



# CHAPTER 1. PURPOSE OF AND NEED FOR ACTION

## DOCUMENT STRUCTURE

The U.S. Department of Agriculture, Forest Service, has prepared this final programmatic environmental impact statement in compliance with the National Environmental Policy Act (NEPA) and implementing regulations at 40 CFR part 1500. This final programmatic environmental impact statement discloses the predicted consequences of implementing the proposed action and alternatives. This final programmatic environmental impact statement is available online at <http://www.fs.usda.gov/planningrule>.

The document is organized into four chapters:

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

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

**Chapter 3. Affected Environment and Environmental Consequences:** This chapter describes the existing land management planning environment and how that environment would be expected to change as a result of implementing the proposed action and alternatives.

**Chapter 4. Consultation and Coordination:** This chapter provides a list of preparers of the programmatic environmental impact statement. This chapter also includes a list of agencies, organizations, and persons to whom the final programmatic environmental impact statement was sent.

**Index:** The index provides page numbers by topic.

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

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

## OVERVIEW OF THE NATIONAL FOREST SYSTEM

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

The Forest Service administers the NFS in accordance with the Multiple-Use Sustained-Yield Act (MUSYA) and other laws. Congress has directed that more than 44 million acres of the NFS are to be managed as part of special land classifications intended to preserve natural conditions and characteristics. Almost 24 percent of the NFS is managed as part of the National Wilderness Preservation System (36.1 million acres), national monuments (3.6 million acres), national recreation areas (2.9 million acres), and wild and scenic rivers (1.2 million acres)(Fig. 1). More information on the acreage and location of these designations can be found at <http://www.fs.fed.us/land/staff/lar/2009/lar09index.html>. Additionally, there are currently more than 5.4 million acres of NFS lands recommended for wilderness. Areas recommended for wilderness are not available for any use or activity that could reduce the wilderness potential of an area. The Agency has also identified approximately 58.5 million acres of inventoried roadless areas through various reviews, land management planning, and other large-scale assessments.

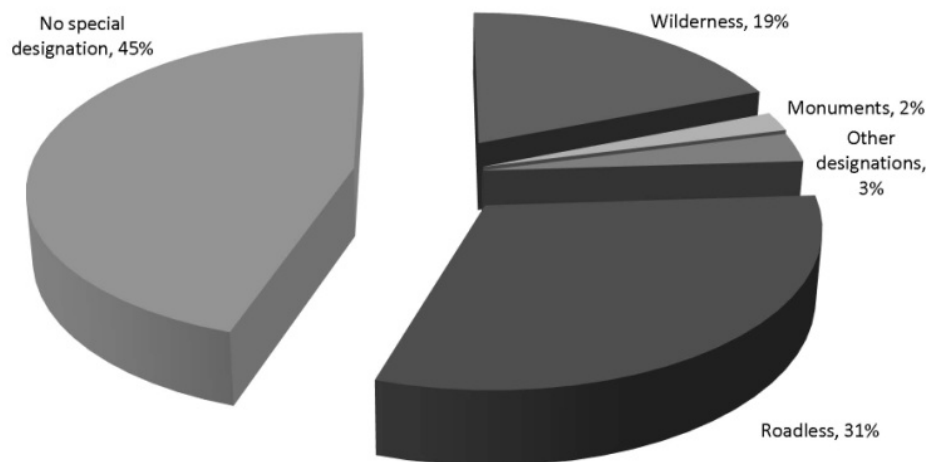


Figure 1. NFS Lands

## ROLE OF THE PLANNING RULE AND LAND MANAGEMENT PLANS

The Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (NFMA)(16 U.S.C. at 1601-1614), requires the Secretary to promulgate regulations under the principles of the Multiple-Use Sustained-Yield Act of 1960 to set out the process for the development and revision of land and resource management plans as well as guidelines and standards set out in NFMA for those plans (16 U.S.C. 1604(g)).

### Levels of Planning

The Government Results and Performance Act (5 U.S.C. 306) requires the head of each agency to submit a strategic plan for program activities to the Office of Management and Budget and to the Congress. Strategic plans must be updated every 3 years.

The Department of Agriculture Strategic Plan FY 2010–2015 (available at <http://www.ocfo.usda.gov/usdasp/sp2010/sp2010.pdf>) is the topmost level of Agency planning. The USDA strategic plan contains four strategic goals that explain the Department’s priorities:

- Assist rural communities to create prosperity so they are self-sustaining, re-populating, and economically thriving (Goal 1);
- Ensure our national forests and private working lands are conserved, restored, and made more resilient to climate change, while enhancing our water resources (Goal 2);
- Help America promote agricultural production and biotechnology exports as America works to increase food security (Goal 3); and
- Ensure that all of America’s children have access to safe, nutritious, and balanced meals (Goal 4).

