

# APPENDIX E – ALTERNATIVE C

This alternative was developed to address concerns that land management planning has greatly exceeded the scope and intent of National Forest Management Act (NFMA) and in so doing taken an excessive toll in cost and time invested, by both Forest Service employees and the public. This alternative requires the land management planning process and resulting plans be limited to the minimum requirements of NFMA, with the addition of minimal requirements to meet the purpose and need for a new rule set out in this draft programmatic environmental impact statement.

To facilitate comparison, rule text for this alternative was drafted following the same outline as the proposed rule (Alternative A).

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# SUBPART A—NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING

## § 219.1 PURPOSE AND APPLICABILITY

(a) This subpart sets out the planning requirements for developing, amending, and revising land management plans (also referred to as plans) for the National Forest System (NFS), as required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (16 U.S.C. 1600 *et seq.*) (NFMA). This subpart also sets out the requirements of plan content. This part is applicable to all units of the NFS as defined by 16 U.S.C. 1609 or subsequent statute.

(b) Consistent with the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528–531) (MUSYA), the Forest Service manages the NFS to sustain the multiple uses, including ecosystem services, of its renewable resources in perpetuity while maintaining the long-term health and productivity of the land. Resources are managed through a combination of approaches and concepts for the benefit of human communities and natural resources. Land management plans guide sustainable, integrated resource management of the resources within the plan area in the context of the broader landscape, giving due consideration to the relative values of the various resources in particular areas.

(c) The objective of this part is to guide the collaborative and science-based development, amendment, and revision of land management plans that promote healthy, resilient, diverse, and productive national forests and grasslands. Plans will guide management of NFS lands so that they are ecologically sustainable and contribute to social and economic sustainability, with resilient ecosystems and watersheds, diverse plant and animal communities, and the capacity to provide people and communities with a range of social, economic, and ecological benefits for the present and into the future, including clean water; habitat for fish, wildlife, and plant communities; and opportunities for recreational, spiritual, educational, and cultural sustenance.

(d) The Chief of the Forest Service must establish planning procedures for this part on plan development, plan amendment, or plan revision in the Forest Service Directive System in Forest Service Manual 1920—Land Management Planning and in Forest Service Handbook 1909.12—Land Management Planning Handbook.

(e) This part does not affect treaty rights or valid existing rights established by statute or legal instruments.

(f) During the planning process, the responsible official shall comply with Section 8106 of the Food, Conservation, and Energy Act of 2008 (25 U.S.C. 3056) with respect to disclosing or withholding under the Freedom of Information Act (5 U.S.C. 552) certain information regarding reburial sites or other information that is culturally sensitive to an Indian Tribe or Tribes.

(g) Plans must comply with all applicable laws and regulations, including, NFMA, MUSYA, the Clean Air Act, the Clean Water Act, the Wilderness Act, and the Endangered Species Act.

## § 219.2 LEVELS OF PLANNING AND RESPONSIBLE OFFICIALS.

Forest Service planning occurs at different organizational levels and geographic scales. Planning occurs at three levels—national strategic planning, NFS unit planning, and project or activity planning.

(a) *National.* The Chief of the Forest Service is responsible for national planning, such as preparation of the Forest Service strategic plan required under the Government Performance and Results Act of 1993 (5 U.S.C. 306; 31 U.S.C. 1115–1119; 31 U.S.C. 9703–9704), which is integrated with the requirements of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the NFMA. The strategic plan establishes goals, objectives, performance measures, and strategies for management of the NFS, as well as the other Forest Service mission areas: Research and Development, State and Private Forestry, and International Programs.

(b) *Forest, grassland, prairie, or other comparable administrative unit.*

(1) A land management plan provides a framework for integrated resource management and for guiding project and activity decisionmaking in a national forest, grassland, prairie, or other administrative unit. A plan reflects the unit's expected distinctive roles and contributions to the local area, region, and Nation, and the roles for which the unit is best suited, considering the Agency mission, unique capabilities, and the resources and management of other lands in the vicinity. Through the adaptive planning cycle set forth in this subpart, a plan can be changed to reflect new information and changing conditions.

