

**DEPARTMENT OF AGRICULTURE****Forest Service****36 CFR Parts 217 and 219**

RIN 0596-AB20

**National Forest System Land and Resource Management Planning**

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

**SUMMARY:** The Department requests comment on a proposed rule to guide land and resource management planning for the National Forest System. This proposed rule describes the framework for National Forest System planning; makes sustainability the foundation for National Forest System planning and management; and establishes requirements for implementation, monitoring, evaluation, amendment, and revision of land and resource management plans. The intended effects are to simplify, clarify and otherwise improve the planning process; to reduce burdensome and costly procedural requirements; and to strengthen collaborative relationships with the public and other government entities.

**DATES:** Comments must be submitted in writing and received by January 4, 2000. Public meetings will be held at places and on dates yet to be determined. Notice of the times, places, and locations will be published in a future edition of the **Federal Register**.

**ADDRESSES:** Send written comments to the CAET-USDA, Att. Planning Rule, Forest Service, USDA, 200 East Broadway, Room 103, P.O. Box 7669, Missoula, Montana 59807, via email at planreg/wo\_caet@fs.fed.us, or FAX (406) 329-3021.

Comments, including names and addresses when provided, are subject to public inspection and copying. The public may inspect comments received on this proposed rule in the Office of Deputy Chief, Third Floor, Southwest Wing, Yates Building, 14th and Independence Avenue, SW, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Robert S. Cunningham at (406) 329-3388.

**SUPPLEMENTARY INFORMATION:** The following outline displays the contents of the preamble to this proposed rule. Background  
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**Background**

The Forest Service is responsible for managing the lands and resources of the National Forest System which includes 192 million acres of land in 42 states, the Virgin Islands, and Puerto Rico. The system is composed of 155 national forests, 20 national grasslands, and various other lands under the jurisdiction of the Secretary of Agriculture (the Secretary). According to the Multiple-Use Sustained-Yield Act of 1960 (MUSYA) (16 U.S.C. 528) and the National Forest Management Act of 1976 (16 U.S.C. 1600 *et seq.*), the National Forest System lands are to be managed for a variety of uses on a sustained-yield basis to ensure a continued supply of products and services in perpetuity.

The National Forest Management Act (NFMA) guides land management planning for National Forest System lands. It directs the Secretary to develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System and sets forth the requirements for doing so. During the 23 years since enactment of NFMA, much has been learned about land and resource management planning. Yet, many controversial issues regarding the appropriate short- and long-term use of national forests and grasslands remain.

While some advocates of land and resource management planning believed it would lead to resolution of the issues associated with the management of natural resources, it has not. Difficult issues remain among competing interests. Land and resource management planning and attendant decisionmaking cannot be expected to resolve all problems; however, improved planning procedures can more fully engage the public and lead to mutually developed landscape goals and improved public participation in

decisionmaking. The expanded requirements for collaboration and scientific input in the proposed new planning process will result in expanded management choices and more fully informed decisionmaking to ensure the long-term sustainability and health of national forests and grasslands.

In March 1989, the Forest Service initiated a comprehensive review of its land and resource management planning process. Results of the review were published in May 1990, in a summary report entitled "Synthesis of the Critique of Land Management Planning" (Vol. 1), accompanied by ten other more detailed reports. The 1990 Critique documented lessons learned since passage of the NFMA and adoption of initial plans under that law. The Critique provided recommendations to improve planning and the management of national forests and grasslands and to more effectively engage the public in addressing future natural resource management challenges.

On February 15, 1991, the Forest Service published an Advance Notice of Proposed Rulemaking (56 FR 6508) which included preliminary regulatory text revising the existing planning rule. Four public informational meetings were held to explain and discuss ideas for revising the planning procedure. Over 600 individuals and several groups of people submitted written comments. These comments were used in the development of a proposed rule published on April 13, 1995 (60 FR 18886).

A substantial number of public comments were received on the proposed rule, generally expressing dissatisfaction with proposed changes in the planning process. In part, as a result of public concern with changes proposed, the Secretary elected not to proceed with this proposal.

In order to take a fresh look at the issues associated with land and resource management planning and to obtain an independent perspective, in December 1997, the Secretary of Agriculture convened a 13-member Committee of Scientists to review the Forest Service planning process and to offer recommendations for improvements. The Committee's charter was to "provide scientific and technical advice to the Secretary of Agriculture and the Chief of the Forest Service on improvements that can be made in the National Forest System Land and Resource Management Planning Process and to address such topics as how to consider the following in land and resource management plans: biological

diversity, use of ecosystem assessments in land and resource management planning, spatial and temporal scales for planning, public participation processes, sustainable forestry, interdisciplinary analysis, and any other issues that the Committee identifies that should be addressed in revised planning regulations." USDA Under Secretary Lyons noted at the Committee's initial meeting that the Committee's challenge was to "produce a set of recommendations that will guide us in developing the next generation of forest plans."

Following a series of meetings around the country with Forest Service employees, representatives of tribes, state and local governments, related federal natural resource agencies, and members of the public, the Committee of Scientists issued a final report on March 15, 1999. The Committee recognized the extraordinary legacy that is the National Forest System and characterized these lands as "a grand experiment in multiple-use management." The Committee concluded that, through careful management, National Forest System lands can continue to provide many and diverse benefits to the American people in perpetuity. These benefits include clean air and water, productive soils, biological diversity, a wide variety of products and services, employment, community development opportunities, and recreation. National Forest System lands also can provide incalculable benefits such as beauty, inspiration, wonder, and a refuge for the renewal of the human spirit. Finally, recognizing innovative efforts in the field, the Committee concluded that the Forest Service, as the steward of the people's lands, can improve its planning and decisionmaking by relying on the concepts and principles of sustainable natural resource stewardship, by applying the best available scientific knowledge to management choices, and by effectively collaborating with a broad array of citizens, other public servants, and governmental and private entities.

Based on the Committee of Scientists' findings, the draft regulatory text it contained, and over two decades of experience in developing and implementing land and resource management plans, a team of Forest Service employees, aided by an interagency steering committee, prepared this proposed rule. The Forest Service rule writing team was selected from different management levels within the organization and included representation from the National Forest System, Research, and State and Private program areas. In addition to the

Committee's report, in developing this proposed rule the team also considered the 1990 Critique of land and resource management planning, and the various laws, regulations, and reports influential in guiding planning and management of the National Forest System, including, but not limited to:

- The National Forest Management Act;
- The National Environmental Policy Act;
- The Multiple-Use Sustained-Yield Act;
- The Endangered Species Act;
- The Federal Land Policy and Management Act;
- Administrative direction in the Forest Service Manual and Handbooks;
- The Council on Environmental Quality, "The Cumulative Effects Handbook"
- The 1983 Bureau of Land Management Planning Regulations (40 CFR Part 1600); and
- The Council on Environmental Quality, "The National Environmental Policy Act: A Study of its Effectiveness After Twenty-five Years."

#### **National Forest Management Act Requirements**

Section 6 of the National Forest Management Act (NFMA) specifies the requirements for the regulations that guide National Forest System planning. A synopsis of those requirements follows, along with an identification of the sections of the proposed planning rule where the requirements are addressed.

Section 6(d) of NFMA requires public participation in the development, review, and revision of land management plans. In response to this provision and the Committee's strong recommendations on collaborative planning, the proposed rule places increased emphasis on the cooperative development of land management plans, requiring planners and managers to provide the opportunity and motivation for public participation in every phase of the planning process. In § 219.2(d)(1) of the proposed rule, the goal, as written by the Committee of Scientists, specifically speaks to meaningfully engaging the American people in the stewardship of their national forests and grasslands to "build stewardship capacity." Sections 219.12 through 219.18 (Collaborative planning for sustainability) would establish the requirements for public involvement including consultation and interaction with American Indian Tribes and Alaska Natives, adjacent landowners and interested individuals as well as establishing the requirements for involving state and local governments

and coordinating planning with other federal agencies. The requirements for public involvement described in these sections are a key feature in the proposed planning rule.

Section 6(e) of NFMA requires plans to provide for: (1) The multiple-use and sustained-yield of products and services from National Forest System lands; and (2) the determination of forest silvicultural systems, harvest levels and procedures, and the availability of lands and their suitability for timber production.

The multiple-use, sustained-yield objective is embodied in the goal at § 219.2(b)(1). Sections 219.19 through 219.21 make ecological, social, and economic sustainability the overall goal for National Forest System management to provide for the multiple-use and sustained-yield of the products and services derived there from. Additional statutory requirements, including timber management systems (§ 219.7), harvest levels, and availability and suitability of lands, are incorporated in §§ 219.26 through 219.29 (Special considerations).

Section 6(f) of NFMA lists five requirements: (1) The development of one integrated land and resource management plan for each unit of the National Forest System; (2) the embodiment of the plan in appropriate written material; (3) interdisciplinary plan development; (4) amendment of the plan as needed; and (5) revision of the plan from time to time or at least every 15 years. The requirements of this section are addressed in §§ 219.3 through 219.11 which describe the proposed planning framework, in §§ 219.30 and 219.31 (Planning documentation) which describe the content of a land and resource management plan, and in § 219.8 (Amendment) and § 219.9 (Revision).

Section 6(g) of NFMA requires the development of planning regulations that are in compliance with the Multiple-Use Sustained-Yield Act. Section 6(g) also requires: (1) Compliance with the National Environmental Policy Act (NEPA); (2) guidelines for the identification of land suitability, gathering inventory data and the identification of resource hazards; and (3) guidelines that ensure economic and environmental aspects of resource management; ensure maintenance of the diversity of plant and animal species; ensure that research is conducted; permit increases in harvest based on specific requirements; ensure the harvest of timber based on various resource conditions; specify silvicultural requirements; identify riparian or wetland protection needs; and describe specific harvest systems

and size limitations for fundamental resource protection.

In § 219.12 (Collaboration and cooperatively developed landscape goals), the proposed rule addresses application of the nation's environmental policy as described in the NEPA. Compliance with the procedural requirements of NEPA is addressed in §§ 219.3 through 219.11 (The framework for planning). It is important to note that the Forest Service NEPA procedures are to guide decisionmaking procedures described in these sections.

Land suitability and the identification of special conditions and resource hazards are addressed in § 219.26 (Identifying and designating suitable uses) and in § 219.27 (Special designations). Inventory data collection is addressed in §§ 219.22 through 219.25 (The contribution of science) and § 219.5 (Information development and interpretation).

The economic and environmental aspects of resource management are addressed in §§ 219.19 through 219.21 (Ecological, social and economic sustainability), § 219.4 (Topics of general interest or concern) and in § 219.6 (Proposed actions). The diversity of plant and animal species, protection of riparian or wetland resources, and research needs are addressed indirectly in §§ 219.22 through 219.25 (The contribution of science), and directly in §§ 219.19 through 219.21 (Ecological, social and economic sustainability). Various requirements for the management of timber resources are addressed in § 219.28 (Determination of land suitable for timber removal) and § 219.29 (Limitation on timber removal). Fundamental natural resource protection is highlighted in §§ 219.3 through 219.11 (The framework for planning) and in §§ 219.19 through 219.21 (Ecological, social, and economic sustainability).

Sections 6(i) and (j) of NFMA require that resource management actions be consistent with land management plan direction and define when plans become effective. Consistency with land and resource management plan decisions and the date when land and resource management plans become effective are addressed in §§ 219.3 through 219.11 (The framework for planning) and in § 219.35 (Transition).

Section 6(k) of NFMA requires the identification of lands not suitable for timber production. Section (6)(k)(1) requires a process for estimating long-term costs and benefits related to timber management; and section (6)(k)(2) requires a summary of this information in the form of an annual report. The

final part of Section 6(k)(2) requires standards to ensure that trees have reached the culmination of mean annual increment, the use of sound silvicultural practices, and that standards do not preclude salvage or sanitation harvest. Exceptions to these standards include consideration of other resource uses.

The requirement for the identification of lands not suitable for timber production is included in § 219.28 (Determination of land suitable for timber removal). The process for estimating long-term costs and benefits related to timber management is addressed in § 219.21 (Social and economic sustainability). The requirement for a summary of information in the form of an annual report is included in §§ 219.30 and 219.31 (Planning documentation). The procedures to ensure harvest of timber within the requirements of NFMA including the mean annual increment, the practice of sound silvicultural systems, and direction for salvage or sanitation harvests are included in the Forest Service Directive System.

## The Proposed Planning Process

### *Statutory Background and Overview*

Under the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (NFMA), the Secretary of Agriculture is required to "develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System." 16 U.S.C. 1604(a). Land and resource management plans, in large part, furnish overall programmatic guidance for the management of individual national forests and grasslands and the design of site-specific projects such as timber sales or watershed restoration projects.

Currently, all national forests and grasslands are operating under land and resource management plans developed under the existing forest planning regulations. There are two ways that these plans can be changed: revision and amendment. The NFMA requires revision of plans at least every 15 years, and revision can also occur whenever circumstances affecting the entire plan area or major portions of it have changed significantly. The proposed rule will set standards for the upcoming revision of most of the existing land and resource management plans, which were adopted in the 1980's and early 1990's. Amendment is a means of updating the forest plan's programmatic direction between the periodic revisions that must occur every 15 years. The proposed rule provides for a flexible

ongoing process of investigating and responding to new information, which can lead to either the revision or amendment of plans or the development of appropriate site-specific projects to address changing circumstances as they arise.

#### *The Content of Plans*

Under the proposed rule, land and resource management plans would contain four categories of decisions (§ 219.7). First, they establish desired resource conditions to achieve long-term sustainability (which may include, but are not limited to, the desired watershed and ecological conditions and aquatic and terrestrial habitat characteristics). Second, the plans contain goals (statements of intent), objectives (measurable results intended to achieve goals), standards, and guidelines. The standards and guidelines provide criteria for the design of site-specific projects that address such important considerations as species and their habitat, timber harvest guidelines, and watershed integrity. Third, plans include the designation and identification of suitable uses within the plan area (e.g., lands where timber production is an appropriate objective) and designations of special areas. Finally, the plans contain monitoring and evaluation requirements, which guide ongoing forest or grassland management.

The addition, removal, or modification of any of these decisions requires either revision or amendment of the plan.

#### *Revision*

Under the proposed planning rule, a land and resource management plan must be revised whenever circumstances affecting the entire plan area or major portions of the plan area have changed significantly or the plan has reached its 15-year statutory age limit (§ 219.9). To begin the revision process, the responsible officials would summarize existing information and provide for scientific review of the effectiveness of current management, among other steps, and make this information available for public review. The responsible officials must then publish a Notice of Intent to revise in the **Federal Register**, and provide for a second opportunity for public comment for at least 45 days regarding the scope of the proposed revision. Following any adjustment in the scope of the revision in response to these comments, the responsible officials must prepare a NEPA document on the proposed revision and provide at least a 90-day public comment period.

Any person may file objections to a proposed revision within 30 days of publication of the availability of the final NEPA document (§ 219.32). The responsible official must prepare a written response to the objection by the time a decision is reached. Any final decision to revise plans will become effective 30 days after notice of the decision is published in the **Federal Register**.

#### *Amendment*

In addition to revision, a land and resource management plan may also be amended (§ 219.8) to add, remove, or modify one or more of the decisions embodied in a forest plan.

Like other Forest Service actions, proposed amendments require compliance with NEPA. As part of the NEPA process, the responsible official must determine whether the significance of the proposed amendment's impact on the environment, and whether an environmental impact statement is required. The NFMA also requires that the Forest Services determine whether amendments are significant under this statute as well. The proposed rule simplifies this NFMA finding by linking it to the required significance determination under NEPA. Thus, the responsible official must make only one determination of significance, under the well-known standards of NEPA. For significant amendments, the preparation of an environmental impact statement and a 90-day public comment period are required. For non-significant amendments, less detailed levels of NEPA compliance such as the preparation of environmental assessments are appropriate. There is the same opportunity for persons to file objections to proposed amendments as there is for proposed revisions (§ 219.32). All decisions to approve amendments become effective after the responsible official gives notice of the proposed decision.

#### *Site-Specific Projects*

The NFMA provides that "[r]esource plans and permits, contracts, and other instruments for the use and occupancy of the National Forest System lands shall be consistent with the land management plans." 16 U.S.C. 1604 (i). If a proposed site-specific activity is not consistent with the land management plan, the responsible official may "[m]odify the proposal to make it consistent with the plan"; "[r]eject the proposal"; or "[a]mend the plan to permit the proposal." 53 FR 26,836 (1988). However, the fact that a proposed activity is consistent with the

applicable land management plan does not mean that it will actually go forward, or that it can be undertaken without further scrutiny. Rather, when an individual project (such as a timber sale or closure and obliteration of an unneeded road) is proposed, the agency undertakes an individual study of its likely environmental effects and renders a formal decision regarding it. The Forest Service is required by statute to provide opportunities for public notice and comment, along with a right of administrative appeal for all "proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans."

#### *Ongoing Process*

The proposed planning rule sets out an innovative planning framework to update land and resource management plans. The goal is to create a planning process that enables responsible officials to amend their plans quickly and soundly in response to new information or changed conditions.

Formally, the proposed planning process (Appendix A) for updating plans begins with a topic(s) of general interest or concern (§ 219.4). Sources for these topics of general interest or concern may include new Forest Service conservation initiatives, enactment of new laws or policies, discussions among people, organizations, or governments, etc. or information generated from a later stage of the planning process. For example, monitoring and evaluation plays a key role in the proposed planning process. Under the proposed rule, information from inventory and monitoring would feed back into the proposed planning process at various points throughout the process and could lead to the development of a topic of general interest or concern. Information from a broad-scale assessment or local analysis could also lead to the development of a topic of general interest or concern.

Once a general topic of concern arises, the responsible official would have to determine whether the topic should receive consideration (§ 219.4). In so doing, the official would consider the criteria listed in § 219.4(b). If, after using these criteria, the responsible official determined that a topic of general interest or concern should receive further consideration, the responsible official would then evaluate whether adequate information existed about the topic (§ 219.5). Information could come from a number of existing sources, including existing inventories, broad-scale assessments, local analyses, or from information voluntarily submitted from interested parties. If obtaining

more information was desirable and could be obtained at a reasonable cost and in a timely manner, a broad-scale assessment or local analysis could be developed or supplemented.

Broad-scale assessments provide information regarding ecological, economic, or social topics that are broad in geographic scale. In most cases, they go well beyond individual national forest and grassland boundaries. The results from assessments are not proposed actions or decisions subject to NEPA procedures. But under the proposed rule, their findings and conclusions could be used to inform the planning process and/or develop new topics of general interest or concern. Similarly, local analyses provide information that aids in the identification of possible actions or projects on a more local scale. Depending on the situation, broad-scale assessments and local analyses should provide information related to ecological factors set forth in § 219.20 and/or social and economic factors set forth in § 219.21. These assessments and analyses do not make decisions, but instead provide information which may assist in subsequent decisions. Although the assessments and analyses will often involve extensive public participation, persons only have legal rights to comment or participate if the responsible officials make actual decisions regarding revisions, amendments, or site-specific projects. If the assessments or analyses affect actual decisions, the public will necessarily have an opportunity to comment before actual decisions are made. Furthermore, there is no right to judicial review of the broad-scale assessments and local analyses, which responsible officials are encouraged rather than legally mandated to undertake to update their knowledge of changing conditions.

Based on consideration of the criteria in § 219.4(b) and available information in § 219.5, responsible officials could propose to revise a plan, amend it, and/or propose a site-specific project (§ 219.10). In each case, they would be required to analyze alternatives and effects of the proposal in conformance with agency NEPA procedures. A formal NEPA process would ensue, although, a responsible official may use the above planning process to accomplish the NEPA scoping process. These decisions all give the public opportunities for input, either through objections (revision or amendment), or notice and comment and administrative appeal (site-specific projects).

Monitoring and evaluation assess the effectiveness of the plan (§ 219.11). Under the proposed rule, monitoring

and evaluation would aid in identification of new topics of general interest or concern, the development of new assessments, and the selection process for site-specific projects.

Although monitoring and evaluation is the last step in describing the planning process, it does not end the planning process. Indeed, in practice these monitoring and evaluation requirements, like the broad-scale assessments and local analyses described above, would provide important feedback information that would continuously link planning to plan implementation. Under the proposed planning rule, a national forest or grassland, like a business or other large organization, would always be ready to respond quickly to new information or changed conditions.

Under the proposed rule, the exact planning process might be very different on two different national forests or grasslands, depending on the amount of monitoring and assessment information that exists, the problems and opportunities facing the administrative units, the level of public involvement in the planning process, etc. These differences would enable National Forest and Grassland Supervisors to amend or revise their land and resource management plans in ways that best match the complex issues and conditions they face. It would also make planning a meaningful exercise that better promotes the health of the resources on our national forests and grasslands setting more realistic expectations for the goods, services, and amenities the national forests and grasslands can provide. Of course, plans would still have to meet the broad framework goals and principles for planning and specific requirements in the proposed rule.

#### *Key Elements of Planning*

The proposed planning process is built upon the fundamental statutes that have guided national forest management for nearly a century as well as the wealth of experience gained since the passage of NFMA and the initiation of the land and resource management process. The Committee of Scientists' report serves as a synthesis of this information and provides valuable guidance in understanding the successes and failures of forest planning to date.

The proposed rule sets forth a new collaborative, adaptable planning process that fully engages the public and requires use of the best available science to ensure informed decisionmaking. The process set forth in the proposed rule creates opportunities

for people, communities, and organizations to work together to develop mutual understanding regarding desired resource conditions and outcomes as well as to develop multiple-use management options designed to achieve desired resource conditions and outcomes in ways that respond to public interests or concerns. Consistent with the 1990 Critique, as validated by the Committee of Scientists' report, the proposed rule emphasizes monitoring and evaluation so that managers and others can evaluate management performance, determine if desired and/or anticipated outcomes are achieved, and adapt as resource conditions change over time. This emphasis is in keeping with NFMA's mandate to evaluate the effects of management systems, based on continuous monitoring and assessment in the field, to ensure that substantial and permanent impairment of the productivity of the land will not result (16 U.S.C. 1604(g)(3)(C)).

The proposed rule would affirm ecological, social, and economic sustainability as the overall goal for management of National Forest System lands. To achieve sustainability, the first priority for management is the maintenance and restoration of ecological sustainability to provide a sustainable flow of products, services and other values from these lands. As the Committee of Scientists explained, making ecological sustainability the first priority does not mean that the agency will maximize the protection of plant and animal species to the exclusion of human values and uses. Rather, it means that, without ecologically sustainable systems, other uses of the lands and their resources would be impaired (Committee of Scientists' report, page xvi.).