These goals contain 14 objectives that describe the Department’s major programmatic policies and cover the myriad programs and services that USDA administers. The first two goals are the most relevant to the NFS.

The USDA Forest Service Strategic Plan FY 2007–2012, available at <http://www.fs.fed.us/publications/strategic/fs-sp-fy07-12.pdf>, supplements the USDA strategic plan with Agency-specific strategic direction to guide the Forest Service in delivering its mission. The Forest Service strategic plan contains the following goals:

- Restore, sustain, and enhance the nation’s forests and grasslands,
- Provide and sustain benefits to the American people,
- Conserve open space,
- Sustain and enhance outdoor recreation opportunities,
- Maintain basic management capabilities of the Forest Service,
- Engage urban America with Forest Service programs, and

- Provide science-based applications and tools for sustainable natural resources management.

The goals and objectives of these strategic plans influence the direction that Forest Service programs and NFS unit planning will take over the next several years.

The next level of planning is land management planning, which occurs at the unit level. Land management plans provide broad guidance to the Forest Service for project and activity decisionmaking in a national forest, grassland, prairie, or other administrative unit. Plans reflect laws, regulations, and Agency policies. A plan does not authorize projects or activities, and it does not commit the Forest Service to take action; however, a plan can constrain the Agency from authorizing or carrying out actions.

The final level of Agency planning comes when a site-specific action is proposed, analyzed, and authorized. Site-specific actions must be consistent with law, regulation, and policy and must be consistent with the applicable land management plan.

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## PLANNING RULE HISTORY

The first planning rule was adopted in 1979, and revised September 30, 1982 (47 FR 43026). The 1982 rule was in turn amended, in part, on June 24, 1983 (48 FR 29122), and on September 7, 1983 (48 FR 40383). The 1982 rule procedures have guided the development, amendment, and revision of the current land management plans on all national forests and grasslands<sup>1</sup>.

In 1989, the Forest Service, with the assistance of the Conservation Foundation, conducted a comprehensive review of the planning process and published the results in a summary report, “Synthesis of the Critique of Land Management Planning” ([http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5127602.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5127602.pdf)). The Critique found that the planning process of the 1982 rule was very complex, had significant costs, took too long, and was too cumbersome.

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

In late 1997, in response to comments on the 1995 proposed rule, the Secretary convened a 13-member Committee of Scientists to evaluate the Forest Service's planning process and recommend changes. In 1998, the Committee of Scientists held meetings across the country and invited public participation in the discussions. The Committee's findings were issued in a final report, “Sustaining the People's Lands” (Committee of Scientists 1999). The report stated that the Agency could improve planning by relying on the concepts and principles of social, economic, and ecological sustainability; by applying

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<sup>1</sup> After the 1982 rule was revised in 2000, plan revisions have consistently used the 1982 rule procedures for development, revision, and amendment of land management plans as optionally allowed in the transition provisions of the 2000 planning rule.

the best available scientific knowledge; and by effectively collaborating with a broad array of citizens, other public servants, and governmental and private entities. In response to many of the findings in the 1990 Synthesis of the Critique of Land Management Planning and the 1999 Committee of Scientists report, the Forest Service published a new rule on November 9, 2000 (65 FR 67514).

The intended purpose of the 2000 rule was to simplify, clarify, and otherwise improve the planning process; to reduce burdensome and costly procedural requirements; to increase the role of science in planning; and to strengthen collaborative relationships with the public and other government entities. However, after adoption of the 2000 rule, the Secretary received a number of comments from individuals, groups, and organizations expressing concerns whether implementation of the 2000 rule was feasible. In addition, lawsuits challenging promulgation of the rule were brought by a coalition of 12 environmental groups from seven states and by a coalition of industry groups (*Citizens for Better Forestry v. USDA*, No. C-01-0728-BZ- (N.D. Cal., filed February 16, 2001)) and (*American Forest and Paper Assn. v. Veneman*, No. 01-CV-00871 (TPJ) (D.D.C., filed April 23, 2001))<sup>2</sup>. As a result of these lawsuits and concerns raised in comments to the Secretary, the Department of Agriculture initiated a review of the 2000 rule, focusing on the concerns raised about feasibility of implementation. The NFMA Planning Rule Review, completed in April 2001, concluded that many of the concerns were serious and required immediate attention (USDA Forest Service 2001a). More details of this review are discussed in Chapter 2 under Alternative F.

In addition, the Forest Service developed a business analysis model of the 2000 rule and then conducted a workshop with field-level planners to determine how to implement the 2000 rule based on the business model. The business model provided the basis for a systematic evaluation of the rule. The business model review determined that implementation of the 2000 rule would require significantly more time and budget than the Agency had previously committed to updating and maintaining unit plans (USDA Forest Service 2002a). More details of the business model review are discussed in Chapter 2 under Alternative F.

