Condition	Goals/Desired Conditions
Objectives	Objectives	Objectives	Objectives
Guidelines	Standards and Guidelines	Standards	Standards and Guidelines
Suitability	Suitability	Suitability	Suitability
Special Areas	Special Areas	Special Designations	Wilderness Recommendation and Research Natural Areas
Monitoring	Monitoring	Monitoring	Monitoring

¹ Plans developed under the 1982 rule are often characterized as making six decisions: forest-wide goals and objectives, forest-wide management requirements, management area direction, land suitability, wilderness recommendations, and monitoring. Since forest-wide management requirements and management area direction consist of standards and guidelines, that is what is reflected in this table for purposes of comparison.

Desired Condition

Forest plan goals (in Alternative C) and desired conditions are the social, economic, and ecological attributes toward which management of the land and resources of the plan area is to be directed. The goals/desired conditions illustrate how the desired landscape would look or function. Desired conditions will not describe the precise activities to be undertaken to bring a forest or grassland to those conditions.

This type of a description states a vision for the desired condition of the forest or grassland. Desired conditions provide a context for future proposed projects or activities. Projects and activities will be developed to help achieve or maintain one or more of the desired conditions of the plan. A future proposed project or activity would be consistent with a plan if it does not foreclose the opportunity for maintenance or attainment of the applicable desired conditions over the long term based on the relevant spatial scales described in the plan. The statement of desired conditions will typically influence the choice and design of future proposed projects and activities in the plan area but does not by itself have any effects on the environment. A planning rule requiring that desired conditions be identified in land management plans but not dictating what those desired conditions should be is even further removed from effects on the environment. Therefore, the desired condition requirement in the proposed action and alternatives has no direct effect on the human environment.

Objectives

Objectives are concise projections of measurable, time-specific intended outcomes. These outcomes typically result from approved projects or activities. Objectives state aspirations to guide the proposed projects and activities for the plan area to help maintain or achieve the desired conditions. Even though objectives identify outcomes aimed at

achieving or maintaining desired conditions in the plan area and time frames based on current and past trends of Agency capacity (*i.e.*, budget and personnel), they still are aspirational in nature. Objectives do not approve projects and activities, or command anyone to refrain from undertaking projects and activities, or grant, withhold or modify contracts, permits or other formal legal instruments. A binding commitment to these objectives would be impossible since Agency budgets for any given year are unknown.

While objectives describe aspirations in the plan area to help achieve desired conditions, they will not create a binding commitment to undertake future proposed projects and activities. Objectives will not set the location, timing, or method of any future proposed project or activity. Rather, they provide strategic benchmarks that are helpful in evaluating progress toward desired conditions. Projects and activities are typically developed and designed to achieve one or more of the objectives of the plan. Objectives help guide the responsible official in setting priorities for future proposed projects to meet the desired conditions. A project or activity is consistent with the objectives component of a plan if it contributes to or does not prevent the attainment of one or more applicable objectives. Objectives will typically influence the choice and design of projects or activities in the plan area but do not have any effects on the environment. A planning rule requiring that objectives be articulated in land management plans but not dictating what those objectives should be is even further removed from any effects on the environment. Therefore, the objective requirement in the proposed action and alternatives has no direct effect on the human environment.

Standards/Guidelines

Standards and/or guidelines under any of the alternatives are used to design projects or activities to contribute to achieving a plan area's desired conditions. Standards and/or guidelines typically would not approve projects and activities, or command anyone to refrain from undertaking projects and activities, or grant, withhold or modify contracts, permits or other formal legal instruments. If a plan standard or guideline were to approve projects and activities, or command anyone to refrain from undertaking projects and activities, or grant, withhold or modify contracts, permits or other formal legal instruments, such a plan component would be subject to appropriate NEPA analysis and documentation.

Standards and/or guidelines describe parameters for activities in an area, recognizing that site-specific NEPA and other analyses conducted during future project and activity decision-making might support adjustment of a standard or guideline in certain circumstances. Thus, standards and/or guidelines will typically influence the development of an Agency proposal for future projects and activities in a plan area and could have an effect on the environment. However, the effects of a planning rule requiring that standards and/or guidelines be included in land management plans but not dictating what those standards and/or guidelines should be, cannot be meaningfully evaluated.

Planning rules requiring specific, mandatory standards and/or guidelines in land management plans influence the choice and design of future proposed projects and activities, but the effect of such influence cannot be known until further independent action is taken. For example, all of the alternatives include timber requirements from section 6(g) of NFMA, either in the rule or through reference to Agency directives. (16 U.S.C. 1604(g)) With one exception, the timber requirements merely repeat the statutory

requirements. The exception is the requirement to identify the maximum size of even-aged regeneration harvests as required by NFMA. The acreage chosen by the Agency is a discretionary action. Pursuant to the Act however, a responsible official may still exceed the maximum size after appropriate public notice and comment and higher level Agency review. (§1604(g)(3)(F)(iv))

In another example, Alternative C (1982 rule) includes a standard to give special attention to land and vegetation for approximately 100 feet from the edges of all perennial streams, lakes, and other bodies of water. (§219.27(e)(1982)) The standard requires ‘special attention’ but then repeats the NFMA requirement to provide protection for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment, where harvests are likely to seriously and adversely affect water conditions or fish habitat. (§1604(g)(3)(E)(iii)) Accordingly, NFMA – not the planning rules – must be credited with this influence on the choice and design of future proposed projects and activities.

Therefore, the standard and/or guideline requirement in the proposed action and alternatives has no direct effect on the human environment.

Suitability

The Forest and Rangeland Renewable Resources Planning Act as amended by NFMA requires NFS planning rules to “require the identification of the suitability of lands for resource management.”

Alternative C (1982 rule) defines suitability as the appropriateness of applying certain resource management activities to a given unit of land as determined by an analysis of the environmental and economic consequences and the alternative uses forgone. Alternative B (2000 rule) defines suitability through the converse approach, in stating that lands are not suited for a particular use if that use: is prohibited by law, regulation, or Executive Order; is incompatible with the mission or policies of the NFS; or would result in substantial and permanent impairment of the productivity of the land. Alternatives A, D, E, and M (2005 rule and variations) describe suitable uses as those that are compatible with desired conditions and objectives for a particular area.

Under Alternatives B (2000 rule) and C (1982 rule), lands would be identified as suitable for certain management practices such as recreation, timber production, livestock grazing, mineral development, or other uses. Alternatives A, D, E, and M (2005 rule and variations) would require identification of areas within a NFS as generally suitable for various uses. Additionally, Alternative M explicitly says the responsible official may identify lands within the plan area as generally not suitable for uses that are not compatible with desired conditions and objectives for that area.

The identification of an area as suitable, generally suitable, or not suitable for various uses does not approve projects or activities, command anyone to refrain from undertaking projects and activities, or grant, withhold or modify contracts, permits or other formal legal instruments.

The identification of land suitability will typically influence future project or activity decision-making but will not have any environmental effects. Actual uses of specific areas are approved through project and activity decisionmaking. A planning rule

requiring the identification of the suitability of lands for resource management in land management plans but not dictating which lands are suitable for what type of management is even further removed from any effects on the human environment. Therefore, the suitability requirement in the proposed action and alternatives has no direct effect on the human environment.

Special Areas/Designations/Recommendations

Special areas are areas within the NFS designated because of their unique or special characteristics. Some of these areas are statutorily designated. Other areas may be designated through plan development, amendment, revision, or through a separate administrative process with an appropriate NEPA process.

Special areas that are statutorily designated by Congress include Wilderness and Wild and Scenic River corridors. The responsible official may make preliminary recommendations that ultimately could result in Congressional action, though these recommendations would require additional NEPA documentation before forwarding to Congress.

In some cases, the Forest Supervisor may make recommendations for special areas that would need action at other administrative levels to become final. These special areas include areas designated through a separate administrative process at a national or regional level, or areas designated by a different Agency. Such areas can include, but are not limited to, Research Natural Areas (designated by the Regional Forester with concurrence of the Research Station Director), Experimental Forests (designated by the Forest Service Chief), and National Scenic Byways (designated by the Federal Highway Administration). Appropriate NEPA analysis and documentation would be prepared when such designations are proposed.

The responsible official may designate some special areas through approval of the land management plan, a plan amendment, or plan revision. Such special areas include geological; botanical; zoological; paleontological; historical; and recreational areas.

Alternative C (1982 rule) requires evaluation of roadless areas for wilderness recommendation and provisions for designation of research natural areas. While not explicit in Alternative C (1982 rule) designation of special areas within a responsible official's authority is allowed. Alternative B (2000 rule) requires evaluation of undeveloped areas for wilderness recommendation and allows responsible officials to recommend administrative designations to higher authorities or to designate special areas within their authority through amendment or revision. Alternatives A, D, E, and M (2005 rule and variations) require lands possessing wilderness characteristics to be considered for recommendation as potential wilderness and allows responsible officials to designate special areas within their authority through amendment or revision.

The evaluation of lands for preliminary recommendation for wilderness, recommendation to other agencies or higher authority for certain special area designation, and designation of special areas within responsible officials' authority are essentially the same for all of the alternatives. Any designations that prohibit or approve projects or activities will be analyzed in appropriate NEPA documentation. However, a planning rule requiring or allowing for designation of or recommendations for special areas but not authorizing any ground disturbing activities or prohibiting specific uses or activities will have no effect on the human environment.

Monitoring

All of the alternatives require that land management plans establish monitoring requirements. All of the alternatives require that land management plans establish monitoring requirements. All alternatives direct that plans must monitor how changes on the ground match to the desired conditions and objectives of the plan. They differ in the degree of detail expected in the content of the forest plan and the extent of the monitoring program. Under all alternatives, monitoring and evaluation would be used to determine if actions are being implemented in accordance with applicable plan direction; if the aggregated outcomes and effects of actions are achieving desired conditions; and if key assumptions underlying management direction are valid.

While the results of monitoring and evaluation inform future proposals and decisions, the design of a monitoring program in a land management plan will not have any effects on the environment. Moreover, a planning rule requiring that a monitoring program be described in land management plans is even further removed from any effects on the human environment. Therefore, the monitoring requirement in the proposed action and alternatives has no direct effect on the human environment.

Indirect Effects

The Council on Environmental Quality regulations implementing the procedural provisions of NEPA define indirect effects as those, “which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.” (40 CFR 1508.8)

The Forest and Rangeland Renewable Resources Planning Act as amended by NFMA, requires any NFS land management planning rule to be promulgated under the principles of the Multiple-Use Sustained-Yield Act of 1960. (16 U.S.C. 1604(g)) Accordingly, the proposed planning rule and alternatives all establish an administrative process for the development, revision, and amendment of land management plans based upon the principle of sustainability.

Alternatives A, D, E, and M (2005 rule and modified versions) state, “...the goal of managing the NFS is to sustain the multiple uses of its renewable resources in perpetuity while maintaining the long-term productivity of the land.” These alternatives further state, “Maintaining or restoring the health of the land enables the NFS to provide a sustainable flow of uses, benefits, products, services, and visitor opportunities.”

Alternative B (2000 rule) states, “The first priority for planning to guide management of the NFS is to maintain or restore ecological sustainability of national forests and grasslands to provide for a wide variety of uses, values, products, and services.

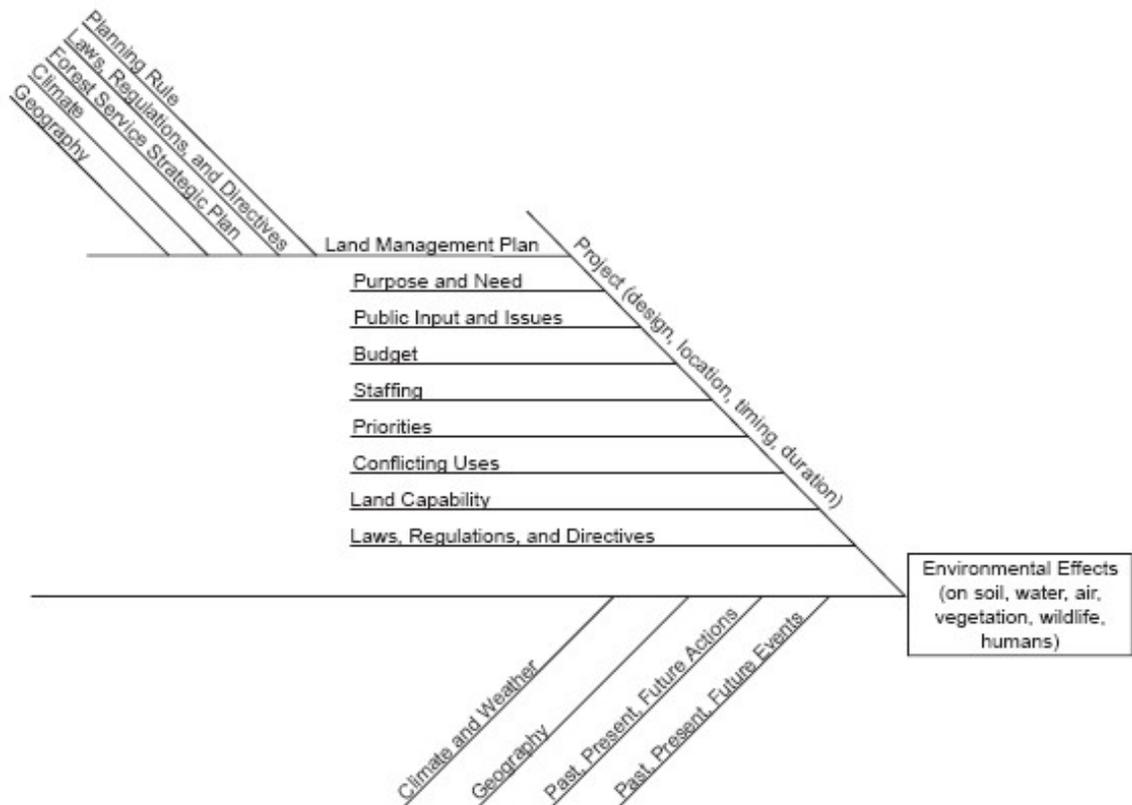
Alternative C (1982 rule) states, “The resulting plans shall provide for multiple use and sustained yield of goods and services from the NFS in a way that maximizes long term net public benefits in an environmentally sound manner.” Additionally, this rule calls for “Establishment of goals and objectives for multiple-use and sustained-yield management of renewable resources without impairment of the productivity of the land.”