(2) A plan does not authorize projects or activities or commit the Forest Service to take action. But, a plan may constrain the Agency from authorizing or carrying out actions, and projects and activities must be consistent with the plan (§ 219.15). A plan does not regulate uses by the public, but a project or activity decision that regulates a use by the public under Title 36, Code of Federal Regulations, Part 261—Prohibitions, Subpart B—Prohibitions in Areas Designated by Order, may be made contemporaneously with the approval of a plan, plan amendment, or plan revision. Plans should not repeat laws, regulations, or program management policies, practices, and procedures from the Forest Service Directive System.

(3) The supervisor of the national forest, grassland, prairie, or other comparable administrative unit is the responsible official for development and approval of a plan, plan amendment, or plan revision for lands under the responsibility of the supervisor, unless a regional forester, the Chief, the Under Secretary, or the Secretary acts as the responsible official. Two or more responsible officials may undertake joint planning over lands under their respective jurisdictions.

(4) A plan for a unit that contains an experimental area may not be approved without the concurrence of the appropriate station director with respect to the direction applicable to

that area, and a plan amendment applicable to an experimental area may not be approved without the concurrence of the appropriate station director.

(c) *Projects and activities.* The supervisor or district ranger is the responsible official for project and activity decisions, unless a higher-level official acts as the responsible official. Requirements for project or activity planning are established in the Forest Service Directive System. Except as provided in the plan consistency requirements in § 219.15, none of the requirements of this part apply to projects or activities.

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### **§ 219.3 ROLE OF SCIENCE IN PLANNING.**

An interdisciplinary team shall develop, revise or amend the land management plan of each unit of the national forest system using an interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.

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### **§ 219.4 REQUIREMENTS FOR PUBLIC PARTICIPATION.**

The responsible official must use a collaborative and participatory approach to land management planning, in accord with this subpart and consistent with applicable laws, regulations, and policies, by engaging the skills and interests of appropriate combinations of Forest Service staff, consultants, contractors, other Federal agencies, federally recognized Indian Tribes, Alaska Native Corporations, State or local governments, or other interested or affected communities, groups, or persons. The responsible official has the discretion to determine the methods and timing of public involvement opportunities.

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### **§ 219.5 RESERVED.**

*[To facilitate comparison, rule text for this alternative was drafted following the same outline as the proposed rule (Alternative A). This alternative does not contain any text in this section. ]*

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### **§ 219.6 RESERVED.**

*[To facilitate comparison, rule text for this alternative was drafted following the same outline as the proposed rule (Alternative A). This alternative does not contain any text in this section. ]*

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### **§ 219.7 PLAN DEVELOPMENT OR PLAN REVISION.**

(a) *Plan revisions.* A plan revision creates a new plan for the entire unit, whether the plan revision differs from the prior plan to a small or large extent. A plan must be revised at least every 15 years (16 U.S.C. 1604(f)(5)). But, the responsible official has the discretion to determine at any time that conditions on a unit have changed significantly such that a plan must be revised .

(b) *New plan development.* New plan development is required for new NFS units. The process for developing a new plan is the same as the process for plan revision.

(c) *Process for plan development or revision.* The process for developing or revising a plan includes: public notification and participation (§ 219.4 and 219.16), developing a proposed plan, considering the environmental effects of the proposal, providing an opportunity to comment on the proposed plan, providing an opportunity to object before the proposal is approved (subpart B), and, finally, approving the plan or plan revision. Environmental analysis and documentation for a new plan or plan revision shall be in accord with Forest Service National Environmental Policy Act (NEPA) procedures at 36 CFR part 220.

(d) *Plan components.* Plan components guide future project and activity decisionmaking. The plan must indicate where in the plan area specific plan components apply. Plan components may apply to the entire plan area, to specific management or geographic areas, or to other areas as identified in the plan. Every project and activity must be consistent with the applicable plan components (§ 219.15).

(1) *Required components.* Every plan must include the following components:

(i) *Desired conditions.* A desired condition is a description of specific social, economic, and/or ecological characteristics of the plan area, or a portion of the plan area, toward which management of the land and resources should be directed. Desired conditions must be described in terms that are specific enough to allow progress toward their achievement to be determined, but do not include completion dates.