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

The final 2005 rule was published January 5, 2005 (70 FR 1023), and amended March 3, 2006 (71 FR 10837). The intent of the final rule was to streamline and improve the planning process by making plans more adaptable to changes in social, economic, and environmental conditions; to strengthen the role of science in planning; to strengthen collaborative relationships with the public and other governmental entities; and to reaffirm the principle of sustainable management consistent with the Multiple-Use Sustained-Yield Act and other authorities. The Department relied upon a categorical

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<sup>2</sup> These lawsuits were dismissed on March 7, 2005, after the Department published a new planning rule on January 5, 2005 (70 FR 1023).

exclusion for its NEPA compliance for the rulemaking and did not engage in an Endangered Species Act (ESA) consultation on the rule. This rule was also challenged in court, and on March 30, 2007, the United States District Court for the Northern District of California ruled that the Department had violated NEPA, ESA, and the Administrative Procedure Act (APA) in the promulgation of the rule. The court enjoined the rule's implementation and use until the Department complied with the court's opinion (*Citizens for Better Forestry v. USDA*, 481 F. Supp.2d 1059 (N.D. Cal. 2007)). With respect to the NEPA and ESA rulings, the court ruled that "because the 2005 Rule may significantly affect the quality of the human environment under NEPA, and because it may affect listed species and their habitat under ESA, the Agency must conduct further analysis and evaluation of the impact of the 2005 Rule in accordance with those statutes."

To respond to the district court's injunction of the 2005 rule, the Forest Service issued a new proposal, which was essentially the same as the 2005 rule. The Forest Service prepared an environmental impact statement to accompany the rulemaking, and engaged in discussions with the ESA regulatory agencies. The Department issued a final rule, which was published in the *Federal Register* on April 21, 2008 (73 FR 21468). *Citizens for Better Forestry* and others promptly challenged the 2008 rule in court.

On June 30, 2009, the United States District Court for the Northern District of California invalidated the 2008 rule, holding that it was developed in violation of NEPA and ESA. The court held that the EIS did not adequately disclose the effects of the rule and that ESA consultation had not been done. The district court vacated the 2008 rule, enjoined the USDA from further implementing it, and remanded it to the USDA for further proceedings (*Citizens for Better Forestry v. USDA*, 632 F. Supp. 2d 968 (N.D. Cal. 2009)).

At present, the planning rule is the rule issued in 2000. When it held the 2008 rule invalid, the district court ordered that the Department could reinstate the 2000 rule or the 1982 rule. The automatic effect of invalidating the 2008 rule was the reinstatement of the 2000 rule; to resurrect the 1982 rule would have required notice and comment rulemaking. Since the Department had quickly decided after the court's order to develop an entirely new rule, there seemed no point to engage in notice and comment rulemaking to issue the 1982 rule anew. In order to reinstate the 2000 rule in the Code of Federal Regulations, and to update the transition provisions, the Department published the 2000 rule in the *Federal Register* on December 18, 2009 (74 FR 67059).

The 2000 rule includes provisions providing for an orderly transition from the 1982 planning rule. The transition provisions, as updated in the 2009 reissuance of the rule, allow for planning to continue using the provisions of the prior, 1982 rule (36 CFR 219.35). Because the issues regarding the feasibility of implementing the 2000 rule provisions remain, the Forest Service has been relying upon the 2000 rule's transition provision to develop, revise, and amend land management plans until a new planning rule is in place.

## PURPOSE OF AND NEED FOR ACTION

This purpose and need statement has been modified from the statement found in the draft environmental impact statement to clarify the Department's intent for a planning rule. During the comment period on the draft EIS, many respondents said that they did not understand the intent behind the purpose and need or that they found the purpose and need statement to be vague and abstract. For example, some respondents found the statement from the draft EIS that the rule "should also be within the Agency's capability to implement on all NFS units" to be very broad and ambiguous; they could not understand how such a broad statement might be used to eliminate alternatives from detailed consideration. Further detail has therefore been added to this section of the PEIS for clarification and to help reviewers of the final PEIS, but it does not change intent of the purpose and need from that found in the draft EIS.

The NFMA requires regulations under the principles of the Multiple-Use Sustained-Yield Act of 1960, which set out the process for the development and revision of the land management plans and the guidelines and standards the Act prescribes (16 U.S.C. 1604(g)). The Forest Service's experience, evolving scientific understanding of approaches to land management, changing social demands, and new challenges like climate change have made clear the need for a revised rule to more effectively fulfill NFMA's mandate.