Although articulated differently, each alternative reiterates the statutory mandate to provide a sustainable flow of goods and services while maintaining the productivity of the land. As discussed above, the proposed action and alternatives do not dictate, prohibit, or approve any specific projects or activities that will have environmental effects. The proposed action and alternatives do not cause any environmental, social, or economic effects that are later in time or farther removed in distance. Therefore, there are no indirect effects from the proposed action or alternatives.

As previously discussed under the heading of Direct Effects, alternative viewpoints have been presented, in which some people disagree with the Agency’s conclusions about the absence of environmental effects and have offered alternative viewpoints of the effects of the proposed planning rule and alternatives. As with direct effects under this viewpoint, any indirect effects are inherently unknowable. The uncertainties and contingencies inherent in assessing direct effects make any attempt to forecast indirect effects even more speculative and remote.

As previously discussed, the Council on Environmental Quality’s Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations, Question #18, states where there is total uncertainty about the future, the Agency is not required to speculate. (46 FR 18026) CEQ’s regulations also account for uncertainty by defining the point where affects can be meaningfully evaluated as the appropriate time for analysis (40 CFR 1508.23), and by acknowledging that decisionmaking can occur in the face of incomplete or missing information. Moreover, the regulations state that analysis of reasonably foreseeable impacts should not be based on pure conjecture. (40 CFR 1502.22)

Figure 1—Simplified Planning Rule Cause – Effect Relationship to Environmental Effects



As shown in Figure 1, planning rules along with laws, regulations, Agency directives, and local features such as geography, and climate influence how a land management plan might look. The planning process involves consideration of all of these influences in an independent process separately conducted for each forest or grassland. Land management plans, along with many independent factors influence the design, location, timing and duration of a site-specific project or authorization for an activity. These factors include: the particular purpose and need for action; public input on the proposal; a unit's budget, staffing, and priorities; possible conflicting uses in the planning area; the suitability and capability of the land to support the proposed project or activity, and various laws, regulations, and Agency directives. These project-level factors cannot be known at the time of promulgating a planning rule. Moreover, the decisionmaking process for each project is an independent process with its own responsible official. Consequently, any environmental effects that could somehow be indirectly associated with the design of a planning rule also cannot be known.

Cumulative Effects

The Council on Environmental Quality regulations implementing the procedural provisions of NEPA define a cumulative effect as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what Agency (Federal or non-Federal) or person undertakes such other actions” (40 CFR § 1508.7).

For cumulative impacts to accrue there must first be an impact from the action under review that can then be added to the impacts of other past, present, or reasonably foreseeable future actions. Neither the proposed planning rule nor any of the alternative planning rules dictate how administrative units of the NFS are to be managed. These alternative rules establish administrative procedures. The Agency does not expect that any of these rules would dictate the mix of uses on any or all units of the NFS., There are no direct or indirect effects to be added to the effects of any past, present, or reasonably foreseeable future actions. Consequently, there are no effects here which can be aggregated with the effects of other actions.

The Forest Service and Department of Agriculture have a number of ongoing or recently finalized rulemaking and policy efforts that alone or in combination with the planning rule affects NFS (NFS) lands management. As these public rulemakings and policies are finalized, the Agency may choose to integrate and clarify certain provisions within each rule or policy to ensure consistency, clarity, and effectiveness with other ongoing initiatives. The relationship of these efforts to the proposed and alternative planning rules are discussed below.

Roadless Rules

The Agency considered the current petitions from the States of Idaho and Colorado for rulemaking. The Agency also considered the Roadless Area Conservation Rule (66 FR 3244) and the State Petitions for Inventoried Roadless Area Management Rule (70 FR 25654) as well as their legal status due to ongoing litigation. A decision is pending in *State of Wyoming v. USDA*, 07CV-017 (D. Wyo) that will affect the status of the Roadless Area Conservation Rule. The decision to enjoin the State Petitions for Inventoried Roadless Area Management Rule has been appealed to the Ninth Circuit

Court of Appeals. Since the future of both of these rules is still in question, the Agency considered both of them for possible cumulative effects.

The States of Idaho and Colorado have submitted petitions for rulemaking under § 553(e) of APA and Department of Agriculture regulations at 7 CFR § 1.28 for the management of roadless areas within those States. More information about the Idaho rulemaking can be found at <http://roadless.fs.fed.us/idaho.shtml>. Information about the Colorado rulemaking can be found at <http://roadless.fs.fed.us/colorado.shtml>.

On April 20, 2007, the Northern Rockies Ecosystem Protection Act (H.R. 1975) was introduced in the house. Under section 503 of this bill, there is a proposal for a prohibition on road construction, timber harvesting, and mineral development in roadless areas 1,000 acres or larger, until Congress states otherwise. On May 24, 2007, House (H.R. 2516) and Senate (S.1478) bills for the protection of inventoried roadless areas were re-introduced with bipartisan support. These bills would make the Roadless Area Conservation Rule law. These bills are available at the Library of Congress website: <http://thomas.loc.gov/>.

All alternatives in this environmental impact statement were compared to the anticipated effects of the alternatives found in the Roadless Area Conservation environmental impact statement, the Roadless Area Conservation Rule, the State Petitions for Inventoried Roadless Area Management Rule, the proposed Idaho Roadless Rule and alternatives found in the supporting draft environmental impact statement, and the Colorado State petition and preliminary alternatives in the notice of intent to prepare an environmental impact statement, H.R. 1975, H.R. 2516, and S.1478. In all cases, the Agency has determined that effects between procedural provisions of any planning rule or its alternatives and these various roadless rules and bills are not dependent on each other and have independent effects; therefore, the effects are not cumulative.

All alternatives in this environmental impact statement are procedural and no specific outcome for inventoried roadless areas is mandated. Other than the requirements to conduct inventories for potential wilderness areas, evaluation of potential wilderness areas, and wilderness recommendations, all alternatives give the responsible official discretion to select management direction for inventoried roadless areas.¹² Actual designation of an area into the wilderness system may only be done by an Act of Congress. Once enacted, individual land management plans come into compliance through a conforming amendment.

It is anticipated the Agency will continue with its “two-filter” approach for compliance with either the Roadless Area Conservation Rule or the State Petitions for Inventoried Roadless Area Management Rule and with the portion of land management plans covering those inventoried roadless areas. This means, that no matter which roadless rule is in place, the procedures of the planning rule would not affect the provisions of the roadless rule. Neither would individual land management plans based upon a procedural planning rule (all alternatives) affect provisions of the roadless rule. However, the Agency recognizes the RACR or State-specific roadless rule would place constraints on individual inventoried roadless areas in individual land management plans. In the case of the proposed Idaho roadless rule, the proposed rule seeks to narrow differences between the rule and land management plans. Therefore, a responsible officials’ discretion on the

¹² See FSH 1909.12 Chapter 70 – Wilderness Evaluation for more details on this process.

development, amendment, or revision of individual land management plans developed under any planning rule (all alternatives) would be constrained to ensure compliance with any roadless rule in effect for the specific inventoried roadless areas.

Forest Service Transportation Policy

On February 12, 1999, (64 FR 7290) the Forest Service issued a final interim roads rule that temporarily suspended permanent and temporary road construction and reconstruction in certain unroaded areas of NFS lands. This suspension was in effect for 18 months.

A final national forest transportation system rule and policy were published simultaneously with the RACR on January 12, 2001, (66 FR 3206). The rule and policy directed changes for the management, use, and maintenance of the national forest transportation system, including requiring the development of a transportation atlas, which displays the minimum system of roads, trails, and airfields for the management of the NFS lands and for public access. It removed emphasis on transportation development and added a requirement for science-based transportation analysis.

The Forest Service revised the 2001 transportation system rule, and added new requirements under the travel management rule, on November 9, 2005, (70 FR 68264). The travel management rule combines regulations formerly found under 36 CFR part 212 (governing administration of the forest transportation system) and regulations at 36 CFR part 295 (governing use of motor vehicles off NFS roads). Part 295 regulations were removed. The travel management rule clarifies the Agency's policy related to motor vehicle use, including the use of off-highway vehicles. The rule requires designation of those roads, trails, and areas open to motor vehicle use. Designations will be made by class of vehicle and, if appropriate, by time of year. The rule includes a prohibition in 36 CFR part 261, subpart A, against the use of motor vehicles off the designated system, as well as a prohibition against use of motor vehicles on routes and in areas that is not consistent with the designations.

A key aspect of the rule is the definition of various travel management terms. The new terminology provides a more integrated and consistent framework for management of roads, trails, and areas for motor vehicle use.

After appropriate site-specific environmental analysis and public involvement, a user-created route may be added to the forest transportation system and designated for motor vehicle use as an NFS trail or NFS road. A user-created road could also be decommissioned and converted to a trail, if appropriate. Proposals to add user-created routes to the forest transportation system within areas affected by the RACR or any other roadless rule must include consideration of the potential impacts on roadless characteristics.

For all alternatives (alternatives A-E & M) in this FEIS, the Agency has determined the procedural provisions of any planning rule or its alternatives and the travel management rule are not dependent on each other and have independent effects; therefore, they are not cumulative. All alternatives in this FEIS are procedural, and no specific outcome for travel management would be mandated under any of the alternatives. All alternatives give the responsible official discretion to make appropriate travel management decisions for an administrative unit or a ranger district outside the context of the planning rule.

Under all alternatives, a responsible official would consider the existing travel management plan for the unit or district during the development, amendment, or revision of the corresponding land management plan. Additionally, a responsible official may later consider changes to a travel management plan to align it with revisions to the corresponding land management plan.

Forest Service Strategic Plan and other Agency Goals

The USDA Forest Service Strategic Plan: FY 2007 – 2012 became final in July 2007. The strategic plan contains seven broad strategic goals for the Agency:

1. Restore, sustain, and enhance the Nation's forests and grasslands.
2. Provide and sustain benefits to the American people.
3. Conserve open space.
4. Sustain and enhance outdoor recreation opportunities.
5. Maintain basic management capabilities of the Forest Service.
6. Engage urban America with Forest Service programs.
7. Provide science-based applications and tools for sustainable natural resources management.

The plan recognizes seven factors beyond the control of the Forest Service that could affect progress towards accomplishing these long-term goals and objectives. They include:

1. Extreme weather, climate fluctuations, and environmental change beyond the natural range of forest and grassland variability that affect ecological productivity and resilience.
2. Legal or regulatory constraints or changes that affect management activities, available options, or program resources.
3. Incomplete, untimely, or conflicting information that reduces managerial efficiency and effectiveness.
4. Independent actions by external groups or individuals, including landowners that affect forest and grassland management or Forest Service objectives.
5. Demographic shifts or changes in stakeholder perceptions that result in unanticipated shifts in expectations.
6. Unpredictable economic fluctuations that change market conditions and human behaviors.
7. International crises or homeland security issues that alter domestic program accomplishments or public needs.

A copy of the plan is available at <http://www.fs.fed.us/publications/strategic/fs-sp-fy07-12.pdf>.

In addition to the Strategic Plan, the Chief of the Forest Service has established other strategic aspirations and emphases for the Agency. Examples include Chief Dale Bosworth's "Four Threats to the Health of the Nation's Forests and Grasslands"

(<http://www.fs.fed.us/projects/four-threats/>) and Chief Abigail Kimbell's "Climate change, water, and kids" (<http://www.fs.fed.us/news/2007/speeches/09/climate.shtml>).

The strategic plan and other strategic aspirations provide national-level direction that guides the Forest Service in delivering its mission. The planning rule (all alternatives) fits under the plan by providing a framework for an individual Forest Service unit to develop a site-specific land management plan to manage its natural resources. While the individual land management plan would be developed through the complex integration of resource assessments, management actions, and public collaboration, there are no cumulative effects in connection with the strategic plan and the planning rule. The strategic plan establishes aspirations and does not lead to any direct action on the ground or compel any policy development or implementation. However, the Agency recognizes, under all alternatives, a responsible official would consider the strategic plan, as an individual land management plan is being developed, amended, or revised.

NEPA Procedures

On August 17, 2007, the Forest Service published a proposed rule in the Federal Register (72 FR 45998), which would move the Agency's NEPA implementing procedures from Forest Service Manual (FSM) 1950 and Forest Service Handbook (FSH) 1909.15 to 36 CFR part 220. The Agency also proposes to clarify its existing NEPA procedures and add new procedures to incorporate Council on Environmental Quality (CEQ) guidance and to better align agency NEPA procedures with Agency decision processes.

The proposed rule incorporates existing categorical exclusions. No new categorical exclusions are proposed. Among the existing categorical exclusions proposed for § 220.6(e) is:

(16) Land management plans, plan amendments, and plan revisions developed in accordance with 36 CFR 219.1 through 219.16 that provide broad guidance and information for project and activity decisionmaking in a NFS unit. Proposals for actions that approve projects and activities, or that command anyone to refrain from undertaking projects and activities, or that grant, withhold or modify contracts, permits or other formal legal instruments, are outside the scope of this category and shall be considered separately under Forest Service NEPA procedures.

Categorical exclusions can be used "only if there are no extraordinary circumstances related to the proposed action" (proposed § 220.6(a) and 40 CFR § 1508.4).

Environmental impact statements (EIS) are required for "proposals to take major Federal actions that may significantly affect the quality of the human environment" (proposed § 220.5(a)(3)).

All alternatives require NEPA compliance in the development, amendment, or revision of individual land management plans. Alternatives B (2000 rule) and C (1982 rule) require the use of an EIS for individual land management plan development or revisions.