The proposed rule also would simplify required planning steps to enable responsible officials to more readily address emerging issues than is now possible with current required planning steps. For example, the proposed rule would clarify that, where appropriate, multiple planning activities of one or more national forests or grasslands can be combined among administrative boundaries. Additionally, current requirements for detailed analyses, such as those required for benchmark analyses, would be streamlined or eliminated. The current regulatory criteria for determining whether a proposed amendment would result in a significant change in a plan, triggering requirements under section 6(f)(4) of NFMA, would be revised. Under the proposed rule, the significance of a

proposed amendment for NFMA purposes would be linked to the threshold for significance under NEPA procedures. This will coordinate NFMA and NEPA requirements, and eliminate confusion associated with having two different thresholds for significance in the planning process. The proposed rule also allows the steps in the planning framework to be coordinated with the scoping requirements under the Forest Service NEPA procedures when appropriate. This will reduce duplication when preparing environmental documents associated with management of the National Forest System.

A key element of the proposed rule is increased emphasis on collaboration as a means to encourage broader public participation in the planning process. The rules provide for regular and sustained involvement of other federal natural resource agencies, tribal governments, state and local governments, interested organizations, and the public in a continuing process of discussion and collaboration.

The Committee of Scientists heard that many people are tired of the demands placed on the public and the agency by the current planning process. Many report that detailed analyses and seemingly endless meetings have resulted in planning documents deemed obsolete before their completion. Public concerns and events have sometimes overtaken the Forest Service's ability to respond. In an effort to avoid this in the future, the proposed rule provides a planning framework that facilitates the identification and responsive resolution to emerging problems such that plans ensure long-term sustainability and address evolving conditions.

Under the proposed rule, improvements to management practices would be made based upon cooperatively developed landscape goals and other topics of general interest or concern which can emerge from a variety of sources such as collaboration, monitoring, evaluation, broad-scale assessments, local analyses, new laws and policies, or simply from discussions among interested persons. The proposed planning process would provide for consideration of identified topics of general interest or concern, development of information as needed, and proposals for agency action when appropriate for resolution. Additionally, the proposed rule requires annually updated displays of proposed, authorized, and completed actions, and annually updated 2-year projections of anticipated outcomes, products, and services to provide realistic estimates based upon on-the-ground analyses.

Through this collaborative approach, and by providing interested publics with additional information regarding management direction, outcomes, and accomplishments for each management unit, the proposed planning process seeks to encourage the public's active involvement in forest planning. This approach is not only consistent with the direction provided in NFMA and other statutes guiding land and resource management, but is also in concert with the underlying philosophy of national forest management as reflected in guidance provided by Gifford Pinchot in the first Forest Service administrative manual, "Uses of the National Forests" (1907), in which he stated, "National Forests are made for and owned by the people. They should also be managed by the people. \* \* \* If National Forests are going to accomplish anything worthwhile the people must know all about them and must take a very active part in their management. What the people as a whole want will be done. To do it, it is necessary that the people carefully consider and plainly state just what they want and then take a very active part in seeing that they get it."

#### *Emphasis on Science in Planning*

Another key element in the proposed planning process is renewed emphasis on the use of science in planning and the role of scientists in the decisionmaking process. The proposed rule requires use of the best available science to improve the ability of people, communities, and organizations to work together to develop mutual understandings about desired resource conditions and outcomes as well as to develop multiple-use management options that respond to public interests or concerns in the context of best available information and analysis.

The rule would incorporate science and scientists in the planning and decisionmaking process in a number of ways.

First, the rule recognizes the lessons learned in recent years in the development and analysis of scientific information as it affects natural resource management on a regional basis. The use of regional ecosystem assessment, as a basis for understanding the scientific, ecological, social, and economic issues affecting resource conditions and trends has proved extremely valuable as a means of generating baseline data for use in planning and decisionmaking.

In addition, as efforts continue to adopt the principle of adaptive management to guide natural resource stewardship, greater emphasis needs to be placed on evaluating resource conditions and monitoring trends over

time. Consistent with the 1990 Critique as validated by the Committee of Scientists' report, the proposed rule emphasizes monitoring and evaluation so that management can be adapted as conditions change over time. This emphasis is in keeping with NFMA's direction to ensure research on evaluation of the effects of each management system, based on continuous monitoring and assessment in the field, to the end that it will not produce substantial and permanent impairment of the productivity of the land (16 U.S.C. 1604(g)(3)(C)). As noted by the Committee, "Monitoring is a key component of planning \* \* \*. Monitoring procedures need to be incorporated into planning procedures and should be designed to be part of the information used to inform decisions. Adaptive management and learning are not possible without effective monitoring of actual consequences from management activities."

Finally, the proposed planning process provides for the establishment of science advisory boards to improve access for decisionmakers and planners to current scientific information and analysis. The role of these science boards, and of scientists in the planning process, in general, is emphasized by the following observation of the Committee of Scientists, "To ensure public trust and support innovation, scientific and technical review processes need to become essential elements of management and stewardship. \* \* \* The more that conservation strategies and management actions are based on scientific findings and analysis, the greater the need for an ongoing process to ensure that the most current and complete scientific and technical knowledge is used."

#### *Learning and Improving Planning*

In summary, the proposed planning process provides for a continuous, collaborative approach to planning based upon best available scientific information and analysis and the concepts of ecological, social, and economic sustainability. This new and improved approach to planning is consistent with the statutory foundations for national forest and grassland management, experiences learned over the course of two decades of land and resource management planning under the NFMA, and the recommendations of the Committee of Scientists.

The proposed planning process is built upon the learning and innovation that has occurred and continues to occur among decisionmakers, scientists, and collaborators, as observed by the

Committee of Scientists. Thus, the proposed process is not a "cookbook" for making decisions, but a process that encourages learning and the evolution of new ideas that will improve the planning process over time.

### **Section-by-Section Description of the Proposed Rule**

#### *Purpose, Goals, and Principles*

##### **Proposed Section 219.1—Purpose.**

This section describes the purpose of the proposed rule. The proposed rule would (1) describe the framework for National Forest System resource planning and decisionmaking; (2) encourage public participation and collaboration in resource management decisionmaking; (3) incorporate principles of sustainable resource management; and (4) establish requirements for implementing, amending, revising, monitoring, and evaluating land and resource management plans. Land and resource management plans for all units of the National Forest System have been developed under the existing rule. Therefore, the proposed rule focuses on planning procedures and the amendment and revision of the existing land and resource management plans.

##### **Proposed Section 219.2—Goals and Principles for Planning.**

This section of the proposed rule would establish five goals to be considered in land and resource management planning and decisionmaking. For each goal, this section sets out associated principles. The goals and principles for planning are those recommended by the Committee of Scientists, and emphasize the concepts of sustainable resource management, collaboration, and stewardship of the National Forest System and are intended to be statements of best planning practices.

The five goals of planning and management are, in the words of the Committee of Scientists, (1) to strive to assure the ecological sustainability of our watersheds, forests, and rangelands; (2) as part of the overall goal of sustainability, promote economic and social sustainability by providing for a wide variety of uses, values, products, services, and community benefits; (3) to recognize and efficiently integrate national forest and grassland management into the broader geographic, legal, political, and social landscape within which national forests and grasslands exist; and (4) to meaningfully engage the American people in the stewardship of their national forests and grasslands; and (5)

to be at once visionary and pragmatic in guiding decisionmaking.

#### *The Framework for Planning*

##### **Proposed Section 219.3—Overview.**

Paragraph (a) of this section lays out the conceptual foundation of the proposed rule. Rather than viewing planning as an activity with a fixed beginning and ending, with rigid procedural steps and somewhat artificial analytical requirements, the proposed rule recognizes planning as a continuous, dynamic process that is driven by public interests or concerns about National Forest System resources or management, the results of monitoring and evaluation, or other new information. One of the underlying concepts is that now that the first round of plans are in place, the process should not focus on how to create new plans, but rather on how to improve upon the plans that are in effect. Thus, the proposed rule focuses on amending and revising plans and gathering better and more comprehensive information on which to base plan decisions. The key to gathering better information is through conducting broad-scale assessments and ensuring independent reviews and advice from scientists.

Another important conceptual difference between this proposed rule and the existing planning rule is the emphasis on collaborative planning. Under the proposed rule, the responsible official is expected to actively seek and encourage citizens, organizations, and governments to participate fully in identifying topics of general interest or concern that may require some action and to participate in deciding whether an interest or concern is ready to be addressed. This is a fundamentally different approach than that in the existing rule. The existing rule requires input from others less frequently and more formally than anticipated under the proposed rule.

Another significant addition to the planning process under this proposed rule is the integration of site-specific, project-level analysis and decisionmaking into the planning framework. The current planning rule is limited to forest planning at the programmatic level; no direction is given on planning, analyzing, and approving site-specific actions that apply the decisions adopted in plans or that achieve the desired conditions, goals, or objectives established in plans.

In addition, another significant change from the existing rule is the recognition that a meaningful forest or grassland plan cannot be bound between two covers, but must allow for the continuous changes anticipated by

this proposed rule. Thus, the plan is a repository of the information and decisions required by the proposed rule.

Paragraph (b) describes the levels of planning at the national, regional, or national forest or grassland level depending on the nature and scope of topics of general interest or concern. This paragraph also establishes the Forest or Grassland Supervisor as the responsible official for the land and resource management plan. Under the existing rule, the Regional Forester is the responsible official for land and resource management plans. This proposed change in responsibility is based on the changing nature of the planning process. The existing rule was designed for the initial development of land and resource management plans and, because such plans had never been prepared, it was decided that the Regional Forester should be the responsible official. However, now that the first iteration of plans has been adopted, a revised planning rule should focus on the revision, amendment, and implementation of the existing land and resource management plans. The proposed rule would allow for one or more Regional Foresters or the Chief of the Forest Service to undertake planning which would amend simultaneously several relevant land and resource management plans for needs affecting a larger geographic area than that covered by a single national forest or grassland. Issues that might warrant such a regional approach include the recovery of an endangered species or regional forest health issues.

The proposed rule provides for linkage of various planning processes and levels. In the proposed rule, resource management plans would be related in substantive and meaningful ways to the long-term goals and objectives of the Forest Service to ensure progress toward those national-level goals and objectives. Proposed paragraph (b) would establish the context for land and resource management plans and the need for consideration of the Forest Service's national strategic, long-term goals, objectives, and outcome measures in resource management planning.

Proposed paragraph (c) identifies the key elements in land and resource management planning and the decisionmaking process: (1) Broad-scale assessments (§ 219.4(b)) and Cooperatively developed landscape goals (§ 219.12(b)); (2) Topics of general interest or concern; (3) Information development and interpretation; (4) Proposed actions; (5) Plan decisions that guide future actions; (6) Amendment; (7) Revision; (8) Monitoring and



evaluation; and (9) Site-specific decisions and authorized uses of land.

#### Proposed Section 219.4—Topics of General Interest or Concern

This section would establish a process for identifying, discussing, and, if appropriate, acting on topics of general interest or concern that may emerge from a variety of sources, such as the results of monitoring and evaluation, new information, collaboratively developed landscape goals, or discussions with those interested in National Forest System management.

Paragraph (a) describes topics of general interest or concern. These topics may originate from many sources. The existing rule refers to "issues" in a similar context; however, the Committee of Scientists viewed the word "issue" as having a negative connotation, referring to a problem that needs to be solved or something that required action. A topic of general interest or concern is a broader concept than an issue in that it includes any subject of interest or concern to any of the many partners and individuals interested in how the National Forest System is managed. A topic of general interest or concern may not require immediate action; it may simply spur discussion or the need for better understanding among the public and interested individuals.

To help determine when action on a topic of general interest or concern is needed rather than just discussion and better understanding, paragraph (b) includes several factors for the responsible official to consider. These factors include the level of public interest generated by the topic of interest or concern, the opportunities to contribute to ecological, social and economic sustainability by resolving the issue, the opportunities to improve ecological conditions or contribute to

social or cultural values, the capability and resources to act, and other factors such as the potential for disproportionately high or adverse environmental effects on minority populations.

In the past, the agency often has been either too quick to act in initiating procedural requirements of NEPA to resolve potential problems or too slow. With regard to the former, acting too quickly without all of the information needed to properly define and resolve the issue, and without initially involving the public, has made issues more controversial and less clear, and resolutions harder to reach. The proposed rule would provide the agency with the framework and direction to move forward in addressing topics of interest or concern so that the public has confidence that the agency is taking appropriate action when and where it is needed.

#### Proposed Section 219.5—Information Development and Interpretation

This section describes information needed to further consider a topic of general interest or concern and provides direction on conducting broad-scale assessments and local analyses. When the responsible official determines that readily available scientific information is not adequate, a broad-scale assessment or local analysis should be conducted to obtain the needed information. The proposed rule makes clear that the findings and reports from assessments and analyses are not proposed actions or decisions subject to NEPA analyses and documentation.

Broad-scale assessments would be conducted to provide information specific to identified topics of general interest or concern with a broad geographic scale. Broad ecological boundaries or a broad social or

economic community of interest would define the geographic scale. Agency personnel and other individuals and organizations that have knowledge or interest in the assessment area would collaboratively develop broad-scale assessments. These assessments would use the best available scientific information and analysis in describing the historic and current biological, physical, social, and economic conditions. The assessments would present findings and conclusions that describe the status and trends of ecological, social, and economic conditions and their relation to sustainability, and whether additional research is needed.

Section 219.5(a)(2) would establish a connection to nationwide Forest Service assessments, as they provide the context for broad-scale assessments. Nationwide Forest Service assessments and strategies provide a national portrait of the status and trends in supply, demand, and resource conditions for various natural resources on all forest and range lands within the United States and are useful in the preparation of broad-scale assessments. Other sources of information are also available to aid in the preparation of broad-scale assessments.

Local analyses are conducted at a geographic scale that is smaller than the area covered in a broad-scale assessment. A local analysis focuses on an aquatic or terrestrial ecological unit or a social or economic community that is appropriate for the type and complexity of the topic of general interest or concern under consideration. Local analyses use the best available scientific information and analysis, and may be used to collect additional information, such as inventory data or current conditions.

#### COMPARISON OF THE COMPONENTS OF BROAD-SCALE ASSESSMENTS AND LOCAL ANALYSES

Components	Broad-scale assessment	Local analysis
Purpose .....	Gathering and synthesizing existing information for identified issues.	Gathering existing information and/or collecting new information that is synthesized.
Who does it .....	Scientists and managers together. A Regional Forester and Research Station Director share the lead.	Forest Service managers with input from scientists.
Scale .....	Broad and appropriate to address identified issues. Usually greater than or equal to one or more plan areas.	Usually a watershed within a subpart of a plan area. May be a subpart of a broad-scale assessment area and often used for site-specific projects.
Information source .....	Usually existing information, including monitoring data.	Existing information and/or new inventory data.
Conclusion .....	Findings.	Recommendations.
Use .....	Development of proposed management direction, conservation strategies, policies, or programs.	Development of project proposals necessary to carry out decisions of a land and resource management plan.



### Proposed Section 219.6—Proposed Actions

In this section, the concept of a proposal for Forest Service action is described. Under this proposed rule, the agency would not initiate the NEPA procedures until the agency has determined it is appropriate to propose an action based on the consideration of factors in § 219.4, available information and analyses (§ 219.5), and the ability to meaningfully evaluate the effects of one or more alternative actions. The intent here is to require more up-front thought when considering and framing proposals for action. Paragraph (b) explains that the responsible official may use the planning framework to accomplish the scoping process described in Forest Service NEPA procedures. This is a more inclusive, collaborative approach to scoping than the agency has used in the past, and would streamline the planning process.

### Proposed Section 219.7—Plan Decisions That Guide Future Actions

This section describes the decisions that would be made through the planning process of the proposed rule. The existing rule does not precisely

address the nature of land and resource management plan decisions and the appropriate scope of environmental analyses. Confusion over the nature of the decisions embodied in a land and resource management plan has been a principal source of controversy. Initially, many people believed land and resource management plans would lead to irretrievable resource commitments for all projects necessary to fully achieve the goals and objectives of the plan. It was often argued that land and resource management plans irretrievably committed the Forest Service to individual projects but failed to provide the analysis and documentation required by statutes such as NEPA.

Under the proposed rule, each land and resource management plan would include four categories of decisions that would guide future agency actions: (1) Desired conditions which describe the long-term sustainability sought over a period of time; (2) goals, objectives, standards, and guidelines applicable to all or a portion of the plan area; (3) identification and designation of suitable uses and designation of special areas; and (4) identification of required

monitoring and evaluation. The environmental document accompanying an amendment or revision to a land and resource management plan, usually a broad statement (45 CFR Part 1502.20), would identify the scope of the federal action and associated environmental impacts. The environmental reviews of pending site-specific actions within a watershed could then tier to existing environmental documents to reduce unnecessary paperwork as described in NEPA procedures (45 CFR part 1500.4).

The proposed rule is significantly different from the existing rule with regard to the linking of different levels of planning. The proposed rule is responsive to the Committee of Scientists' report in terms of connections between planning levels and the roles of the National Assessment and the RPA Program, each required by the Forest and Rangeland Renewable Resources Planning Act of 1974. Sections 219.7(b)(1) and 219.9(d)(1) address how decisions made for land and resource management plans and decisions to change such plans would be linked to the Forest Service strategic plan goals and objectives (Table 1).

TABLE 1.—THE PLANNING AND DECISIONMAKING LEVELS OF THE EXISTING AND PROPOSED RULES

	Existing rule	Proposed rule
Levels of Information Collection and Interpretation.	National, Regional, and national forest and grassland—the scope of information set by administrative unit. Other information needs based on issues .....	Broad-scale assessment—the scope and scale of information gathering is based on the scope and scale of information needs. Local Analysis—provides information for site-specific projects such as a timber sale or watershed improvement project and, if appropriate, ties to the findings of a broad-scale assessment.
Required Plans .....	Regional Guide—one per Region .....	No Regional Guide after 3 years—The direction for management would reside in the applicable LRMP.
	One land and resource management plan (LRMP) per national forest and grassland (units can be combined when under the jurisdiction of a Forest Supervisor).	Same.
Responsible Official .....	Regional Guide—Chief .....	Regional Guide—Eliminated.
	LRMP—Regional Forester for adoption, significant amendment and revision. Forest Supervisor for non-significant amendment.	LRMP—Forest Supervisor with authority for a higher-level official to amend or revise as needed.
Amendment .....	Large amendments (significant) similar to revision while less extensive amendments (non-significant) are possible for changes in the content of a plan.	Only one type of amendment. The scope of the change in the plan dictates the appropriate public review and necessary steps in agency NEPA procedures.
Revision .....	Start as if no plan existed and project high and low output and budget options.	Evaluate plan, provide for public review, and make appropriate changes to plan following agency NEPA procedures. All national forests and grasslands now have plans in effect.
Site-specific projects .....	Not addressed .....	The planning framework is used to guide project identification and authorization.

Section 219.7(b) describes the goals, objectives, standards, and guidelines which are applicable to all or a portion of the plan area. Goals link Forest Service policies, procedures, laws,

Executive Orders, regulations and applicable Forest Service strategic plans with specific measurable objectives. Objectives describe measurable results intended to achieve one or more goals.

Examples might include obliterating roads to improve watershed health or treating forested areas to reduce fuels and associated wild fire risks. Standards and guidelines describe the criteria

needed to achieve objectives and promote compliance with applicable laws and regulations. These would include, but are not limited to, the identification of focal species, standards and guidelines for management activities and land use, and preferred practices. This section includes the NFMA requirement (16 U.S.C. 1604(g)) that guidance be provided for timber harvest and regeneration methods, maximum harvest size openings, and techniques for achieving aesthetic objectives by blending the boundaries of vegetation treatments.

In the proposed rule, standards and guidelines are to be implemented according to the criteria they establish. Each provides criteria, within the authority of the Forest Service, on management activities within the plan area to ensure compliance with applicable laws and regulations or regulate management activities. Standards and guidelines may describe required or preferred or advisable courses of action. The specific requirement of each standard or guideline would dictate its specific application to an on-the-ground situation.

Paragraph (c) directs the responsible official to identify the suitability of lands for specific uses as described in § 219.26, including identification of the necessary transportation system and special areas such as research natural areas, geologic areas, reference landscapes, and botanical areas as described in § 219.27.

#### Proposed Section 219.8—Amendment

This section addresses amendments to land and resource management plans. The process for amendments would follow the planning framework (§§ 219.3 through 219.11) and agency NEPA procedures. While the proposed process for amendment is similar to that of the existing rule, amendments to land and resource management plans under the proposed rule would be based on the scope and scale of the issues selected for resolution from collaboration, new information, monitoring and evaluation, and appropriate broad-scale assessments and local analyses. For example, if a management strategy to protect a group of wide-ranging species is needed, several responsible officials for units of the National Forest System could combine their planning efforts to make broad-scale plan decisions through amendments to their land and resource management plans. These decisions would be further refined through on-the-ground analyses, site-specific projects, and monitoring and evaluation of actual results on each unit.

#### Proposed Section 219.9—Revision

The concept of revision under the existing rule in § 219.10(g) and § 219.12 would be substantially streamlined and improved by the proposed rule. Rather than being a zero-based event as envisioned in the existing rule, revision becomes a time for review in the planning framework (§§ 219.3 through 219.11). The responsible official would conduct a public review of the overall outcomes of a land and resource management plan to determine if corrections in the plan decisions or changes in management direction are needed. The findings from monitoring and evaluation, new data, new or revised policy, and changes in circumstances affecting the entire or large portion of the plan area would all be considered at the time of revision. The results of the review would be used to identify issues for further consideration in the planning process, and could lead the responsible official to proposing one or more changes to the plan decisions. Plans that have been actively amended consistent with the proposed rule may not require many changes at the time of revision. Also, at the time of revision the responsible official must adjust the next decade estimates of outcomes and outputs (§ 219.9(b)(6)).

#### Proposed Section 219.10—Site-Specific Decisions and Authorized Uses of Land

In paragraph (a), the responsible official is directed to conduct planning within the framework described in §§ 219.3 through 219.11 to make site-specific project decisions. This is a significant shift from the approach of the existing rule, which is limited to the preparation of forest plans. Under the proposed rule, the same basic steps and requirements apply to land and resource management planning as to planning for a site-specific project. The only differences between the decisions embodied within a land and resource management plan and those related to a site-specific project plan are the scope, breadth, specificity, and commitment of resources.

As in the existing rule, this proposed paragraph requires the decision to select a site-specific project to be consistent with decisions in the applicable land and resource management plan. If a proposed action were found to be not consistent with the land and resource management plan, the responsible official, subject to valid existing rights, would have several options: modify the proposal to make it consistent with the direction in the land and resource management plan; reject the proposal;

or amend the land and resource management plan so that the proposed site-specific project is consistent.