On August 14, 2009, Agriculture Secretary Tom Vilsack outlined his vision for the future of our nation's forests, setting forth a new direction for conservation, management, and restoration of NFS lands. Secretary Vilsack stated that, "It is time for a change in the way we view and manage America's forestlands with an eye towards the future. This will require a new approach that engages the American people and stakeholders in conserving and restoring both our National Forests and our privately-owned forests." The Secretary emphasized that the Forest Service planning process "provides an important venue to integrate forest restoration, climate resilience, watershed protection, wildlife conservation, the need for vibrant local economies, and the collaboration necessary to manage our national forests. Our best opportunity to accomplish this is in the developing of a new forest planning rule for our national forests."

The NFS currently has 127 land management plans, 68 of which are past due for revision. Most plans were developed between 1983 and 1993 and should have been revised between 1998 and 2008. The efforts to produce a new planning rule over the past decade have contributed to the delay in plan revisions. With clarity and stability in planning regulations, land management planning can regain momentum and units will be able to complete revisions more efficiently.

As explained in the Planning Rule History section of this chapter, the present planning rule is the 2000 planning rule. Under the transition provisions of that rule, the Agency can choose to use either the procedures of the 2000 rule or the planning procedures of the 1982 rule to create, revise, or amend land management plans. Based on the concerns about implementing the 2000 rule provisions, the Forest Service has been relying upon the rule's transition provision to develop, revise, and amend land management plans under the 1982 procedures until a new planning rule is in place.

The Forest Service and the Department believe that the procedures of neither the 2000 rule nor the 1982 rule meet the needs of the Agency today or fulfill the Secretary's vision. Moreover, the Department and the Forest Service have determined that the 2000 rule is beyond the Agency's capability to implement. Indeed, even though the Agency has had the option to use the procedures in the 2000 rule, no land management plans have been developed amended or revised using the 2000 rule. At the same time, the 1982 rule procedures are not current with regard to science, knowledge of the environment, practices for planning and adaptive management, or social values, and are unduly complex, costly, lengthy, and cumbersome.

The purpose of, and the need for, a new planning rule is to provide the direction for national forests and grasslands to develop, revise, and amend land management plans that will enable land managers to consistently and efficiently respond to the social, economic, and ecological conditions.

The Secretary of Agriculture is vested with broad authority to make rules: "to regulate occupancy and use and to preserve [the forests] from destruction" (16 U.S.C. 551). The MUSYA authorizes and directs that the national forests be managed under principles of multiple use and to produce sustained yield of products and services and for other purposes. NFMA directs the Secretary to promulgate regulations for the development and revision of land management plans and prescribes a number of provisions that the regulations shall include, but not be limited to (16 U.S.C 1600(g)). Based on the principles of the MUSYA, the requirements of NFMA, the Secretary's direction, and nearly three decades of land management planning experience, the Department and the Forest Service believe that a planning rule must address the following eight purposes and needs:

1. Emphasize restoration of natural resources to make NFS lands more resilient to climate change, protect water resources, and improve forest health.
2. Contribute to ecological, social, and economic sustainability by ensuring that **all** plans will be responsive and can adapt to issues such as the challenges of climate change; the need for forest restoration and conservation, watershed protection, and species conservation; and the sustainable use of public lands to support vibrant communities.
3. Be consistent with NFMA and MUSYA.
4. Be consistent with Federal policy on the use of scientific information and the Agency's expertise and experience gained in more than 30 years of land management planning.
5. Provide for a transparent, collaborative process that allows effective public participation.
6. Ensure planning takes place in the context of the larger landscape by taking an "all-lands approach."



7. Be within the Agency's capability to implement on all NFS units; be clear and provide an efficient framework for planning, and be able to be implemented within the financial capacity of the Agency.
8. Be effective by requiring a consistent approach to ensure that all plans address the issues outlined by the Secretary and yet allow for land management plans to be developed and implemented to address social, economic, and ecological needs across the diverse and highly variable systems of the National Forest System.

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## PROPOSED ACTION

The Agency is proposing adoption of a planning rule to guide development, revision, and amendment of land management plans for the National Forest System. The proposed planning rule is a product of the most collaborative planning rule development in the Agency's history, involving many agencies, organizations, Tribes, and individuals who care deeply about their national forests and grasslands. The Forest Service considered input gathered through broad-based collaboration to craft a proposed rule intended to be driven by public participation, firmly rooted in science, and implementable. Alternative A is the proposed action. Modified Alternative A is Alternative A with changes made based on public comment, tribal consultation, and consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The preferred alternative is Modified Alternative A, which is described in Chapter 2. The complete text of Alternative A is in Appendix A and the complete text of Modified A is in Appendix I.