Alternative B allows the use of an EIS, environmental assessment (EA), and categorical exclusions as appropriate for amendments. Alternative C allows for the use of either an EA or EIS for amendments. Use of a categorical exclusion would be typical for alternatives A (2005 rule), D, E, and M. However, alternatives E and M explicitly require an EA or EIS for plan components that approve or prohibit projects or activities.

Alternative C (1982 rule) uses the NEPA EIS process as the public involvement process. Alternative B (2000 rule) uses the NEPA EIS process to supplement public involvement

for land management plan revisions. Alternatives A (2005 rule), D, E, & M use an extensive collaborative process for public involvement.

The Agency's existing and proposed NEPA polices are procedural. All alternatives for a planning rule are also procedural. In combination they do not compel an action that will cause an effect on the "human environment" (defined at 40 CFR § 1508.14). Actions affecting the human environment would come when site-specific projects are implemented. The development of site-specific project proposals and their alternatives would use guidance found in the individual land management plans. The proposed NEPA procedures and any of the alternatives for the planning rule are related insofar as both include provisions and instructions that guide analytical and public involvement processes, but do not comprise a cumulative effect under NEPA as neither have a direct impact on the human environment.

The Healthy Forests Restoration Act and the Healthy Forest Initiative
Section 2 of the Healthy Forests Restoration Act (HFRA) states:

The purposes of this Act are—

- (1) to reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects;
- (2) to authorize grant programs to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electric energy, useful heat, transportation fuel, and petroleum-based product substitutes, and for other commercial purposes;
- (3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;
- (4) to promote systematic gathering of information to address the impact of insect and disease infestations and other damaging agents on forest and rangeland health;
- (5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and
- (6) to protect, restore, and enhance forest ecosystem components—
 - (A) to promote the recovery of threatened and endangered species;
 - (B) to improve biological diversity; and
 - (C) to enhance productivity and carbon sequestration.

While the focus of HFRA is mainly on project design and implementation, the Act also calls for the collaborative development of community wildfire protection plans for identifying and prioritizing areas for hazardous fuel reduction treatments, recommendations for the types and methods of treatments, and recommended measures to reduce structural ignitability. The community wildfire protection plan (CWPP) could identify NFS lands as "wildland-urban interface" or "municipal water supply system". The Act "gives priority to authorized hazardous fuel reduction projects that provide for the protection of at-risk communities or watersheds or that implement community wildfire protection plans."

The Healthy Forests Initiative (HFI) expedites administrative procedures for hazardous-fuel reduction and ecosystem-restoration projects on Federal land. These administrative actions affecting the Forest Service include:

- Categorical exclusions which allow certain fuel-treatment projects and rehabilitation projects after a wildfire to proceed in full compliance with NEPA, but without lengthy environmental and sociological documentation. [The 9th Circuit Court on December 5, 2007, declared the hazardous fuels reduction category invalid.]
- New guidance from the Council on Environmental Quality to conduct environmental assessments for fuel reduction and to restore fire-adapted ecosystems.
- Early and meaningful public participation in the decisionmaking process and amendment of Forest Service rules for project appeals which makes the appeals process less cumbersome.
- A more effective consultation process under Section 7 of the Endangered Species Act.
- Congressional expansion of stewardship contracting authorities.

Section 1604(a) of NFMA requires the Secretary of Agriculture shall to “develop, maintain, and, as appropriate, revise land and resource management plans for units of the NFS, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.” All alternatives (alternatives A-E & M) are procedural and do not compel an action that will cause an effect on the human environment. All alternatives give the responsible official discretion to consider and coordinate an existing CWPP and the goals of HFRA and HFI during the development, amendment, or revision of subsequent land management plans. While HFRA/HFI and the planning rule inform each other, they do not have direct environmental consequences; therefore, they do not comprise a cumulative effect under NEPA.

Regional Plans and Assessments

There are land management plan revisions and amendments affecting multiple national forests and grasslands in a specific state or region, but do not affect the entire NFS. Some of these plans are developed and implemented by multiple agencies, like the Northwest Forest Plan and the proposed designation of West-wide Energy Corridors that amend or revise individual land management plans using the processes found in the planning rule (all alternatives). Others like the Sierra Nevada Framework affect only the NFS lands. They amend or revise individual land management plans using the processes found in the planning rule (all alternatives).

Additionally, there are regional assessments, like the Southern Appalachian Assessment and the Interior Columbia Basin Management Plan, the Aquatic Conservation Strategy, and the Lynx Conservation Strategy, which do not, by themselves, amend or revise an existing land management plan. These documents provide large-scale overview and information for use during the development, amendment, or revision of individual land management plans. For example, guidance in the Lynx Conservation Strategy was incorporated into the Northern Rockies Lynx Amendment, which amended 18 land management plans in the States of Idaho, Montana, Utah, and Wyoming

All alternatives (alternatives A-E & M) in this FEIS are procedural – concerned with how to develop, amend, or revise land management plans. They also provide a structural framework for individual land management plans by requiring that certain elements be included, such as goals/desired conditions, objectives, standards and/or guidelines, land suitability, special areas, and monitoring. Regional assessments provide valuable information to responsible officials for fulfilling these land management plan requirements. Assessments do not approve or prohibit projects and activities and have no effects on the human environment. Consequently, there can be no cumulative effects from regional assessments that inform decisions concerning the substantive content of land management plans and the procedural requirements of a planning rule.

Regional plans such as the Northwest Forest Plan and the Sierra Nevada Framework are actually multi-plan amendments. Such amendments are conducted within the procedural requirements of the planning rule. Land management plan amendments are subject to the appropriate Agency NEPA procedures and could have environmental effects, depending on their content. However, the planning rule procedures that are followed in amending a land management plan do not have environmental effects. Consequently, there can be no cumulative effects from the procedural requirements of a planning rule which has no environmental effect even if combined with a land management plan amendment which might or might not have environmental effects.

Transformation and NEPA Feasibility Study

The Agency is engaged in a study of Washington office and regional office organizations to more effectively accomplish its mission. The Agency also conducted a study to identify ways to improve the Agency's approach to performing activities related to NEPA compliance. The study identified areas of NEPA implementation that can be improved through efficiencies in personnel staffing, organizational structure, communications, technology application, and procedures.

No decisions to act on the information developed from these studies have been made. However, the thrust of both studies is efficient and effective accomplishment of the Agency's mission. The reasonably foreseeable outcome of these organizational studies is maintenance of the Agency's ability to accomplish its mission. Consequently, there would not be any environmental effects from any decisions that result from these studies. Therefore there are no cumulative effects from any of the alternative planning rules and any potential agency reorganization efforts.

Short-term Uses and Long-term Productivity _____

NEPA requires consideration of “the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity” (40 CFR 1502.16). As declared by Congress, this includes using all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans (NEPA Section 101).

Pursuant to the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by NFMA, the proposed action and alternatives each ascribe to the principles of the Multiple-Use Sustained-Yield Act of 1960 in setting out a process for the

development and revision of land and resource management plans. Accordingly, plans prepared under any of the alternatives would provide guidance for a sustainable flow of goods and services while maintaining the productivity of the land.

The proposed action and alternatives guide the development of land management plans by requiring those plans to include desired conditions, objectives, standards and/or guidelines, identification of special areas, and monitoring programs. However, these rules neither authorize nor prohibit short-term uses of NFS lands.

Unavoidable Adverse Effects

The proposed planning rule and alternative planning rules would affect the *process* whereby NFS land management plans are developed, revised, and amended. They establish administrative procedures. These rules do not dictate the activities that would occur or not occur on administrative units of the NFS. As previously discussed, neither the proposed rule nor any of the alternatives have a direct, indirect, or cumulative effect on the human environment and therefore, none would result in any unavoidable adverse effects.

Irreversible and Irretrievable Commitments of Resources

Irreversible commitments of resources are those that cannot be regained, such as the extinction of a species or the removal of mined ore. Irretrievable commitments are those that are lost for a period of time such as the temporary loss of timber productivity in forested areas that are kept clear for use as a power line rights-of-way or road.

Neither the proposed action nor any of the alternatives require any irreversible or irretrievable commitments of resources. Rather, the proposed planning rule and alternative planning rules merely describe the process the Forest Service would use to make planning decisions for the National Forests and Grasslands. Any commitments of resources would take place when projects or activities are proposed and after the preparation and consideration of appropriate NEPA analysis and documentation.

Other Disclosures

A biological assessment was prepared for the preferred alternative pursuant to a U.S. district court order dated March 30, 2007 in *Citizens for Better Forestry et al. v. USDA*, C.A. C05-1144 (N. D. Cal.). Should another alternative be selected, the Agency will first complete a biological assessment for that alternative and complete its obligations under ESA before a decision.

The biological assessment, available for review at http://www.fs.fed.us/emc/nfma/2008_planning_rule.html, concludes that the preferred alternative, in itself, will have no quantifiable or discernible effect on threatened, endangered, or proposed species or to designated or proposed critical habitat.

The analysis in the biological assessment does not take the place of site-specific project or programmatic (e.g., land management plan) planning and analyses that will be conducted for future decisions and activities on NFS lands. Section 7 consultation for threatened and endangered species and designated critical habitat will be conducted for

actions authorized, funded, or carried out by the Forest Service, as required by regulation and policy (50 CFR 402.01, FSM 2671.45).

Title 36 CFR 800.3 - Initiation of the section 106 process directs Agencies to determine whether the proposed Federal action is an undertaking as defined in § 800.16(y) and, if so, whether it is a type of activity that has the potential to cause effects on historic properties. If the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under section 106 or this part.

The proposed planning rule and alternative planning rules would establish administrative procedures to follow in developing, amending, and revising land management plans. These rules do not dictate how administrative units of the NFS are to be managed. None of these rules would dictate the uses that could occur on any or all units of the NFS. The proposed and alternative planning rules would only affect the process whereby NFS land management plans are developed, revised, and amended.

Based upon the nature of the proposed planning rule and alternative planning rules, the Agency determined that the proposed Federal action and alternative planning rules are undertakings as defined by 36 CFR 800.16(y), but have no potential to cause effects on historic properties. Accordingly, the agency has no further obligations under section 106 or under 36 CFR 800. Individual plans that are locally developed may have the potential to cause effects and are subject to Section 106 NHPA consultation.

How Each Alternative Meets the Purpose and Need _____

The discussion of purpose and need for action in Chapter 1 identifies 12 attributes being sought in a planning rule. All alternatives studied in detail except Alternatives B and C meet this purpose and need for action. Some alternatives differ from each other in meeting certain of the listed attributes. Some attributes of the purpose and need were identified as issues because some respondents who reviewed the proposed action expressed concern that the proposed action falls short in the areas of providing for diversity of plant and animal species, public involvement, and the use of best available science. Rather than discussing these three topics in this section, they discussed in the section concerned with issues, which follows this section. This section discusses how each alternative meets each of the other attributes detailed in the purpose and need.

Clear and readily understood requirements

Alternatives A, D, E, and M have a narrower and clearer focus on the requirements of a plan than do Alternatives B and C. Wording in the alternative rules clearly applies to forest planning only and not to projects. Each of these alternatives focus the rule on the nature of planning and plan components, evaluations and monitoring, public participation, sustainability, the role of science, and the objection process. Much of the procedural detail and technical guidance to revise and amend forest plans to address these elements is contained within the directives system, where it can be adjusted more quickly to recognize the need for changes in technical direction.

Alternative B contains a large number of requirements. The business model analysis workshop described in Chapter 1 found the mix of programmatic and project-level direction throughout the rule confusing. The workshop also found the rule's requirement to consult scientists could lead to confusion about what role scientists play in decisions.

The workshop summary conclusion indicated this rule has both definitions and analytical requirements that are very complex, unclear, and, therefore, subject to inconsistent implementation across the Agency.

Alternative C contains a large number of requirements. Language in the rule mixes direction that is applicable to both land management planning and to project planning. The rule focuses on regional and forest planning and a large number of specific management requirements addressing various natural resources. The rule devotes considerable detail to planning associated with the timber resource. Given the length of time that this rule has been in effect and the amount of case law that has developed with its requirements, there is now greater clarity in understanding the requirements of this rule.

Efficient use of Agency staff resources and collaborative efforts

Alternatives A, D, E and M are focused on efficient use of both agency personnel and public participation in the planning process. With an evaluation process focused on the decisions needed for strategic plans, agency personnel and the participating public can devote their attention to completing plan revisions and amendments in a timely manner. This can maintain the participation of both key agency staff and public participants as opposed to longer processes that are more likely to experience turnover.

Alternative B contains a much more substantial set of analysis requirements that will demand lengthy periods of participation of both agency personnel and collaborators in the planning process. Analysis requirements that must be completed before a revision is formally initiated require a substantial commitment of agency personnel. Additionally, the requirements for independent peer review of science used in the process demands a greater level of outside participation of scientists in the planning process.

Alternative C also contains a substantial set of analysis requirements many of which are no longer central to the issues of the day, such as benchmark analyses and economic efficiency analyses. The agency has had mixed experiences in working with this planning rule. Protracted planning processes have suffered from turnover of agency personnel and frustration by the participating public over the inability to complete plans in a timely manner.

Planning process that can be conducted within Agency planning budgets

Alternatives A, D, E, and M provide potential cost savings in the form of additional flexibility and discretion for responsible officials in deciding the form of data collaboration, analysis, science support, ecosystem diversity evaluation, and species diversity evaluation needed to support the decision to be made in the development, revision, or amendment of land management plans. This flexibility should allow planners to avoid planning procedures deemed unnecessary on a case-by-case basis, therefore increasing economic efficiency. These alternatives require a comprehensive evaluation report and a plan set of documents to document a plan analysis. While there is no historical information available to precisely estimate cost savings of a plan documented in a comprehensive evaluation report and plan set of documents versus an environmental impact statement, marked savings are likely to occur, primarily because these alternatives focus on broad analysis and flexibility. Land management planning activities contributing to the estimated cost of these alternatives include collaboration, science support, plan analysis documentation or environmental analysis and documentation, analyses for

diversity and sustainability, objections process, and monitoring. Costs for these activities are consistent across these alternatives except for plan analysis documentation and monitoring. Analysis documentation costs are slightly higher for Alternatives E and M based on an assumption that some plans will include standards that might require higher levels of environmental documentation than plans under Alternatives A and D. Monitoring costs are slightly higher for Alternatives A and M because EMS is required by these rules and not by Alternatives B, C, D, and E.