Paragraph (b) of § 219.10 implements the NFMA requirement that permits, contracts, or other authorizing instruments must be consistent with the management direction in the applicable land and resource management plan. This proposal seeks to remedy some of the confusion and inconsistent interpretation that has occurred under the existing planning rule. The proposed rule clearly requires that an authorization for occupancy and use be consistent with the plan at the time of its issuance. This policy is well established and understood. The more difficult matter is what to do with permits, etc. when plans are amended or revised. The proposed rule makes clear the options available to the responsible official. First, the responsible official must consider the effect of an amendment or revision on ongoing permits and contracts, etc. Ongoing activities or uses may be exempt from provisions of a plan amendment or revision. Second, the responsible official can require changes in the authorized use, subject to valid existing rights and applicable statutes, to make the activity consistent with the plan. Or, the amendment or revision can exempt the authorization from conformance with the new amendment or revision. However, the proposed rule provides a safeguard or condition regarding waivers; namely that consistency cannot be waived if the authorized use would prevent achievement of the desired condition of the plan area. The proposed rule also provides that should an authorized use not be exempted from application of a new plan amendment or revision, the decision document must include a schedule for compliance.

#### Proposed Section 219.11—Monitoring and Evaluation

While monitoring and evaluation are addressed in the existing rule, the emphasis has been on developing and amending plans. Attention to monitoring and evaluation has been sporadic or inconsistent. For planning to provide for adaptive management and achieve the desired conditions that the public supports, monitoring and evaluation must receive careful attention.

Paragraph (a) of proposed § 219.11 would require land and resource management plans to establish monitoring requirements. At a minimum, this would require that plans identify the actions, effects, resources to be measured; the frequency of measurement; the method of

monitoring; and the appropriate reporting intervals. Under the proposed rule, 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 sustainable and are achieving desired conditions; and if key assumptions underlying management direction are valid.

Paragraph (b) would require the responsible official to provide opportunities for the involvement of others in monitoring and evaluation, and actively promote and seek stronger coordination with other federal agencies, state, local, and tribal governments; scientific and academic communities; and other interested parties.

Paragraph (c) addresses monitoring at the site-specific project level. This paragraph would require that when monitoring and evaluation are required in conjunction with a site-specific project, the monitoring requirements must be identified in the project decision document. Moreover, in such a case, subject to valid existing rights and other statutory requirements, the project could not be initiated, unless there is a reasonable expectation that adequate funding will be available to complete the required monitoring and evaluation.

Paragraph (d) would require the development of an annual monitoring and evaluation report. The report would become part of the land and resource management plan. It would include the following: a list of required monitoring; a summary of the results of monitoring performed during the previous fiscal year; a description of achievement toward desired conditions and sustainability as identified in the land and resource management plan; identification of any new topics of general interest or concern arising from monitoring and evaluation; a list of amendments made to the plan in the previous year; and a summary of outputs, outcomes, and budgetary trends related to the achievement of desired conditions.

Paragraphs (e) and (f) would describe the specific monitoring and evaluation requirements necessary for assessing achievement of ecological, social, and economic sustainability which is described in §§ 219.19 through 219.21.

### *Collaborative Planning for Sustainability*

#### Proposed Section 219.12—Collaboration and Cooperatively Developed Landscape Goals

Paragraph (a) describes the collaborative relationships of land and resource management planning that enhances the ability of people to work together, build their capacity for stewardship, and achieve ecological, economic, and social sustainability. The responsible official, functioning as a leader, convener, facilitator, or participant, as appropriate, should foster positive relationships with people interested in and/or affected by the management of the National Forest System lands, as well as with other federal agencies and state, local, and tribal governments that wish to participate in defining the future of the National Forest System. The responsible official should provide opportunities for early, open, and frequent meaningful participation in planning.

Traditionally, the relationship between the national forests and grasslands and the broader society was primarily viewed as a one-way street—goods flowed from federal lands to numerous beneficiaries and public servants made choices based on their best judgments about what was best for society. To achieve long-term sustainability, the relationship between the public and the agency in managing these forests must be a two-way relationship. The existing rule and planning process has the Forest Service positioned as an arbiter in the middle of the conflict. The proposed rule recognizes that the responsible official may play several roles, such as convener, facilitator, leader, or participant, in achieving collaboration and understanding regarding conditions and needed actions or outcomes. The current planning process is designed to solicit input and then criticism from non-agency groups and individuals. It does not create a process for constructive dialogue leading to the resolution of problems. The proposed rule calls for collaboration in resolving issues of mutual concern in a manner that best fits the needs of the people concerned, the place, and the issues at hand.

The Committee of Scientists stated that the planning process should provide for recognizing, enhancing, and capitalizing upon the capacity of interested and affected people to engage in stewardship activities and the achievement of sustainability.

Building stewardship capacity to enhance achievement of sustainability is

grounded on the following eight core elements:

(1) *Trust*. For the planning process to be trusted, planning must be perceived to be legitimate, credible, and fair to the diverse groups, individuals, and communities who care about national forests and grasslands. To achieve legitimacy, planning must be sanctioned by administrative procedures, have the support and commitment of agency officials, and recognize other rights and authorities. Planning, to be credible, must have a sound and complete base of knowledge to inform decisionmaking. To be fair, planning must be inclusive and representative, with mutually agreeable criteria for decisionmaking and equal access to information.

(2) *Collaborative relationships*. To effectively pursue sustainability, planners and managers must engage those who:

(i) have information, knowledge, and expertise to contribute to developing courses of action;

(ii) have sole control or authority over lands and activities adjacent to national forests and grasslands;

(iii) have the skills, energy, time, and resources to carry out stewardship activities;

(iv) can help monitor and assess on-the-ground consequences of management actions to better inform future decisions; and

(v) can independently validate the credibility of stewardship decisions and the reality of achievements.

(3) *Understanding*. To achieve effective stewardship, the planners and managers must build broad-based understanding and engage those who can provide a voice for the interests that must be recognized and understood. Planning must provide opportunities and incentives for people to come together and strengthen a community's ability to chart and pursue a common future course and to be able to assist in the pursuit of sustainability for public lands.

(4) *Joint fact finding*. When planning and assessment processes are viewed as joint-inquiry processes between the agency and the public, then the attitudes of both are aimed toward mutual learning, issue identification, and problem solving, thereby enhancing the ability of the process to promote effective stewardship.

(5) *Dealing with conflict*. Planners and managers must recognize the inevitability of legitimate, yet competing, values in National Forest System management and must encourage divergent interests to collectively deal with their differences

while pursuing shared goals for the national forests and grasslands.

(6) *Capabilities.* Planners and managers must ensure that the Forest Service takes an active role in considering the types of communities and business capabilities necessary for effective stewardship. In addition, the planning process should foster the development and awareness of the relationship of local entrepreneurship and the capability to treat vegetation, restore watersheds, and other tasks necessary to achieve sustainability.

(7) *Will.* By providing encouragement, flexibility, support, resources, skills, training, and rewards, planners and managers should provide a supportive agency environment to build the internal stewardship capacity needed to achieve sustainability.

(8) *A learning organization.* The internal capacity for stewardship within the Forest Service is effectively established within an organization that promotes learning and appropriate change in behavior. The planners and managers should foster appropriate change in organizational behavior and promote the development of several key indicators of a learning organization. These indicators of a learning organization include, but are not limited to, the following:

(i) A recognized need for learning and action to achieve it;

(ii) Learning from results and modifying successive steps accordingly;

(iii) Team approaches that bridge skills, expertise, and interests and provide helping hands with shared ideas and responsibilities;

(iv) Flexibility that prompts creativity and innovation;

(v) Learning from what did or did not work;

(vi) Use of constructive feedback loops and mechanisms for external reviews; and

(vii) Champions who provide leadership and enthusiasm for the learning process. Paragraph (b) provides direction that the responsible official, using information from available broad-scale assessments or other available information, should seek to join in or initiate collaborative efforts to develop or propose landscape goals for ecological units. In addition, responsible officials, managers, and planners should strive to communicate and foster understanding of the nation's declaration of environmental policy expressed, in part, by section 101(b) of NEPA. The national declaration of environmental policy provides a common focus from which people of potentially differing views can consider mutually beneficial goals within their

areas of interest. The establishment of collaboratively developed landscape goals among interests may identify a topic of general interest or concern which could lead to proposals for action by the Forest Service or others.

#### Proposed Section 219.13—Coordination Among Federal Agencies

This section addresses the special relationship the responsible official must develop with other federal agencies in recognition of the fact that many issues affecting the national forests and grasslands can only be resolved through the collaborative efforts of federal agencies. Under the proposed rule, responsible officials must provide opportunities for other agencies to participate in identification of topics of general interest or concern and the formulation of proposed actions, and resolution of inconsistencies among policies, plans, or programs. To further solidify the cooperative effort among federal agencies, the responsible official is urged to develop joint plans where appropriate and practicable.

#### Proposed Section 219.14—Involvement of State and Local Governments

This section addresses the special relationship the responsible official must develop with state and local governments. Much has been accomplished during the first round of planning, but better interaction with state and local governments is needed. The proposed rule provides for more involvement. Under the proposed rule, the responsible official must provide opportunities for early involvement of state and local governments in the discussion and resolution of issues related to land and resource management planning. The responsible official is called upon to recognize the unique jurisdiction, expertise, and role these governments play on lands both affected by and affecting the national forests and grasslands.

#### Proposed Section 219.15—Interaction With American Indian Tribes and Alaska Natives

This section requires the responsible official to recognize the government-to-government relationship that the Forest Service has with American Indian tribes and Alaska Natives. It requires the early identification of treaty rights, treaty protected resources, and other tribal concerns during the planning process. Responsible officials must invite American Indian tribes and Alaska Natives to participate throughout the planning process and consider tribal data and resource knowledge provided

by tribal and village representatives in the planning process.

#### Proposed Section 219.16—Relationships With Interested Individuals and Organizations

A central function of the planning process is to facilitate community building by providing the opportunity and incentives for people to come together. This section acknowledges both communities of place and interest. One goal of land and resource management planning is to enhance the capacity of diverse communities and people to work together and work with the agency, and in so doing, facilitate their ability to constructively contribute to national forest and grassland management.

Collaboration with scientific experts and knowledgeable persons is emphasized as a way to bring the best available scientific and other information into the planning and decisionmaking process. Finally, this paragraph requires the responsible official to collaborate with a broad spectrum of individuals and entities to gain information about current and past public uses of the assessment area.

#### Proposed Section 219.17—Interaction With Private Landowners

This section highlights the need for the Forest Service to be a good neighbor and to consider the overall context in which the national forests and grasslands exist. Nothing in this section should be interpreted as any desire to infringe upon or limit private property rights. Rather, this section would direct the responsible official to consider the pattern and distribution of land ownership in the plan area and to consider the conditions and activities on adjacent lands in evaluating the cumulative effects of management decisions. It would also direct the responsible official to actively seek the involvement of individuals who control or have authority over lands near or adjacent to national forests and grasslands.

#### Proposed Section 219.18—Role of Advisory Groups and Committees

This section of the proposed rule describes the formal and informal role of advisory groups. Paragraph (b) describes the use of advisory committees to assist the responsible official in determining whether there is a reasonable basis for proposing an action to address a topic of general interest or concern. Each Forest or Grassland Supervisor would be required to have access to an advisory committee that can address local conditions and

topics of general interest or concern. The committees would consist of a diverse cross-section of knowledgeable persons interested in the planning for and management of National Forest System lands.

#### *Ecological, Social, and Economic Sustainability*

##### Proposed Section 219.19—Ecological, Social, and Economic Sustainability

This section would confirm ecological, social and economic sustainability as the foundation for National Forest System management. The first priority for management is the maintenance and restoration of ecological sustainability which is consistent with laws guiding use and enjoyment of National Forest System lands. These laws clearly proclaim a national policy to provide for sustainability of these lands in perpetuity. The MUSYA directs the Secretary of Agriculture to develop and administer the renewable surface resources of the National Forest System for multiple-use and sustained-yield of the several products and services obtained there from (16 U.S.C. 528, 529). The NFMA affirms this statutory policy by directing the Secretary, among other things, to assure that the development and administration of the renewable resources of the National Forest System are in full accord with the concepts for multiple-use and sustained-yield of products and services as set forth in the MUSYA (16 U.S.C. 1600, 1607).

In developing and maintaining land and resource management plans for units of the National Forest System, NFMA mandates use of a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic and other sciences (16 U.S.C. 1604(b)). Moreover, NFMA requires consideration of the economic and environmental aspects of various systems of renewable resource management to provide for multiple-use and sustained-yield of the National Forest System products and services. In fulfilling the policies articulated by the Congress, it is paramount that the units of the National Forest System sustain their capacity for renewal to continue their ability to provide for various multiple-use benefits.

##### Proposed Section 219.20—Ecological Sustainability

This section of the proposed rule would establish that it is necessary to maintain and restore ecological integrity to achieve ecological sustainability. Sustaining the integrity of ecological

systems increases their resistance to natural disturbance events, allows for renewal following use or degradation, and preserves options for future generations.

The concept of managing the national forests and grasslands in an ecologically sustainable manner can be traced back over 100 years. As early as 1897, the Congress directed that national forests would be established to improve and protect the forests \* \* \* or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber \* \* \* (16 U.S.C. 473–82 & 551). To carry out this mission, Congress vested the Secretary of Agriculture with broad authority to make rules needed to regulate occupancy and use of national forests and to preserve the forests therein from destruction (16 U.S.C. 551).

In 1960, Congress enacted the MUSYA, which expressly directs the Forest Service to manage the national forests and grasslands for multiple uses under the balance the agency deems will best meet the needs of the American people and make the most judicious use of the forest resources under its jurisdiction (16 U.S.C. 528–531). In MUSYA Congress declared that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes (16 U.S.C. 528). The Act calls for the harmonious and coordinated management of the various resources \* \* \* without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or greatest unit output (16 U.S.C. 532(a)).

In the late 1960's and 1970's, Congress enacted several statutes applicable to all federal agencies which significantly expanded public participation in federal decisionmaking and provided procedures for consideration and disclosure of the effects of Federal actions upon the environment. The enactment of these environmental laws has greatly influenced the process of National Forest System management. These laws augment the multiple-use, sustained-yield mandate and reinforce ecological sustainability as the first priority of National Forest System management. Examples of these statutes include: the National Environmental Policy Act (wherein Congress: (1) declared a national policy to promote efforts which will prevent or eliminate damage to the environment and biosphere and \* \* \* enrich the understanding of ecological

systems and natural resources important to the Nation; (2) recognized the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man; and (3) directed the Federal Government, among other things, to use all practicable means to attain the widest range of beneficial uses of the environment without degradation \* \* \* (42 U.S.C. 4321,4331); the Endangered Species Act which provides a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved (16 U.S.C. 1531(b)); the Clean air Act which seeks to protect and enhance the quality of the Nation's air resources, with a primary goal of promoting reasonable federal, state and local government actions \* \* \* for pollution prevention (42 U.S.C. 7401); and the Clean Water Act the objective of which is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters (33 U.S.C. 1251).

In 1976, Congress enacted the NFMA, continuing the long line of statutory direction to provide for ecological sustainability in the management of the national forests and grasslands. The Committee of Scientists and the agency believe NFMA's direction to provide species diversity and maintain ecological productivity is consistent with the concept of ecological sustainability (Committee of Scientists' report, p. xvi). Senator Humphrey described NFMA as: "an Act designed to build our forests as a bulwark of renewable resources. It is a full storehouse, providing a perpetual high yield of multiple-use benefits. It is a managed system of forest and rangeland with the water, wildlife, soil, and beauty maintained. This is an Act that assures that our public forests are managed with advice from the several publics, and managed in a framework that makes ecological and environmental sense" (Compilation of the Forest and Rangeland Renewable Resources Planning Act of 1974 (as amended) August 20, 1979, Committee on Agriculture, Nutrition and Forestry, p. 768).

In NFMA, the Congress directed promulgation of regulations that specify forest planning guidelines that ensure consideration of the economic as well as environmental aspects of various systems of renewable resource management, including the related systems of silviculture and protection of forest resources \* \* \* for multiple use management (16 U.S.C. 1604(g)(3)(A)). Similarly, the regulatory guidelines for planning are to 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 \* \* \* (16 U.S.C. 1604(g)(3)(B)).

In sum, the first priority for management, to achieve sustainability through the maintenance or restoration of ecological integrity of national forests and grasslands, affirms Congressional direction. Perhaps Judge Dwyer said it best in his opinion reviewing a challenge to Forest Service efforts to conduct inter-agency, ecosystem-based planning associated with the Northern Spotted Owl: "Given the current condition of the forests, there is no way the agencies could comply with the environmental laws without planning on an ecosystem basis" (Seattle Audubon Society v. Lyons, 871 F. Supp. 1291 (W.D. Wash. 1994) aff'd 80 F.3d 1401 (9th Cir. 1996)).

Ecosystem integrity, defined in § 219.36, refers to the completeness of an ecosystem that, at multiple geographic and temporal scales, maintains its characteristic diversity of biological and physical components, spatial patterns, structure, and functional processes within its approximate range of historic variability. These processes include disturbance regimes, nutrient cycling; hydrologic functions, vegetation succession, and species adaptation and evolution. Ecosystems with integrity are resilient and capable of self-renewal in the presence of the cumulative effects of human and natural disturbances.

Section 219.20 would provide a more explicit, comprehensive, and ecologically integrated framework for ecological sustainability than the existing regulation. The existing rule entails program-specific direction for different resources, such as soil and water, wildlife and fish, and so on. Under the existing rule, the NFMA requirement to provide for the diversity of plant and animal communities is met primarily through the requirement to provide habitat to maintain viable populations of native and desired non-native vertebrate species. To achieve ecological sustainability it is necessary to maintain and restore ecosystem integrity. The proposed rule would add an ecological systems approach that focuses on ecosystem integrity to complement the existing focus on species viability in assessment and management.

Paragraph (a) describes information necessary to assess ecological sustainability. Maintaining ecological integrity provides for resiliency to environmental change and disturbance occurring within the historical range of natural variability. The species

component requires the maintenance of ecological conditions necessary to provide for a high likelihood of maintaining species viability over time in the plan area. Together, these approaches are presumed to address and sustain ecosystem productivity as required in the MUSYA and provide for the diversity of plant and animal communities as required in NFMA (16 U.S.C. 1604(g)(3)(B)).

This section incorporates the key principles and desired outcomes for ecological sustainability that were outlined in the Committee of Scientists' report. The Committee acknowledged that providing for sustainability of ecological systems on national forests and grasslands is an imprecise process with many unknowns and potential pitfalls that are not under the control of resource managers. Therefore, this section of the regulation would:

- Acknowledge the dynamic nature of ecological systems (§ 219.20(a)). Maintaining composition, structure, and processes within the expected bounds of variation is proposed as an approach to sustain ecological diversity and productivity for future generations (§ 219.20(b)(1), (2), and (3)).
- Acknowledge the uncertainty and inherent variability of ecological systems (§§ 219.20(a)(10) and 219.20(b)(1)). Uncertainty and variability are acknowledged in decisionmaking, monitoring and adaptive management so change is incorporated into the dynamics of stewardship.
- Acknowledge the significance of natural processes (§ 219.20(b)(3)) by requiring responsible officials to make decisions that provide for ecosystem integrity at appropriate planning levels.
- Acknowledge cumulative effects (§ 219.20(a)(8)).
- Preserve options as a way of explicitly acknowledging our incomplete knowledge of complex ecological systems (§ 219.20(b)(4)).
- Conserve habitat for native species (§ 219.20(b)(8)) and productivity of ecological systems in order to maintain ecological sustainability. The productivity of an ecosystem can be sustained over the long term only if species that provide the appropriate structure and function for the system are maintained.
- Recognize the special role that national forests and grasslands play in regional landscapes (§ 219.20(b)(10)).
- Analyze issues at the appropriate scale (§ 219.20(a)).

Three major components are included in this section. The first is paragraph (a), ecological information and analysis, which outlines the underlying

information needed to support and develop scientifically sound management approaches to ecological sustainability. The second paragraph, management decisions, identifies specific components and actions that direct management activities to meet the objective of ecological sustainability. Monitoring is the third paragraph (§ 219.20(c)). It outlines a framework to assess the effectiveness of management action in maintaining or restoring ecosystem integrity.

Sections 219.20(a) describes the ecological information and analysis that would be needed to support the goal of ecological sustainability. This includes the information necessary to characterize the current biological and physical environment (§ 219.20(a)(1)) and principle ecological processes (§ 219.20(a)(2)) within the planning area and is similar in some respects to the analysis of the management situation in the current regulations.

The concept of the historical range of variability (§ 219.20(a)(4)) is used as an ecological context to assess ecosystem integrity. The historic range of variability describes the limits of change in composition, structure, and processes of the biological and physical components of an ecosystem resulting from variations in the frequency, magnitude, and patterns of natural and human disturbance and ecological processes characteristic of an area before European settlement. Measures of the historical range of variability could include the forest types and the proportion of successional stages represented in an area, the size and return intervals of stand replacing fires, or the variability in instream flows and associated periodicity and effects of major flood events. The effects of pre-Europeans are considered as factors when estimating the historical range of variability and human disturbance. The effects of post-European settlement activity are also described. Historical pre-European settlement conditions are compared to current conditions to estimate the degree of ecosystem integrity. Ecosystems whose current range of variability, through space and time, approximates the historical range are considered to have high integrity and to be in a sustainable condition since biotic components had theoretically adapted to ecological conditions occurring within that range.

Focal species (§ 219.20(a)(7)(i)) would be identified and used as surrogate measures in assessing ecological integrity, including the diversity of native and desirable non-native species, in evaluating differences in effects between alternatives, and in monitoring

and assessing the effects of management activities on ecological sustainability. Focal species are expected to convey information about the status of the larger ecological system in which they reside or about the integrity of specific ecosystem components or processes. Focal species would include those which play key roles in maintaining community structure or processes, serve an umbrella function in terms of encompassing habitats needed for many other species, or whose population status and habitat relationships serve to convey information about the status and integrity of the larger ecosystem in which they occur. These species could be used to evaluate conditions needed to provide for the viability of other species and in monitoring the effectiveness of plan decisions for maintaining or restoring ecosystem integrity.

Focal species should not be confused with the concept of "management indicator species" under the existing rule. The existing rule uses population trends of management indicator species to evaluate the effects of management activities and indicate the status of other species with similar habitat needs. The concept of management indicator species has been the subject of substantial criticism and would not be adopted in the proposed regulation.

Procedures will be developed for evaluating species viability (§ 219.20(a)(7)(i)) under current and proposed strategies on all lands in the assessment area. These analyses will highlight risks to species viability, document cumulative effects, and identify ecological conditions needed to maintain species viability over time.

Additional indicators of ecosystem integrity (§ 219.20(a)(7)(iii)) would be identified, such as air quality, water quality, soil quality, fire and water flow regimes, plant growth and the variety and distribution of forest and grasslands. Ecosystem integrity (§ 219.20(a)(7)(ii)) will be evaluated using measures of species viability and the condition of other indicators under current and proposed management strategies on all lands within the assessment area. These measures and indicators may be valuable in providing feedback within a shorter timeframe than that needed to determine status and trend of populations.

