

Brief intro – Proposed Forest Planning Rule

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1. **What is a national forest planning rule?** Tells what plan revisions, plan amendments, and plan monitoring will include, and how objections can be made to forest plans.

Forest Service hierarchy:

Washington Office – National Headquarters, Tom Tidwell Forest Service Chief

Regional Offices – ours is Region 4 (Utah, Nevada, southern Idaho, western WY) –
Harv Forsgren is Regional Forester

National Forests – ours is Manti-La Sal NF, Pamela Brown is Supervisor

Ranger Districts – ours is Moab-Monticello RD, Mike Diem is District Ranger

The Planning Rule is the Washington Office providing guidance to National Forest Supervisors about how to revise or amend their Forest's Plan. Then any projects done at the Forest or District level have to abide by that Forest's plan.

2. **Why now?** The Forest Service is in limbo – the 1982 planning rule which had been used for many years was supplanted by Clinton in 2000 and is an interim rule, but it allows 1982 rules for revising/amending Forest plans. Bush instituted a radical rule in 2000 (no EISs, no alternatives, no standards) and a revised rule in 2008, both of which were ruled illegal by courts.

The FS wants a new rule that allows for more flexibility in developing and revising forest plans.

3. **What is the importance of a planning rule:** It's the rules by which a forest plan will be revised or amended, and how species, multiple uses, watersheds, accountability, processes, public participation, and objections/appeals will be handled. Then it's up to us to work within it and insure the Forests do what they're required to do under the rule.

4. **What are the implications for Manti-La Sal NF?**

- a. Plan revisions: D/FL/M-LS NF 1986 – 25 years old. To be done every 15 years. But MANY are over 15 years old – about 8 plans a year nationwide – will try to use forests that will provide good examples.
- b. Plan amendments: Riparian collaboration
- c. Argue for use of the principles even before M-LSNF gets around to revising the plan

5. **The Proposed Rule in the *Federal Register***

- a. Subpart A – NFS Land Management Planning_
 - i. Has 19 sections (topics plus definitions), e.g., “Diversity of plant and animal communities,” “Multiple uses”, Monitoring,”
 - ii. Explanation of Subpart A: pp. 8483-8503
 - iii. Actual rule, Subpart A: pp. 8514-8525
 - b. Subpart B – Pre-decisional Administrative Review Process
 - i. Has 13 sections (topics plus definitions)
 - ii. Explanation of Subpart B: pp. 8503-8506
 - iii. Actual rule, Subpart B: pp. 8525-8528
 - iv.
- 6. The Draft EIS** – under NEPA, the EIS is supposed to examine “all reasonable alternatives”, and their comparative environmental consequences.
- a. Chapter 2: Alternatives
 - i. Alt A - Proposed Action and Preferred Alternative
 - ii. Alt B -1982 Rule
 - iii. Alt C - minimum requirements of National Forest Management Act (NFMA) – plus some extras
 - iv. Alt D – additional emphasis on sustainability, species, monitoring
 - v. Alt E – more prescriptive for public notification assessment, and monitoring
 - b. Chapter 3: Affected Environment and Environmental Consequences
 - i. Appendix A: Proposed planning rule (basically the same as the *Federal Register*)
 - ii. Appendix C: 1982 planning rule
 - iii. Appendix F: Alternative D
 - iv. Appendix J: Economic Consequences [*Table 1 is interesting – Range provides 1.1% of the full and part-time jobs generated by activities on the National Forest system; 0.7% of labor income generated by activities on the national forests and 1.2% of “output” (sales)*]

Things you can do:

1. Download the DEIS, Appendices, and *Federal Register* proposed rule
2. Do a word search for issues of particular interest to you, and cut-and-paste or take notes on what is being said. (But keep track of whether you are in the DEIS Chapter on Alternatives and which Alternative you’re in; DEIS chapter on Affected Environment and Env’tl Consequences, or in the *Federal Register* section explaining the rule, or in the *Federal Register* section of the rule itself.
3. Read what some others are saying – e.g., see some websites as examples below
4. Propose wording or additions or changes to the DEIS or, more importantly, the rule itself.

My thoughts: Offer precise wording, be feasible (the FS budget is in the tank), offer brief explanations. The people reading your comments are humans – they don't want to wade through thousands of pages any more than you want to read the DEIS or *Federal Register*.