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## DECISION FRAMEWORK

The Under Secretary for Natural Resources and Environment, USDA, will decide whether or not to promulgate the proposed planning rule, the preferred alternative, or some alternative thereto that meets the stated purpose and need.

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## PUBLIC INVOLVEMENT

### Public Involvement in the Development of the Proposed Rule and Draft PEIS

A notice of intent (NOI) to prepare a new planning rule and an accompanying environmental impact statement was published in the *Federal Register* on December 18, 2009 (74 FR 67165). The NOI solicited public comments on the proposal until February 16, 2010. The notice presented a series of substantive and procedural principles to guide development of a new planning rule. Under each principle, the notice posed several questions to stimulate thoughts and encourage responses. The Forest Service received more than 26,000 comments in response to the notice.

The Agency held a science forum on March 29 and 30, 2010, in Washington, DC, to ground development of a new planning rule in science and to foster a collaborative dialogue among the scientific community. Panels made up of 21 scientists drawn from academia, research organizations, non-governmental organizations, industry, and the Federal Government presented the latest science on topics relevant to the development of

a new rule for developing land management plans. The format was designed to allow scientists and practitioners to share the current state of knowledge in key areas and to encourage open dialogue with interested stakeholders. More than 130 people attended the forum in person, while approximately 300 others attended by webcast.

The Forest Service convened a series of four national roundtables held in Washington, DC, during the course of developing the proposed planning rule. The intent was to have a national-level dialogue around the concepts for development of the Forest Service proposed planning rule and to get public input prior to developing the proposed rule. The Forest Service also held 33 regional roundtables during April and May 2010 in the following states: Alaska, Arizona, California, Colorado, Georgia, Idaho, Illinois, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, and Wyoming. Additionally, the Forest Service webcast many of the national and regional roundtables, posted materials and summaries of the roundtables online, and hosted a blog to further encourage participation. In all, more than 3,000 members of the public participated in these opportunities to provide their input.

To ensure Tribes and Alaska Native Corporations were heard in a way that gave recognition to their special and unique relationship with the federal government, the Agency provided opportunities for participation and consultation throughout the process.

To get input early in the process, the Agency hosted two national Tribal roundtables conducted via conference call in May and August, 2010. Additionally, six Tribal roundtables were held in California, Arizona, and New Mexico. Tribes and Alaska Native Corporations also participated in many of the national and regional roundtables prior to development of the proposed rule.

On September 23, 2010, the Deputy Chief for the National Forest System sent a letter inviting 564 federally recognized Tribes and 29 Alaska Native Corporations to begin government-to-government consultation on the proposed planning rule. The Agency held meetings across the country with designated Tribal officials in November and December, 2010, prior to the publication of the proposed rule in February, 2011. Tribal consultation continued following the release of the proposed rule, with additional opportunities for Tribal consultation provided in 2011.

During the public comment period on the proposed rule the Forest Service held a Tribal teleconference to discuss with Tribes how their previous comments were addressed in the proposed rule. Sixteen Tribes participated in the discussion and had the opportunity to have their questions answered by members of the rule writing team, the Ecosystem Management Coordination Director, and the Associate Chief of the Forest Service. Additionally consultation with Tribes continued at the local level.

Summaries of public involvement may be viewed at <http://www.fs.usda.gov/planningrule>.

## **Public Involvement in the Development of the Final Rule and Final Programmatic EIS**

The proposed planning rule and draft programmatic environmental impact statement were published for public review and comment on February 14, 2011 (76 FR 8480). The comment period ran for 90 days through May 16, 2011. Early in the comment period, the Agency held a series of public meetings to provide stakeholders with information about the proposed rule. The meetings provided forums for the Forest Service to answer questions about the proposed rule and better enable stakeholders to submit comments on the proposed rule.

Early in the comment period, the Agency held a series of public meetings that provided opportunities for interested persons to ask questions about the proposed rule. The intent of the meetings was to explain the proposed rule and provide information to the public as they developed their comments on the proposed rule.

Between March 10, 2011 and April 7, 2011, the Agency hosted one national and 28 regional forums, which were attended by more than 1,350 people and reached 74 satellite locations across the country. The national meeting was held in Washington, D.C. Regional and satellite meetings were held in the following states: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

The objective of the forums was to provide information on the proposed rule and not to solicit comments; thus, feedback received from the public focused on the collaborative process itself and not on the content of the proposed rule. Overall, the public responded positively to the forums and acknowledged the extensive efforts to involve them in the process. Positive feedback was also received regarding how informative the forums were.

Attendees came with different levels of understanding of planning and the proposed rule. The presentation was designed to be informative and allow enough time for questions. Some attendees felt this balance was achieved, while those who had read the rule felt too much time was spent explaining the rule and not enough time responding to questions. Many of the presenters and facilitators were able to adapt to respond to the audience's feedback. Some regions also incorporated time for informal discussion, which the public seemed to appreciate.