(ii) *Objectives.* An objective is a concise, measurable, and time-specific statement of a desired rate of progress toward a desired condition or conditions. Objectives should reflect reasonably foreseeable budgets.

(iii) *Standards.* A standard is a mandatory constraint on project and activity decisionmaking, established to help achieve or maintain the desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.

(iv) *Guidelines.* A guideline is a constraint on project and activity decisionmaking that allows for departure from its terms, so long as the intent of the guideline is met. (§ 219.15(d)(3)). Guidelines are established to help achieve a desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.

(v) *Suitability of lands.* Specific lands within a plan area may be identified as suitable for various multiple uses or activities based on the desired conditions applicable to that area. The plan may also identify lands within the plan area as not suitable for uses that are not compatible with desired conditions for those lands. Suitability does not need to be determined for every multiple use or activity, but every plan must identify those lands not suitable for timber production (§ 219.11).

(2) *Optional component: Goals.* A plan may include goals as plan components. Goals are broad statements of intent, other than desired conditions, usually related to process or interaction with the public. Goals are expressed in broad, general terms, and have no specific dates by which they are completed.

(3) *Requirements for the set of plan components.* The set of plan components must meet the requirements set forth in this part for sustainability (§ 219.8); plant and animal diversity (§ 219.9), multiple uses (§ 219.10), and timber (§ 219.11).

(e) *Other required plan content.* Every plan must:

(i) Include the monitoring program required by § 219.12; and

(ii) Contain information reflecting proposed and possible actions that may occur on the unit during the life of the plan, including expected timber harvest levels, the planned timber sale program, and proportion of probable methods of forest vegetation management practices expected to be used, as required by NFMA (16 U.S.C. 1604(f)(2)). Such information is not a commitment to take any action and is not a “proposal” as defined by the Council on Environmental Quality regulations for implementing NEPA (40 CFR 1508.23, 42 U.S.C. 4322 (2)(C)).

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### **§ 219.8 SUSTAINABILITY.**

Within Forest Service authority and the capability of the plan area, the plan must include components to provide for social, economic, and ecological sustainability as follows:

(a) The plan must include plan components to maintain or restore terrestrial and aquatic ecosystems and watersheds in the plan area; and

(b) The plan must include plan components to guide the unit’s contribution to social and economic conditions relevant to the area influenced by the plan and the distinctive roles and contributions of the unit within the broader landscape.

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### **§ 219.9 DIVERSITY OF PLANT AND ANIMAL COMMUNITIES**

Within Forest Service authority, the plan must include components 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, and within the multiple-use objectives of a land management plan adopted pursuant to this subpart, provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan.

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### **§ 219.10 MULTIPLE USES**

In meeting the requirements of §§ 219.8 and 219.9, and within Forest Service authority, the capability of the plan area and the fiscal capability of the unit, the plan must provide for multiple uses, including ecosystem services, outdoor recreation, range, timber, watershed, wildlife and fish, as follows:

(a) *Integrated resource management.* When developing plan components for integrated resource management, to the extent relevant to the plan area and the public participation process and the requirements of §§ 219.7-219.11, the responsible official shall consider aesthetic values, air quality, climate, cultural and heritage resources, fish and wildlife species, forage, geologic features, grazing and rangelands, habitat and habitat

connectivity, recreational values and settings, scenery, soil, surface and subsurface water, timber, trails, vegetation, viewsheds, wilderness, and other relevant resources;

*(b) Requirements for plan components for a new plan or plan revision.*

(1) The plan components for a new plan or plan revision must provide for:

(i) Sustainable recreation, considering opportunities and access for a range of uses. The plan should identify recreational settings and desired conditions for scenic landscape character.

(ii) Protection of cultural and historic resources;

(iii) Protection of wilderness areas as well as the protection of recommended wilderness areas to protect the ecologic and social values and character for which they might be added to the National Wilderness System;

(iv) Protection of wild and scenic rivers as well as the protection of eligible wild and scenic rivers to protect the values for which they might be added to the national system of wild and scenic rivers until suitability is determined; and

(v) Protection and appropriate management of other designated or recommended areas that exist in the plan area, including research natural areas.