Alternative B has greater costs associated with broad scale assessments, independent scientific peer review, scientific advisory boards, and other means to evaluate the consistency and application of science. The business model analysis workshop described in Chapter 1 concluded the complexity of this alternative planning rule makes it difficult and expensive to implement. Land management planning activities contributing to the estimated cost of this alternative include collaboration, science support, plan analysis documentation, analyses for diversity and sustainability, objections process, and monitoring.

Alternative C cost estimates were developed by analyzing cost data for plan revisions that have been recently completed using current state-of-the-art procedures under the 1982 rule. Land management planning activities contributing to the estimated cost of this alternative include regional guides, all aspects of plan revision, appeals process, and monitoring.

Table 4—Cost of Alternatives

	<u>Alt. A</u>	<u>Alt. B</u>	<u>Alt. C</u>	<u>Alt. D</u>	<u>Alt. E</u>	<u>Alt. M</u>
Number of Years to Revise a Plan	3	6	5	3	3	3
Number of Plans in Revision Each Year	24	48	40	24	24	24
Average Annual Planning Cost in millions of dollars	45	99	71	45	50	50
Average Annual Monitoring Cost in millions of dollars	51	32	33	47	47	51

While the average annual costs of Alternative M and Alternative C (1982 rule) are relatively similar, there are significant differences in how planning dollars are invested annually. Under Alternative C, 68 percent of all estimated annual planning expenditures are committed to the plan revision processes, rather than monitoring and evaluation. An estimated 75 percent of annual planning expenditures would fund plan revisions under Alternative B (2000 rule). Under Alternative M, an estimated 51 percent of annual planning dollars would be expended for plan revisions, leaving nearly half of annual expenses for monitoring and evaluation that would keep plans more current and adaptive to new information and changing conditions. Alternatives A (47%), D (49%) and E (51%) have similar percentages to Alternative M invested in the plan revision processes and in monitoring and evaluation.

The cost analysis assumes that each alternative will involve completing plan revisions on a 15-year cycle with an equal number of plans in revision each year. Plan revisions would take an estimated 3 years under Alternatives A, D, E, and M. Alternative B would require an estimated 6 years and Alternative C would take an estimated 5 years for a plan

revision. Therefore Alternatives A, D, E, and M would have an average of 24 plans in revision in any given year, while Alternative B would have 48 and Alternative C would have 40.

The Agency's average annual planning budget over recent years has been \$57 million, while the Agency's inventory and monitoring budget has been \$ 167 million. Therefore, Alternatives A, D, E, and M are expected to be within the Agency's planning budget, while Alternatives B and C would not. All alternatives would be within the Agency's inventory and monitoring budget.

Analyses that are within the Agency's capability to conduct

Alternatives A, D, E, and M limit analysis requirements in the planning rule to those appropriate for a strategic land management plan. The primary focus of analysis requirements are in the comprehensive evaluations of social, economic and ecological sustainability. The evaluation includes an analysis of conditions, trends, and best available science related to how the plan can contribute to sustainability. This includes how the plan can sustain social and economic systems and provide a framework that contributes to sustaining native ecological systems by providing ecological conditions to support diversity of native plant and animal species in the plan area. This information is collected through a regular monitoring program with updated comprehensive evaluations. Other analysis is at the discretion of the responsible official in collaboration with the public to develop the components of the plan. These alternatives do not apply to project or activity analysis. A categorical exclusion would normally be the environmental document to support plans developed under these alternatives. Alternatives E and M, might require an environmental assessment or environmental impact statement for plan revisions or amendments that create final decisions through forest plan standards. The requirements for an environmental management system in Alternatives A and M create additional analytical requirements.

Alternative B includes a large set of specific analysis and monitoring requirements. The NFMA Planning Rule Review discussed in Chapter 1 noted the following concerns regarding this rule:

- The rule requires considerable analysis of ecological, economic, and social components of sustainability, all of which must be accomplished using the best available science. Those analysis requirements are substantially greater than anything accomplished in even the most intense planning efforts and they are likely beyond the Agency's capability.
- Increasing dependence on research and development scientists alone would effectively overwhelm the research mission of the Forest Service.
- The rule describes a level and specificity of monitoring that might not be feasible. The rule includes requirements establishing monitoring methodologies, methods frequency of sampling and sampling protocols, i.e., focal species and species-at-risk, in the plan, resulting in unnecessary delay of decisions and investments in information that are not warranted or necessary to make a reasoned decision.

Prior to initiating a revision, this alternative would require a number of specific evaluations subject to independent scientific peer review. The rule also requires the

preparation of an environmental impact statement that necessitates identifying a large number of assumptions about what plan implementation would do.

Alternative C is the 1982 planning rule and the one with which the agency has the most experience. While this experience has demonstrated the ability of the agency to implement this planning rule, the rule contains numerous detailed requirements. Compliance with some of these requirements is difficult or impossible. Others are burdensome legacies that are not responsive to today's conditions. Among these problematic requirements are:

- Detailed requirements for the analysis of timber and economic efficiency, such as benchmarks, are no longer relevant to today's plans developed for sustainability.
- The requirement to ensure viability for vertebrate species. After many years of experience the agency has concluded that the requirement to insure that viable populations will be maintained is beyond the capability of the agency.
- Requirements for management indicator species including estimates of their populations and case law requiring that these species also be monitored at project scales. This required the Forest Service to develop capabilities to monitor species populations. In many cases these species were not the most critical information needed for monitoring.

The rule also requires the preparation of an environmental impact statement for plan development, revision, and significant amendments that necessitate identifying a large number of assumptions about what plan implementation would do.

Strategic nature of land management plans

Alternatives, A, D, E, and M envision strategic land management plans focused on a limited set of forest plan components supported by comprehensive evaluation and monitoring. There is no direction regarding project planning or activities other than a basic discussion consistency with the plan. These alternatives recognize that plans by themselves are fundamentally without environmental effect and that environmental effects are triggered by projects or activities that are implemented consistently with the direction of the plan.

Alternative B envisions land management plans focused on a limited set of forest plan decisions supported by multi-scale assessments, science consistency reviews, and detailed monitoring. It mixes project level direction in the planning rule. It also requires preparation of an environmental impact statement that requires developing assumptions to estimate effects that could occur at a site-specific level.

Alternative C involved three levels of planning with a regional guide, forest plans, and project planning that would proceed easily under the umbrella of the forest plan. The alternative mixes regional guide, forest plan and project planning direction in the rule. The plan was supported by an analysis of the management situation and an environmental impact statement based on assumptions of what could occur at the site-specific level under a number of different alternatives.

Monitoring Strategy

The purpose and need calls for a planning rule that includes public involvement in development of a monitoring strategy, taking into account key social, economic, and

ecological performance measures and provides the responsible official sufficient discretion to decide how much information is needed. All of the alternatives provide for a monitoring strategy.

Alternatives A, D, E, and M provide the most discretion to the responsible official to determine what monitoring information is needed for informed decisionmaking. These alternatives limit the substantive requirements for monitoring to:

- Monitoring to assist in evaluating effects of each management system so that it will not produce substantial and permanent impairment of the productivity of the land.
- Monitoring of the degree to which on-the-ground management is maintaining or making progress toward the desired conditions and objectives for the plan

Procedurally, these alternatives require public participation in developing a monitoring program that takes into account financial and technical capabilities, key social, economic and ecological performance measures, and the best available science. An annual evaluation of the monitoring information must also be performed.

Alternative B provides considerable discretion to the responsible official, but requires monitoring of more specific items and contains greater requirements to support monitoring decisions. This alternative directs the responsible official to monitor the status and trend of selected physical and biological ecosystem characteristics. The reasons for the characteristics selected must be documented along with monitoring objectives, methodologies and critical values. This alternative also requires monitoring of focal species and species at risk, although this monitoring can be either through habitat or population monitoring. This alternative also specifies monitoring of social and economic sustainability and site specific actions. This level and specificity of monitoring could result in investments in information that are not warranted or necessary to make a reasoned decision, resulting in unnecessary delay of decisions. While scientists must be included in the design and evaluation of monitoring strategies, public participation is not explicitly required.

Alternative C provides discretion for the decision-maker, but requires monitoring of a number of specific items as part of the monitoring program. Among these requirements are quantitative estimates of performance comparing outputs, costs and other effects of the plan, several items associated with timber management, insects and diseases, management indicator species, and effects of national forest management on land, resources and communities adjacent or near the national forests. This alternative contains substantial requirements for public participation in the planning process, but public participation in developing the monitoring and evaluation requirements are not specifically cited. No specific language highlights the role of science in developing the monitoring and evaluation requirements. The rule does not specifically require an annual report, but does require a periodic evaluation.

Use of adaptive management

Compared to the 1982 planning rule (Alternative C), Alternatives A, D, E, and M are designed to provide for more rapid adjustment of land management plans based upon emerging scientific information and changing public values. These alternatives all contain the same requirement for comprehensive evaluations at five year intervals and

annual evaluations of monitoring information. There are several features of these alternatives that are designed to lead to more rapid adaptation of the plans. These include:

- Explicitly providing for corrections to forest plans including the entire monitoring program;
- Establishing the Forest Supervisor as the normal responsible official for plan changes, thus removing this burden from the regional forester;
- Simplifying requirements for completing plan amendments;
- Allowing for site-specific adjustments within the plan with appropriate documentation; and
- Allowing simpler forms of environmental documentation for most plan amendments and revisions.

Compared to the 1982 planning rule (Alternative C), Alternative B is also designed to provide for adaptive management of land management plans based on scientific information and public values. It contains requirements for a substantial monitoring program and an annual monitoring and evaluation report. It contains several features that are designed to lead to more rapid adjustment of plans including:

- Explicitly providing for corrections to forest plans including the entire monitoring program;
- Establishing the Forest Supervisor as the normal responsible official for plan changes, thus removing this burden from the regional forester;
- Simplifying requirements for completing plan amendments; and
- Allowing for site-specific adjustments within the plan with appropriate documentation.

However, this alternative creates a number of substantial additional requirements, especially for plan revisions that will slow down the ability to rapidly complete a revision. These include a number of specific evaluations to be completed prior to initiating revision, requirements for science review, and the completion of revisions with an environmental impact statement.

Alternative C is more focused on the initial preparation of land management plans than it is on the monitoring and adjustment of established plans. Although Alternative C contains requirements for a monitoring program, it does not contain explicit temporal requirements for evaluation of monitoring results. This alternative contains a number of requirements that slow the ability of Agency to amend or revise forest plans. These include:

- Confusion over ability of the Agency to correct errors in plan documents or flexibility in language interpretation in applying plans to projects;
- Requiring the regional forester to be the responsible official for plan amendments and revisions and
- Specifying that significant amendments or revisions must repeat the same procedures that were used to develop the plan, including the analysis of

benchmarks, formulation of multiple alternatives and completion of an environmental impact statement.

Guidance for sustainable management

All alternatives provide guidance for sustainable management of national forests. Alternatives A, B, D, E, and M are focused on management to provide for ecological, social and economic sustainability. Alternatives A, D, E, and M emphasizes that plans contribute to all three types of sustainability and specifically that plans provide a framework to sustain native ecological systems and plant and animal diversity.

Alternative B has direction that requires that the responsible official must ensure that the plan provides for maintenance or restoration of ecosystems and contains considerable direction related to accomplishing this. This alternative also requires that the responsible official must consider social and economic information and the participation of affected people to contribute to social and economic sustainability.

Alternative C is primarily focused on the sustained yield of products and services with considerable detail describing the sustained yield of timber. The system of management requirements included with this planning rule were designed to limit the extent of the sustained yield of forest multiple uses to protect key environmental elements such as wildlife diversity, soils, cultural and historic resources, and riparian areas.

Compliance with applicable laws, regulations, and policies

All alternatives are designed to comply with applicable laws, regulations and policies although there is some different emphasis in the approach of each alternative to accomplish this.

Alternatives A, B, D, E, and M are structured to focus on providing additional material in the planning regulation that is not already addressed in other law or regulation. It does not require and does not expect the planning rule or plans developed under its authority to repeat existing law, regulations or policies; although some cross referencing may be appropriate. Alternatives A and D include National Forest Management Act direction regarding timber harvest and suitable lands for timber in the Directives. Alternatives B, E and M include this material in the planning rule itself.

Alternative C contains a substantial number of requirements that are included in the planning rule to implement requirements of other laws such as the Clean Water Act or ESA. It is not clear as to whether or not it expects repetition of other laws and policies in the planning rule.

Alternative B places a primary focus on ecological sustainability, and a secondary focus on economic and social sustainability. The NFMA Planning Rule Review discussed in Chapter 1 found this differential focus contravenes the principles of the Multiple-Use Sustained-Yield Act.

Alternatives' Response to the Issues _____

The five alternatives are discussed below in terms of how they address the significant issues identified in Chapter 1.

Diversity of Plant and Animal Communities Issue

Diversity Requirements of NFMA

All of the proposed alternatives must comply with NFMA, which requires regulations that establish the process for development, and revision of land management plans. “The regulations shall include... 3) specifying guidelines for land management plans developed to achieve the goals of the Program which... (B) provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan;” (16 U.S.C. 1604 (g)(3)(B))

The NFS includes 193 million acres, and individual planning units vary in size. For example, the Tongass National Forest in Alaska is 17 million acres and the Finger Lakes National Forest in New York is only 16,000 acres. The Finger Lakes National Forest does not have the same suitability and capability that the Tongass National Forest does to provide for diversity of plant and animal communities because it does not have the large unfragmented habitats required by some species. The guidelines of a planning rule apply to both national forest examples and diversity guidelines in a rule should be based on the suitability and capability of each forest to meet overall multiple-use objectives.