The tribal consultation that began on September 23, 2010, continued following the release of the proposed rule. The Forest Service considers tribal consultation as an ongoing, iterative process that encompasses development of the proposed rule through the issuance of the final rule. Following the initial consultation period for the proposed rule, Tribes were encouraged to continue to engage in consultation at the local level prior to the release of the programmatic environmental impact statement and the final rule.

On March 11, 2011, the Forest Service held a tribal teleconference to discuss with Tribes how their previous comments were addressed in the proposed rule. Sixteen Tribes

participated in the discussion and had the opportunity to have their questions answered by members of the rule writing team, the Ecosystem Management Coordination Director, and the Associate Chief of the Forest Service.

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## ISSUES

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

The Forest Service identified significant issues from diverging viewpoints and disagreements articulated in comments responding to the December 18, 2009 NOI and at the roundtable meetings held throughout the country prior to the issuance of the proposed rule and draft PEIS; comments from the comment period on the proposed and draft PEIS rule, which ended on May 16, 2011; and tribal consultations, which occurred throughout the development of the proposed and final rules. Eight significant issues were identified. These issues provide the focus for the effects analysis. Issues significant to the proposed action are those that are:

- Within the scope of the proposed action,
- Not already decided by law or other regulation,
- Related to the decision to be made, or
- Supported by scientific or factual evidence.

Many issues raised by the public were not considered for the rule and this PEIS; such issues were typically local in nature, and their resolution would be more appropriately crafted in specific land management plans or even particular project designs. While these issues are outside the scope of a planning rule, they are very important and reinforce the need for a planning rule that maintains the flexibility to address such local issues.

The Forest Service identified the following significant issues. These issues, along with the various aspects of the purpose and need, define the scope of the effects analysis that follows in Chapter 3. The issues represent alternative viewpoints concerning the nature, role, or content of a planning rule and associated consequences.

### **Ecosystem Restoration**

Some stakeholders have expressed the view that restoration should not be mentioned explicitly in the rule. Support for this perspective includes the points that the NFMA is

silent on the concept of restoration; restoration is just one tool of many available to managers; and the concept of restoration will be implicitly addressed as part of habitat management. Many have said that restoration should be viewed as a process towards a goal of ecosystem resilience and that an understanding of ecosystem function in the area over time can help inform the restoration process, and that restoration is therefore not an issue to be dealt with by a planning rule.

On the other hand, others have expressed a desire for the rule to be explicit about restoration because the topic is simply too important to leave out. They note that the Secretary of Agriculture and the Chief of the Forest Service have already indicated that restoration will be a high priority in Forest Service planning. Some suggest that the planning rule could identify restoration priorities for places, such as sites damaged by extraction activities, lands crucial to habitat connectivity, lands overtaken by noxious weeds or invasive species, and economic resources such as water for industry and watersheds. Others suggest that sites that are most removed from reference conditions should be prioritized.

Essentially everyone agrees that the term “restoration” must be clearly defined and explained if it is used in the rule. For example, there needs to be clarity about how the term applies to restoring an area either to a previously existing ecological state or to a better level of ecological functionality or resilience. Many like the definition of “restoration” that is currently in a Forest Service Interim Directive (USDA Forest Service 2010i): “The process of assisting the recovery of resilience and adaptive capacity of ecosystems that have been degraded, damaged, or destroyed. Restoration focuses on establishing the composition, structure, pattern, and ecological processes necessary to make terrestrial and aquatic ecosystems sustainable, resilient, and healthy under current and future conditions.” Others request that accepted definitions of professional societies or organizations, such as the Society for Ecological restoration, be used. A few stakeholders are disturbed by what they perceive as an assumption that all NFS lands are degraded and need fixing.

Many of those who take the position that restoration should be explicitly included in the rule also request that the rule should require unit level restoration needs assessments to ensure coherent restoration strategies.

### **Watershed Protection**

Many people concur with the general notion that, because water quality provides a foundational reflection of landscape health, a key element of the rule should be protection and enhancement of water resources. There is less agreement about what exactly the rule should require with respect to this issue. There is general agreement that the rule should require analysis of water resources. Some suggest that the scale at which this is done should be up to the individual planning effort. Others believe that the rule should specifically require analysis and assessment at the watershed scale. Others take the position that the rule should require consideration of the role of national forests and grasslands in affecting water quality and quantity both within NFS lands and within the broader landscape.