### **§ 219.11 TIMBER REQUIREMENTS BASED ON NFMA.**

In meeting the requirements of §§ 219.8-219.10 and within Forest Service authority, the capability of the plan area, and the fiscal capability of the unit, the plan must provide for multiple uses and ecosystem services, including timber, as follows:

*(a) Identification of lands as not suitable and suitable for timber production.*

(1) *Lands not suitable for timber production.* The plan must identify lands within the plan area as not suitable for timber production if any one of the following factors applies:

(i) Statute, executive order, or regulation prohibits timber production on the land;

(ii) The Secretary of Agriculture or the Chief of the Forest Service has withdrawn the land from timber production;

(iii) Timber production would not be compatible with the achievement of desired conditions and objectives established by the plan for those lands;

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

(v) There is no reasonable assurance that such lands can be adequately restocked within 5 years after final regeneration harvest; and

(vi) The land is not forest land as defined at § 219.19.

(2) *Lands suitable for timber production.* All lands not identified in the plan as not suitable for timber production are suited for timber production. Timber harvest on lands suitable for timber production may be for other multiple-use purposes (16 U.S.C. 1604(k)).

(3) *Review of lands not suitable for timber production.* The responsible official shall review lands identified in the plan as not suitable for timber production at least once every 10 years as required by NFMA (16 U.S.C. 1604(k)), or as otherwise prescribed by law, to determine whether conditions have changed so that they have become suitable for timber production. As a result of this 10-year review, the plan may be amended to identify such lands as suitable for timber production.

(b) *Harvest of trees on land not suitable for timber production.*

(1) Where a plan identifies lands as not suitable for timber production, harvesting of trees for the purpose of timber production is prohibited.

(2) The identification in a plan of lands as not suitable for timber production does not preclude the harvest of trees on those lands for other purposes (16 U.S.C. 1604(k)); in particular, timber harvest may be authorized as a tool to assist in achieving or maintaining one or more applicable desired conditions or objectives of the plan. Examples of using timber harvest on lands not suited for timber production may include improving wildlife or fish habitat, thinning to reduce extreme fire risk, or restoring meadow or savanna ecosystems where trees have invaded.

(c) Timber harvest may be approved for salvage, sanitation, or public health or safety, where consistent with the plan.

(d) *Limits on timber harvest on suitable and non-suitable lands.* A plan for a unit on which timber harvest may occur must have plan components to:

(1) Ensure that timber will be harvested from NFS lands only where such harvest would comply with the minimum limits identified in the NFMA (16 U.S.C. 1604 (g)(3)(E) and (F)).

(2) Ensure that harvest is carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and aesthetic resources.

(3) Establish maximum size limits for areas to be cut in one harvest operation for administrative units that use clearcutting, seed tree cutting, shelterwood cutting, or other cuts designed to regenerate an even-aged stand of timber. Plan components must include standards limiting the maximize size limits for areas to be cut in one harvest operation, according to geographic areas, forest types, or other suitable classifications. This limit may be less than, but must not exceed, 60 acres for the Douglas-fir forest type of California, Oregon, and Washington; 80 acres for the southern yellow pine types of Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Oklahoma, and Texas; 100 acres for the hemlock-Sitka spruce forest type of coastal Alaska; and 40 acres for all other forest types except as provided in this paragraph. The plan standards must allow for exceeding their limitations on maximum

size openings after appropriate public notice and review by the supervisor of the responsible official who normally would approve the harvest proposal. The plan maximum size openings shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm (16 U.S.C. 1604(g)(3)(F)(iv)).

(4) Limit the quantity of timber that can be removed annually in perpetuity on a sustained-yield basis and provide for departure from this limit, as provided by NFMA. The Chief of the Forest Service must include in the Forest Service Directive System procedures for estimating the quantity of timber that can be removed annually in perpetuity on a sustained-yield basis, and exceptions, consistent with 16 U.S.C. 1611.