In addition to focal species, species at risk would be identified as indicators of ecological integrity. Species at risk (§ 219.20(a)(8)(ii)) are those species for which viability is a concern, including endangered, threatened, proposed, and candidate species as described by the Endangered Species Act as well as

species for which there is a viability concern throughout the species' range, or species for which there are concerns about distribution in the plan area.

In addition to the above indicators of ecological integrity, demand species will be identified and their status evaluated. Demand species (§ 219.20(a)(9)) are plant and animal species with high social, cultural, or economic values.

Proposed section 219.20(b) requires the responsible official to make decisions that provide for maintenance and restoration of ecosystem integrity, including species viability, at the appropriate planning level. Decisions made at subsequent levels would have to be consistent with decisions at higher levels. Decisions should either maintain conditions within the historical range of variability or provide for restoration toward conditions within that range. The intent is to manage for the historical range of conditions of key ecological attributes across the landscape rather than for a single point within that range such as the upper or lower extreme.

The proposed regulation would clearly articulate expectations relative to maintaining species viability (§ 219.20(b)(8)). Decisions, at the appropriate levels of planning, would provide ecological conditions such that there is high likelihood of maintaining species viability over time. The proposed regulation clarifies the requirement of maintaining well-distributed and interacting populations and clarifies the objective for viability given different patterns of overlap between species range and the planning area. The proposed regulation also clarifies that rigor in the analysis of viability should be commensurate with the level of knowledge available about a species, including its demographic and genetic characteristics (§ 219.20(a)(8)(i)).

The concept of ecological conditions (§ 219.20(b)(8)) is used to denote a broad array of factors that can affect species persistence and viability. The current regulation requires that fish and wildlife habitat shall be managed to support viable populations of native and desired non-native vertebrate species in the planning area. The proposed rule provides the concept that habitat includes an array of ecological conditions that are under control of management and that may influence species viability (§ 219.20(b)(8)(i)). These may include roads, conditions that contribute to spread of invasive species, and human uses as factors that must be managed to provide species viability.

The proposed rule implements the NFMA requirement to provide for the diversity of plant and animal communities by expressly defining species to include any taxon of the plant or animal kingdom (§ 219.36). The existing rule only requires that viable populations of vertebrate fish and wildlife be maintained. Furthermore, in an attempt to more effectively meet the agency's commitment to avoid actions that would contribute to the need to list species under the Endangered Species Act, the definition of species and level of biological organization for which viability is assessed and managed is intended to match the listable entities concept used by the Departments of the Interior and Commerce in execution of their Endangered Species Act requirements to include the concept of subspecies, distinct population segments, and significant evolutionary units. Objectives, standards, and guidelines would include measures such that Forest Service actions, within conditions or events under its control, would not contribute to the need to list species (§ 219.20(b)(10)).

The proposed rule would maintain the current cooperative relationship with state fish and wildlife agencies (§ 219.20(b)(11)). The Forest Service role has traditionally been to address habitat rather than population management and to work cooperatively with states to resolve issues involving fish and wildlife management. States generally exercise jurisdiction over hunting and fishing on National Forest System lands. Objectives for sustainable use levels of demand species would be jointly developed with states, American Indians, and Alaska Natives (§ 219.20(b)(11)). Management decisions must provide the ecological conditions needed to achieve these sustainable use levels.

Proposed § 219.11(e) and § 219.20(c) require the implementation of a monitoring strategy that would provide an evaluation of the effectiveness of management decisions toward achieving ecological sustainability. The existing rule only requires monitoring population trends of management indicator species. The proposed rule includes a comprehensive monitoring approach that requires monitoring for focal species, species at risk, demand species and selected indicators of ecosystem integrity and incorporates an adaptive management framework.

Expectations for monitoring of focal species and species at risk (§ 219.11(e)(2)) would be described to permit varying levels of intensity and differing methodology, depending on several factors. Most importantly, where



risks to species viability are high or there is great uncertainty about ecological conditions needed for viability, monitoring requires actual estimates of population trends and status through efficient population sampling or habitat relationships studies. It would provide the opportunity to estimate population status and trend using scientifically credible species-habitat relationships based on empirical data collected through time under the monitoring program. A broader array of methodology, including a variety of population indices or presence/absence information, may be used to assess population status where ecological risks to species are lower.

Where risks to species are lower or there are well-established relationships between population status and habitat conditions, habitat monitoring alone may be used to infer species status. Habitat conditions and trends would be monitored for all focal species and species at risk.

The monitoring program would develop methods for measuring all selected indicators of ecosystem integrity and designate critical values that would trigger reviews or possible amendments to management direction (§ 219.11(e)(3)). This is the essence of adaptive management.

The conceptual models that focal species and other selected ecological indicators serve to indicate the status and integrity of the ecological system to which they belong must be validated (§ 219.11(e)(4)).

#### Proposed Section 219.21—Social and Economic Sustainability

Prosperous communities and economies may remain healthy and vibrant if their foundation is ecologically sustainable. Although the Forest Service cannot solely sustain existing communities, the National Forest System lands nonetheless contribute many values, services, outputs, and uses that help enable economies and communities to persist, prosper, and evolve. This section details a process for developing comprehensive understanding of sustainable social and economic environments.

Paragraph (a) describes the role of national forests and grasslands in promoting social and economic sustainability. The management of National Forest System lands promotes economic and social sustainability through involvement of interested and/or affected people, development and consideration of relevant social and economic information, and by providing

a range of products, services, and values.

Paragraph (b) describes that social and economic analyses are important in gaining understanding of the relationships among ecological, social, and economic sustainability. Social analyses address human life-styles, attitudes, beliefs, values, demographic characteristics, and land-use patterns of human communities and their capacity to adapt to changing conditions. Economic analyses identify and evaluate an area's economy. The responsible official, in conducting broad-scale assessments or local analyses, should consider the best available information to consider a variety of social and economic factors.

Paragraph (c) describes an appropriate social analysis that may rely upon quantitative, qualitative, and participatory methods for gathering and analyzing data. Social analyses are often undertaken at varying spatial scales to improve understanding and the description of the potential consequences to communities and regions from changes in land management. Social analyses may include a regional analysis, a risk and vulnerability analysis, or other appropriate analyses.

Paragraphs (d) and (e) describe economic analyses and local social and economic analysis that provide information and may include a quantitative, qualitative, and historical analysis of the effects of National Forest System management on national, regional, and local economies. Local analyses should provide refinement of larger-scale analyses and of regional data and information as related to the area under consideration. A local analysis may also provide a context for other analyses and prove useful in evaluating a proposed action or monitoring results.

Paragraph (f) would require that analyses and decisions regarding social and economic sustainability are to be made at the appropriate planning level, and that decisions made at subsequent levels must be consistent with higher-level decisions.

Monitoring of social and economic effects is addressed in § 219.11(f). Monitoring and evaluation of social and economic sustainability should include periodic review of national, regional, and local supply and demand for products, services, and values. Special consideration should be given to those products, services, and values that the Forest Service is uniquely poised to provide. Monitoring should improve the understanding of the National Forest System contributions to human wants

and values and to social and economic sustainability.

#### *The Contribution of Science*

##### Proposed Section 219.22—The Role of Assessments, Analyses, and Monitoring

This section describes the proposed role of broad-scale assessments, local analyses, and monitoring and evaluation efforts. Scientists from within and outside the agency would be involved in broad-scale assessments to help identify, integrate, and evaluate the best available scientific and other information. Scientists would be involved in the design, evaluation, and peer review of monitoring and inventory strategies and protocols.

##### Proposed Section 219.23—The Participation of Scientists in Planning

This section describes the participation of scientists in planning. Like the existing rule, the proposed rule would require the use of the best available scientific information in the formulation of land and resource management. The proposed rule adds the term "and analysis" to "best available scientific information." The proposed addition is deemed to be an equivalent concept to the existing rule within the meaning of its application in the planning process. However, unlike the existing rule that is ambiguous about the use of scientists in the planning process, the proposed rule describes the critical role science and scientists will play in nearly every stage of the land and resource management planning. Scientists will be involved in helping to identify new issues and translate new information about the conditions of forests and grasslands; conducting appropriate broad-scale assessments and local analyses; and in helping managers and the public formulate potential solutions to issues by analyzing management options. The proposed rule provides for an independent scientific review of the effectiveness of land management plans in meeting the goal of ecological sustainability during the revision process. The proposed rule also provides for the establishment of a National Science Advisory Board and access for each national forest and grassland region to a science advisory board. The science advisory boards would provide science consistency evaluations when necessary to determine whether the planning process is consistent with the best available science; and when appropriate and practicable, independent scientific peer reviews of the findings and conclusions originating from a broad-scale assessment.

**Proposed Section 219.24—Science Consistency Evaluations**

This section would allow for the scientific review of planning processes to ensure consistency in the application and interpretation of the best available scientific information and analysis.

**Proposed Section 219.25—Science Advisory Boards**

This section would provide for the establishment of science advisory boards, which provide scientific advice to the responsible official. Board membership would include scientists representing a broad range of disciplines.

***Special Considerations***

These sections provide direction to fulfill statutory planning requirements that affect the management and use of National Forest System lands, including timber harvest, livestock grazing, oil and gas leasing, recreation and other uses.

**Proposed Section 219.26—Identifying and Designating Suitable Uses**

This section would provide that during amendment or revision of a land and resource management plan the suitability of various uses would be determined within the planning framework.

The suitability of various uses is determined, as appropriate, within the proposed planning framework (§§ 219.3 through 219.11) and includes plan decisions related to uses that would be permitted within specific areas. It is anticipated that the suitability of uses will be the subject of considerable debate. Suitability identifications would be applied to areas that are large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions. The proposed planning process would include broad-scale assessments, local analyses, or other analytical methods that facilitate collaboration with the public to identify lands that are suitable for certain management practices such as recreation, timber production, livestock grazing, mineral development, or other uses.

**Proposed Section 219.27—Special Designations**

The existing rule specified only two special designations, wilderness and research natural areas. The proposed rule would expand special designations to include but not be limited to: wilderness; research natural areas; geological areas; reference areas; scenic by-ways; unroaded areas; roadless areas; national scenic areas; national recreational areas; national natural

landmarks; and wild, scenic, and recreation rivers.

The purpose of this change is to ensure that land and resource management plans include all the relevant direction for lands within the plan area, including those with special designations which may have been evaluated through other planning processes as required by statute. The proposed rule seeks to integrate direction for all specially designated areas into land and resource management plans to the extent possible.

This section further proposes that amendment or revision of a land and resource management plan is the mechanism by which the Forest Service establishes management direction for such special designations.

Paragraph (a) states that, unless otherwise directed, all undeveloped roadless areas must be evaluated for wilderness designation at the time of land and resource management plan revision.

The proposed rule removes the four categories of lands considered for wilderness established in the existing rule at § 219.17(a)(1), and the five evaluation criteria for evaluating lands for wilderness designation found at § 219.17(a)(2). The agency believes such detailed procedural instructions are better suited for the Forest Service Directives System.

It should be noted that nothing in paragraph (a) precludes consideration of roadless areas for the full range of management options. Although wilderness designation must be one of the options considered, roadless areas are also subject to consideration for various other uses or degrees of protection, not unlike the case for most other portions of the plan area.

Paragraph (b) would reinforce the central role of land and resource management plans by requiring that any requirements for additional planning for special areas must be met through the land and resource management planning framework, unless certain identified exceptions exist. This is comparable to § 219.2 of the existing rule and is intended to assure that special area planning is integrated with the land and resource management plan. The proposed rule would specifically require that the goals, objectives, standards, or guidelines in special area plans be incorporated into the land and resource management plans as plan decisions.

Section 219.25 of the existing rule contains direction for research natural areas and is not repeated in the proposed rule. Rather, direction for

special designations including natural areas are incorporated in a new section § 219.27 of the proposed rule.

**Proposed Section 219.28—Determination of Land Suitable for Timber Removal**

Under the proposed rule, vegetation management, such as timber harvest, is implemented for stewardship of natural resources, the production of wood fiber, and to provide for the use and enjoyment of public lands. The proposed rule would establish two classifications of land suitability for timber harvest. The first is the classification of lands not suited for timber production. The second is the classification of lands where timber harvest would be permitted to maintain or restore ecological integrity of the land, or to protect or achieve other multiple-use values. Within the second classification, the responsible official also would identify those lands where timber production is a land management objective.

**Proposed Section 219.29—Limitation on Timber Removal**

This section requires the estimation of the long-term sustained yield of timber on the land area where the production of timber is identified as a preliminary objective along with other objectives for management of the land. This estimate must be made based on the yield of timber that can be removed consistent with achievement of the desired conditions identified in the land and resource management plan. Timber harvests are not to exceed long-term sustained yield capacity.

The calculation of allowable sale quantity is a requirement in the existing rule. Calculation of an allowable sale quantity is not required under the proposed rule. The NFMA allows the Secretary to establish an allowable sale quantity for any decade that departs from the projected long-term average sale quantity that would otherwise be established (16 U.S.C. 1611). This permissive language of NFMA is included in this section of the proposed rule.

***Planning Documentation*****Proposed Section 219.30—Land and Resource Management Plan Documentation**

The land and resource management plan documentation format under the proposed rule is intended to make the plan more understandable, more usable by Forest Service employees, and readily available to the public. The plan summarizes management direction and

contains maps and information from an annual monitoring and evaluation report and other information. The proposed rule would require that the set of documents that constitute a land and resource management plan be readily available to the public in various formats to meet the needs of the people who might want to access them. The plan is intended to be a repository for the information that is used by the decisionmaker. The format of the information will allow reviewers to follow the decisionmaking process and see the results of the decisions made about the management of the national forests or grasslands.

Paragraph (a) describes the summary document of the plan, which provides an understanding of the vision for the forest or grassland by including a description of the plan area's qualities and characteristics; the desired conditions of the plan area; and actions taken to achieve the desired condition. The summary would include a sampling of maps, charts, figures, photographs, and other information to enhance understanding. This summary also would contain enough information to allow the reader to know where actions are proposed, scheduled, or planned and where activities such as camping and sightseeing are available. The existing rule requires a brief summary of the analysis of the management situation that includes the demand and supply conditions for resource commodities and services, production potentials, and use and development opportunities.

Paragraph (b) requires a display of land suitable for selected uses. Each plan must display areas within the plan area that are suitable for specific uses of national forests and grasslands. The suitability of various uses (§ 219.26) is determined, as appropriate, within the

proposed planning framework (§§ 219.3 through § 219.11) and includes goals, objectives, standards, and guidelines related to uses that would be permitted within specific areas.

Paragraph (c) requires a display of the decisions that apply to the area covered by the plan as described in § 219.7.

Paragraph (d)(1) requires a list of proposed, authorized, ongoing, and completed actions to achieve desired conditions. The list of actions is annually updated.

Paragraph (d)(2) requires the projection of a 2-year schedule of anticipated outcomes, products and services, based on a reasonable estimate of the Forest Service budget and capacity to perform the work needed to achieve them from which trends in achievement of desired condition can be established. The existing rule tends to produce unrealistic expectations of possible outputs and budgets.

Paragraph (d)(3) requires an updated 2-year summary of the actual outcomes, products and services as a result of project implementation.

Paragraph (d)(4) requires a forecast of the range of expected outcomes, goods, and services for the next decade. These projections are intended to describe a measure of expected progress toward meeting plan goals and objectives and progress toward achieving desired conditions and ecological sustainability. Although these forecasts contain a high degree of uncertainty and are only estimates, they will be useful to portray the expected trends into the future. These projections will be updated at the time of revision of the land and resource management plan.

Paragraph (d)(5) requires a list of anticipated accomplishments and the time necessary to achieve desired conditions. This would be updated to reflect changes in anticipated accomplishments.

Paragraph (e) requires the responsible official to display the minimum level of monitoring and evaluation to occur in the plan area. Monitoring and evaluation direction in the land and resource management plan would help determine whether there is a need to amend or revise the land and resource management plan.

Paragraph (f) requires a display of budgetary information. The existing rule requires a display of baseline and other budget projections that often do not reflect changes that occur during budget allocation. These projections then become unrealistic or misleading. The proposed rule would require the plan to display a concise summary of the estimated costs of the unit's program of work, including assessments, analyses, proposed and authorized actions, and monitoring. The display would also include details of the total current-year unit budget; funded actions, projections for future budgets over 2 years; and a display of the budget trends over, at least, the past 5 years. Budget information is not a land and resource management plan decision and can be updated at any time. The intent of this proposed requirement is to have a continuous display of budget trends and actual current budgets to allow meaningful discussions with the public and Congress as to the need for and accountability of budget allocations.

Paragraph (g) requires each plan to contain a list of reference materials and decisions used in forming management direction such as previous decision and environmental documents, assessments, conservation strategies, biological opinions, inventories, studies, research, and agency direction.

A crosswalk for reformatting existing land and resource management plans to the proposed format for plan content described in § 219.30 follows:

Existing land and resource management plan	Planning documentation
Analysis of the Management Situation .....	Findings and conclusions from assessments.
Desired Future Conditions/Goals Goods and services/outputs, Objectives, standards, and guidelines, Land allocations.	Plan decisions, including land suitability for uses, outcomes, maps.
5–10 year timber sale program .....	List of projects (past, current, proposed *).
Monitoring and evaluation .....	Monitoring plan, results of monitoring and evaluation.
Other Information From Forest Or Grassland Files.	
Resource project files .....	Site-specific actions (past, current, proposed *).
Budget information .....	Estimated costs—budgets (past, current, proposed).
	Adopted plans from other agencies.
	References—conservation strategies, recovery plans, best management practices.

\* During transition of existing land and resource management plans to the proposed planning framework, proposed actions, including timber sales, are those that are in the NEPA process or have a decision document but have not been implemented. After transition, the timber sale program becomes a subset of the list of site-specific actions.

**Proposed Section 219.31—Maintenance of the Plan and Planning Records**

This section would establish a requirement to keep land and resource management plans up-to-date and readily available to the public. This section also describes those types of administrative changes that are considered maintenance and do not constitute a plan amendment or revision.

**Objections and Appeals****Proposed Section 219.32—Objections to Amendments or Revisions**

This provision of the proposed rule would replace the current 36 CFR Part 217 land and resource management plan post-decision appeal process with a pre-decision objection process. The intent is to further streamline the planning process and encourage resolution of issues by the supervisor of the responsible official. Under the proposed rule, any person would be allowed to object to a pending decision. The proposed rule would require that the objection be filed, in writing, within 30 days of public notice of the appropriate NEPA documentation. Unlike the current 217 regulation, the proposed objection process does not have a specific time limit for resolving objections. Under the proposed rule, the responsible official would not be allowed to approve an amendment or revision under objection until a decision on the objection has been reached and documented in an appropriate decision document for the land and resource management plan.

**Proposed Section 219.33—Appeals of Site-specific Decisions**

In the proposed rule, appeals regarding site-specific decisions would remain as they are currently addressed by agency procedures.

**Applicability and Transition****Proposed Section 219.34—Applicability**

This short section states that the proposed rule applies to all units of the National Forest System.

**Proposed Section 219.35—Transition**

This section provides for an orderly transition from the requirements of the existing rule to the provisions of the proposed rule.

Paragraph (b) would provide that existing land and resource management plans would remain in effect until amended or revised under the proposed rule. This provision is intended to prevent any uncertainty as to the status of current land and resource management plans.

Paragraph (f) of the proposed rule would provide for the withdrawal of regional guides by the Regional Foresters within a year of when all units within a National Forest System region have completed the revision process under the revised rule. Regional guides were developed to provide direction and guidance for the development of the initial land and resource management plans. Having served that purpose, regional guides may be withdrawn by the Regional Foresters.

Paragraph (g) would make clear that the responsible official must complete the first annual monitoring and

evaluation report within 3 years from the effective date of proposed rule.

**Definitions****Proposed section 219.36—Definitions**

This section of the proposed rule defines the following terms:

Assessment or analysis area  
Broad-scale assessment  
Candidate species  
Conservation agreements  
Demand species  
Desired condition  
Desired non-native species  
Disturbance processes  
Diversity of plant and animal communities  
Ecological composition  
Ecological conditions  
Ecological sustainability  
Ecosystem  
Ecosystem integrity  
Ecosystem structure  
Forest Service NEPA procedures  
Historical range of variability  
Local analysis  
Native species  
Plan area  
Productive capacity of ecosystems  
Reference landscapes  
Responsible official  
Roadless area  
Salvage harvest of timber  
Sanitation harvest of timber  
Sensitive species  
Species  
Species viability  
Timber production  
Unroaded areas  
Vegetation management  
Watershed integrity

**COMPARISON OF THE TABLE OF CONTENTS OF THE EXISTING (1982) AND PROPOSED RULES**

1982 planning rule	Proposed planning rule
§ 219.1 Purpose and Principles .....	§ 219.1 Purpose.
§ 219.2 Scope of Applicability .....	§ 219.2 Goals and principles for planning.
§ 219.9 Definitions .....	219.34 Applicability.
§ 219.4 Planning levels .....	219.36 Definitions.
§ 219.5 Interdisciplinary Approach .....	§ 219.3 Overview.
§ 219.6 Public Participation .....	§ 219.3 Overview.
§ 219.7 Coordination with Other Public Planning Efforts .....	§ 219.12–18 COLLABORATIVE PLANNING FOR SUSTAINABILITY.
§ 219.8 Regional Planning Procedures .....	§ 219.14 Involvement of state and local government.
§ 219.9 Regional Guide Content .....	§ 219.13 Coordination among federal agencies.
§ 219.10 Forest Planning—General Procedures .....	Not applicable.
§ 219.11 Forest Plan Content .....	Not applicable.
§ 219.12 Forest Planning Process .....	§ 219.3 Overview.
§ 219.13 Forest Planning—Resource Integration Requirements (directs to other parts of rule).	§ 219.30–31 PLANNING DOCUMENTATION.
§ 219.14 Timber Resource Land Suitability .....	§ 219.3–11 FRAMEWORK FOR PLANNING.
§ 219.15 Vegetation Management Practices .....	No counterpart.
§ 219.16 Timber Resource Sale Schedule .....	§ 219.28 Determination of land suitable for timber removal.
	§ 219.7 Plan decisions that guide future actions.
	§ 219.7 Plan decisions that guide future actions.
	§ 219.28 Determination of land suitable for timber removal
	§ 219.29 Limitation on timber removal.