5. Submit your comments on or before May 16. You can, in addition, sign on to comments of others. Your comment may be quite brief, dealing with one issue, for instance. It is good to provide support for good things in the proposed rule (see below for some examples).

Some good things:

- Clearly says climate change needs to be considered
- Science information can come from any source – the issue is whether it is accurate, relevant, and reliable (*an opening for, but burden on, the public – as the FS has almost no staff to gather info*)
- Emphasizes collaboration with partners, the public (*but this often requires professional facilitation – the FS hasn't really thought out the hard realities on this...*)
- Emphasizes monitoring – (*again, the FS is skeletonized – hardly any staff to do this; there are openings for the public, though*)
- Emphasizes watersheds, (*but see below – where is the direction to develop standards?*)
- Switches from “Management Indicator Species” to “focal species” (*but Forest Supervisor chooses focal species as well as species of conservation concern. NGOs will have to press for certain species to be considered of “conservation concern”*)

Some potential major concerns:

1. Accountability – e.g., standards are rarely mentioned – everything else is discretionary.
2. Frequently refers to “maintenance or restoration of
3. Potential problems around species diversity – Needs wording that requires the Forest to alter management if their management is contributing to declines of species.
Reality: The Forests cannot monitor all species, and some species will be going out no matter what the Forest does, due to climate change, migratory routes cut off, etc. – so it's not easy to figure out what they should commit to and whether they have the ability to follow through, but
4. Still stuck in wrong concept of “multiple uses”: DEIS 27: “In the 2000 rule, ecological sustainability is a new management standard and economic and social sustainability has secondary focus, which contravenes multiple use and sustained yield principles.”
5. Exclusive reference to “viable” populations rather than “ecologically functioning” populations.

6. Emphasis on active restoration – practically no mention of passive restoration (i.e., removal of stressors)
7. Lack of acknowledgment of need to change the rigid range management if the principles around climate change and watershed are to be honored.

Some websites that can help you

- Forest planning rule homepage (or just Google “Forest Planning Rule homepage) – this is the location for the DEIS documents, the proposed rule, cost-benefit analysis, schedules for regional planning rule forums, etc:

http://www.fs.usda.gov/wps/portal/fsinternet!/ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gjAwhwtDDw9_AI8zPwhQoY6leDdGCqCPOBqwDLG-AAjgb6fh75uan6BdnZaY6OiooA1tklQ!!/d13/d3/L2dJQSEvUUt3QS9ZQnZ3LzZfMjAwMDAwMDBBODBPSEhWTjBNMDAwMDAwMDA!/?ss=119987&navtype=BROWSEBYSUBJECT&cid=&navid=091000000000000&pnavid=null&position=BROWSEBYSUBJECT&tttype=main&pname=Planning%20Rule%20Home

- Upcoming forest planning rule regional forums (e.g., March 29: Manti-La Sal NF; Price 2-5; 6:30-9):

http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5270751.pdf

- New: Ask a question about something you don't understand in the proposed planning rule or DEIS. The facilitation folks at Meridian.org will bundle these questions once a week and ask the FS to respond on their website:
questions@merid.org
- Post a blog - read other people's blogs for ideas. The FS looks at these – these aren't formal comments, but it's a good place to raise issues.

<http://planningrule.blogs.usda.gov/2011/02/10/continuing-engagement-to-collaboratively-develop-the-forest-service-planning-rule/>

Comments on the DEIS and proposed planning rule are due on May 16. Go to <http://www.govcomments.com/> and click on [National Forest System Land Management Planning Notice of Proposed Rulemaking and Draft Programmatic EIS](#). It will give you a place to submit your comments electronically

- Start looking through key conservation organizations' websites for ideas, e.g.,
 - Initial thoughts of Wildlands CPR (for control of roads and ORVs) on the proposed rule/DEIS
<http://www.wildlandscpr.org/blog/new-proposed-nfma-planning-rules-quick-review>
 - Initial thoughts by Niel Lawrence of NRDC (largely focused on species diversity and forest management):
http://www.oregonwild.org/oregon_forests/forest-management/NRDC%20NFMA%20Reg%202-11%20Top%20Concerns.pdf
- Develop some bullet comments on the CWC website.