(5) Stands of trees authorized for final regeneration harvest should generally have reached culmination of mean annual increment of growth. This requirement applies only to final regeneration harvest of even-aged stands on lands identified as suitable for timber production and where timber production is the primary purpose for the harvest. Exceptions are permitted (16 U.S.C. 1604(m)) if consistent with the land management plan. If such exceptions are anticipated, the responsible official should include those exceptions in the land management plan as standards or guidelines. The Chief of the Forest Service must include in the Forest Service Directive System, requirements for assuring that even-aged stands of trees scheduled for final regeneration harvest during the planning period have generally reached culmination of mean annual increment of growth with exceptions as permitted by the NFMA (16 U.S.C. 1604(m)).

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### § 219.12 MONITORING.

(a) The responsible official shall develop a monitoring program for the plan area, and include it in the plan. The Chief shall provide further guidance in the Forest Service Directive System.

(b) The responsible official has the discretion to set unit monitoring program scope and scale. The responsible official shall consider financial and technical capabilities.

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### § 219.13 PLAN AMENDMENT AND ADMINISTRATIVE CHANGES.

(a) *Plan Amendment.* A plan may be amended at any time. Plan amendments may be broad or narrow, depending on the need for change, and should be used to keep plans current and help units adapt to new information or changing conditions. The responsible official has the discretion to determine whether and how to amend the plan. A plan amendment is required for the addition, modification, or removal of one or more plan components or a change in how one or more plan components apply to all or part of the plan area.

(b) *Amendment Process.* The responsible official shall:

(1) Document the need to change the plan;

(2) Provide opportunities for public participation as required in § 219.4 and public notification as required in § 219.16. The responsible official may combine processes and

associated public notifications where appropriate, considering the scope and scale of the need to change the plan.;

(3) Amend plans consistent with Forest Service NEPA procedures. The appropriate NEPA documentation for an amendment may be an EIS, an EA, or a CE, depending upon the scope and scale of the amendment and its likely effects.

(c) *Administrative changes.* An administrative change is any change to a plan that is not a plan amendment or plan revision. Administrative changes include corrections of clerical errors to any part of the plan, including components; changes to plan content other than plan components; or conformance of the plan to new statutory or regulatory requirements.

(1) A change to the monitoring program may be made as part of plan revision or amendment, but also can be made as an administrative change outside of the process for plan revision or amendment. Any change to the monitoring program may be made only after notice to the public (§ 219.16(c)(5)) of the intended change and consideration of public concerns and suggestions.

(2) All other administrative changes may be made following notice (§ 219.16(c)(5)).

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## **§ 219.14 DECISION DOCUMENTS AND PLANNING RECORDS.**

(a) *Decision document.* The responsible official shall record approval of a new plan, plan revision, or amendment in a decision document prepared according to Forest Service NEPA procedures (36 CFR 220). The decision document must include:

(1) The rationale for approval;

(2) An explanation of how the plan components meet the sustainability requirements of § 219.8 and the diversity requirements of § 219.9, taking into account the limits of Forest Service authority and the capability of the plan area;

(3) A statement of how the plan, plan revision or plan amendment applies to approved projects and activities (§ 219.15);

(4) The concurrence by the appropriate Research station director with any part of the plan applicable to any designated experimental forests or experimental ranges (§ 219.2(b)(4)); and

(5) The effective date of the approval.

(b) *Planning records.*

(1) The responsible official shall keep the following documents readily accessible to the public by posting them online and through other means; plan decision documents (§ 219.12); the proposed plan, plan revision, or plan amendment; public notices and environmental documents associated with a plan; the monitoring program and monitoring evaluation reports (§ 219.13); and the plan.

(2) The planning record includes documents that support analytical conclusions made and alternatives considered throughout the planning process. The responsible official shall make the planning record available at the office where the plan, plan revision, or amendment was developed.

### **§ 219.15 PROJECT AND ACTIVITY CONSISTENCY WITH THE PLAN**

(a) *Application to existing authorizations and approved projects or activities.* Every document approving a plan, plan amendment, or plan revision must state whether the plan, plan amendment, or plan revision allows any prior approval of occupancy and use. If a plan approval document does not expressly allow such occupancy and use, the permit, contract, and other authorizing instrument for the use and occupancy must be made consistent with the plan, plan amendment, or plan revision as soon as practicable, subject to valid existing rights.

(b) *Application to projects or activities authorized after plan approval.* Projects and activities authorized after approval of a plan, plan amendment, or plan revision must be consistent with the plan.