## COMPARISON OF THE TABLE OF CONTENTS OF THE EXISTING (1982) AND PROPOSED RULES

1982 planning rule	Proposed planning rule
§ 219.17 Evaluation of Roadless Areas .....	§ 219.26 Identifying and designating suitable uses.
§ 219.18 Wilderness Management .....	§ 219.27 Special designations.
§ 219.19 Fish and Wildlife Resource .....	§ 219.27 Special designations.
	§ 219.19–21 ECOLOGICAL, SOCIAL, AND ECONOMIC SUSTAINABILITY.
§ 219.20 Grazing Resource.	§ 219.26 Identifying and designating suitable uses
§ 219.21 Recreation Resource.	
§ 219.22 Mineral Resource.	
§ 219.23 Water and Soil Resource.	
§ 219.24 Cultural and Historic Resource.	
§ 219.25 Research Natural Areas .....	§ 219.27 Special designations.
§ 219.26 Diversity .....	§ 219.20 Ecological sustainability.
§ 219.27 Management Requirements .....	§ 219.7 Plan decisions that guide future actions
	§ 219.19–21 ECOLOGICAL, SOCIAL, AND ECONOMIC SUSTAINABILITY.
§ 219.28 Research .....	§ 219.28 Determination of land suitable for timber removal.
§ 219.29 Transition Period .....	§ 219.22–25 THE CONTRIBUTION OF SCIENCE.
	§ 219.35 Transition.

**Public Comment Invited**

The Forest Service invites individuals, organizations, and public agencies and governments to comment on this proposed rule. To aid the analysis of comments, it would be helpful if reviewers would key their comments to specific proposed sections or topics. Respondents also should know that in analyzing and considering comments, the Forest Service will give more weight to substantive comments than to simple "yes," "no," or "check off" responses to form letter/questionnaire-type submissions.

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (A "section" appears in bold type and is preceded by the symbol "§" and a numbered heading; for example, § 219.3 Overview). (5) Is the description of the rule in the "Supplementary Information" section of the preamble helpful in understanding the proposed rule? (6) What else could we do to make the rule easier to understand?

Send any comments on how we could make this rule easier to understand to the address shown earlier in this document.

**Regulatory Certifications***Regulatory Impact*

This proposed rule has been reviewed under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. It has been determined that this is not an economically significant rule. This rule will not have an annual effect of \$100 million or more on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor state or local governments. This rule will not interfere with an action taken or planned by another agency nor raise new legal or policy issues. Finally, this action will not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients of such programs. However, because of the extensive interest in National Forest System planning and decisionmaking, the Office of Management and Budget has determined this rule to be significant and thus, subject to OMB review under Executive Order 12866.

Moreover, this proposed rule has been considered in light of the Regulatory Flexibility Act, as amended (5 U.S.C. 601 *et seq.*), and it has been determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by that Act. The rule imposes no requirements on either small or large entities. Rather, the rule sets out the process the Forest Service will follow in planning for the management of the National Forest System. The rule should increase opportunities for small businesses to become involved in both site-specific and national forest and

grassland plan decisions. Moreover, by streamlining the planning process, small businesses should see more timely project-level decisions that affect outputs of products and services.

*No Takings Implications*

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12630, and it has been determined that the rule does not pose the risk of a taking of Constitutionally protected private property. This proposed rule only modifies the process for administrative review of Forest Service decisions for land and resource management plans.

*Civil Justice Reform Act*

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule were adopted, (1) all state and local laws and regulations that are in conflict with this proposed rule or which would impede its full implementation would be preempted; (2) no retroactive effect would be given to this proposed rule; and (3) it would not require administrative proceedings before parties may file suit in court challenging its provisions.

*Unfunded Mandates Reform*

The President signed into law on March 22, 1995, direction regarding unfunded mandates. The Department has assessed the effects of this rule on state, local, and tribal governments and the private sector. This rule does not compel the expenditure of \$100 million or more by any state, local, or tribal governments or anyone in the private

sector. Therefore, a statement under section 202 of the Act is not required.

#### *Environmental Impact*

This proposed rule deals with the development and adoption of Forest Service land and resource management plan decisions as well as procedures for developing site-specific decisions which may include decisions regarding the occupancy and use of National Forest System land. An environmental review will be completed before adoption of a final rule.

#### *Controlling Paperwork Burdens on the Public*

Proposed § 219.32 Objections and Appeals would establish a new process for citizens and groups to object to a forest plan amendment or revision decision. Instead of appealing a decision after it is made under the rules of 36 CFR Part 217, the proposed rule would allow interested and affected persons and groups to file an objection before the decision is made.

The proposed rule sets out the information that an objector would need to provide in order to file an objection to a proposed decision. This information is the same information that is currently required by the rules at 36 CFR Part 217, which provide post-decisional administrative appeal and review of land and resource management plan decisions. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB initialed number.

#### *Description of the Information Collection*

The following describes the information collection associated with this rulemaking:

*Title:* Objection to Amendment or Revision of Land and Resource Management Plans.

*OMB Number:* New.

*Expiration Date of Approval:* New.

*Type of Request:* The following describes the new information collection requirement which has not received approval by the Office of Management and Budget:

*Abstract:* The information to be required by § 219.32 is the minimum information needed for a citizen or organization to explain the nature of the objection being made to a proposed land and resource management plan amendment or revision and the reason why the individual or organization objects. Specifically, an objector must provide name, mailing address and telephone number; a statement of the

information or decisions to which the person or organization objects; a description of the part or parts of the forest plan amendment or revision being objected to; a concise statement explaining why the responsible official's pending decision should not be adopted, and a description of the objector's prior participation in the planning process for the amendment or revision to which the objection is being made.

The responsible official must respond to any objection in the final decision document.

*Estimate of Burden:* 10 hours to prepare the objection.

*Type of Respondents:* Interested and affected individuals, organizations, and governmental units who participate in the planning process: such as persons who live in or near national forest and grassland units; local, state, and tribal governments who have an interest in the plan; federal agencies with an interest in the management of National Forest System lands and resources; not-for-profit organizations interested in National Forest System management, such as environmental groups, recreation groups, educational institutions; commercial users of National Forest System lands and resources.

*Estimated Number of Respondents:* 1,210 a year.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:*  $1 \times 1210 \times 10 = 12,100$  hour.

*Comments are Invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

#### *Use of Comments*

All comments received in response to this proposed information requirement will be included in the record of this rulemaking and considered in the adoption of a final rule as well as summarized and included in the request for Office of Management and Budget approval of the final rule.

Send comments regarding this burden estimate or any other aspect of this proposed collection of information,

including suggestions for reducing the burden to the ADDRESS shown at the beginning of this notice as well as to the Forest Service Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

#### *Federalism*

The agency has considered this proposed rule under the requirements of Executive Order 12612 and made a preliminary assessment that the rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, the agency has determined that no further assessment on federalism implications is necessary at this time. In addition, the agency has reviewed the consultation requirements under Executive Order 13132, which is effective on November 2, 1999. This Order calls for enhanced consultation with state and local governmental officials and emphasizes increased sensitivity to their concerns. In the spirit of these new requirements, the agency has consulted with the Western Governors' Association and the Natural Resources Committee of the National Governors' Association for comments on a draft version of the proposed rule. Representatives of the Western Governors' Association indicated that the proposed rule fits the principles espoused in their organization's ENLIBRA policy, which encourages greater participation and collaboration in decisionmaking, focuses on outcomes rather than programs only, and recognizes the need for a variety of tools beyond regulation that can improve environmental and natural resource management. The National Governors' Association also has adopted the ENLIBRA policy.

The proposed rule calls for enhanced collaboration with state and local governments. Proposed § 219.14 shows sensitivity to federalism concerns from a substantive standpoint. It requires Forest Service responsible officials to recognize the jurisdiction, expertise, and role of constituencies and local communities interested in, or affected by, use of the National Forest System. Under the proposed rule, the responsible official must provide opportunities for involvement of state and local governments in the planning process, including opportunities to participate in the identification of topics of general interest or concern related to planning. Prior to adopting a final rule, the Department will consider the extent

to which additional consultation is appropriate under E.O. 13132.

### List of Subjects

#### 36 CFR Part 217

Administrative practice and procedure, and national forests.

#### 36 CFR Part 219

National Forest System Land and Resource Management Planning.

Therefore, for the reasons set forth in the preamble, parts 217 and 219 of Chapter II of Title 36 of the Code of Federal Regulations are proposed to be amended as follows:

### PART 217—APPEAL OF REGIONAL GUIDES AND NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLANS

1. Remove part 217.
2. Revise Part 219 to read as follows:

#### PART 219—PLANNING

##### Subpart A—National Forest System Land and Resource Management Planning

##### Purpose, Goals, and Principles

- 219.1 Purpose.
- 219.2 Goals and principles for planning.

##### The Framework for Planning

- 219.3 Overview.
- 219.4 Topics of general interest or concern.
- 219.5 Information development and interpretation.
- 219.6 Proposed actions.
- 219.7 Plan decisions that guide future actions.
- 219.8 Amendment.
- 219.9 Revision.
- 219.10 Site-specific decisions and authorized uses of land.
- 219.11 Monitoring and evaluation.

##### Collaborative Planning for Sustainability

- 219.12 Collaboration and cooperatively developed landscape goals.
- 219.13 Coordination among federal agencies.
- 219.14 Involvement of state and local governments.
- 219.15 Interaction with American Indian tribes and Alaska Natives.
- 219.16 Relationships with interested individuals and organizations.
- 219.17 Interaction with private landowners.
- 219.18 Role of advisory groups and committees.

##### Ecological, Social, and Economic Sustainability

- 219.19 Ecological, social, and economic sustainability.
- 219.20 Ecological sustainability.
- 219.21 Social and economic sustainability.

##### The Contribution of Science

- 219.22 The role of assessments, analyses, and monitoring.

- 219.23 The participation of scientists in planning.
- 219.24 Science consistency evaluations.
- 219.25 Science advisory board.

##### Special Considerations

- 219.26 Identifying and designating suitable uses.
- 219.27 Special designations.
- 219.28 Determination of land suitable for timber removal.
- 219.29 Limitation on timber removal.

##### Planning Documentation

- 219.30 Land and resource management plan documentation.
- 219.31 Maintenance of the plan and planning records.

##### Objections and Appeals

- 219.32 Objections to amendments or revisions.
- 219.33 Appeals of site-specific decisions.

##### Applicability and Transition

- 219.34 Applicability.
- 219.35 Transition.

##### Definitions

- 219.36 Definitions.

**Authority:** 5 U.S.C. 301; and Secs. 6 and 15, 90 Stat. 2949, 2952, 2958 (16 U.S.C. 1604, 1613).

##### Subpart A—National Forest System Land Resource Management Planning

##### Purpose, Goals, and Principles

###### § 219.1 Purpose.

(a) Planning for the National Forest System guides the Forest Service's stewardship of the natural resources of the national forests and grasslands to fulfill the purposes for which these lands are designated and to honor their unique place in American life. These regulations set forth a process for implementing, amending, and revising land and resource management plans for the National Forest System and for monitoring results of plan implementation. These rules also guide the selection and implementation of site-specific projects and activities. The principle authorities governing the development of land and resource management plans and management of the National Forest System are the National Forest Management Act of 1976; the Forest and Rangeland Renewable Resources Act of 1974; the Organic Act of 1897; the Multiple-Use Sustained-Yield Act of 1960; the Endangered Species Act of 1973; and the Clean Water Act of 1977.

(b) The National Forest System constitutes an extraordinary national legacy created by people of vision and preserved for future generations by diligent and far-sighted public servants and citizens. They are the people's

lands, emblems of our democratic traditions.

(1) The national forests and grasslands can provide many and diverse benefits to the American people. These include clean air and water, productive soils, biological diversity, products and services, employment opportunities, community benefits, recreation, and naturalness. They also give us intangible qualities, such as beauty, inspiration, and wonder.

(2) To assure the continuation of this array of benefits, sustainability should be the guiding star for stewardship of the national forests and grasslands. Like other overarching national objectives, sustainability is broadly aspirational and can be difficult to define in concrete terms. Yet, especially considering the increased human pressures on the national forests and grasslands, it becomes ever more essential that planning and management begin with this central tenet.

(3) Sustainability is broadly recognized to be composed of interdependent elements, ecological, economic, and social. It operates on several levels. As a collective outlook for the future, sustainability means meeting the needs of the present generation without compromising the ability of future generations to meet their needs. As an approach to decisionmaking, it calls for integrating the management of ecological systems with their social and economic context while acknowledging that management should not compromise the basic functioning of these systems. As a measure of progress, it provides a set of criteria and indicators to guide action. Building on this foundation of sustainability, the national forests and grasslands can provide a wide variety of uses, values, products, and services that are important to so many people, including outdoor recreation, forage, timber, wildlife and fish, water use, and minerals.

###### § 219.2 Goals and principles for planning.

Land and resource management planning is directed toward achievement of the following major goals and guiding principles:

(a)(1) Goal: Planning must be directed toward assuring the ecological sustainability of our watersheds, forests, and rangelands. The benefits we seek from the national forests and grasslands depend upon the long-term ecological sustainability of the watersheds, forests, and rangelands. Considering the increased human pressures on them, it becomes ever more essential that planners focus on the heart of the idea of sustainability, that our use today does



not impair the functioning of ecological processes and the ability of these natural resources to contribute economically and socially in the future. Accordingly, a priority for stewardship in the national forests and grasslands must be to maintain and restore the ecological sustainability of watersheds, forests, and rangelands for present and future generations. At the same time, planning recognizes that ecological, economic, and social sustainability are inextricably linked: impairing the sustainability of any one aspect affects the entirety.

(2) Guiding principles. (i) Planning provides the guidance for the diversity of plant and animal communities and the productive capacity of ecological systems, the core elements of ecological sustainability. Biological diversity and ecological productivity, in turn, depend on the viability of individual species. Diversity is sustained only when species persist. In addition, biological diversity and ecological productivity depend on maintaining the characteristic composition, structure, and processes of ecosystems in the presence of human and natural disturbances, and on maintaining the ecological integrity of these systems.

(ii) Planning must be based on science and other knowledge, including the use of scientifically based strategies for sustainability. The best available ecological, economic, and social information and analysis must be considered in creating the foundation of land and resource management planning. Planning should consider information from a wide range of sources, including scientists in public and private organizations as well as other knowledgeable people in tribes and local communities.

(iii) Planning requires independent scientific review of assessments and plans before their publication. Broad-scale assessments should suggest methods and strategies for providing for species viability and ecological integrity. With that information, planners should construct conservation strategies and have them reviewed for accuracy and sufficiency by Forest Service and other scientists before a plan becomes final.

(iv) Plans should include measures for evaluating whether stewardship goals have been achieved. Because one of the core functions of planning is to foster informed decisions through ongoing assessment and evaluation, effective monitoring is a crucial aspect of planning and management. Additionally, independent field review by Forest Service and outside technical and scientific experts plays an

important role in monitoring the contribution of plans to the sustainability of our forests, streams, and watersheds.

(b)(1) Goal: Plans promote economic and social sustainability by providing for a wide variety of uses, values, products, and services and by enhancing society's capability to make sustainable choices. The national forests and grasslands have been a grand experiment in providing for the multiple-uses (outdoor recreation, forage, timber, wildlife and fish, water use, and minerals) of these lands on a permanent basis in accordance with Gifford Pinchot's dictates that the lands be devoted to their most productive use for the permanent good of the whole people \* \* \* always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value. The planning and management of these lands should be an example for the entire world of stewardship that provides a wide variety of uses, values, products, and services in ways that are compatible with long-term ecological, economic, and social sustainability.

(2) Guiding principles. (i) Planning needs to recognize the interdependence of forests, rangelands, and watersheds with economies and communities. Many communities depend on the national forests and grasslands for much of their economic, social, and cultural sustenance. Although the Forest Service cannot and should not be expected to single-handedly sustain existing economies and communities, the national forests and grasslands nonetheless contribute many values, services, outputs, and uses that allow economies and communities to persist, prosper, and evolve. Within a context of sustaining ecological systems, planning must take generous account of compelling local circumstances. This approach includes the needs of ranching, farming, timber, and mining communities as well as the needs of American Indian and Alaska Native communities that rely upon treaty obligations.

(ii) Planning should foster a broad-based understanding of the vital interrelationship between communities and sustainably managed forests and grasslands. The planning process should provide mechanisms through which communities can organize their energies and enterprises in a manner that promotes economic and social sustainability and develop realistic expectations about long-term uses, values, outputs, and services contributed by the national forests and grasslands.

(iii) The planning process should foster strategies and actions that provide for human use in ways that contribute to long-term sustainability. Finding strategies and actions that contribute to long-term sustainability, rather than those that work against it, is the surest way to increase the predictability of these uses.

(iv) The National Forest System planning process must recognize the rights of American Indian tribes and Alaska Natives. American Indian tribes and Alaska Natives possess unique and important rights recognized by federal treaties, statutes, and executive orders. The Forest Service has a general trust responsibility to federally recognized tribes and a duty to acknowledge them as sovereign governments and to work with them on a government-to-government basis. Depending on the circumstances of particular tribes and national forests, such lands also may provide for tribal hunting, fishing, and gathering rights; access to sacred sites; protection of graves and other archaeological sites; watershed protection for down-stream American Indian reservations; Alaska Native communities; and fishing sites.

(c)(1) Goal: Planning recognizes and is efficiently integrated into the broader geographic, legal, political, and social landscape within which national forests and grasslands exist. In every sector of the country, the Forest Service is just one important agency among many important governmental and private entities and land ownerships. Some of these agencies have statutory authority affecting the national forests and their resources. Other agencies, governments, corporations, and citizens manage land in and around the national forests and grasslands. Still others have a keen interest in the national forests and can affect the way the public views Forest Service action. Sustainability of watersheds and other natural areas in which national forests and grasslands are located will inevitably depend upon activities on nearby federal lands, tribal lands, and state lands, and private lands and on the actions and attitudes of a wide variety of agencies, governments, and citizens. These landowners will vary in their abilities as well as their interest in providing the mix of uses, products, values, and services that people seek from forests and rangelands. The planning process, therefore, must be outward-looking. It must have the goal of understanding the broader landscape in which the national forests and grasslands lie. And, it must strive to achieve the highest ideals in managing public lands within the context of how people, businesses, and

governments will conserve, regulate, and use lands within and around the national forests and grasslands.

(2) Guiding principles. (i) Assessment and planning require a coordinated approach by all affected federal agencies. Cooperation from the beginning with all federal agencies with statutory authority over specific resources within the national forests and grasslands is essential. Obtaining the early participation of, and joint planning with, all federal land management agencies in the area as appropriate to the issue, is another key to successful planning.

(ii) Planning proceeds from start to finish in close cooperation with state, tribal, and local governments. Success in achieving goals for the national forests and grasslands may depend upon decisions made by other jurisdictions. Similarly, the Forest Service often can help other jurisdictions achieve their objectives through cooperation.

(iii) Planning is interdisciplinary. Analyses and development of options must respond to a broad range of scientific, economic, and social concerns. Therefore, planning teams must represent diverse disciplines and work together collectively to develop information and alternatives. Additionally, consultants can be employed to tap other relevant sources of knowledge.

(iv) Planning must be based on the spatial and temporal scales necessary to assure sustainability and provide for multiple-use. Ecological boundaries that also have social meaning, such as river basins and mountain ranges, will be useful for planning in the future. These planning boundaries often do not follow the boundaries of the national forests and grasslands. To achieve long-term sustainability, planning must often take into account cumulative effects on resources within and beyond the boundaries of the national forests and grasslands and well beyond the life of a plan.

(v) Planning recognizes the regional, national, and global implications of management. Assessment and planning should acknowledge how management of the national forests and grasslands can contribute to ecological, economic, and social sustainability on regional, national, and international scales. Often, federal lands will need to anchor regional and national conservation strategies for species and ecosystems so other landowners can continue production of products and services without undue restriction. In addition, the wood, forage, water, and recreation they provide are often important to regional economies.

(vi) Planning acknowledges the limits and variability of likely budgets. Plans should be realistic in budget estimates and resilient in the face of erratic budgets. The public should become aware of the degree to which plan implementation is dependent on annual budgets.

(d)(1) Goal: Planning meaningfully engages the American people in the stewardship of their national forests and grasslands and builds stewardship capacity. The national forests and grasslands belong to the American people. For these truly to be the people's lands, the people must understand the land's condition, potential, limitations, and role in resource conservation in this country. Just as the Forest Service can help the American people learn about the limits and capabilities of the national forests and grasslands, so too must the managers be educated by the unique knowledge, advice, and values of the American people. Citizens can provide a wide array of services, ranging from volunteer work on trail crews to participating in collaborative efforts aimed at resolving disputes over specific projects. The Forest Service should draw on this knowledge, wisdom, and energy by building relationships, dialogues, and partnerships with the groups and individuals who wish to have a role in setting the future course for the national forests and in implementing these decisions.

(2) Guiding principles. (i) The planning process should encourage extensive collaborative citizen participation. Land and resource management planning must provide mechanisms for broad-based, vigorous, and ongoing opportunities for open public dialogue. These dialogues should be open to any person at reasonable times, conducted in non-technical terms, readily understandable, and structured in a manner that recognizes and accommodates personal schedules, capabilities, and interests. The participation of citizens should be encouraged from the beginning and be maintained throughout the planning process. The public should be offered an opportunity to participate in activities such as, but not limited to, assessments, issue identification, implementation, and monitoring.

(ii) Planning builds upon the human resources in local communities. Just as local communities depend on the national forests and grasslands, so too the health of many forests, rangelands, and watersheds depends on healthy neighboring communities. Many restoration actions are needed on these

lands, including programs to improve riparian conditions, reduce fuel loads, and rebuild and decommission roads. These efforts require entrepreneurs and a trained workforce. The surrounding communities can help provide these services. Planning and management must realize the full potential of these human resources to further the stewardship of the national forests and grasslands.

(iii) Planning and plans must be understandable. A central purpose of planning is to speak directly to the public. The language of planning must be clear and straightforward. These are the people's lands, and decisions proposed through planning must be accessible to the public.

(iv) Planning should actively seek out and address key issues. The best guidance will emerge from an open, candid, and collaborative process that addresses key issues.

(v) Effective planning should restore and maintain the trust of the American people in the management of the national forests and grasslands. Planning is a principal setting in which the Forest Service relates to the public. It can be a valuable forum in which to reestablish the public's confidence. The Forest Service needs to work on the premise that effective planning and management cannot be achieved without the public's respect and trust. Therefore, planning should integrate the public into the process as easily as possible, give the public accurate and complete information in a way that can be understood, make extensive use of public input, and meet public expectations by adopting realistic plans and fulfilling their objectives until amended. Effective planning welcomes independent field review of plans and actions.

(e)(1) Goal: Planning, which must be at once visionary and pragmatic, guides stewardship. Planning has long been viewed as a burdensome exercise with little connection to management. In fact, planning must be an integral part of stewardship of the national forests and grasslands: plans must be working guides that Forest Service employees find useful and motivating. Given the frequency with which new issues arise, new information becomes available, and unforeseen events occur, planning should be viewed as an ongoing process, where decisions are adapted, as necessary, to new understandings.