Because a planning rule must apply to such a wide range of species present in a wide range of environments, its guidance will fall into three areas: general guidance on goals/desired conditions and objectives related to diversity; guidance on how to achieve these goals/desired conditions; and guidance on how to measure success in the achievement of diversity goals/desired conditions and objectives.

Threatened, Endangered, or Proposed Species

The proposed planning rule and alternative planning rules would have no effect to threatened, endangered, or proposed species or to designated or proposed critical habitat.

The promulgation of either the proposed planning rule or any of the alternatives considered is not a "major construction activity", as defined in the implementing regulations for ESA at 50 CFR 402.02. As such, preparation of a biological assessment is not required (50 CFR 402.12e). Although a biological assessment is not required, an analysis was conducted in order to examine whether the proposed rule or alternatives have effects on threatened, endangered, or proposed species or critical habitat, such that consultation or conferencing under Section 7 of the ESA would be necessary. A biological assessment was prepared for the preferred alternative. Should another alternative be selected, the Agency will first complete a biological assessment for that alternative before a decision.

The proposed rule and alternative rules, in and of themselves, would not predetermine management activities for specific project areas or land management plan decisions, nor would they authorize, fund, or carry out any habitat or resource disturbing activities. They would not make any land use allocations, or establish specific standards or guidelines for management of resources. These rules, being strictly procedural, would not directly result in changes in the management of any particular National Forest or Grassland or in the activities permitted or conducted on those lands. Moreover, because

of their procedural nature, there is no reasonable basis for assessing or quantifying the specific effects of any subsequent actions, as such effects will depend upon decisions made during future programmatic and project planning and it is premature to speculate on the specific nature or effects of those decisions.

Other Species

All alternatives set up aspirations for NFS lands to sustain biological diversity, to sustain populations of rare species, and to sustain habitat for over 3,000 species of birds, mammals, reptiles, fish, amphibians, and over 10,000 plant species. These aspirations might have influence on plans and subsequently, the design of future projects and activities on NFS lands. All alternatives contain provisions for sustaining biodiversity while providing for timber harvest, mineral development, recreational, and other uses.

Response to Issue

The key differences between the alternative rules are their diversity criteria, monitoring requirements and use of adaptive management principles. In other words, how they define successful achievement of species diversity, how they measure this success and how they provide for corrective action.

Diversity criteria

As displayed in the following Diversity Criteria Table, Alternative C (1982 planning rule) would require the Agency to provide habitat to ensure that viable populations of existing native and desired non-native vertebrate species will be maintained. Alternative B requires the Agency to provide for ecological conditions with a high-likelihood of supporting the viability of native and desired non-native species. Alternative A (proposed action) and Alternatives D, E, and M (modifications of the 2005 planning rule) require plans to provide a framework to contribute to sustaining native ecological systems by providing ecological conditions to support diversity of native plant and animal species in the plan area. Plan components must establish a framework to provide the characteristics of ecosystem diversity in the plan area. If the responsible official determines that additional provisions beyond those for ecosystem diversity are required to provide appropriate ecological conditions for specific threatened and endangered species, species-of-concern, and species-of-interest, then the plan must include additional provisions for these species, consistent with the limits of Agency authorities, the capability of the plan area, and overall multiple use objectives. In addition, the directives for the 2005 rule contain guidance for providing self-sustaining populations.

Table 5—Diversity Criteria

<p>Alternatives A, D, E, and M (2005 planning rule and modifications)</p> <p>Self-sustaining Populations</p>	<p>In Alternative A (proposed action) and Alternatives D, E, and M (modifications of the 2005 planning rule) the rule text sets up an overall goal to provide a framework to provide ecological conditions to support diversity of native plant and animal species in the plan area. If the responsible official determines that additional plan components are needed to provide appropriate ecological conditions for threatened species, species of concern and species of interest, then the plan must include additional provisions for these species consistent with the limits of Agency authorities, the capability of the plan area, and overall multiple use objectives (36 CFR 219.10).</p> <p>To sustain species diversity FSM 1921.76c says plan components for species-of-concern should provide appropriate ecological conditions to allow self-sustaining populations of the species to be well distributed and interactive, within the bounds of the life history, distribution, and natural population fluctuations of the species within the capability of the landscape and consistent with multiple-use objectives.</p>
<p>Alternative B, 2000 planning rule</p> <p>High Likelihood of viability</p>	<p>Alternative B (2000 planning rule) states “Plan decisions affecting species diversity must provide for ecological conditions that the responsible official determines provide a high likelihood that those conditions are capable of supporting over time the viability of native and desired non-native species well distributed throughout their ranges within the plan area, except as provided in paragraphs (b)(2)(ii)-(iv) of this section” (36 CFR 219.1920(b)(2)(i) (2000))</p>
<p>Alternative C, 1982 planning rule</p> <p>Viable Populations</p>	<p>Alternative C (1982 planning rule) states “Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species... In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area” (36 CFR 219.19 (1982)). In addition, “forest planning shall provide for diversity of plant and animal communities and tree species consistent with the overall multiple-use objectives of the planning area (36 CFR 219.26 (1982)).</p>

To provide for diversity of plant and animal communities the Agency designed Alternative A (proposed action), Alternatives D, E, and M (modifications of the 2005 planning rule), and Alternative B (2000 planning rule) based on the principles of conservation biology to supply a reasonable level of assurance of diversity using a coarse filter (ecosystem diversity) and fine filter (species diversity). With Alternatives A, B, D, E, and M the Agency acknowledges the limits of the Agency’s scientific understanding and financial and technical capabilities. In addition, with Alternatives A, B, D, E, and M the Agency concedes that the management of plant and animal communities must be done recognizing uncertainty, imperfect and incomplete information, and systemic environmental variation.

Diversity Criteria and Alternatives A, D, E, and M

Alternative A (proposed action) and Alternatives D, E, and M (modifications of the 2005 planning rule) establish a goal of providing ecological conditions for plant and animal communities, require a framework for sustaining these conditions in plans, and give the responsible official discretion to decide what plan components should be included in the

plan for species. Alternatives A, D, E, and M require the planning directives for sustaining ecological systems to be consistent with the concepts of ecosystem diversity and species diversity. In addition, guidance is included in the Forest Service Directive System for providing self-sustaining populations of species-of-concern for Alternatives A, D, E, and M. A self-sustaining population is one that is sufficiently abundant and has appropriate population characteristics to provide for its persistence over many generations. Species-of-concern are “species for which the responsible official determines that management actions might be necessary to prevent listing under the Endangered Species Act” (36 CFR 219.16). The Agency defines the specific analysis processes in FSM 1921.7 and FSH 1909.12 chapter 40.

The characteristics of ecosystem diversity described in the directives include parameters that describe an ecosystem; composition (major vegetation types, rare communities, aquatic systems, and riparian systems), structure (successional stages, water quality, wetlands, and floodplains), principal ecological processes (stream flows and historical and current disturbance regimes), and soil, water, and air resources (FSM 1905).

The planning directives provide the appropriate procedural considerations to sustain species diversity based on the suitability and capability of the specific land area. FSM 1921.76c says:

The following points describe appropriate considerations for plan components based on the portion of the range of a species-of-concern that overlaps a plan area. When a plan area encompasses:

1. The entire range of a species, the plan components should contribute appropriate ecological conditions for the species throughout that range.
2. One or more naturally disjunct populations of a species, the plan should contribute appropriate ecological conditions that contribute to supporting each population over time.
3. Only a part of a population, the plan should contribute appropriate ecological conditions to support that population“ (FSM 1921.76c).

Diversity Criteria and Alternative B

Alternative B (2000 planning rule) procedures establish a diversity criterion of high likelihood of viability. The procedures provide considerations based on the suitability and capability of the specific land area. Alternative B says at 36 CFR 219.20 (b)(2):

“When a plan area occupies the entire range of a species, these decisions must provide for ecological conditions capable of supporting viability of the species and its component populations throughout that range. When a plan area encompasses one or more naturally disjunct and self-sustaining populations of a species, these decisions must provide ecological conditions capable of supporting over time viability of each population. When a plan area encompasses only a part of a population, these decisions must provide ecological conditions capable of supporting viability of that population well distributed throughout its range within the plan area.

(ii) When conditions outside the authority of the agency prevent the agency from providing ecological conditions that provide a high likelihood of supporting over time the viability of native and desired non-native species well distributed throughout their ranges within the plan area, plan decisions must provide for ecological conditions well

distributed throughout the species range within the plan area to contribute to viability of that species.

(iii) Where species are inherently rare or not naturally well distributed in the plan area, plan decisions should not contribute to the extirpation of the species from the plan area and must provide for ecological conditions to maintain these species considering their natural distribution and abundance.

(iv) Where environmental conditions needed to support a species have been so degraded that it is technically infeasible to restore ecological conditions that would provide a high likelihood of supporting viability, plan decisions must provide for ecological conditions to contribute to supporting over time viability to the degree practicable” (36 CFR 219.20(b)(2)(iv)).

In addition, Alternative B (2000 planning rule) would establish the most intensive analysis requirements of any of the alternatives. Alternative B analysis requirements for ecosystem diversity and species diversity are estimated to be very costly, and neither straightforward nor easy to carry out. (See Cost-Benefit Analysis – The Proposed Rule (36 CFR 219) for National Forest Land Management Planning, available online at http://www.fs.fed.us/emc/nfma/2008_planning_rule.html).

Diversity Criteria and Alternative C

Alternative C (1982 planning rule) procedures require viability. The words of Alternative C (1982 planning rule) state, “Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area.” This requirement has been interpreted by some people to be a 100 percent certainty that all species must remain viable at all times. These 1982 planning rule procedures for viability greatly exceed the NFMA requirement to provide for diversity of plant and animal communities based on the suitability and capability of the specific land area.

The 100 percent certainty interpretation by some people is a technical impossibility given that the cause of some species decline is outside the limits of the Agency. For example, viability of some species on NFS lands might not be achievable because of species-specific distribution patterns (such as a species on the extreme and fluctuating edge of its natural range), or when the reasons for species decline are due to factors outside the control of the Agency (such as habitat alteration in South America causing decline of some Neotropical birds), or when the land lacks the capability to support species (such as a drought affecting fish habitat).

Monitoring

As shown in the following table the alternatives vary in the discretion the responsible official has in designing the monitoring program for species diversity in collaboration with stakeholders. Alternative A (proposed action) and Alternatives D, E, and M (modifications of the 2005 planning rule) allow the most discretion in designing a monitoring program for diversity or plant and animal communities. Alternative B (no-action, 2000 planning rule) requires the responsible official to develop a monitoring strategy to monitor ecological conditions (habitat) for focal species and species-at-risk, but allows the responsible official discretion in the monitoring of species population trends.

Alternative C (1982 planning rule) requires monitoring of population trends of MIS. This alternative has the least discretion regarding monitoring of population trends. When the 1982 planning rule was written, the Agency believed that MIS populations indicated the effects of management activities. The MIS concept has not been very useful as a framework for understanding the relationship of changes in wildlife habitat and population trends, because of the lack of ability to predict future trends. Two key articles refute the idea of MIS as an indicator of other species (Landres 1988; Niemi 1997). There are other relevant papers for MIS (Broberg 1999; Caro and O'Doherty 1999; Caro and others 2005; Landres and others 1988; Lindenmayer and others 2000; Ozaki and others 2006).

Table 6—Monitoring and Species Diversity

Alternatives A, D, E, and M (2005 planning rule and modifications)

Alternative A (proposed action) and Alternatives D, E, and M (modifications of the 2005 planning rule) require the plan monitoring program to take into account key social, economic, and ecological performance measures relevant to the plan area (36 CFR 219.6(b)(1)(ii)(2005)). The plan monitoring program provides for evaluating the effects of each management system on the productivity of the land and the degree to which on-the-ground management is maintaining or making progress toward the desired conditions and objectives of the plan.

Alternatives A, D, E, and M empower responsible officials to use their discretion to tailor monitoring to local needs and conditions. The directives identify that information important to the evaluation of species of interest and species of concern should be a high priority for collection throughout the monitoring program.

In addition at 36 CFR 219.14 (2005) the alternatives A, D, E, and M allow existing plans developed under the 1982 planning rule to monitor the habitat of MIS instead of monitoring population trends of MIS unless the plans themselves require monitoring of population trends of MIS.

Alternative B (2000 planning rule)

Alternative B (2000 planning rule) requires monitoring to be used to evaluate focal species and species at risk (36 CFR 219.11(a)(1)(ii)(2000)) and requires monitoring of the effectiveness of monitoring (36 CFR 219.11(a)(1)(iii)(2000)). Alternative B requires monitoring of status and trends of ecological conditions (habitat) to support focal species and selected species-at-risk. Monitoring of species populations is optional.

Focal species: Focal species are surrogate measures used in the evaluation of ecological sustainability, including species and ecosystem diversity. The key characteristic of a focal species is that its status and trend provide insights to the integrity of the larger ecological system to which it belongs.

Species-at-risk: Federally listed endangered, threatened, candidate, and proposed species and other species for which loss of viability, including reduction in distribution or abundance, is a concern within the plan area. Other species-at-risk may include sensitive species and state listed species. A species-at-risk also may be selected as a focal species.

Alternative C
(1982 planning
rule)

Alternative C (1982 planning rule) requires that population trends of the management indicator species (MIS) will be monitored and relationships to habitat changes determined (36 CFR 219.19(a)(6)(1982)). Threatened and endangered species listed under ESA were sometimes included as MIS species. The 1982 planning rule stated that MIS species shall be selected (36 CFR 219.19(a)(1) “because their population changes are believed to indicate the effects of management activities.”

Adaptive management

Monitoring by itself cannot ensure species diversity. A monitoring program that is tied to the assessment of management objectives intended to contribute to species diversity will facilitate achievement of the objectives. Alternative A (proposed action) and Alternatives D, E, and M (modifications of the 2005 planning rule) strongly promote the use of adaptive management principles to support continuous improvement of management. Alternative B (2000 planning rule) also embraces adaptive management principles. Alternative C (1982 planning rule) does not explicitly encourage adaptive management, but adaptive management may be used. The MIS monitoring requirements in Alternative C are designed to determine the effects of management on species rather than the effectiveness of management in providing species diversity. Alternative C presents a reactive approach where the other alternatives present a proactive approach in their guidance.