(c) *Resolving inconsistency.* When a proposed project or activity would not be consistent with the applicable plan components, the responsible official shall take one of the following steps, subject to valid existing rights:

(1) Modify the proposed project or activity to make it consistent with the applicable plan components;

(2) Reject the proposal or terminate the project or activity;

(3) Amend the plan so that the project or activity will be consistent with the plan as amended; or

(4) Amend the plan contemporaneously with the approval of the project or activity so that the project or activity will be consistent with the plan as amended. This amendment may be limited to apply only to the project or activity.

### **§ 219.16 PUBLIC NOTIFICATIONS.**

The following public notification requirements apply to plan development, amendment, or revision. Formal notifications may be combined where appropriate.

(a) *When formal public notification is required.* Public notification must be provided at the following times:

(1) To initiate the development of a proposed plan or plan revision, or, when appropriate, a plan amendment;

(2) To invite comments on a proposed plan, plan revision, or plan amendment, and associated environmental analysis. For a new plan, plan revision, or a plan amendment for which a draft environmental impact statement is prepared, the comment period is at

least 90 days. For an amendment for which a draft environmental impact statement is not prepared, the comment period is at least 30 days;

(3) To begin the objection period for a plan, plan amendment, or plan revision before approval (§ 219.52);

(4) To approve a final plan, plan amendment, or plan revision; or

(5) To announce and describe how a plan, plan amendment, or plan revision process initiated under the provisions of a previous planning regulation will be conformed to meet the provisions of this part, when appropriate under § 219.17(b)(3).

(b) When a plan amendment is approved in a decision document approving a project or activity and the amendment applies only to the project or activity, the notification requirements of 36 CFR part 215 or part 218, subpart A, applies instead of this section.

(c) *How public notice is provided.* The responsible official should use contemporary tools to provide notice to the public. At a minimum, all public notifications required by this part must be posted online, and:

(1) When the Chief, the Under Secretary, or the Secretary is the responsible official, notice must be published in the *Federal Register*;

(2) For a new plan or plan revision, when an official other than the Chief, the Under Secretary, or the Secretary is the responsible official, notice must be published in the *Federal Register* and the applicable newspaper(s) of record;

(3) For a plan amendment when an official other than the Chief, the Under Secretary, or the Secretary is the responsible official, notices must be published in the newspaper(s) of record. Notification in the *Federal Register* may also be required by Forest Service NEPA procedures;

(4) If a plan, plan revision or plan amendment applies to two or more units, notices must be published in the *Federal Register* and the newspaper(s) of record for the applicable units; and

(5) Public notice of administrative changes, changes to the monitoring program, or other notices not listed in paragraph (a) of this section, may be made in any way the responsible official deems appropriate.

(d) *Content of public notices.* Public notices required by this section must clearly describe the action subject to notice and the nature and scope of the decisions to be made; identify the responsible official; describe when, where, and how the responsible official will provide opportunities for the public to participate in the planning process; and explain how to obtain additional information.

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## § 219.17 EFFECTIVE DATES AND TRANSITION.

((a) *Effective dates.* A plan, plan amendment, or plan revision is effective 30 days after publication of notice of its approval, except when a plan amendment is approved in a

decision document approving a project or activity and the amendment applies only to the project or activity, so that the requirements of 36 CFR part 215 or part 218, subpart A, apply. Plans remain in effect until the effective date of a new plan, plan amendment, or plan revision.

(b) *Plan amendment and plan revision transition.* For the purposes of this section, initiation means that the Agency has issued a notice of intent or other notice announcing the beginning of the process to develop a proposed plan, plan amendment, or plan revision.

(1) *Initiating plan development and plan revisions.* Plan development and plan revisions initiated after the effective date of this part must conform to the requirements of this part.

(2) *Initiating plan amendments.* With respect to plans approved or revised under a prior planning regulation, a 3-year transition period for plan amendments begins on the effective date of this part. During the transition period, plan amendments may be initiated under the provisions of the prior planning regulation, or may conform to the requirements of this part. Plan amendments initiated after the transition period must conform to the requirements of this part.