(2) Guiding principles. (i) Planning organizes around a collective vision of the desired condition. Developing a collective vision of future landscape conditions and the uses, products, values, and services that will be

provided by these conditions represent the best hope for a coming together of the people and groups that care about the national forests and grasslands. The plan document should begin with a short mission statement that captures this vision. The desired condition and the outcomes associated with it should serve as the central reference points for planning and management of these lands. Performance measures, monitoring, and budgets should be directed toward achievement of the actions and conditions needed to move toward the desired future.

(ii) Planning should be efficient in achieving goals. Strategies that simultaneously address multiple goals and find the least-cost method for achieving these goals are essential guides to efficient stewardship as is demonstration that the social benefits exceed the social cost.

(iii) Planning must be innovative but practical. Planning is not an end in itself but rather must be a useful endeavor that furthers real-world objectives, including serving as a working guide for stewardship. Valuable innovations have been developed during Forest Service planning, ranging from successful collaborative efforts to multi-agency watershed and broad-scale assessments.

(iv) Planning must be done expeditiously. Lengthy planning efforts frustrate public participants, strain Forest Service resources, and can result in plans that are outdated when adopted. Planners should aim to complete the planning phases from assessment through formal adoption of small landscape plans within 3 years. To accommodate this goal, analytical requirements should be kept to a minimum consistent with achieving the purposes of planning.

(v) Plans should be dynamic and adaptable. While a plan should strive to attain a reasonable degree of predictability in its implementation, everyone must recognize that unpredictable events, ranging from natural disturbances to changed market conditions, will occur. Forest Service officials must respond to new circumstances through plan amendments and revisions so that the plans will remain fully current. Plans must be evolving documents.

### The Framework for Planning

#### § 219.3 Overview.

(a) The nature of land and resource management planning. Land and resource management planning is a continuous, collaborative process designed to fully engage the public and apply the best available scientific

information and analysis to provide for ecological, social, and economic sustainability in the use and enjoyment of National Forest System lands. The planning framework set out in this part outlines a flexible procedure for fitting solutions to the scope and scale of needed actions which includes the assessment of land and resources, collaboratively developed landscape goals, guidance for future actions, site-specific projects, and monitoring and evaluation of outcomes. The planning framework is built on the following premises:

(1) Planning based upon a broad-scale assessment of the ecological, social, and economic environments is key in gaining understanding among people living near or interested in national forests or grasslands; establishing cooperatively developed landscape goals; and helping to ensure environmental justice for all citizens.

(2) To achieve an interdisciplinary, collaborative approach in planning, responsible officials, planners, and managers may engage the skills and interests of any appropriate combination of Forest Service staff, consultants, contractors, other federal, state, American Indian tribe, Alaska Natives, or local government personnel, or other interested or affected people.

(3) Plan decisions that guide future agency actions within units of the National Forest System (§ 219.7) reside in land and resource management plans which integrate the decisions applicable to the plan area and are repositories for planning-related documents.

(4) Through the consideration of local needs, conditions, and effects, within the planning framework, site-specific projects may be authorized if they are consistent with the decisions applicable to the plan area.

(5) The planning framework is a continuous cycle of engaging the public, developing land and resource management plan decisions and site-specific projects, monitoring and evaluating outcomes, and progressively improving land and resource management through plan amendments or revisions and site-specific projects to achieve the desired conditions as articulated in land and resource management plans.

(b) Levels of planning and decisionmaking. Planning is undertaken at the national, regional, and/or national forest or grassland administrative levels depending on the nature and scope of topics of general interest or concern and subject to limitations and delegation of authority. National level planning establishes long-term strategic goals, objectives, and outcome measures to be

considered in managing the National Forest System. The Forest or Grassland Supervisor is the responsible official for the land and resource management plan. District Rangers, consistent with delegated authority, are responsible for proposing, evaluating, approving, and implementing site-specific projects and activities. When planning is required for more than one national forest or grassland, two or more Forest or Grassland Supervisors may combine their planning activities. A topic, such as the recovery of an endangered or threatened species, may require one or more Regional Foresters or the Chief of the Forest Service to undertake planning and decisions which may amend one or more land and resource management plans.

(c) Key elements. Key elements of land and resource management planning and decisionmaking processes are:

(1) Broad-scale assessments (§ 219.4(b)) and Cooperatively developed landscape goals (§ 219.12(b));

(2) Topics of general interest or concern;

(3) Information development and interpretation;

(4) Proposed actions;

(5) Plan decisions that guide future actions;

(6) Amendment;

(7) Revision;

(8) Site-specific decisions; and

(9) Monitoring and evaluation.

#### § 219.4 Topics of general interest or concern.

(a) Origination of topics of general interest or concern. Topics of general interest or concern may originate from a variety of sources, including but not limited to, inventories, assessments, monitoring and evaluation of projects; Forest Service conservation leadership initiatives; cooperatively developed landscape goals; enactment of new laws or policies; applications for authorization for occupancy and use of National Forest System lands; or from discussions among people, organizations, or governments interested in or affected by National Forest System management.

(b) Consideration of topics of general interest or concern. The responsible official has the discretion to determine whether a topic of general interest or concern is appropriate for further consideration.

(1) In making this determination, the responsible official should consider such factors and information as the following:

(i) the scope, complexity, and geographic scale of potential actions that may address the topic;

- (ii) statutory requirements;
- (iii) organizational capabilities and available resources;
- (iv) the scientific basis and merit of available data and analyses;
- (v) the anticipated consistency of possible actions with existing plans, adopted conservation strategies, biological opinions, or other strategies applicable within all or a portion of the plan area; and
- (vi) the extent of involvement and the views and opinions of interested or affected individuals, organizations, or other entities, and related social, cultural, or spiritual values.

(2) In addition, the responsible official should consider the extent to which addressing the topic relates to or provides:

- (i) an opportunity to contribute to the achievement of cooperatively developed landscape goals and landscape settings consistent with public expectations;
- (ii) an opportunity for the national forests and grasslands to contribute to the restoration or maintenance of ecological integrity and maintenance or restoration of watershed function, including water flow regimes to benefit aquatic resources, groundwater recharge, municipal water supply, or other uses;
- (iii) an opportunity and unique features that the national forests or grasslands can contribute to ecological, social, and economic sustainability;
- (iv) an opportunity to restore or maintain ecological conditions that are similar to the biological and physical range of natural variability;
- (v) an opportunity to recover threatened or endangered species or maintain or restore ecological conditions needed for the viability of focal species; and
- (vi) The potential for disproportionately high or adverse environmental effects upon minority populations.

#### **§ 219.5 Information development and interpretation.**

Information related to a topic of general interest or concern may be obtained from inventories, broad-scale assessments, local analyses, or from information voluntarily submitted by interested parties, including American Indian tribes, Alaska Natives, adjacent landowners, or others. If the responsible official determines that a topic of general interest or concern should receive further consideration, the responsible official should review available information and determine if additional information is desirable and can be obtained at a reasonable cost and in a timely manner. The responsible

official may develop or supplement either a broad-scale assessment or a local analysis, depending on the scale of the topic of general interest or concern. The responsible official has the discretion to choose the method and determine the scope of the collection of new information. The findings, recommendations, or reports from inventories, broad-scale assessments, local analyses, or other studies are used to characterize current conditions and to help to make informed decisions about management activities, such as resource protection and watershed restoration, and should be readily available to the public. The results from inventories and broad-scale assessments, local analyses, and other studies are not proposed actions or decisions subject to NEPA procedures.

(a) Broad-scale assessments. (1) Broad-scale assessments provide information regarding ecological, economic, or social topics that are broad in geographic scale, sometimes crossing Forest Service regional administrative boundaries. Broad-scale assessments related to ecological topics should be conducted within broad ecological boundaries that may include biological or geographic regions or the range of one or more fish, wildlife, or plant species. Social and economic topics should be addressed, as appropriate, in broad-scale assessments. For some topics, an assessment that combines ecological, economic, and social topics may be necessary or desirable. Ecological factors are set forth in § 219.20; social and economic factors are set forth in § 219.21.

(2) Broad-scale assessments may be led by the Forest Service or, by agreement of the responsible official, by others. In addition to the requirements of §§ 219.20 and 219.21, broad-scale assessments must include the best available scientific information and analysis and provide the following:

- (i) Findings and conclusions that describe historic conditions, current status, and future trends of ecological, social, and/or economic conditions and their relationship to sustainability. These findings and conclusions may be used by the responsible official to develop proposals for land and resource management plan amendments or revisions, or in making site-specific decisions, including authorizations for land uses. Findings and conclusions from broad-scale assessments also may be used in the development of conservation strategies or in other activities that contribute to land and resource management planning.
- (ii) Identification of the need for additional research to develop new

information or address conflicting interpretations of existing information.

(3) Regional Foresters are responsible for National Forest System participation in broad-scale assessments. Each broad-scale assessment should be designed and conducted with the assistance of scientists, resource professionals, governmental entities, and other individuals and organizations knowledgeable of the assessment area.

(b) Local analyses. Local analyses provide needed information to aid in the identification of possible actions or projects to achieve desired conditions. The need for, and the scope and intensity of, local analyses vary based on local topics of general interest or concern, availability of information, and applicable resource and social values. Recommendations from local analyses may be used in making future decisions. When deemed appropriate, local analyses should address ecological, social, and economic factors as set out in §§ 219.20 and 219.21. The delineation of the area to be covered by a local analysis is determined by watersheds or ecological units. Local analyses may tie to, and may often provide information to update, a broad-scale assessment. Local analyses are to be completed by the responsible official and provide the following:

- (1) A characterization of the area of analysis;
- (2) An identification of topics of general interest or concern within the analysis area;
- (3) A description of current conditions;
- (4) A description of likely future conditions;
- (5) A synthesis and interpretation of information; and
- (6) Recommendations for future decisions, as appropriate.

#### **§ 219.6 Proposed actions.**

(a) Proposal. Based on the consideration of factors in § 219.4 and the available information and analyses in § 219.5, the responsible official may propose to amend or revise the appropriate land and resource management plan, propose a site-specific project, or both.

(b) NEPA requirements. Unless otherwise exempted by statute, court order, or published agency procedures, the responsible official must analyze the effects of the proposal and alternative(s) in conformance with Forest Service NEPA procedures. The responsible official may use the planning framework to accomplish the scoping process described in agency NEPA procedures.

**§ 219.7 Plan decisions that guide future actions.**

Land and resource management plans embody four categories of decisions that guide or prescribe alternative uses of federal resources upon which future agency action will be based. Plan decisions are added, modified, or revised through amendment or revision of the applicable land and resource management plan. Plan decisions do not explicitly commit resources to specific projects, but rather provide a framework for choosing projects to which resources may be committed later. These plan decision categories are as follows:

(a) Desired resource conditions to achieve the long-term sustainability sought over a specified period of time in all or portions of the plan area. Desired resource conditions may include, but are not limited to, the desired watershed and ecological conditions and aquatic and terrestrial habitat characteristics.

(b) Goals, objectives, standards, and guidelines that are applicable to all or a portion of the plan area.

(1) Resource management goals are statements of intent, normally expressed in general, non-quantitative terms, which contribute toward achieving desired conditions. The goals link Forest Service policies, laws, Executive Orders, regulations, and applicable Forest Service strategic plans with specific measurable objectives. Goals are fulfilled through the achievement of measurable objectives.

(2) Objectives are concise statements that describe desired measurable results intended to achieve one or more goals. Objectives include a statement of the estimated amount of time needed for their completion, their contribution toward achievement of the goals of the plan area, and, if appropriate, a desired level of products and services anticipated.

(3) The standards and guidelines of a land and resource management plan provide criteria necessary to achieve resource management objectives and to promote compliance with applicable law, regulation, and policy. For example, standards and guidelines must address focal species; protection or restoration of watershed integrity including water quantity and quality; protection, maintenance and recovery of native aquatic and terrestrial dependent species; and, prevention of the introduction and spread of non-native species. By statute (16 U.S.C. 1604(g)), the land and resource management plan must provide standards and guidelines for timber harvest and regeneration methods including the limitations on even-aged harvest methods as required by 16 U.S.C. 1604(g)(3)(F), maximum

size openings from timber harvest, and techniques for achieving aesthetic objectives by blending the boundaries of vegetation treatments.

(c) Designation and identification of suitable uses and designation of special areas in all or portions of the plan area. The responsible official must identify those lands within units of the National Forest System that are suited for specific uses (§ 219.26), including identification of the necessary transportation system and special designations as described in § 219.27, and lands where timber production is an appropriate objective (§ 219.28).

(d) Monitoring and evaluation requirements within the plan area. These requirements are set forth in § 219.11.

**§ 219.8 Amendment.**

(a) Amending land and resource management plans. An amendment to a land and resource management plan is a programmatic decision that guides or proscribes future Forest Service action.

(1) For each amendment, the responsible official must complete appropriate environmental analyses and public participation consistent with Forest Service NEPA procedures. A proposed amendment that may create a significant environmental effect and thus require preparation of an environmental impact statement is considered to be a significant change in the land and resource management plan. Public review of such an amendment must be comparable to that described in § 219.9(e).

(2) Following completion of NEPA procedures, any person may file an objection to the proposed amendment and initiate the objection process under § 219.32.

(3) The responsible official may make a decision to approve a plan amendment after the conclusion of the 30-day period provided to file an objection in § 219.32.

(b) Plan amendments in conjunction with site-specific decisions. As described in § 219.32, a person may object to a land and resource management plan amendment, including an amendment of a land and resource management plan proposed in conjunction with a pending site-specific project decision.

**§ 219.9 Revision.**

(a) Application of the revision process. Revision of a land and resource management plan is required whenever circumstances affecting the entire plan area or major portions of the plan area have changed significantly or every 15 years as required by law. The revision process is an opportunity to review of

the overall outcome of the management of a unit of the National Forest System and consider the likely results if plan decisions were to continue in effect. The revision process is completed when one or more of the decisions of a land and resource management plan are revised or determined to continue without change.

(b) Initiating revision. To begin the revision process, the responsible official must:

(1) Summarize inventories, monitoring and evaluation results, new data, findings and conclusions from appropriate broad-scale assessments (§ 219.5(a)), new or revised Forest Service policies, and changes in circumstances affecting the entire or major portions of the plan area;

(2) Evaluate and provide for an independent scientific review of the effectiveness of the current land and resource management plan in fulfilling the goals of ecological sustainability (§ 219.20);

(3) Identify new proposals for special areas, including unroaded areas (§ 219.36), special designations, and areas under consideration for wilderness designation (§ 219.27(a));

(4) Develop a priority list of specific watersheds in need of protective or restoration measures;

(5) Identify lands currently classified as not suitable for timber production (§ 219.28(b)); and

(6) Develop an estimate of anticipated outcomes, products, and services for a 10-year period based on the land and resource management plan decisions in effect at the time the revision process begins.

(c) Public notice of revision process and review of information. The responsible official must give public notice of the initiation of plan revision and make the information developed under paragraph (b) of this section available for public comment for at least 45 calendar days.

(d) Proposed revision of one or more land and resource management plan decisions.

(1) Based upon the information gathered, including any comments received in response to information made available to the public in paragraph (c) of this section, the responsible official must issue a Notice of Intent to revise one or more of the decisions embodied in a land and resource management plan. In addition to the requirements established by NEPA procedures, the Notice of Intent must describe the decisions proposed to be revised in a statement of purpose and need for the proposed action and identify specific opportunities to fulfill

National Forest System goals as set forth in laws, Executive Orders, regulations, Forest Service directives, and applicable Forest Service strategic plans.

(2) The responsible official must provide at least 45 calendar days for review and comment on the Notice of Intent. The responsible official must consider comments received in response to the Notice of Intent and determine if there is a need to adjust the scope of the proposed revision.

(e) NEPA documentation. An appropriate environmental document prepared in accordance with NEPA procedures must accompany the proposed revision of a land and resource management plan. The responsible official must give the public notice and an opportunity to comment on the NEPA document for at least 90 calendar days. Following public comment, the responsible official must oversee preparation of final documents in accordance with NEPA procedures.

(f) Objections. Following completion of NEPA procedures, any person may file an objection to the proposed revision and initiate the objection process under § 219.32.

(g) Effective date. The responsible official may make a decision to approve a plan revision after the conclusion of the 30-day period provided to file an objection in § 219.32.

(h) Revision schedule. Within 1 year of the effective date of this rule, the Chief of the Forest Service must establish a schedule for completion of the revision process for each land and resource management plan utilizing the rules of this subpart.

#### **§ 219.10 Site-specific decisions and authorized uses of land.**

(a) Site-specific decisions. Subject to valid existing rights, applicable statutes, and to the extent appropriate and practicable, the responsible official shall follow the planning requirements of this subpart to make site-specific decisions. A site-specific decision must be consistent with the decisions within the applicable land and resource management plan. If a proposed site-specific decision is not consistent with the applicable land and resource management plan, the responsible official may modify the proposed decision to make it consistent with the land and resource management plan, subject to valid existing rights and statutory requirements; reject the proposal; or, if required by law or justified by projected short-term, long-term, and cumulative effects, amend the land and resource management plan to permit the proposal.

(b) Authorized uses of National Forest System land. At the time of their issuance, permits, contracts, and other instruments authorizing the use and occupancy of National Forest System lands must be consistent with the land and resource management plan. When an amendment or revision to a land and resource management plan is proposed, the responsible official must take into consideration the possible effects on occupancy and use already authorized through permits, contracts, or other instruments. Subject to valid existing rights or other statutory requirement, or unless expressly exempted by the plan, authorizations for occupancy and use within the plan area must be made consistent with any changes made to the applicable land and resource management plan. In a plan amendment or revision decision document, the responsible official may exempt activities or uses authorized by existing permits, contracts, or other instruments from application of new or modified plan decisions provided that, subject to valid existing rights, the environmental effects of the authorized use do not prevent the achievement of the desired condition described by the land and resource management plan. Otherwise, the responsible official, through the decision document accompanying a land and resource management plan amendment or revision, must establish a schedule for bringing preexisting authorized occupancy and use into compliance with new or modified plan decisions.

#### **§ 219.11 Monitoring and evaluation.**

Monitoring and evaluation requirements are designed to assess the effectiveness of management actions in accomplishing goals, objectives, and desired conditions. Monitoring and evaluation aids in the identification of topics of general interest or concern, the development of assessments, and in the amendment or revision of land and resource management plans or in the selection of site-specific projects.

(a) Monitoring and evaluation requirements. The monitoring strategy for a land and resource management plan must include identification of the actions, effects, or resources to be measured; the frequency of measurement; and sampling protocols. The responsible official shall ensure that monitoring information is used to determine:

- (1) If site-specific actions are completed as specified in applicable decision documents;
- (2) If the aggregated outcomes and effects of completed and ongoing actions are sustainable and are

achieving or contributing to the achievement of desired conditions; and

(3) If key assumptions underlying plan decisions in the land and resource management plan remain valid.

(b) Coordination. Monitoring and evaluation should be coordinated and, to the extent practicable, conducted jointly with other federal agencies, state, local, and tribal governments, scientific and academic communities, or other interested parties. In addition, the responsible official must provide appropriate opportunities for the public to be involved in monitoring and evaluation as well as utilize scientists in monitoring and evaluation as described in § 219.22(c).

(c) Project monitoring. Monitoring and evaluation, if required in conjunction with a site-specific project, must be described in the project decision document. In addition, subject to valid existing rights, a project shall not be authorized unless there is a reasonable expectation that adequate funding will be available to complete any required monitoring and evaluation.

(d) Monitoring and evaluation report. The Forest or Grassland Supervisor must prepare an annual monitoring and evaluation report for the plan area within 6 months following the end of the fiscal year. The report must be filed with the land and resource management plan documents (§ 219.30), and it must include the following components:

- (1) A list or reference to monitoring required by the land and resource management plan;
- (2) A summary of the results of monitoring performed during the preceding fiscal year;
- (3) A description of the trend(s) toward achieving goals or desired conditions and sustainability from accumulated actions;
- (4) Identification of topics of general interest or concern (§ 219.4) arising from monitoring and evaluation; and
- (5) A list of amendments, revisions, and summary of appropriate outcomes, products and services, and budgetary trends related to the achievement of desired conditions.

(e) Monitoring and evaluation of ecological sustainability. Monitoring and evaluation are crucial components in the achievement of ecological sustainability. A monitoring program must be developed to evaluate the effectiveness of maintaining or restoring ecosystem integrity and preserving future management options. Monitoring should be based on conceptual models of ecological systems being managed, key ecosystem processes including disturbance processes, and individual ecosystem components and the

relationships among those components. Monitoring and evaluation of ecological sustainability must:

(1) Develop methods of selecting and measuring indicators of ecological integrity and designate critical values that would trigger reviews of and possible amendments to goals, objectives, standards, or guidelines. Critical values should include identification of the spatial and temporal scales over which they are to be measured.

(2) Determine the status and trend of focal species and species at risk:

(i) The choice of monitoring objectives and methodology for focal species and species at risk is based upon a variety of factors which includes the degree of risk to the species, the degree to which a species' life history characteristics lend themselves to monitoring, the reasons that a species is included in the list of focal, at risk, or demand species, and the strength of association between habitat and population dynamics. The reasons for selection of monitoring objectives and methodology must be documented as part of the monitoring program.

(ii) Habitat conditions and trends must be monitored for selected focal species and species at risk. Habitat conditions should include all conditions necessary to support the species, not just vegetative components of habitat.

(iii) Actual estimates of population status and trend are appropriate when the risk of local or broader extirpation is high or there is high uncertainty about the habitats and conditions needed for species viability. In these cases, monitoring of population status should include a combination of efficient and reliable population sampling and studies to evaluate the species' habitat relationships and the effects of habitat manipulation. In cases where these ongoing monitoring efforts result in thorough understanding of the relationships of habitat to species distribution, abundance, and demographics, and where habitat is a primary factor influencing species population dynamics, monitoring may shift such that species status is inferred primarily from habitat monitoring rather than being solely based on direct population measures.

(iv) For species for which the risk of local or broader extirpations is not high, an array of monitoring objectives and methods may be appropriate. These may include the use of population occurrence and presence/absence data, using population indices to track relative population trends, or inferring population status from habitat

conditions. Where habitat information is relied upon to provide inference to population status, the relationship of population to habitat must be understood well enough to provide data appropriate to the reason for which the species is being monitored.

(3) Determine the status and trend of other selected physical and biological indicators of ecological integrity. Document the reasons for selection of monitoring objective and methodology for these indicators.

(4) Validate that selected focal species and other selected indicators of ecological integrity provide reliable information about the status and integrity of the ecological system in which they occur.

(5) Determine the effectiveness of actions in providing desired conditions for selected demand species.

(6) Provide an overall evaluation of the effectiveness of management direction in conserving and maintaining or restoring ecosystem integrity, and in preserving future management options.