Timber Management Requirements of 16 U.S.C. 1604(g) Issue

The following section compares and contrasts how each of the alternatives address the requirements regarding timber harvesting from the NFMA. NFMA has four conditions related to timber harvest at 16 USC 1604 (g)(3)(E) and five conditions related to even-aged harvest at 16 USC 1604 (g)(3)(F).

National Forest Management Act Requirements

Related to timber management, NFMA requires the Secretary of Agriculture to “promulgate regulations ... that establish the process for the development and revision of the land management plans. ... The regulations shall include ... specifying guidelines for land management plans developed to achieve the goals of the Program which – “

- “(E) insure that timber harvesting will be harvested from NFS lands occur only where –
- i. soil, slope and other watershed conditions will not be irreversibly damaged;
 - ii. there is assurance that such lands can be adequately restocked within five years after harvest;
 - iii. protection is provided for stream, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment where harvests are likely to seriously and adversely affect water conditions or fish habitat; and
 - iv. the harvesting system to be used is not selected primarily to because it will give greatest dollar return or the greatest unit output of timber; and output and” (16 USC 1604 (g)(3)(E)).

”(F) insure that clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber will be used as a cutting method on NFS lands where –

- i. for clearcutting, it is determined to be the optimal method, and for other such cuts it is determined to be appropriate, to meet the objectives and requirements of the relevant land management plan;
- ii. the interdisciplinary review as determined by the Secretary has been completed and potential environmental, biological, esthetic, engineering, and economic impacts on each advertised sale area have been assessed, as well as the consistency of the sale with the multiple use of the area;
- iii. cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain;
- iv. there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be cut in one harvest operation, including provision to exceed the established limits after appropriate public notice and review by the responsible Forest Service offices one level above the Forest Service officer who normally would approve the harvest proposal: Provided, that such limits shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm; and
- v. such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource” (16 USC 1604 (g)(3)(F)).

Guidance from the Forest Service Directive System

The Forest Service Manual (FSM) and the Forest Service Handbook (FSH) provide extensive guidance regarding the NFMA requirements outlined above. Guidance regarding irreversible damage to watershed conditions and assurance of restocking within five years is included in the FSH 1909.12, section 61 under Vegetation Management Requirements at the Project Level. Forest Service directive citations are from the most recent amendment.

Guidance about protection of riparian areas, water bodies, water quality, and fish habitat is included in the FSM 1920.12a and the FSH 1909.12, section 43.15(2)(g)). The requirement that a harvesting system used is not selected primarily to give greatest dollar return or timber output is included in FSM 1921.12(a)(4) as a project specific finding.

The requirements regarding use of even-aged regeneration harvests are all located in FSM 1921.12. Maximum size limits for even aged regeneration harvests have been established and can be found at FSM 1921.12e. Additional guidance to ensure clearcutting is optimal is provided in the FSH 1909.12, section 64.5.

The above referenced directives are available at <http://www.fs.fed.us/im/directives>.

Response to Issue

The method by which each alternative deals with the NFMA requirements quoted above is summarized in the following tables.

Table 7—Timber Harvest Only Where -

	<u>Alt A & Alt D</u>	<u>Alt B</u>	<u>Alt C</u>	<u>Alt E and M</u>
(i) Soil and watershed protected	Rule says must include in the directive system	Included in the rule	Included in the rule	Included in the rule
(ii) Lands restocked	Rule says must include in the directive system	Included in the rule	Included in the rule	Included in the rule
(iii) Riparian and fish protected	Rule says must include in the directive system	Not included in the rule	Included in the rule	Included in the rule
(iv) System not selected for dollars or output	Rule says must include in the directive system	Not included in the rule	Included in the rule	Included in the rule

Under alternatives A and D all NFMA requirements are included in the directive system.

Alternative B (No Action, 2000 rule) includes requirements regarding soil and watershed protection and restocking in 36 CFR part 219.28(2000). However, the rule ties this requirement to the requirement for identification of lands not suitable for timber harvest. The application of these provisions to an individual project is not clearly stated.

Alternative B does not specifically mention riparian areas or water bodies in context related to timber harvesting. Water resources, riparian areas, and habitat are mentioned at §219.20(2000) and §219.36(2000) as important parts of ecosystem diversity and productive ecological systems. Additionally, Alternative B requires the responsible official to identify specific watersheds in need of protective or restoration measures (§219.9(b)(6)(2000)).

Alternative C (1982 rule) calls for protection of streams, streambanks, shorelines, lakes, wetlands, and other bodies of water at 36 CFR section 219.27(a)(4)(1982) with specific respect to openings created by even-aged management, at §219.27(d), and to riparian areas at §219.27(e). Section 219.27(e) requires “special attention be given to land and vegetation for approximately 100 feet from the edges of all perennial streams, lakes, and other bodies of water”, and “No management practices causing detrimental changes in water temperature or chemical composition, blockages of water courses, or deposits of sediment shall be permitted within these areas which seriously and adversely affect water conditions or fish habitat.”

Table 8—Even-aged Methods are used only if -

	<u>Alt A & D</u>	<u>Alt B</u>	<u>Alt C</u>	<u>Alt E and M</u>
(i) Clearcutting is optimal	Rule says must include in the directive system	Rule calls for standards to limit even-aged harvest	Not included in the rule	Included in the rule

	<u>Alt A & D</u>	<u>Alt B</u>	<u>Alt C</u>	<u>Alt E and M</u>
(ii) Interdisciplinary review	Rule says must include in the directive system	Not included in the rule	Not included in the rule	Included in the rule
(iii) Cut blocks are shaped and blended	Rule says must include in the directive system	Included in the rule	Included in the rule	Included in the rule
(iv) Size limits	Rule says must include in the directive system	Included in the rule	Included in the rule	Included in the rule
(v) Protection of multiple resources	Rule says must include in the directive system	Obliquely included through provision for maintenance or restoration of ecosystems	Obliquely included through "management requirements" for all prescriptions	Included in the rule

Under alternatives A and D all NFMA requirements are included in the directive system.

Alternative B, at §219.7(c)(2000), requires that forest plans contain standards that include, "Limitations on even-aged timber harvest methods; Maximum size openings from timber harvest; Methods for achieving aesthetic objectives by blending the boundaries of vegetation treatments; and other requirements to achieve multiple-use of the national forests and grasslands."

Alternatives B and C do not explicitly state that clearcutting must be the optimal method, that even-aged cutting is reviewed by an interdisciplinary team, or that even-aged timber cutting must provide for protection of the resources listed in the NFMA requirement.

The actual maximum acre size limits for even-aged timber cutting by vegetation type are the same for all alternatives.

Identification of lands not suited for timber production 16 U.S.C. 1604(k) Issue

National Forest Management Act Requirements

The NFMA directs the Secretary to identify lands which are not suited for timber production, considering physical, economic and other pertinent factors. (16 USC 1604 (k))

Guidance from the Forest Service Directive System

The FSM 1921.12c requires that the responsible official identify lands not suited for timber production. The Forest Service Handbook (FSH, 1909.12, chapter 60) provides extensive detail about how to accomplish this requirement. The process is described in FSH 1909.12, section 62, under Identification of Lands Generally Not Suitable for Timber Harvest. The handbook combines elements of the previous issue (i.e. restocking

and irreversible damage) and considers those issues at the forest scale. Those are combined with lands that have been withdrawn from timber harvest and lands where trees are unable to grow due to environmental conditions. The four considerations are combined to be “Lands generally not suited for timber harvest.” The remaining lands are “generally suited for timber harvest”. Lands generally suited for timber harvest consist of two types: (1) Lands where timber production is compatible with the achievement of desired conditions and objectives established by the plan, and (2) Other lands where harvest is necessary to achieve multiple-use objectives other than timber production.

Response to Issue

Alternatives A and D require at 36 CFR section 219.12(2005) that the responsible official identify lands as not suitable for timber production. The alternatives provide a framework for consideration of timber production. The Forest Service Directive system provides further detail to accomplish this requirement.

Alternative B, at §219.28(2000), requires that the plan identify lands where timber may not be harvested and provides a framework of what lands are included in that category. Alternative B describes identification of lands where timber may be harvested for timber production and lands where timber may be harvested for other multiple-use values.

Alternative C, at §219.14(1982), requires that lands not suited for timber production be identified during forest planning. The remaining lands are further reviewed and assessed before formulation of alternatives to determine the costs and benefits for a range of management intensities for timber production. Some of these lands might be categorized as “not appropriate for timber production” in various alternatives based on multiple use objectives, cost-benefit analysis, and various “management requirements” related to resource protection, vegetation manipulation, silvicultural practices, even-aged management, riparian areas, soil and water, and diversity, specified at §219.27(1982). Lands considered not suited for timber production and as not appropriate for timber production are collectively designated as “not suited for timber production”.

Alternative E and M result in the same procedures for identification of lands not suited for timber production as Alternatives A and D do. The difference is that Alternatives A and D refer to FSM 1921.12c and FSH1909.12, section 60 guidance at §219.12. Under these alternatives, the Agency places much of the critical substance of the directives in the rule.

Standards and Prohibitions Issue

National Forest Management Act Requirements

The NFMA requires “The Secretary shall begin to incorporate the standards and guidelines required by this section in plans for units of the NFS as soon as practicable after October 22, 1976, and shall attempt to complete such incorporation for all such units by no later than September 30, 1985” (16 U.S.C. 1604(c)). Additionally, the Act requires the Secretary to “promulgate regulations, under the principles of the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C. 528-531] that set out the process for the development and revision of the land management plans, and the guidelines and standards prescribed by this subsection in section 6(g) of the Act” (16 U.S.C. 1604(g)). In the NFMA, the terms “standards” and “guidelines” are both used, with no apparent distinction between them with respect to their force and effect.

Response to Issue

Based on the issues related to standards and guidelines that were raised during the scoping period, four approaches to the standards and guidelines are described and compared below. These include the guidelines employed in the 2005 planning rule (proposed action and Alternative D), standards and guidelines embodied in the 1982 planning rule (Alternative C), the mandatory/discretionary standards approach embodied in the 2000 rule (Alternative B), and a modified standards approach combined with the 2005 Planning Rule (Alternatives E and M).

Alternatives A and D

Standards are not explicitly included in these alternatives. Alternatives A (proposed action) and D (2005 rule modified) feature the use of guidelines. Under these alternatives, the term “guideline” means information and guidance for the design of projects and activities. Guidelines are recommended technical and scientific specifications. Guidelines are designed to support or complement the achievement of the desired conditions. Under these alternatives, managers would have discretion when using guidelines. Managers would not have the discretion to ignore guidelines on a whim. A project or activity may be consistent with a guideline in one of two ways:

1. The project or activity is designed in accordance with the guideline, or
2. The project or activity design varies from the guideline but the design is an effective means of meeting the purpose of the guideline, which is to maintain or contribute to the attainment of relevant desired conditions and objectives.

The project documentation should either state that the project or activity is designed in accord with applicable guidelines or specifically explain that the project varies from a guideline, and how the variance is an effective means of meeting the purpose of the guideline.

Land management plan guidance may be supplemented at the project level using “other sources of information” or guidance as needed depending on the requirements of the project. Other guidance may be contained in documents, including but not limited to, Forest Service Manuals or Handbooks, scientific literature, and species recovery plans. Other guidance is brought to bear depending on site-specific circumstances for resource protection at the project level. As with all alternatives, guidance becomes a binding Agency commitment when the decision document for a project is signed.

Under Alternatives A and D, land management plans are strategic and typically do not approve or prohibit projects or activities. The focus of environmental analysis is not at the plan level, but at the project level where the Forest Service knows the specific parameters of the action that is being proposed. This allows analysis (consistent with NEPA requirements) to be done at the appropriate scope and scale.

Guidelines as employed in these alternatives would:

- Be included in land management plans to provide information and guidance for projects and activities.
- Not repeat law, policy, or manual and handbook direction (FSH 1909.12, chapter 10).

- Provide managerial discretion to vary from land management plan guidelines. The rationale for variance must be documented in the environmental analysis.
- Allow the use of other information for resource protection that is specific to the requirements of the project

Alternative B

Alternative B (2000 rule) includes the use of ‘standards’ as described in the 2000 planning rule (65 FR 67513). Under this alternative, standards might be mandatory or discretionary depending on the wording of the standard. Mandatory standards include the use of the words “must or shall” and the standard must be used. However, a project could vary from a mandatory standard through a plan amendment. Discretionary standards use the word “should” and may or may not be used (with appropriate documentation) depending on the site-specific circumstances of individual projects. Standards as employed in these alternatives would:

- Include mandatory standards and standards with managerial discretion to vary from the standards. The rationale for variance from discretionary standards must be documented in the environmental analysis and be available for public review and comment. Managerial discretion to vary from mandatory standards is provided by site-specific plan amendments.
- Not repeat law, policy, or manual and handbook direction (FSH 1909.12, chapter 10).

Alternative C

Alternative C includes the use of standards and guidelines as described under the 1982 planning rule. In the 1982 planning rule and the first round of plans, the two terms were usually written together as “standards and guidelines.” Some plan revisions have designed mandatory provisions as “standards” and general direction with latitude for implementation as “guidelines.” Other plans do not make a distinction between standards and guidelines.

Many people are comfortable with the 1982 rule approach the Forest Service has used for land management planning. Line officer discretion may be allowed depending on how the land management plan describes the degree of compliance with standards and guidelines.

Many people feel that a conventional standards and guidelines package offers assurances for resource protection that other alternatives do not. Characteristics of the conventional approach include:

- Often including standards that repeat law, policy or guidance that is already described in Forest Service manuals or handbooks
- Often including procedural standards (stipulating analytical procedures or specialist involvement)
- Managerial discretion to vary from discretionary standards and guidelines
- Managerial discretion to change mandatory standards and guidelines by site-specific plan amendments.