(3) *Plan development, plan amendments, or plan revisions initiated before this part.* For plan development, plan amendments, or plan revisions that were initiated before the effective date of this part, the responsible official may complete the plan, plan amendment, or plan revision in conformance with the provisions of the prior planning regulation, or may conform the plan or plan revision to the requirements of this part. When the responsible official chooses to conform an ongoing planning process to this part, public notice must be made (§ 219.16(a)(6)).

(c) *Plans developed, amended, or revised under a prior planning regulation.* This part supersedes any prior planning regulation. For units with plans developed, amended, or revised using the provisions of a prior planning regulation, no obligations remain from any prior planning regulation, except those that are specifically included in the plan.

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## § 219.18 SEVERABILITY.

In the event that any specific provision of this part is deemed by a court to be invalid, the remaining provisions shall remain in effect.

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## § 219.19 DEFINITIONS

Definitions of the special terms used in this subpart are set out as follows.

*Alaska native corporation.* One of the regional, urban, and village native corporations formed under the Alaska Native Claims Settlement Act of 1971.

*Collaborative and participatory approach.* A structured manner in which a collection of people with diverse interests share knowledge, ideas, and resources while working together in an inclusive and cooperative manner towards a common purpose. Collaboration, in the context of this part, falls within the full spectrum of public

engagement described in the Council on Environmental Quality's publication: *Collaboration in NEPA—A Handbook for NEPA Practitioners*. The Forest Service retains decisionmaking authority and responsibility for all decisions throughout the process.

*Culmination of mean annual increment of growth*. See mean annual increment of growth.

*Designated areas*. Areas or features within a planning unit with specific management direction that are normally established through a process separate from the land management planning process. Designations may be made by statute or by an administrative process of the Federal executive branch. The Forest Service Directive System contains policy for recognition and establishment of designations. Designated areas include experimental forests, national heritage areas, national monuments, national recreational areas, national scenic trails, research natural areas, scenic byways, wild and scenic rivers, wilderness areas, and wilderness study areas.

*Ecosystem*. A spatially explicit, relatively homogeneous unit of the Earth that includes all interacting organisms and components of the abiotic environment within its boundaries. An ecosystem is commonly described in terms of its: (1) *Composition*. Major vegetation types, rare communities, aquatic systems, and riparian systems. (2) *Structure*. Vertical and horizontal distribution of vegetation, stream habitat complexity, and riparian habitat components. (3) *Function*. Ecological processes such as stream flows, nutrient cycling, and disturbance regimes. (4) *Connectivity*. Habitats that exist for breeding, feeding, or movement of wildlife and fish within species home ranges or migration areas.

*Ecosystem services*. Benefits people obtain from ecosystems, including: (1) Provisioning services, such as clean air and fresh water, as well as energy, fuel, forage, fiber, and minerals; (2) Regulating services, such as long term storage of carbon; climate regulation; water filtration, purification, and storage; soil stabilization; flood control; and disease regulation; (3) Supporting services, such as pollination, seed dispersal, soil formation, and nutrient cycling; and (4) Cultural services, such as educational, esthetic, spiritual, and cultural heritage values, as well as recreational experiences and tourism opportunities.

*Environmental assessment (EA)*. See definition in § 219.62.

*Environmental document*. Includes an environmental assessment, environmental impact statement, finding of no significant impact, categorical exclusion, and notice of intent.

*Environmental impact statement*. See definition in § 219.62.

*Even-aged stand*. A stand of trees composed of a single age class.

*Federally recognized Indian Tribe*. An Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe under the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

*Forest land.* Land at least 10 percent occupied by forest trees of any size or formerly having had such tree cover and not currently developed for non-forest uses. Lands developed for non-forest use include areas for crops; improved pasture; residential or administrative areas; improved roads of any width and adjoining road clearing; and power line clearings of any width.

*Geographic area.* A spatially contiguous land area identified within the planning unit that has one or more applicable plan components. A geographic area may overlap with a management area.

*Health(y).* The degree of ecological integrity that is related to the completeness or wholeness of the composition, structure, and function of native ecosystems existing within the inherent capability of the land.

*Landscape.* A spatial mosaic of terrestrial and aquatic ecosystems, landforms, and plant communities across a defined area irrespective of ownership or other artificial boundaries and repeated in similar form throughout.