(f) Monitoring and evaluation of social and economic sustainability. Monitoring and evaluation of social and economic sustainability should include periodic review of national, regional, and local supply and demand for products, services, and values. Special consideration should be given to those products, services, and values that the Forest Service is uniquely poised to provide. Monitoring should improve the understanding of the National Forest System contributions to human wants and values and to social and economic sustainability.

#### **Collaborative Planning for Sustainability**

##### **§ 219.12 Collaboration and cooperatively developed landscape goals.**

(a) Collaboration. Collaboration in land and resource management planning enhances the ability of people to work together, build their capacity for stewardship, and achieve ecological, economic, and social sustainability. The responsible official, functioning as a leader, convener, facilitator, or participant, as appropriate, should foster positive relationships with people interested in and/or affected by the management of the National Forest System lands, as well as with other federal agencies and state, local, and tribal governments that wish to participate in defining the future of the National Forest System. The responsible official should provide frequent opportunities for citizens and organizations to participate openly and meaningfully, beginning at the early

stages of the planning process. In undertaking planning, the responsible official should consider pertinent information from other sources and activities on other lands and recognize the distinct roles, jurisdictions, and relationships of interested and affected governments, organizations, groups, and individuals subject to applicable laws and regulations. The responsible official has full discretion to determine how and to what extent to use the collaborative processes outlined in §§ 219.12 through 219.18.

(b) Cooperatively developed landscape goals. (1) Using information from broad-scale assessments or other available information, the responsible official should seek to initiate or seek to join on-going collaborative efforts to develop or propose landscape goals for ecological units that may be associated with National Forest System lands. The responsible official and those involved in planning should invite and encourage others to engage in the collaborative development of landscape goals. During this collaborative effort, responsible officials, planners, and managers should strive to communicate and foster understanding of the nation's declaration of environmental policy as set forth in section 101(b) of the National Environmental Policy Act (42 U.S.C. 4321-4347, as amended) which states that it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;

(v) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vi) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.



(2) The responsible official should consider cooperatively developed landscape goals, whether initiated by the Forest Service or others, within the framework for planning as a topic of general interest or concern (§ 219.4).

**§ 219.13 Coordination among federal agencies.**

The responsible official must seek to provide early and continuous coordination with appropriate federal agencies and must provide opportunities for other interested or affected federal agencies to:

- (a) Participate in the identification of topics of general interest or concern and formulation of proposed actions that may affect or influence programs;
- (b) Contribute to the streamlined resolution of any inconsistencies among federal agency policies, resource management plans, or programs; and
- (c) Develop, where appropriate and practicable, joint resource management plans.

**§ 219.14 Involvement of state and local governments.**

The responsible official must recognize the jurisdiction, expertise, and role of state and local governments as regulators, land managers, and representatives of state constituencies and local communities interested in or affected by uses of the National Forest System. Accordingly, the responsible official must provide opportunities for involvement of state and local governments in the planning process, including opportunities to participate in the identification of topics of general interest or concern relating to the plan area.

**§ 219.15 Interaction with American Indian tribes and Alaska Natives.**

(a) The Forest Service shares in the Federal Government's overall trust responsibility for federally recognized American Indian tribes and Alaska Natives.

(b) The responsible official must recognize the government-to-government relationship between American Indian or Alaska Native tribal governments and the Federal Government.

(c) The responsible official must consult with and invite American Indian tribes and Alaska Natives to participate throughout the planning process to:

- (1) Assist in the early identification of treaty rights, treaty-protected resources, American Indian tribe trust resources, and other tribal concerns;
- (2) Consider tribal data and resource knowledge provided by tribal representatives; and

(3) Consider tribal concerns and suggestions when making decisions.

**§ 219.16 Relationships with interested individuals and organizations.**

The responsible official must:

- (a) Ensure that appropriate information is made available and that no one, including persons with diverse opinions and values, is deliberately excluded or denied participation in land and resource management planning;
- (b) Encourage participants to work collaboratively and directly with one another to improve understanding;
- (c) As appropriate and necessary, identify and consult with a broad spectrum of individuals and entities who can provide information about current and historic public uses within an assessment or plan area, about the location of unique and sensitive resources, as well as identify values and cultural practices related to topics of general interest or concern in the plan area; and
- (d) Consult with scientific experts and other knowledgeable persons, as appropriate and necessary, in the conduct of planning activities.

**§ 219.17 Interaction with private landowners.**

Consideration of the pattern and distribution of land ownership in assessment and plan areas is critical. In order to identify appropriate actions and evaluate possible effects, the responsible official must seek to engage those who have control or authority over lands adjacent to or within the external boundaries of national forests or grasslands in the consideration of available information and potential conditions and activities on the adjacent lands that may affect management of National Forest System lands.

**§ 219.18 Role of advisory groups and committees.**

(a) Advisory groups. Advisory groups or boards can provide an immediate, representative, and predictable structure within which public dialogue can occur so that Forest Service relationships with a broad and dispersed community of interests can be efficiently maintained.

(b) Use of advisory committees. An advisory committee may be used to assist the responsible official in determining whether there is a reasonable basis for action to address a topic of general interest or concern. An advisory committee is not needed for each national forest or grassland; however, each Forest or Grassland Supervisor must have access to an advisory committee capable of addressing local conditions and topics of general interest or concern. Forest

and Grassland Supervisors may request establishment of advisory committees and recommend members to the Secretary of Agriculture. Advisory committees used by other agencies also may be utilized through proper agreements.

**Ecological, Social, And Economic Sustainability**

**§ 219.19 Ecological, social, and economic sustainability.**

Achievement of ecological, social, and economic sustainability is the overall goal for management of National Forest System land. To achieve sustainability, the first priority for management is the maintenance and restoration of ecological sustainability to provide a sustainable flow of products, services, and other values from these lands consistent with the laws and regulations guiding their use and enjoyment by the American people.

**§ 219.20 Ecological sustainability.**

To achieve ecological sustainability, it is necessary to maintain and restore ecosystem integrity. Sustaining the integrity of ecological systems increases their resilience to natural disturbance events, allows renewal following use or degradation, and helps to preserve options for future generations.

(a) Ecological information and analysis. To maintain and restore ecological sustainability, the collection and analysis of information on ecosystem composition, structure, and processes at a variety of spatial and temporal scales is necessary. These include geographic scales such as bioregions and watersheds, scales of biological organization such as communities and species, and temporal scales ranging from months to centuries. Some ecological measures, such as landscape diversity, are meaningful only when information is collected and analyzed at large spatial scales. For other measures, such as species diversity, it may be appropriate to collect and analyze information at more than one scale, with analysis at each scale influencing and/or incorporating the analysis done at other scales. Information and analyses regarding ecological sustainability may be identified, obtained, or developed through a variety of mechanisms, including broad-scale assessments and local analyses (§ 219.5), and documents prepared as required by NEPA procedures. As appropriate to the scale of the analysis, information and analyses, must include the following:

- (1) The current biological and physical characteristics of ecosystems, such as plant and animal species, the

composition, structural stages, and landscape distribution of major vegetation types, soil condition, air and water quality, stream channel morphology, and instream flows.

(2) The principal ecological processes that influence the characteristic structure and composition of an area. This includes the intensity, frequency, and magnitude of natural disturbance regimes, occurring at the multiple geographic and temporal scales.

(3) The effects of human activities, distinguishing activities prior to European settlement, which had an integral role in the landscape for a long period of time, from activities after European settlement, many of which are of a type, size, and rate that were not typical of disturbances under which native plant and animal species and ecosystems developed.

(4) Estimates of the historical range of variability of ecological conditions, which should include an analysis of the differences over time in the occurrence of key attributes of ecological systems, and should identify those conditions that occurred more frequently than others. Estimates must be made for a specified period of time and include the effects of natural and human disturbance regimes prior to European settlement. Current conditions must be compared to the distribution of historical conditions prior to European settlement to develop insights about the current status and integrity of ecosystem components.

(5) A comprehensive status of ecosystem components and the contribution of National Forest System lands to ecosystem integrity, including species viability, based on consideration of all lands within the area under analysis.

(6) Identification of areas that may serve as reference landscapes, which collectively should reflect the full range of ecological composition, structure, and processes.

(7) Identification of indicators of ecosystem integrity, which must include focal species and species at risk, and also may include other physical and biological indicators. In general, the indicators should be consistent across different scales of analysis.

(i) Focal species. Focal species are used as surrogate measures in the evaluation of ecological integrity, including the diversity of native and desired non-native species. 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. Individual species, or groups of species that use habitat in similar ways or that perform

similar ecological functions, may be identified as focal species because they serve an umbrella function in terms of encompassing habitats needed for many other species, play a key role in maintaining community structure or processes, are sensitive to the changes likely to occur in the area, or otherwise serve as an indicator of ecological integrity. Also, certain focal species may be identified for the purpose of evaluating ecological conditions needed to provide for the viability of some other species. Collectively, the set of focal species must represent the range of environments within the area being analyzed.

(ii) Species at risk. Species at risk include endangered, threatened, candidate, proposed, and sensitive species, and species for which significant local reductions in distribution or density are concerns.

(iii) Other physical and biological indicators. The status and trend of other physical or biological indicators, such as measures of air or water quality, soil conditions, fire and water flow regimes, the prevalence of invasive or noxious species, and the variety, distribution, and productivity of forest and grassland ecosystems, may be used to evaluate ecological integrity.

(8) An evaluation of ecosystem integrity, using measures of species viability and the condition of other indicators including analysis at appropriate spatial and temporal scales and the cumulative effects of human and natural disturbances.

(i) Species viability. Analyze viability of each species known to be at risk. For all other species, including those species for which there is little information, focal species are to be used as surrogates in the evaluation of conditions needed to maintain viability. This requires analysis of viability for each focal species identified for the purpose of evaluating ecological conditions needed to provide for the viability of other species. As part of the viability analysis, identify risks to the viability of species and identify ecological conditions needed to maintain viability over time. In analyzing viability, recognize the level of knowledge available about species, their habitats, and the dynamic nature of ecosystems. When detailed knowledge is available, an evaluation of demographic, genetic, and other risk factors should be used to evaluate viability. When information gaps exist, reliance on general conservation principles and expert opinion may be appropriate. However, if risks to viability are considered to be high, collection and analysis of additional

information, commensurate with risk levels, may be necessary.

(ii) Other measures of ecosystem integrity. Analyze information regarding focal species other than those being used solely as surrogates for viability, and other physical and biological indicators. As part of this analysis, highlight risks to ecosystem integrity and identify ecological conditions needed to maintain or restore integrity over time.

(9) Identification of demand species, which are those plant or animal species of high social, cultural, or economic value. Evaluate their status in the area being analyzed. As part of this analysis, document cumulative effects and identify ecological conditions needed to maintain desired levels of these species over time.

(10) Acknowledgment of incomplete information, uncertainty, and the inherent variability of ecological systems.

(b) Decisions. The responsible official must make decisions that provide for ecosystem integrity at the appropriate planning level. Decisions made at subsequent levels must be consistent with higher-level decisions. Subject to valid existing rights and other statutory requirements, land and resource management plan and site-specific decisions must maintain or restore ecosystem integrity, including species viability, and must:

(1) Be based on the application of the best available scientific information and analysis, including the information and analysis described in paragraph (a). This includes analysis of cumulative effects and acknowledgment of incomplete information, scientific uncertainty, and variability that is inherent in complex ecological systems.

(2) Provide for maintenance or restoration of the ecosystem composition, structure, and processes which are characteristic of an area over time and space.

(3) Provide for maintenance of the biological and physical components of ecosystems within the historical range of variability, except as provided in paragraph (b)(3)(iv).

(i) In situations where ecological conditions are currently within the historical range of variability, results of management actions on composition, structure, and processes should remain within that range, and decisions should strive to maintain the more likely conditions within the range.

(ii) Where current ecological conditions fall outside the historical range of variability, decisions must not shift those conditions further from the historical range of variability, and

should provide for restoration towards likely states within that range.

(iii) As one means of remaining within or returning to conditions that fall within the historical range of variability, goals, objectives, standards, and guidelines should be based on an understanding and consideration of natural disturbance processes that led to the characteristic structure and composition of these systems, including the intensity, frequency and magnitude of those disturbance regimes.

(iv) Where the use of the historical range of variability to set goals and objectives, and/or disturbance processes to guide management actions, would result in future conditions that are judged to be ecologically and/or socially unacceptable; or where the historical range of variability or disturbance processes are poorly understood; or where ecosystems have been altered to the extent that it is not possible to return to conditions within the historical range; other scientifically credible approaches may be used to maintain or restore ecosystem integrity. The scientific basis for such alternative approaches, and the fundamental differences from an approach based the historical range of variability and disturbance processes must be fully documented.

(4) Preserve options so that a range of future stewardship choices will be available.

(5) Designate appropriate reference landscapes to serve as benchmarks and to evaluate the effects of actions.

(6) Provide for the protection and/or restoration of soil and water resources, including, but not limited to, coastal waters, estuaries, groundwater, streams, stream banks, shorelines, lakes, wetlands, riparian areas, floodplains, and unstable soils, and comply with applicable Clean Water Act requirements. Identify current and foreseeable future Forest Service consumptive and non-consumptive water uses and quantities, and the water rights needed to maintain or restore watershed integrity, including instream flow needs.

(7) Provide for the protection and/or restoration of air resource values, including visibility, from human-caused air pollution impacts to the extent possible given variables beyond the control of the Forest Service.

(8) Provide for ecological conditions such that there is a high likelihood of maintaining viability of native and desired non-native species over time within the plan area, except as provided in paragraph (b)(8)(iv). To meet this requirement, the following points must

be addressed in plan and site-specific decisions unless otherwise specified:

(i) All identified limiting factors for species for which viability or reduction in distribution or density are concerns, including but not limited to the quantity, quality, and distribution of habitats and ecological processes needed to maintain viability, to prevent listing a species as threatened or endangered under the Endangered Species Act, and to prevent local or broader extirpations.

(ii) Some species are not naturally well-distributed and therefore plan decisions for those species should recognize and reflect natural distribution patterns. A species is well-distributed when individuals can interact with each other in the portion of the species range that occurs within the plan area.

(iii) When a plan area occupies the entire range of a species, provide for viability of the species and its component populations throughout that range. When a plan area encompasses one or more naturally disjunct populations of a species, provide for viability of each population. When a plan area encompasses only a part of a population, contribute to viability of that population by maintaining ecological conditions for the population well-distributed throughout its range within the plan area.

(iv) When a plan area occupies only part of the range of a species, and management of lands outside the National Forest System lands precludes attainment of a high likelihood of viability for that species, contribute to viability by providing ecological conditions for the species well-distributed throughout its range within the plan area.

(v) Provide for structural and functional redundancy of habitat as necessary to buffer disturbances characteristic of dynamic systems.

(9) Include, at the appropriate and applicable scale, non-discretionary, reasonable, and prudent measures and associated terms and conditions contained in biological opinions issued under 50 CFR Part 402. Provide rationale for adoption or rejection of discretionary conservation recommendations in biological opinions, as well as objectives identified for Forest Service action as part of recovery plans developed under the Endangered Species Act.

(10) Provide for ecological conditions such that Forest Service actions do not contribute to the need to list species under the Endangered Species Act. This may include decisions based on consideration of recommendations in

conservation agreements with the Fish and Wildlife Service or National Marine Fisheries Service that provide the basis for not needing to list a species. In some situations, conditions or events beyond the control or authority of the Forest Service may limit the Forest Service's ability to prevent the need for federal listing or prevent the extirpation of a species from a plan area. However, in these situations, consideration should be given to whether the National Forest System lands have a unique opportunity to provide a disproportionately greater contribution, compared to other lands, of the ecological conditions needed to help reduce the likelihood of species becoming listed under the Endangered Species Act or to contribute to the recovery of listed species.

(11) Provide for ecological conditions needed to achieve sustainable use levels of demand species for hunting, fishing, subsistence, non-consumptive, and other uses, consistent with objectives for ecological integrity. Develop objectives for these species in cooperation with other federal agencies, states, American Indians, Alaska Natives, and interested individuals and organizations, consistent with the Sikes Act and other applicable laws.

(c) Monitoring and evaluation. Monitoring and evaluation requirements are set out in section § 219.11(e).

#### **§ 219.21 Social and economic sustainability.**

(a) Achieving social and economic sustainability. The management of National Forest System lands promotes economic and social sustainability through involvement of interested and/or affected people, development and consideration of relevant social and economic information, and by providing a range of products, services, and values.

(b) Social and economic analyses. Social and economic analyses are important in gaining understanding of the relationships among ecological, social, and economic sustainability. Social analyses address human life-styles, attitudes, beliefs, values, demographic characteristics, and land-use patterns of human communities and their capacity to adapt to changing conditions. Economic analyses identify and evaluate an area's economy in the context of national and regional supply, demand, and private and public values. In conducting broad-scale assessments or local analyses, the responsible official should consider the best available information to consider social and economic factors such as:

(1) Demographics, life style preferences, cultural norms, economic

measures, land uses, cultural and American Indian tribe land settlement patterns, social and cultural values, and community health;

(2) Opportunities to provide social and economic benefits to communities through natural resource restoration strategies;

(3) Current demographics related to direct, indirect, and induced effects on income, population, and industry employment, and the ability of communities to adapt to change;

(4) The relationship between these variables and the uses, products, and services provided by the National Forest System;

(5) Economic estimates of the National Forest System contribution to present and future society benefits (both quantitative and qualitative);

(6) The financial and opportunity costs derived from market and non-market use; and

(7) The presence of natural resources and resource capital investment in National Forest System lands.

(c) Social analyses.

(1) Social analyses may rely upon quantitative, qualitative and participatory methods for gathering and analyzing data.

(2) Social analyses are often undertaken at varying spatial scales to improve understanding of the effects of internal and external social factors within the larger context within which federal lands are located.

(3) A social analysis should describe potential consequences to communities and regions from land management changes in terms of capital availability, employment opportunities, wage levels, local tax bases, federal revenue sharing, the ability to support public infrastructure and social services, human health and safety, and other factors as necessary and appropriate.

(d) Economic analysis.

(1) An economic analysis may include a quantitative, qualitative, and historical analysis of the effects of National Forest System management on national, regional, and local economies.

(2) Economic analysis is undertaken at varying spatial scales and should include the long-term costs and benefits of management activities and their contribution to net public benefits and regional and community well being.

(3) An economic analysis includes an analysis of national and regional economic trends (both supply and demand), variation in product prices, and changes in public values.

(e) Regional social and economic analyses. Regional analyses may include a quantitative and qualitative analysis of the economic and social history of the

region; the culture of the groups and communities and how they have changed over time; the organization and leadership of local communities; the institutional environment, including the pattern of land ownership, related conservation and land use policies at the state and local level, and existing opportunities for collaboration with other agencies, businesses, organizations, landowners; and other dimensions of social life.

(f) Local social and economic analyses. Local analyses should provide refinement of larger-scale analyses and of regional data and information as related to the area under consideration. A local analysis may provide a context for other analyses. The local analysis should include participatory analyses which engage people and communities to enhance understanding and development of realistic expectations.

(g) Risk and vulnerability analyses. Risk and vulnerability analyses assess the vulnerability of communities from changes in ecological systems as a result of natural succession or potential management actions. Risk may be considered for geographic, relevant occupational, or other related communities of interest. Resiliency and community capacity should be considered in a risk and vulnerability analysis.

(h) Implementation. Analyses and decisions regarding social and economic sustainability are to be made at the appropriate planning level. Decisions made at subsequent levels must be consistent with higher-level decisions. Existing data (e.g., census data, demographic information, employment statistics, and other economic information) often provide a useful foundation for social and economic analyses, but, supplemental information may be needed.

(i) Monitoring. Requirements for monitoring and evaluation of social and economic sustainability are set out in § 219.11(f).

### The Contribution of Science

#### § 219.22 The role of assessments, analyses, and monitoring.

Broad-scale assessments and local analyses, in concert with monitoring and evaluation of large and small landscapes are critical to gaining understanding of the relationships of ecological, social, and economic environments. Scientists, knowledgeable of the plan area and working with others, improve understanding and aid the identification of landscape goals and actions needed to achieve sustainability.

(a) Broad-scale assessments. Each broad-scale assessment must be lead by a Chief Scientist. If the Forest Service is conducting or leading a broad-scale assessment, the Deputy Chief of Research and Development must select the Chief Scientist. When appropriate and practicable, a responsible official must provide for independent, scientific peer review of the findings and conclusions originating from a broad-scale assessment. Peer review may be provided by scientists from the Forest Service, other federal, state, or tribal agencies, or other institutions.

(b) Local analyses. A responsible official may include scientists in periodic technical reviews of local analyses and field reviews of the design and selection of subsequent site-specific projects.

(c) Monitoring. (1) The responsible official must include scientists in the design and evaluation of monitoring and inventory strategies and protocols. Additionally, the responsible official must provide for an independent peer review by scientists of the monitoring program on at least a biennial basis to review monitoring and inventory strategies, to validate adherence to appropriate protocols and methods in collecting and processing of monitoring and inventory samples and to validate that data are summarized and interpreted.

(2) When appropriate and practicable, the responsible official should include scientists in the review of monitoring data and analytical results to determine trends relative to ecological, economic, or social sustainability.

#### § 219.23 The participation of scientists in planning.

Scientists may participate in planning by:

(a) Assisting the responsible official in understanding and applying relevant scientific information, including verifying that the best available scientific information and analysis is considered as provided in (§ 219.24);

(b) Estimating the risks and uncertainties that could result from resource management options and identifying and describing how risks associated with plan decisions may be mitigated and how uncertainties might be reduced through additional research;

(c) Providing an evaluation of the significance of new information not yet independently peer-reviewed, such as results of ongoing or recently completed research studies, management reviews, or monitoring and evaluation and the relevance to existing plan decisions; and

(d) Assisting in the identification of topics of general interest or concern and

analyses to help understand the information needed for effective planning. Scientists may also be involved in developing strategies for gathering, synthesizing, and integrating and evaluating information on complex issues, particularly those having broad geographic and community interest. Scientists may be employed by the Forest Service or employed by other federal, state, local, or privately owned entities.

#### **§ 219.24 Science consistency evaluations.**

(a) The responsible official must ensure that plan decisions are consistent with the best available scientific information and analysis. The responsible official may use a science advisory board (§ 219.25) to assist in determining whether information gathered, evaluations conducted, or analyses and conclusions reached in the planning process are consistent with the best available scientific information and analysis. If the responsible official decides to use a science advisory board, the board and the responsible official are to jointly establish criteria for the science advisory board and the responsible official to use in reviewing the consistency of proposed plan decision(s) to determine consistency with the best available scientific information and analysis.