Alternatives E and M:

Alternatives E and M are essentially the same as Alternatives A and D except that standards are explicitly listed. Alternative E defines standards as requirements, limitations, or prohibitions. Alternative M defines a standard as a constraint upon decisionmaking. The Agency uses a different definition in alternative M to avoid confusion with the prohibitions that apply to the public under 36 CFR 261.

The use of ‘other sources of information’ would be employed to assure resource protection based on site specific analysis. Managers have the discretion to vary from plan guidelines the same as other alternatives (for 1982 rule plans it would depend upon plan wording). The rationale for variance must be discussed in the project or activity environmental analysis and is subject to public review and comment. The characteristics of these alternatives are similar to those described for Alternatives A and D and include:

- Guidelines, which do not repeat law, policy, or manual and handbook direction (FSH 1909.12, chapter 10).
- Managerial discretion to vary from land management plan guidelines. The rationale for variance must be documented in the environmental analysis.
- The use of other information for resource protection that is specific to the requirements of the project.

Environmental Impact Statement Issue

The NFMA requires planning regulations to specify procedures to insure that land management plans are prepared in accordance with NEPA, including, but not limited to, direction on when and for what plans an environmental impact statement shall be prepared. (16 U.S.C. 1604(g)(1)) This issue has three elements including the consideration of alternatives usually found in environmental impact statements, public participation in preparation and review of an EIS and consideration of cumulative effects.

As this is a three-part issue, the alternatives are compared in terms of how each addresses alternatives, public participation, and cumulative effects analysis.

Response to the Alternatives Issue

Alternatives A, D, E, and M (2005 rule and modifications)

Alternative A (proposed action) and Alternatives D, E, and M (modifications of the 2005 rule) stipulate that approval of a plan, plan revision, or plan amendment would be done in accordance with Agency NEPA procedures. Agency NEPA procedures include a categorical exclusion for land management plans, plan amendments, and plan revisions developed in accordance with 36 CFR 219 *et seq.* that provide broad guidance and information for project and activity decision-making in a NFS unit. Proposals for actions that approve projects and activities, or that command anyone to refrain from undertaking projects and activities, or that grant, withhold or modify contracts, permits or other formal legal instruments, are outside the scope of the category and must be considered separately under Forest Service NEPA procedures. Since Alternatives E and M explicitly allow standards that might include final decisions with prohibitions, the planning categorical exclusion would not be available for any plan component containing such standards. Since alternatives A and D do not explicitly prohibit standards in plans, a plan could be developed or revised under these alternatives that included standards making

final decisions with prohibitions. The planning categorical exclusion would likewise not be available for any plan component containing such standards.

Alternatives A, D, E, and M allow an iterative approach to development of a plan, plan amendment or plan revision. Iterative development occurs as various options for plan components are considered and discussed with interested members of the public. The options are modified through the collaborative process until a proposal is developed. The Forest Service then determines whether the planning categorical exclusion is appropriate. If so, no NEPA alternatives are developed. If further NEPA analysis and documentation are required, appropriate alternatives would be developed. (§219.6(2005) and FSH 1909.12 sec.25.32b)

Alternatives B (2000 rule) and C (1982 rule)

Alternative B (no action) and Alternative C require an environmental impact statement for development or revision of a land management plan. However, an environmental assessment could be used to document the environmental analysis for a plan amendment under these alternatives. NEPA implementing regulations at 40 CFR 1500 *et seq* require consideration of alternatives in the analysis associated with either of these environmental documents. Alternative B (2000 rule) relies on Agency NEPA procedures for the formulation of alternatives. Alternative C explicitly requires formulation of alternatives for plan development, ranging from the minimum resource potential to the maximum resource potential on a unit. Furthermore, at least one alternative must incorporate the Rangeland Renewable Resources Planning Act Program, and one alternative must reflect the current level of goods and services provided by the unit. Alternative C relies on Agency NEPA procedures for developing alternatives for plan amendment.

Response to the Public Involvement Issue

While the alternatives range from requiring an environmental impact statement to allowing a categorical exclusion for plan development, revision, and amendment, public involvement opportunities do not differ dramatically. Moreover, all alternatives provide public involvement opportunities equal to or greater than those required by Agency NEPA procedures and NEPA implementing regulations at 40 CFR 1500 *et seq* for preparation of an environmental impact statement.

Alternatives A, D, E, and M (2005 rule and modifications)

The public involvement requirements for Alternatives A, D, E, and M are the same. The responsible official must provide opportunities for the public, Federal, State, and local agencies, and Tribal governments to collaborate and participate openly and meaningfully in the planning process. Specifically, as part of plan development, plan amendment, and plan revision, the responsible official must involve the public in developing and updating a comprehensive evaluation report, establishing the components of the plan, and designing the monitoring program, but has the discretion to determine the methods and timing of public involvement opportunities. Public notice must also be provided at initiation of plan development, revision, or amendment. Plan development, revisions and amendments are subject to a 90-day comment period and a 30-day objection period. Public notice must also be provided at the point of approval. (§219.9 (2005)) These public involvement requirements would apply even if land management plan components are categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement.

Alternative B (2000 rule)

This alternative requires the responsible official to “actively engage the American public, interested organizations, private landowners, state, local, and Tribal governments, federal agencies and others”. The responsible official must also “provide early and frequent opportunities for people to participate openly and meaningfully in planning”, but the “responsible official has the discretion to determine how to provide these opportunities in the planning process.” The responsible official is required to: (1) provide early and frequent coordination with appropriate Federal agencies, State and local governments, American Indian Tribes and Alaska Natives; (2) provide early and frequent opportunities for participation from interested individuals, and organizations; and (3) seek to collaborate with those who have control or authority over adjacent lands. The responsible official may request establishment of an advisory committee. (§219.12-18 (2000))

Plan revision requires public notice of the proposed revision and information compiled for the revision and at least 45 calendar days for public comment. Plan revision also requires preparation of an environmental impact statement, and a 90-day public comment period for the draft environmental impact statement. (§219.9 (2000))

Alternative C (1982 rule)

This alternative uses the NEPA requirements for public involvement dictated by CEQ’s Regulations for Implementing the Procedural Provisions of NEPA (CEQ regulations) at 40 CFR 1500 *et seq* and Agency NEPA procedures. For plan development, revision, or amendment this means inviting the participation of affected Federal, State, and local agencies, affected Tribes, and other interested persons. Additionally, plan development or revision would require preparation of an environmental impact statement, which includes publishing a notice of intent to prepare an environmental impact statement in the Federal Register and at least a 3-month public comment period for draft plans and draft environmental impact statements. This alternative requires the responsible line officer to coordinate with other Federal, State, local, and Tribal planning efforts. Additional public involvement is left to the discretion of the responsible line officer. (§219.6(1982))

Response to the Cumulative Effects Issue

Throughout 28 years of land management planning, the Agency has learned that tiering to the cumulative effects analysis in a plan environmental impact statement did not provide nearly as much useful information at the project or activity level as the Agency had expected. The effects analyses in plan environmental impact statements were often too general to meet analytical needs for projects and activities. The effects analysis conclusions did not remain current over the life of a plan. In addition, typically because of public input and litigation, the Forest Service found that additional analysis and documentation was still necessary for projects and activities. Meaningful cumulative effects analysis for a project could not be done until the project design and location were known.

Alternatives A, D, E, and M (2005 rule and modifications)

Alternative A (proposed action) and Alternatives D, E, and M (modifications of the 2005 rule) stipulate that approval of a plan, plan revision, or plan amendment would be done in accordance with Agency NEPA procedures. Agency NEPA procedures include a categorical exclusion for land management plans, plan amendments and plan revisions

that provide broad guidance and information for project and activity decision-making in a NFS unit. Plans developed, revised or amended under Alternatives A, D, E, and M may be categorically excluded from documentation in an environmental assessment or environmental impact statement unless they include proposals for actions that approve projects and activities, or that command anyone to refrain from undertaking projects and activities, or that grant, withhold or modify contracts, permits or other formal legal instruments.

Agency NEPA procedures and CEQ regulations at 40 CFR 1500 *et seq* require consideration of cumulative effects in environmental assessments and environmental impact statements. Any plan components documented in an environmental assessment or environmental impact statement, would include an analysis of cumulative effects.

In promulgating the categorical exclusion for land management plan development, revision, or amendment, the Agency analyzed the potential for cumulative effects resulting from such administrative actions. The Agency determined that these administrative actions do not have cumulatively significant effects on the human environment. (71 FR 75481) Accordingly, no cumulative effects analysis would accompany a categorically excluded plan, plan revision, or plan amendment. Plan-level analysis would, however, evaluate existing conditions and broad trends at the geographic scale of the planning area. It should be noted that Agency NEPA procedures require scoping even for proposals that would appear to be categorically excluded. Scoping for plan development, revision, or amendment would consider the potential for past, present, or reasonably foreseeable actions to contribute cumulatively to the effects of the proposal. While no cumulative effects analysis accompanies a categorical exclusion, these effects would actually be considered twice: once when the category was identified in Agency NEPA procedures and again when scoping occurs for a specific plan proposal.

Alternatives B (2000 rule) and C (1982 rule)

Alternative B (no action) and Alternative C require an environmental impact statement for development or revision of a land management plan. However, an environmental assessment may be used to document the environmental analysis for a plan amendment under these alternatives. Agency NEPA procedures and CEQ regulations at 40 CFR 1500 *et seq* require consideration of cumulative effects for analyses associated with environmental assessments or environmental impact statements. Accordingly, plan development, revision, or amendment, documented in an environmental assessment or environmental impact statement would include an analysis of cumulative effects.

Best Available Science and Land Management Plans Issue

National Forest Management Act Requirements

Under NFMA, the responsible official “shall use a systematic, interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.” (16 USC 1604(b)) All alternatives address this requirement to consider science through different means.

Response to Issue

Alternatives A, D, and E (2005 rule and modifications)

These alternatives strengthen the role of science in planning. The alternatives clarify that science, while only one aspect of decision-making, is a significant source of information for the responsible official to evaluate. When making planning decisions, the responsible official also considers public input, competing use demands, budget projections, and many other factors as well as science.

In describing the overall role of science in planning, the alternatives require that the responsible official must *take into account* the best available science (36 CFR 219.11(a)(2005)). The alternatives also specifically require that a plan's monitoring program take into account the best available science. The alternatives clarify that taking into account the best available science clearly lies with the responsible official, not the plan itself. In Alternatives A, D, and E, "Taking into account the best available science" means:

1. Documenting how science was considered in the planning process,
2. Evaluating and disclosing substantial uncertainties in that science,
3. Evaluating and disclosing substantial risks associated with plan components based on that science, and
4. Documenting that the science was appropriately interpreted and applied. (§219.11(a)(1-4)(2005))

To evaluate the consideration of science in the planning process, the alternatives allow the Responsible Official to use independent peer review, a science advisory board, and other review methods (§219.11(b)(2005)).

Alternative M (2005 rule and modified)

Alternative M is the same as Alternatives A, D, and E with the following exception: The requirements for evaluating and disclosing substantial uncertainties in the science and evaluating and disclosing substantial risks associated with plan components based on that science would appear in Agency directives instead of the rule.

Alternative B – No Action (2000 rule)

Alternative B strives to clarify the role of science in land management planning and integrate science more effectively for science-based decision-making in the planning, evaluation, and management of National Forests and Grasslands. The emphasis on independent scientific reviews of plans helps the Forest Service accomplish its stated sustainability goal. Alternative B is clear that science provides information, not decisions. The responsible official has final decision authority and discretion to accomplish how to consider the best available science.

In describing the overall role of science in planning, Alternative B requires the responsible official to ensure that the best available science is considered in planning (36 CFR 219.22(a)(2000)). This gives the Forest Service and people involved in the planning process sound information to make recommendations about resource conditions and desired outcomes. In addition to considering the best available science, the responsible official must also ensure that plan amendments and revisions are *consistent* with best

available science (§219.24(a)(2000)). To accomplish this consistency review, the responsible official may use science advisory boards to improve access to current scientific information and analysis as well as evaluate whether information gathered, evaluations conducted, or analyses and conclusions reached in the planning process are consistent with the best available science. The science advisory board is responsible for organizing and conducting a scientific consistency evaluation to determine the following:

1. If relevant scientific information has been considered by the responsible official in a manner consistent with current scientific understanding at the appropriate scales;
2. If uncertainty of knowledge has been recognized, acknowledged, and adequately documented;
3. If the level of risk in achievement of sustainability is acknowledged and adequately documented by the responsible official (§219.24(b)(2000)).

Finally, during the transition period, Alternative B requires that the responsible official *consider* the best available science in implementing and amending the current plans (§219.35(2000)).

Alternative C (1982 rule)

Alternative C references the use of science in several provisions associated with the planning process. Planning teams “shall integrate knowledge of the physical, biological, economic and social sciences, and the environmental design arts in the planning process.” (§219.5(a)(1982)) In addition, “[t]he team is encouraged to consult other persons when required specialized knowledge does not exist within the team itself.” (§219.5(b)(1982)) In regards to data, “[t]he Supervisor will assure that the interdisciplinary team has access to the best available data.” (§219.12(d)(1982))

This alternative specifically addresses science consideration under the topic of “research” (36 CFR 219.28(1982)). Research needs are identified during planning and periodically reviewed during evaluation of implemented plans, particularly during monitoring and evaluation. Research needed to support or improve management of the National Forest System is to be established and budgeted at the research station and national levels. Significant findings, and how this information is applied, are disclosed through an annual report.

Finally, Alternative C specifies the consideration of science for some resource-related topics. For vegetation management practices (§219.15(1982)), thorough reviews of technical and scientific literature and practical experience are used to evaluate specific vegetation and site conditions where more than one vegetation management practice will be used in a vegetation type. For the fish and wildlife resource (§219.19(1982)), the interdisciplinary team shall estimate the effects of changes in vegetation type, timber age classes, community composition, rotation age, and year-long suitability of habitat related to mobility of management indicator species (MIS) on the basis of available scientific information.