There is difference of opinion on whether to specifically include standards for watershed health in the rule. Some people suggest that the planning rule should require plans to determine standards or provisions for watershed health rather than include those standards in the rule itself. These people support this position with the assertion that such standards must be unit-specific or they would not address local resources and conditions and would result in overly burdensome analytical requirements or project constraints that would keep units from implementing the projects needed to achieve overall unit management goals. Others have expressed a belief that the rule itself should have standards, for such aspects as riparian management zone width or road density to protect and enhance watershed health and water resources. There is concern that without measurable and enforceable standards for watershed restoration and maintenance in the rule, responsible officials might not be held accountable for watershed protection.

### **Diversity of Plant and Animal Communities**

People have differing opinions about the most appropriate way for the rule to provide guidance for maintaining plant and animal diversity and whether to contribute to the recovery of threatened and endangered species and maintain native species within the plan area. Some people believe the planning rule should include viability requirements that are focused on individual wildlife, fish, and plant species and populations, such as the 1982 rule's requirement to manage habitat to maintain viable populations of native and desired nonnative vertebrates. These people are concerned that without this requirement, plans would not contain the direction needed to maintain plant and animal diversity on the unit or that anything less than this requirement would result in an unacceptable lessening of protection for vertebrate species. Others suggest the planning rule should take an ecological conditions approach to maintaining species diversity by focusing on maintenance or restoration of the structure, composition, processes, connectivity, and diversity of healthy and resilient terrestrial and aquatic ecosystems in the plan area. They state that the Forest Service, through its management actions, has a greater ability to influence the amount and quality of habitats than wildlife species, and that focusing on that aspect of ecological sustainability could provide the best opportunity for maintaining all species in the plan area.

A component of this issue is what type and intensity of monitoring should be required to demonstrate compliance with provisions for maintaining the diversity of plant and animal communities. People disagree as to what type and intensity of monitoring will provide adequate information to assess whether management actions are affecting the persistence of species within the plan area. Some believe that the monitoring requirements for management indicator species (MIS) should be retained from the 1982 rule. Others believe that the concept of MIS is no longer supported by science. Many believe that species population trends must be monitored. Others believe that the rule should not require any species monitoring because it is expensive, does not provide information to inform management actions, and has been the source of "legal gridlock" for the Forest Service. The people who share this opinion often support habitat monitoring in lieu of species monitoring. Some people believe that a combination of habitat and species monitoring should be required and that monitoring of key ecosystem characteristics and

selected species to assess the ability of particular ecological conditions to support plant and animal populations would provide the information needed to ensure accountability.

## Climate Change

Two general perspectives have been expressed about whether climate change should be addressed in the rule. The first perspective is that climate change does not need to be mentioned in the rule. The second is that climate change is such a fundamental ecosystem stressor that the rule must explicitly address it.

Subscribers to the first viewpoint have said there is too much uncertainty about the causes and effects of climate change (particularly at the unit level) to address in a planning rule. Others suggest that the rule could include adequate provisions for dealing with changing conditions in general without needing to mention climate change specifically. They add that climate change is but one change to be anticipated along with local disturbances; changes in social values; technological advances; and shifts in local, regional, and national economies.

Those of the second opinion suggest that the rule should require a thorough consideration of climate change in the planning process, including an acknowledgement of the local climate conditions and uncertainties. Some want the planning rule to establish requirements for the evaluation of climate change such as setting the scale at which to evaluate climate change impacts, using scenario planning, and incorporating Native American knowledge and interests into the evaluation of climate change. Others want the rule to include not only process requirements for considering climate change in planning, but also requirements for certain kinds of explicit content in the plans themselves, such as identification of risks pertinent to climate change and specific protection of refugia and adaptation corridors. Some people would like to see the rule expand the discussion of climate change beyond issues of resistance, resilience, and disturbance regimes and also focus on managing for biome shifts.

## Multiple Uses

Many people commented on how the rule should apply to the multiple uses that occur on National Forest System lands. There is broad agreement that recreation is a sustainable use of NFS lands that contributes significantly to local economies. People generally agree the rule should reflect recreation as a core value, although views vary about how this core value should be reconciled with other core values and legal requirements. That is, some suggest recreation should be highlighted in the rule to convey that recreation is an important multiple-use resource, so that resulting land management plans would adequately address the recreation resource, while others argue for addressing recreation as one of the many multiple uses of NFS lands. Others observe that recreation should be given the same level of recognition as other multiple uses. In general, people say that the planning rule should set broad objectives for recreation and should identify analytical assessment and evaluation tools to inform decisionmakers at the local level in making specific land use decisions.

Some people have pointed out the importance of grazing to their communities and that grazing can be managed sustainably. Others argue that grazing has serious resource

impacts and should not be allowed on NFS lands or should at least not be allowed within certain areas (such as riparian areas).