(b) The science advisory board is responsible for organizing and conducting a scientific consistency evaluation to review whether:

(1) If relevant scientific (ecological, social, or economic) 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; and

(3) If the level of risk in achievement of sustainability is acknowledged and adequately documented by the responsible official.

(c) If substantial disagreement among members of the science advisory board or between the science advisory board and the responsible official is identified during a science consistency evaluation, a summary of such disagreement should be noted in the appropriate environmental documentation within Forest Service NEPA procedures.

#### **§ 219.25 Science advisory boards.**

(a) Regional science advisory boards. The appropriate Forest Service Research Station Director(s) must establish a science advisory board to be available to monitor the implementation of plan decisions for National Forest System

lands. The area covered by a board may include more than one Regional Office of the National Forest System, but each Regional Forester must have access to an advisory board. Board membership must include scientists representing a broad range of natural resource disciplines including the physical and biological sciences, economics, and sociology. Regional science advisory board tasks may include, but are not limited to:

(1) Evaluating significance and relevance of new information related to current plan decisions, including the results of monitoring and evaluation programs; and

(2) Evaluating science consistency as described in § 219.24.

(b) National science advisory board. To provide scientific guidance on issues of national significance, the Chief of the Forest Service must establish and appoint the chairperson and members to a national science advisory board. The board is to consist of distinguished scientists representing a broad range of natural resource disciplines including the physical and biological sciences, economics, and sociology.

(c) Work groups. With the concurrence of Forest Service officials and subject to available funding, both regional and national science advisory boards may convene work group of scientists and/or others to study particular issues and make recommendations to the advisory boards.

### **Special Considerations**

#### **§ 219.26 Identifying and designating suitable uses.**

National forests and grasslands are available for a wide variety of public uses; unless such uses are statutorily prohibited, are found to be incompatible with the National forest mission and resource management goals and objectives, or the lands are deemed to be not suitable for a particular use. As land and resource management plans are amended or revised, the responsible official must determine the suitability of various uses within the affected plan area. The identification of land that is suited for certain uses, such as recreation, timber production, livestock grazing, or other uses, should be based on assessments, other analyses, monitoring and evaluation results, or other information. Planning documents should display the land available for various uses in areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions.

#### **§ 219.27 Special designations.**

Special designations may include, but are not limited to, wilderness, critical watersheds, research natural areas, geological areas, roadless areas, unroaded areas, botanical areas, scenic by-ways, national scenic areas, national recreation areas, national natural landmarks and monuments; and wild, scenic, and recreation rivers. The Forest Service identifies special designations or recommends special designation to higher authorities through the amendment or revision process.

(a) Wilderness areas. Unless federal statute directs otherwise, all roadless, undeveloped areas that are of sufficient size as to make practicable their preservation and use in an unimpaired condition must be evaluated for wilderness designation during the land and resource management plan revision process. Roadless areas may be evaluated at other times as determined by the responsible official.

(b) Reconciliation of statutory requirements. Where statutes designating special areas within the National Forest System require planning beyond that required for land and resource management plans, the goals, objectives, standards, or guidelines in special area plans must be incorporated into the land and resource management plan as plan decisions.

#### **§ 219.28 Determination of land suitable for timber removal.**

(a) For purposes of land and resource management planning with respect to timber removal, there are two classifications of land—land not suited for timber production and land where timber harvest is permitted.

(b) The responsible official must identify lands within the plan area that are not suitable for timber production. These lands and their classification as not suitable for timber production must be reviewed during the plan revision process, or as otherwise prescribed by law. Lands not suited for timber production include:

(1) Lands where timber harvest would violate statute, Executive Order, or regulation and those lands that have been withdrawn from timber harvest by the Secretary of Agriculture or the Chief of the Forest Service;

(2) Lands that do not meet the definition of forested land. For the purposes of this section, forested land means land not currently identified for non-forest use and of which at least 10 percent is occupied by forest trees or which formerly had such tree cover. Forest trees are those woody plants having a well-developed stem and are

usually more than 12 feet in height at maturity;

(3) Lands where technology is not available for conducting timber harvesting without causing irreversible damage to soil productivity or ecosystem integrity;

(4) Lands where there are no reasonable assurances that they could be adequately reforested within 5 years of regeneration harvest; and

(5) Lands where the costs of timber production are not justified by the ecological, social, or economic benefits.

(c) The responsible official must identify lands within the plan area where timber harvest is permitted. For these lands, the responsible official must identify:

(1) Lands where timber production is an objective; and

(2) Lands where timber harvest is permitted to maintain or restore the ecological integrity of the land, to protect other multiple-use values, or to achieve the desired vegetation condition identified in planning documents.

(d) To achieve the desired conditions described in applicable land and resource management plan decisions, the salvage or sanitation harvest of timber is permitted on all National Forest System lands except on those lands where timber harvest is prohibited by law.

#### **§ 219.29 Limitation on timber removal.**

(a) The responsible official must estimate the amount of timber that can be sold annually in perpetuity on a sustained-yield basis from lands where timber production is identified as an objective. This estimate must be based on the yield of timber that can be removed consistent with achievement of the desired condition(s) identified in the land and resource management plan(s). In those cases where a national forest has less than 200,000 acres of forest land on which timber production is identified as an objective, two or more national forests may be combined for the purpose of estimating the sustainable yield amount.

(b) The responsible official must limit the sale of timber from the lands identified for timber production to a quantity equal to or less than the quantity which can be removed annually in perpetuity on a sustained-yield basis.

(c) If departure from the quantity of timber removal established in paragraph (b) is necessary to meet overall multiple-use objectives, the responsible official may establish an allowable sale quantity for the decade covered by the plan as a land and resource management plan objective based on the amount of timber

removal estimated to be necessary to achieve desired conditions identified in the land and resource management plan, and may either:

(1) Sell a quantity of timber in excess of the annual allowable sale quantity as long as the average sale quantities of timber over the decade covered by the plan from lands to which the allowable sale quantity applies do not exceed the allowable sale quantity for the decade; or

(2) Sell a quantity of timber that exceeds the allowable sale quantity for any decade as long as the proposal to exceed the allowable sale quantity is fully disclosed to the public as part of the required evaluation for a proposed plan decision as described by this rule.

#### **Planning Documentation**

##### **§ 219.30 Land and resource management plan documentation.**

A land and resource management plan is a repository of documents that integrates and displays the goals, objectives, standards, guidelines, and other plan decisions that apply to a unit of the National Forest System. The land and resource management plan also contains maps, information resulting from monitoring and evaluation, including the annual monitoring and evaluation report, and other information relevant to how the plan area is to be managed. The land and resource management plan is a vision for the future that is clear, understandable, and readily available for public review. The set of documents that constitute a land and resource management plan is continually updated through amendment, revision, and routine maintenance and includes at a minimum the following:

(a) A summary of the land and resource management plan. The summary is a concise description of the various components of a land and resource management plan including desired conditions, management and use, and a description of the plan area and appropriate planning units within the plan area. The summary includes a brief description of the ecological, social, and economic environments within the plan area; aquatic and terrestrial components of watersheds and the overall strategy for their protection or restoration; the desired conditions of the lands and resources within the plan area; and actions to be taken to achieve desired conditions. The summary also includes appropriate maps, a description of the transportation system, utility corridors, land ownership patterns and proposed land ownership adjustments, charts, figures,

photographs, and other information to enhance understanding.

(b) Display of public uses. The set of documents that comprise the land and resource management plan must display the specific or compatible uses (§ 219.26) of lands within the plan area such as recreation uses, mineral developments, and the transportation network of roads and trails for public use. The display must identify land classified suitable for timber removal and not suitable for timber production (§ 219.28), lands where timber harvest may be permitted to accomplish other resource objectives, and lands where timber production is an objective. The display also must describe the limitations on the removal of timber (§ 219.29) and the standards and guidelines for timber harvest and regeneration methods (§ 219.7(b)(3)).

(c) Plan decisions. The set of documents that comprise the land and resource management plan must clearly display the goals, objectives, standards, guidelines, and other decisions made at different geographic and temporal scales that apply to the plan area.

(d) Display of actions, outcomes, and projected products and services. The set of documents that comprise the land and resource management plan must also contain:

(1) An annually updated list or other display of proposed, authorized, and completed actions to achieve desired conditions within the plan area;

(2) A 2-year schedule of anticipated outcomes, products, and services based on a reasonable estimate of Forest Service budget and capacity to perform the identified program of work;

(3) An updated annually, 2-year summary of the actual outcomes, products, and services provided as a result of completed site-specific projects;

(4) A projected range of outcomes, products, and services for the next decade. These projections are estimates and as such often contain a high degree of uncertainty; they are intended to describe expected progress in fulfilling land and resource management plan goals, objectives, and desired conditions. The projections are to be updated during revision of each land and resource management plan; and

(5) A display of anticipated accomplishments and the span of time necessary to achieve the desired conditions described in the land and resource management plan. This display must be updated as appropriate to reflect changes in anticipated accomplishments or the time required for achieving desired conditions.

(e) Results of monitoring and evaluation. The land and resource management plan must document the monitoring to occur in the plan area and include the monitoring and evaluation report.

(f) Budgetary information. The land and resource management plan must display a summary of the unit's projected program of work, including costs for inventories, assessments, proposed and authorized actions, and monitoring. The projected program of work must be based on reasonably anticipated funding levels. The land and resource management plan documents must also include a description of the total current-year unit budget, funded actions, projections for future budgets over the next 2 years; and a display of the budget trends over at least the past 5 years. When budget allocations are received, the responsible official must compare the funds received with the unit's program of work. Budget information may be updated at any time, is not a proposed action subject to NEPA procedures, and does not require a land and resource management plan amendment or revision.

(g) Other components. A land and resource management plan must contain a list of materials, Forest Service policies, and decisions used in forming the plan decisions for the land and resource management plan, including, but not limited to, lists of previous decision and environmental documents, assessments, conservation agreements and strategies, biological opinions, inventories, administrative studies, and research.

#### **§ 219.31 Maintenance of the plan and planning records.**

(a) Each Forest or Grassland Supervisor must maintain a complete set of the planning documents that compose the land and resource management plan for the unit and ensure that the contents are complete and data are current. The land and resource management plan must be readily available to the public and, to the degree practicable, maintained on the Internet.

(b) The following administrative corrections and additions are not land and resource management plan amendments or revisions and do not require public notice or the preparation of an environmental document under NEPA:

- (1) Corrections and updates of data and maps;
- (2) Updates to activity lists and schedules as required by § 219.30(d)(1), (2), (3), and (5); and

(3) Corrections of typographical errors or similar non-substantive changes.

#### **Objections and Appeals**

##### **§ 219.32 Objections to amendments or revisions.**

(a) Any person may object to a proposed amendment or revision of one or more land and resource management plan decisions, except for a decision made by the Chief. An objection must be filed, in writing, with the reviewing officer who is the supervisor of the responsible official for the proposed amendment or revision. The objection must be filed within 30 days from the date that the Environmental Protection Agency publishes the notice of availability of the final environmental impact statement containing the amendment or revision in the **Federal Register**. For an amendment or revision not requiring the preparation of an environmental impact statement, the objection must be filed within 30 days of the publication, in a newspaper of record (36 CFR Part 215), of a public notice of the environmental assessment or categorical exclusion of the proposed amendment or revision.

(1) An objection must contain:

- (i) The name, mailing address, and telephone number of the person filing the objection;
- (ii) A statement of the information or decision(s) to which the person objects;
- (iii) A statement describing the part or parts of the amendment or revision being objected;
- (iv) A concise statement explaining why the responsible officials' pending decision should not be adopted; and
- (v) A description of the objector's prior participation in the planning process for the amendment or revision.

(2) The responsible official must include a response to any objection filed with the decision document for the amendment or revision. The decision must be sent to the objecting party by certified mail, return receipt requested.

(3) The reviewing officer's decision regarding an objection is the final decision of the Department of Agriculture.

(b) Where the Forest Service is a party to a multi-agency decision subject to objection under this part, the responsible official may waive the objection procedures of this part in favor of an administrative review procedure of another participating federal agency, if the responsible official and the responsible official of the other agencies agree to provide a joint response to those who have filed for administrative review of the multi-agency decision. When a notice of intent

is issued or re-issued for any such multi-agency planning efforts, the responsible official must identify in the notice of intent the administrative review process that will be used. In such cases, a notice must be issued by the responsible official which clearly states that the decision will not be subject to objection under this part, and must specify the administrative review procedures that will apply.

(c) Review of and final response to any objections must be based on the statutes, regulations, and policies applicable to the administration and management of the National Forest System, including when the objection procedures are waived under paragraph (b).

##### **§ 219.33 Appeals of site-specific decisions.**

If a person is not satisfied with a site-specific decision made by a responsible official, the person may appeal and request review of the decision through the Forest Service administrative appeal procedures described in 36 CFR Part 215.

#### **Applicability and Transition**

##### **§ 219.34 Applicability.**

The provisions of this rule are applicable to all units of the National Forest System as defined by 16 U.S.C. 1609.

##### **§ 219.35 Transition.**

On (the effective date of this rule), each responsible official must begin an orderly implementation of the requirements of this rule, as follows:

(a) The transition period begins upon the effective date of this rule and ends upon the completion of the revision process (§ 219.9) for each unit of the National Forest System. During the transition period, the responsible official must consider the best available scientific information and analysis to:

(1) Initiate and complete the revision process;

(2) Develop procedures related to sustainability as described in §§ 219.20 through 219.21;

(3) Supplement or complete an appropriate broad-scale assessment as described in § 219.5(a); and

(4) Implement the land and resource management plan.

(b) Existing land and resource management plans remain in effect until amended or revised under this rule including plans amended or revised within 1 year from the effective date of this rule as provided in paragraph (d).

(c) If a review of lands not suited for timber production (§ 219.28) is required before the completion of the revision



process, the review must take place as described by this rule, except as noted in paragraph (d) of this section.

(d) If a revision or an amendment of a land and resource management plan has been initiated under the 1982 (36 CFR Part 219, 1999 edition) planning rule, but not yet completed within 1 year from the effective date of this rule, the responsible official must complete the revision or amendment process as described by this rule. If a revision or amendment has been initiated under the 1982 planning rule and is completed within 1 year from the effective date of this rule, the responsible official is not required to use the amendment or revision process described by this rule for such amendment or revision.

(e) Within 3 years from the effective date of this rule, the responsible official must, subject to valid existing rights, and to the degree appropriate and practicable, make site-specific project decisions in conformance with §§ 219.3 through 219.10.

(f) When all units of the National Forest System, within a Forest Service Region, have completed the revision process (§ 219.9), the Regional Forester for that Region must withdraw the regional guide within 1 year. When a regional guide is withdrawn, the Regional Forester must identify the decisions in the regional guide that are transferred to a regional supplement of the Forest Service directive system (36 CFR Part 200.4) or to one or more land and resource management plans and give notice in the **Federal Register** of these actions.

(g) Within 3 years from the effective date of this rule, the responsible official must complete the first monitoring and evaluation report as described in § 219.11(d).

## Definitions

### § 219.36 Definitions.

Definitions of the special terms used in this subpart are set out in alphabetical order in this section as follows:

**Assessment or analysis area:** The area included within the scope of a broad-scale assessment or local analysis.

**Broad-scale assessment:** A synthesis of current scientific knowledge, including a description of uncertainties and assumptions, to provide a characterization and comprehensive description of ecological, social, and economic components within an assessment area critical for understanding past and present conditions and projecting future trends which provides a foundation for the identification of additional or necessary

information for policy discussions or decisions.

**Candidate species:** Species identified by the United States Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS), which are considered to be candidates for listing under the Endangered Species Act. A list of such species prepared by the USFWS and published in the **Federal Register**.

**Conservation agreement:** A formal agreement between the Forest Service and the USFWS and/or NMFS identifying management actions necessary to prevent the need to list species under the Endangered Species Act.

**Demand species:** Native and desired non-native species with high social, cultural, or economic values.

**Desired condition:** A statement describing a common vision for a specific area of land or type of land within the plan area. Statements of desired conditions include the estimated time required for their achievement. They also take into account the range of natural variability typical for the landscape, the uncertainty of natural disturbances, the effects of past management, the unique features or opportunities that the national forests and grasslands can contribute, and the human desires and uses of the land.

**Desired non-native species:** Those species of plants or animals that are not indigenous to an area but which represent a significant, and usually remnant segment of a gene pool.

**Disturbance processes:** Actions, functions, or events that influence or maintain the structure, composition, or function of the terrestrial or aquatic components of ecosystems. Natural disturbances include, among others, drought, floods, wind, fires, insects, and pathogens. Human-caused disturbances include actions such as recreational use, livestock grazing, mining, road construction, timber harvest, land-use development, and the introduction of exotic species.

**Diversity of plant and animal communities:** The distribution and relative abundance of plant and animal species occurring within an area.

**Ecological composition:** The biological components of an ecological system, which are the foundation of diversity at the genetic, species, and landscape scales. Genetic diversity is the variation in inheritable characteristics within and among individual organisms and populations. Species diversity is the number and different kinds of species present in a given area. Landscape diversity is the

variety of plant communities (including their identity, distribution, juxtaposition, and seral stage) and habitats evaluated at the landscape scale.

**Ecological conditions:** Components of the biological and physical environment that can affect ecological sustainability, the diversity of plant and animal communities, species viability, and the productive capacity of ecological systems. These could include aquatic and terrestrial habitats, roads and other structural developments, human uses, and invasive and exotic species.

**Ecological sustainability:** The maintenance or restoration of ecological system composition, structure, and function which are characteristic of a plan area over time and space, including but not limited to ecological processes, biological diversity, and the productive capacity of ecological systems.

**Ecosystem:** An interconnected community of plants and animals, including humans, and the physical environment within which they interact.

**Ecosystem integrity:** The completeness of an ecosystem that, at multiple geographic and temporal scales, maintains its characteristic diversity of biological and physical components, spatial patterns, structure, and functional processes within its approximate range of historic variability. These processes include disturbance regimes, nutrient cycling; hydrologic functions, vegetation succession, and species adaptation and evolution. Ecosystems with integrity are resilient and capable of self-renewal in the presence of the cumulative effects of human and natural disturbances.

**Ecosystem structure:** The biological and physical attributes that shape ecological systems; biotic attributes include population size, structure and range; foliage density and layering, snags, large woody debris or the size, shape and spatial relationships of cover types within a landscape; physical attributes include soil and geologic substrate variables, slope and aspect, or stream gradient.

**Forest Service NEPA procedures:** The Forest Service policy and procedures for implementing the National Environmental Policy Act (NEPA) and the Council on Environmental Quality regulations as described in Chapter 1950 of the Forest Service Manual and Forest Service Handbook 1909.15, Environmental Policy and Procedures. The Handbook is published in the **Federal Register**.

**Historical range of variability:** The limits of change in composition, structure, and processes of the



biological and physical components of an ecosystem resulting from natural variations in the frequency, magnitude, and patterns of natural disturbance and ecological processes characteristic of an area before European settlement. Estimates are made for a specified period of time and include the effects of pre-European settlement human activities.

**Local analysis:** A characterization of the ecological, social, and economic components for various times and locations for a smaller area than that of a broad-scale assessment. Local analyses often tier to broad-scale assessments. Local analyses provide comprehensive descriptions of ecological system structure, process, and functions. The geographic area of a local analysis and its data resolution depend on the topics of general interest or concern being addressed. Like broad-scale assessments, local analyses represent a synthesis of current scientific knowledge including a description of uncertainties and assumptions; however, they also provide for the gathering of new information which can be used in the development of site-specific projects.

**Native species:** Those plant and animal species indigenous to the plan area or assessment area.

**Plan area:** The area of National Forest System lands covered by an individual land and resource management plan. The area may include one or more administrative units.

**Productive capacity of ecosystems:** The continuing productivity of an ecological system, including its ability to sustain desirable conditions such as clean water, fertile soil, riparian habitat, and viable populations of plants and animals; and to sustain desirable human uses; and to renew itself following disturbance.

**Reference landscapes:** Terrestrial and aquatic areas with high ecosystem integrity and within the historical range of variability and of sufficient size, where relevant disturbance and ecological processes occur and are

generally unaffected by human activities.

**Responsible official:** The Forest Service line officer with the authority and responsibility to oversee the planning process and make decisions on proposed actions. For the purposes of this rule, a responsible official may include more than one line officer.

**Roadless Areas:** Undeveloped areas that meet minimum criteria for wilderness consideration under the Wilderness Act—Areas typically exceeding 5,000 acres that were inventoried during the Forest Service's formal Roadless Area Review and Evaluation (RARE II) process, and remain in a roadless condition through forest planning decisions. For roadless areas in the eastern United States, see FSH 1909.12, Chapter 7.11b. Designated roadless areas do not overlap with unroaded areas (See definition for unroaded area)

**Salvage harvest of timber:** The removal of dead trees or trees being damaged or killed by injurious agents other than competition, to recover value that would otherwise be lost.

**Sanitation harvest of timber:** The removal of trees to improve stand health and to reduce actual or anticipated spread of insects and disease.

**Sensitive Species:** Those species identified as sensitive under the Forest Service's sensitive species program, currently set out in the Forest Service Manual, Chapter 2670.

**Species:** Any native taxon of the plant or animal kingdom, including subspecies, distinct population segments, or designated evolutionarily significant units. Distinct population segments and evolutionarily significant units are consistent with regulations developed by the Departments of the Interior and Commerce to implement the Endangered Species Act.

**Species viability:** A species consisting of self-sustaining and interacting populations that are well distributed through the species' range. Self-sustaining populations are those that are sufficiently abundant and have

sufficient genetic diversity to display the array of life history strategies and forms to provide high likelihood for their long-term persistence and adaptability over time.

**Timber production:** The sustained long-term and periodic harvest of wood fiber from National Forest System lands undertaken in support of social and economic objectives identified in one or more land and resource management plans. For purposes of this rule, the term timber production includes fuel wood.

**Unroaded areas:** Any area without the presence of a classified road (a road at least 50 inches wide and constructed or maintained for vehicle use). The size of the area must be sufficient and in a manageable configuration to protect the inherent values associated with the unroaded condition. Unroaded areas do not overlap with designated roadless areas.

**Vegetation Management:** Management actions that change the composition or structure of plant communities including, but not limited to timber harvest, mining, livestock grazing, and fire.

**Watershed integrity:** A watershed that maintains its characteristic diversity of biological and physical components, structure, and functional processes within its approximate range of natural variability. Watersheds with integrity display processes that manifest their characteristic structure, function, and composition. These processes include natural disturbance regimes, nutrient cycling, hydrologic functions, vegetation succession, and species adaptation and evolution. Watersheds with integrity are resilient and capable of self-renewal within the cumulative effects of human and natural disturbances.

Dated: September 28, 1999.

**Mike Dombeck,**  
Chief, Forest Service.

**Note:** The following Appendix will not appear in the Code of Federal Regulations.

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**APPENDIX A: PROPOSED PLANNING PROCESS**