Management Requirements Issue

National Forest Management Act Requirements

The NFMA requires that planning regulations specify guidelines, which provide for diversity and specific requirements for timber management. These requirements have been discussed under the issues related to diversity and timber management requirements. The Act does not however, require that planning regulations address minimum specific management requirements as found in the 1982 planning rule (Alternative C).

Response to Issue

It is important to note that natural resource protection is typically embodied in layers. The first layer includes the relevant statutes. There is no discretion in the law; the requirements are mandatory and must be followed. Some natural resource related laws are very specific in their requirements for the protection of resources. ESA, for example, is specific in its requirements for the species protected by the Act. Others, like NEPA, prescribe procedures for planning and decisionmaking. The next layer is regulations. Rules can establish procedures to guide actions, such as the proposed and alternative planning rules, that set up procedures for plan development, plan amendment, and plan revision. They can also be prescriptive and establish standards. The next layer is Agency policy, which includes procedural guidance and guidance for resource protection such as best management practices. The next layer is land management plans that describe goals, objectives, and guidance for future decisionmaking. The final layer is decisions approving or prohibiting projects or activities that have environmental effects that can be meaningfully evaluated. Such decisions apply appropriate law, regulation, and policy for environmental protections to site-specific circumstances.

There is a web of laws that responsible officials must consider when proposing projects and activities including, but not limited to: the Clean Air Act of 1955 as amended (CAA, 42 U.S.C. 7401 et. seq.) the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.); the Wilderness Act (16 U.S.C. 1121 et. seq.); the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 et seq.); the Endangered Species Act of 1973, as amended (ESA, 16 U.S.C. 1531 et seq.); the Forest and Rangeland Renewable Resource Act of 1974 (16 U.S.C. 1600 et seq.), as amended by the National Forest Management Act of 1976 (NFMA), and the Clean Water Act of 1948, as amended by the Federal Water Pollution Control Act Amendments of 1977 and the Water Quality Act of 1987 and other laws (33 U.S.C. 1251 et seq., 1323 et seq.) This array of laws applies to all of the proposed planning rule alternatives.

Federal Agencies have adopted regulations to carry out many of these laws. For example, compliance with ESA, section 7 consultation requirements is guided by regulation at 40 CFR 402. Similarly, 36 CFR 800 guides compliance with the section 106 requirements of the National Historic Preservation Act.

In addition to these laws and regulations, Agency policy is specified in the Forest Service Directive System. Forest Service directives are the primary basis for the Forest Service's internal management of all its programs and the primary source of administrative direction to Forest Service employees. The Forest Service Manual (FSM) contains legal authorities, objectives, policies, responsibilities, instructions, and guidance needed on a continuing basis by Forest Service line officers and primary staff to plan and execute programs and activities. While the alternatives vary in their distribution of guidance

within the rule and Directives System, responsible officials are bound to follow the sum of all guidance. Responsible officials must ensure that all project and activity proposals are consistent with law, regulation, Agency policy, and the appropriate land management plan. The Directives system balances the need for clear direction with flexibility for the agency to change direction to rapidly adjust that direction for changes in understanding of natural resources, technology and science.

There has always been a tension between providing needed detailed direction in a planning rule and discretion of the responsible official. Project and activity decisions by a responsible official are not only constrained and guided by a large body of law, regulation, and policy; they are also guided by public participation and administrative oversight. Public participation plays an important role in identifying unintended consequences of a proposed action. Additionally, administrative oversight conducted through management reviews, and the Agency's appeals and objections processes provide an additional check on a responsible official's exercise of discretion. Because every issue cannot be identified and dealt with in advance for every situation, the Forest Service must rely on the judgment of the responsible official to make decisions based on laws, regulation, policy, sound science, public participation, and oversight.

The position and significance of a planning rule relative to the layers of law, regulation, and policy for environmental protection is minor. Law, regulation, and policy combine to narrow a responsible official's discretion in proposing actions to those that do not impair productivity of the land, do not impair water or air quality, and do not threaten the existence of plant and animal species.

It is questionable whether there are any environmental effects associated with management requirements applied to forest plans. Management requirements as presented in the 1982 planning rule (Alternative C) were a mix of general requirements such as conserving soil and water resources that do not allow permanent impairment of the productivity of the land (219.27(a)(1)) to somewhat more specific requirements such as providing special attention to land and vegetation for approximately 100 feet from the edges of perennial streams, lakes and other bodies of water (219.27(e)). These management requirements did not specifically identify firm or tangible limits that translated into clear requirements included in forest plans and projects implemented under those plans. Most required considerable discussion and interpretation before they were implemented locally. For example, forest plan direction for the management of riparian areas has led to some plans having direction that provided for some timber harvest in riparian areas adjacent to perennial water bodies while others not only do not allow timber harvest in riparian areas, but also do not allow timber harvest in areas adjacent to intermittent streams. The management requirement for special attention for 100 feet adjacent to perennial bodies of water did not lead to any consistency in these outcomes.

The presence or absence of these requirements in the planning rule does not by itself lead to any effects that can be reasonably ascertained. To estimate an effect would require making an assumption that in the absence of a management requirement, forest plans and projects implemented under the authority of the plan would violate such a requirement. There are several reasons that this would not occur to any predictable extent:

1. Many of these management requirements also represent requirements of other laws and plans will be carried out consistent with those laws. Thus the

management requirement mandating protection from destruction or adverse modification of critical habitat for threatened and endangered species (219.27(a)(8) is already covered in the provisions of the threatened and endangered species act and would govern both plans and projects.

2. There is no reasonable basis to assume that forest plans would contain language that would allow violations of such requirements. As in the case of the riparian example, it is equally reasonable to assume the requirement will be exceeded in the forest plans.
3. Considerable direction that provides for protection of natural resources is contained within the Forest Service Directive System. This direction will continue to be evaluated in the process of forest planning and in forming the substance of forest plan components and project implementation.
4. Many of the 1982 management requirements are sufficiently general in language, that it is difficult to even clearly determine if a plan or a project has violated the requirement.
5. Finally, even if forest plans would allow projects to occur that would be perceived to violate a management requirement, there is no reasonable basis to assume any level of such projects actually occurring. Projects will occur to achieve plan desired conditions and objectives based on national priorities, local priorities, available funding, public collaboration, local conditions and a number of other factors that cannot be ignored in estimating a hypothetical level of project activity.

While it seems reasonable to assume that management requirements provide some basic level of environmental protection, it not reasonable to assume that in their absence such protections will not occur to any estimable extent. There are a substantial number of other factors and decisions that must occur before such an estimate can be developed.

Alternative C (1982 rule)

Alternative C (1982 rule) includes a variety of guidance at §219.27. That guidance falls under seven different headings: (a) Resource protection; (b) Vegetative manipulation; (c) Silvicultural practices; (d) Even-aged management; (e) Riparian Areas; (f) Soil and Water and; (g) Diversity. Most of the provisions under vegetative manipulation, silvicultural practices, even-aged management, and diversity have already been discussed in this document in response to other issues. The remaining provisions, in the 1982 rule section, regard conservation of soil and water, management of disturbance and pests, protection of riparian areas, interdisciplinary assessment, threatened and endangered species habitat, transportation and utility corridors, road construction and rehabilitation, and air quality. This section of the 1982 rule generally reiterates requirements of laws, regulations, and Agency directives.

Alternatives A, B, and D

Recognizing that planning must comply with all applicable laws, regulations, and policies, alternatives (A, B, and D) do not contain minimum specific management requirements as a category section. Provisions related to vegetation management, timber practices, and diversity are discussed elsewhere in this document under other issues.

Alternatives E and M

Alternatives E and M do not contain minimum specific management requirements as a category section. These two alternatives do, however explicitly include the timber requirements from NFMA section 6(g) as discussed under the timber management requirement issue.

When considered in conjunction with applicable laws, regulations, and Forest Service directives, the alternatives by themselves will not result in any known differences in resource protection.

Environmental Management System

While not an issue, the responsible official requested that the interdisciplinary team include consideration of an alternative similar to the proposed planning rule, but without an environmental management system (EMS). Accordingly, Alternative D differs from the proposed action in that EMS is not included in the rule. Similarly, EMS is not included in the Alternative E planning rule. Alternative M, however, does include EMS in the rule. Since Alternatives B and C reflect previous planning rules, EMS is not included in these alternatives. In all alternatives, the Agency will maintain direction concerning EMS in the directives system.

Alternative A

Alternative A directs the responsible official to establish an EMS for each unit of the NFS, the scope of which will include, at the minimum, the land management planning process. Further, this alternative provides that an EMS must be established before approving a plan, plan revision, or plan amendment.

In response to the 2005 rule, the Forest Service sponsored a pilot program to develop EMSs under ISO 14001 on 17 national forests across the nation. This experience generated management concerns that included: 1) wording about the scope of the EMS covering the land management planning process was confusing, resulting in inconsistent application; 2) requiring an EMS prior to approving a revision came to be perceived as an obstacle to completing the planning process – it is more logical to revise plans first, then use an EMS to manage environmental aspects under the new plan than to prepare an EMS before or concurrent with planning; and 3) the requirement to create an EMS on every unit did not permit the Agency to realize efficiencies by establishing a multi-unit, regional, or national level EMS.

Alternative M

Alternative M directs the Chief to establish direction for EMS in the Forest Service directives. Under Alternative M the responsible official is the person authorized to identify and establish the scope and environmental aspects of the EMS, based on the national EMS and ISO 14001, with consideration of the unit's capability, needs, and suitability. Alternative M allows a responsible official to conform to a multi-unit, regional, or national level EMS as an alternative to establishing an EMS for a specific unit of the NFS. Alternative M also requires the responsible official to establish an EMS or conform to a multi-unit, regional, or national level EMS before approving any project or activity under a plan developed, amended, or revised under the this alternative.

Alternatives B, C, D, and E

Alternatives B, C, D, and E do not contain language concerning EMS. Under Alternatives B, C, D, and E the Agency would still comply with Executive Order 13423 - Strengthening Federal Environmental, Energy, and Transportation Management by implementing an EMS. All Agency direction concerning EMS would come from Agency directives.

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Circulation of the Environmental Impact Statement _____

This environmental impact statement has been circulated to the following Federal agencies, federally recognized Tribes, Alaska Native Corporations, State and local governments, elected officials, organizations, and individuals. Circulation was largely accomplished through electronic means. The environmental impact statement is available at: http://www.fs.fed.us/emc/nfma/2008_planning_rule.html.

Agencies

Advisory Council on Historic Preservation	Virginia Dept. of Environmental Quality
USDA APHIS	Virginia Department of Historic Resources
Natural Resources Conservation Service	New Mexico Dept of Game & Fish
USDA, National Agricultural Library	NM Energy Minerals & Natural Resources Dept.
NOAA Office of Policy and Strategic Planning	Wyoming Game & Fish Dept
Deputy Assistant Secretary of Defense	Wyoming State Forestry Division
U.S. Air Force	California Department of Justice
Army Corps of Engineers	Idaho Department of Parks and Recreation
Susquehanna River Basins Commission	Saratoga-Encampment-Rawlins Conservation Dist.
US Environmental Protection Agency	Nevada Department of Administration
U.S. Department of the Interior	Chenega Corporation
Northwest Power Planning Council	Chugach Alaska Corporation
Ohio River Basins Commission	Sealaska Corporation
U.S. Coast Guard	Arizona Dept. of Game & Fish
U.S. Department of Energy	

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Organizations & Businesses

Alaska Wilderness League	Northwest Mining Association
American Forest Resource Council	Olympic Forest Coalition
American Lands Alliance	Oregon Wild
American Whitewater	Outdoor Alliance
Appalachian Trail Conservancy	Pacific Rivers Council
Associated Logging Contractors	Partnership for the National Trails System
Audubon	Pilchuck Audubon Society
Audubon Society of Greater Denver	Powder River Basin Resource Council
Biodiversity Conservation Alliance	Public Employees for Environmental
California Wilderness Coalition	Responsibility
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Cascadia Wild	Regional Association of Concerned
Center for Biological Diversity	Environmentalists
Citizens for a User Friendly Forest	Rocky Mountain Recreation Initiative
Clark Resource Council	Ruffed Grouse Society
Colorado Wild	San Juan Citizens Alliance
Conservation Congress	San Luis Valley Ecosystem Council
Conservation Northwest	Selkirk Conservation Alliance
Continental Divide Trail Alliance	Sheep Mountain Alliance
Continental Divide Trail Society	Sierra Club - Houston Region
Council of Western State Foresters	Siskiyou Project
Defenders of Wildlife	Sitka Conservation Society
Environmental Protection Information Center	Society of American Foresters
Forest Guardians	Southern Appalachian Biodiversity Project
Forest Service Employees for Env. Ethics	Southern California Edison
Friends of Blackwater	Southern Appalachian Forest Coalition
Friends of the Clearwater	Southern Environmental Law Center
Friends of the Kalmiopsis	Southern Rockies Ecosystem Project
Georgia Forest Watch	The Clinch Coalition
Gifford Pinchot Task Force	The Doe Run Company
Greater Yellowstone Coalition	The Wilderness Society
Greenpeace	Univ. of Pittsburgh Environmental Law Clinic
Gunnison Energy Corp	Utah Environmental Congress
High Country Citizens' Alliance	Upper Arkansas South Platte Project
Howard County Bird Club	Vermont Natural Resources Council
Idaho Sporting Congress	Vehar Law Offices
Idaho State Snowmobile Association	Virginia Forest Watch
Intermountain Forest Association	Western Business Roundtable
Jackson Hole Conservation Alliance	Western Environmental Law Center
Klamath Siskiyou Wildlands Center	Western North Carolina Alliance
Lands Council	Western Watershed Project
McDermott Will & Emery LLP	Wild South
Maryland Ornithological Society	Wild Virginia
Montana Logging Association	Wild West Institute
Moore Smith Buxton & Turcke Chartered	Wilderness Workshop
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