Other people have expressed the view that timber harvest supports economic sustainability through the production of timber, pulp for paper, specialty woods for furniture, and fuel for small-scale renewable energy projects. They point out that harvesting, whether for restoration or wood production objectives, provides employment and tax revenue in many counties throughout the country. Others believe that timber harvest should be used as a tool for restoration and that timber harvest solely for timber production should not be allowed on NFS lands.

People recognize that the relationship between individual communities and NFS units is extremely variable. For example, many counties, particularly in the West, are heavily influenced by, and rely upon, forest management because a large percentage of the land base is under Forest Service or other public jurisdictions. People point out that a substantial amount of jobs and income in such counties depend on the multiple uses of NFS lands, particularly jobs derived from outdoor recreation, timber harvest, and livestock grazing. Many other communities are only minimally affected by their local forest or grassland. They say the rule needs to be cognizant of this variability.

### **Efficiency and Effectiveness**

Most people agree that planning should be efficient, but they disagree on what efficiency in planning means. Many say that planning is a critical function of national forests and grasslands and thus critically important to the American public. They say it is more important to conduct a planning process that is well thought-out, that addresses all of the major social and ecological issues, and that is developed collaboratively than it is to develop plans quickly. They added that history tells us that trying to go too fast in planning can result in failure that decreases efficiency.

Some people argue for a rule that sets out a simple planning process because they believe that planning has taken too much funding away from important resource management projects and has taken too much of people's time. They say that it is difficult to remain engaged in a process that extends over several years. Participants—both within the Agency and in the public—come and go, which changes the process dynamics and results in redundant planning processes that take even more Agency resources.

Throughout discussions on the other issues, there has been a difference between those who desire a prescriptive planning rule and those who want flexibility to address local concerns. Some people are of the opinion that to be effective, a rule should be fairly prescriptive to ensure consistency and accountability across NFS units, adding that the current land management planning process is too flexible. Others are of the opposite opinion that a rule should be flexible to ensure plans are able to focus on local resource issues; they suggest that the current planning process (under the 1982 rule procedures) is too prescriptive and complicated, leading to delays and frustration. In spite of this divergence of opinion, a few ideas have emerged that might help bridge these gaps, including: (1) applying differing amounts of flexibility for different resources, but within a clearly defined national-level framework; and (2) requiring plans to be developed



cooperatively with both community and scientific involvement—thereby building the buy-in and accountability that are prerequisites for many stakeholders to trust the Forest Service with flexibility.

### **Transparency and Collaboration**

Many public comments indicate recognition that persons with very diverse interests and concerns are involved in these issues, and that all should have the opportunity to be engaged in the collaboration process. Many people stress the need to involve people of diverse cultures and to reach out to underserved communities.

People often highlight the difference between collaboration and simply submitting comments to the Forest Service. Many express frustration with traditional input mechanisms, where input was gathered but its consideration by the Forest Service was not always evident—a feeling exacerbated by a less-than-transparent process. They have expressed the desire for collaboration and transparency as to how their input is being used. Some people suggest that the rule incorporate the concept of adaptive governance—which would entail stakeholders collaboratively identifying needs, problems, and opportunities; collaboratively creating solutions to those needs and problems; collaboratively implementing those solutions; and collaboratively monitoring those solutions in a continuous manner to feed back into the system.

Some people suggest the planning rule should establish a structured public involvement and collaboration process for plan development, revision, and amendment. Otherwise, responsible officials might meet only minimum requirements for public involvement, such as formal notice and opportunity to review and comment. In such a case, public concerns might not be fully incorporated into the planning process and a plan might not adequately reflect major areas of public interest. Others believe that effective collaboration must be “place-based” and while the rule should require collaboration, it should allow for the flexibility to design collaboration plans to suit the issue and the interested communities.

### **Coordination and Cooperation Beyond NFS Boundaries**

The Secretary of Agriculture has stated that an “all-lands” approach should be included in the planning rule. There is considerable, but not universal, support for this approach, depending on how it is defined and implemented. Many note that the concept of an all-lands approach is connected to land management planning in terms of the need for effective communication and collaboration between the Forest Service and its neighbors and local governments. They suggest that the Forest Service should consider the types of interactions it wants beyond its boundaries and build an overall framework to promote those interactions. Many suggest that the Forest Service should promote a spirit of collaboration throughout the Agency. They suggest that this spirit could be advanced in the planning rule, but further training and Agency support would be required to make it a reality.

People note that boundaries are permeable and that an “all lands” approach could be useful for achieving many different management objectives, including protecting at-risk species, creating resilient ecosystems, protecting watersheds, preservation of historical

resources, supporting trails that cross jurisdictions, and providing recreational access. They also say that an “all lands” approach is already being used in some contexts. For example, coordination with states already occurs with respect to management of wildlife habitats, and coordination with states and local governments occurs with respect to responding to wildfire.