*Landscape character.* A combination of physical, biological, and cultural images that gives an area its visual and cultural identity and helps to define a "sense of place." Landscape character provides a frame of reference from which to determine scenic attractiveness and to measure scenic integrity.

*Management area.* A land area identified within the planning unit that has the same set of applicable plan components. A management area does not have to be spatially contiguous.

*Mean annual increment of growth and culmination of mean annual increment of growth.* Mean annual increment of growth is the total increment of increase of volume of a stand (standing crop plus thinnings) up to a given age divided by that age. Culmination of mean annual increment of growth is the age in the growth cycle of an even-aged stand at which the average annual rate of increase of volume is at a maximum. In land management plans, mean annual increment is expressed in cubic measure and is based on the expected growth of stands, according to intensities and utilization guidelines in the plan.

*Monitoring.* A systematic process of collecting information over time and space to evaluate effects of actions or changes in conditions or relationships.

*Multiple use.* The management of all the various renewable surface resources of the NFS so they are used in the combination that will best meet the needs of the American people: making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in the use to conform to changing needs and conditions; recognizing that some lands will be used for less than all of the resources; and providing for harmonious and coordinated management of the various resources, each with the other, 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 the greatest unit output, consistent with the Multiple-Use Sustained-Yield

Act of 1960 (16 U.S.C. 528–531). Ecosystem services are included as part of all the various renewable surface resources of the NFS.

*National Forest System.* See definition in § 219.62.

*Newspaper(s) of record.* See definition in § 219.62.

*Objection.* See definition in § 219.62.

*Online.* See definition in § 219.62.

*Participation.* Activities that include a wide range of public involvement tools and processes, such as collaboration, public meetings, open houses, workshops, and comment periods.

*Plan or land management plan.* A document or set of documents that describe management direction for an administrative unit of the NFS.

*Plan area.* The National Forest System lands covered by a plan.

*Plant and animal communities.* A naturally occurring assemblage of plant and animal species living within a defined area or habitat.

*Potential wilderness areas.* All areas within the National Forest System lands that satisfy the definition of wilderness found in section 2(c) of the 1964 Wilderness Act. Inventory criteria are listed in Forest Service Handbook 1909.12 – Land Management Planning Handbook, Chapter 70 – Wilderness Evaluation.

*Productivity.* The capacity of National Forest System lands and their ecological systems to provide the various renewable resources in certain amounts in perpetuity. For the purposes of this subpart, productivity is an ecological, not an economic, term.

*Project.* An organized effort subject to NEPA to achieve an outcome identified by location, tasks, outputs, effects, times, and responsibilities for execution.

*Recreational setting.* The surroundings or the environment for the recreational activities. The Forest Service uses the recreational opportunity spectrum that defines six recreational opportunity classes that provide different settings for recreational use: primitive, semi-primitive nonmotorized, semi-primitive motorized, roaded natural, rural, and urban.

*Resilience.* The capacity of a system to absorb disturbance and reorganize while undergoing change so as to still retain essentially the same function, structure, identity, and feedbacks.

*Responsible official.* See definition in § 219.62.

*Risk.* A combination of the likelihood that a negative outcome will occur and the severity of the subsequent negative consequences.

*Sustainability.* Capability of meeting the needs of the present generation without compromising the ability of future generations to meet their needs.

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

*Timber production.* The purposeful growing, tending, harvesting, and regeneration of regulated crops of trees to be cut into logs, bolts, or other round sections for industrial or consumer use.

*Watershed.* A region or land area drained by a single stream, river, or drainage network; a drainage basin.

*Watershed condition.* The state of a watershed based on physical and biogeochemical characteristics and processes.

*Wild and scenic river.* A river designated by Congress as part of the National Wild and Scenic Rivers System that was established in the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271(note), 1271-1287).

*Wilderness.* Any area of land designated by Congress as part of the National Wilderness Preservation System that was established in the Wilderness Act of 1964 (16 U.S.C. 1131-1136).

## **SUBPART B — PRE-DECISIONAL ADMINISTRATIVE REVIEW PROCESS**

Provisions at Subpart B are identical to Alternative A.

