



**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**

**CHAPTER 40 –KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

**Amendment No.:** The Directive Manager completes this field.

**Effective Date:** The Directive Manager completes this field.

**Duration:** This amendment is effective until superseded or removed.

**Approved:** NAME OF APPROVING OFFICIAL                      **Date Approved:** mm/dd/yyyy  
 Title of Approving Official

**Posting Instructions:** Amendments are numbered consecutively by Handbook number and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this Handbook was xx09.xx-xx-x to xxxxx.

<b>New Document</b>	1909.12_40	31 Pages
<b>Superseded Document(s) by Issuance Number and Effective Date</b>	1909.12_40 (Amendment 1909.12-2006-5, 01/31/2006)	34 Pages

**Digest:**

40 – Changes chapter caption from “Science and Sustainability” to “Key Processes Supporting Land Management Planning.” Revises chapter in its entirety. Specific revisions throughout the entire chapter include: changes section captions; removes codes, captions, and obsolete direction; and establishes codes, captions, and sets forth new direction.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

**Table of Contents**

<b>41 - ADAPTIVE MANAGEMENT FRAMEWORK .....</b>	<b>3</b>
<b>42 - USE OF BEST AVAILABLE SCIENTIFIC INFORMATION TO INFORM THE LAND MANAGEMENT PLANNING PROCESS .....</b>	<b>5</b>
42.1 - Use of Best Available Scientific Information.....	5
42.11 - Integration of the BASI in the Planning Process.....	5
42.11a - Assessment Phase .....	6
42.11b - Planning Phase.....	6
42.11c - Monitoring .....	6
42.12 - Characteristics of Quality Scientific Information.....	7
42.13 - BASI Determination Process.....	8
42.14 - Attributes of the BASI: Uncertainties, Risks, and Assumptions.....	10
42.15 - Sources of Scientific Information.....	10
42.16 - Data Quality.....	11
42.17 - Documentation of the BASI in the Planning Process.....	11
42.17a - Documentation of the BASI in the Assessment Report.....	12
42.17b - Documentation of the BASI in the Plan Decision Document .....	14
42.2 - Optional Science Reviews in the Land Management Planning Process .....	14
42.21 - Levels of Review .....	15
<b>43 - PUBLIC PARTICIPATION AND THE ROLE OF COLLABORATION .....</b>	<b>16</b>
43.01 - Objectives .....	16
43.02 - Principles of Public Participation .....	17
43.1 - Guidance for Public Participation.....	18
43.11 - Guidance for Collaboration .....	21
43.12 - Developing a Public Participation Strategy .....	23
43.13 - Federal Advisory Committee Act Committees.....	26
43.14 - Engaging a Diverse Set of Stakeholders.....	27
43.15 - Opportunities for American Indians and Alaska Natives.....	27
43.16 - Participation and Coordination with Other Related Planning Efforts .....	28
43.17 - Participation during Phases of Planning .....	29
43.17a - Participation during Assessments .....	29
43.17b - Participation during Development, Revision, or Amendment of Plan Components .....	30
43.17c - Participation during Monitoring Program Development .....	30
43.17d - Participation during Monitoring Evaluation Report Reviews .....	31
43.18 - Substantive Formal Comment .....	32
43.19 - Participation during Pre-decisional Administrative Review .....	32
43.2 - Public Notice .....	33
43.21 - Content of Public Notice .....	33
<b>44 - TRIBAL CONSULTATION .....</b>	<b>34</b>

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

## **41 - ADAPTIVE MANAGEMENT FRAMEWORK**

The three phases of planning (assessment, planning, and monitoring) in Title 36, Code of Federal Regulations, part 219 (36 CFR part 219) are designed to support a framework for adaptive management that will facilitate learning and continuous improvement in plans and Agency decisionmaking. Adaptive management is a structured, iterative process for decisionmaking to reduce uncertainty through structured hypothesis testing and monitoring of outcomes. This approach supports decisionmaking that meets resource management objectives while simultaneously accruing information to improve future management.

Key features of adaptive management include:

1. Characterizing explicitly uncertainty and assumptions.
2. Testing assumptions and collecting data using appropriate temporal and spatial scales.
3. Analyzing new information obtained through monitoring and project experience.
4. Learning from feedback between monitoring and decisions.
5. Adapting assumptions and strategies to design better plans and management direction.
6. Making iterative and responsive decisions, evaluating results, and adjusting actions on the basis of what has been learned.
7. Creating an open and transparent process that shares learning internally and with the public.

The goal is to structure the assessment, plan components, and monitoring program in a way that will provide feedback to inform decisionmaking. Over time, the feedback could provide information about questions such as:

1. Are assumptions being validated, or is there new information that may suggest a need to change assumptions?
2. Are areas of uncertainty being reduced?
3. Are basic conditions that influence the outcome staying the same, or are they changing?
4. Are the actions being taken having the desired effect? Are conditions moving in the desired direction? Is there progress towards achieving desired conditions?

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

5. How can management be improved so that it is more effective? How can the information be used to change or improve the plan?
6. Does the information indicate other questions or sources of data that could provide further feedback to support improved decisionmaking?

Responsible officials should recognize the goals of adaptive management during each of the three phases:

1. Assessment phase. Gather and evaluate information to form a basis for plan decisionmaking, and identify key assumptions, areas of uncertainty, and risks.
2. Planning phase. Be responsive to information that is already available, and structure plan components in a way that will allow for monitoring to test the effectiveness of those plan components. Design a monitoring program to test assumptions, evaluate risks, reduce key uncertainties, and measure management effectiveness. Monitoring can be designed to evaluate important hypotheses about stressors, disturbance events, plant succession, and other changes that are not a direct result of management activities.
3. Monitoring phase. After the plan has been developed or revised:
  - a. Design management activities in a way that will yield specific information and support learning.
  - b. Analyze the monitoring results using scientific methods that reduce uncertainty and improve understanding of system behavior. Well-designed monitoring programs and management activities contribute to better scientific analysis of these results. Monitoring and analysis also evaluates progress to achieving desired conditions and objectives of the plan and the assumptions used in developing the plan.
  - c. Learn from the results of the analysis and share how the results either confirm or modify the existing assumptions or provide feedback on management effectiveness. Learning is proactively shared with land managers and the public.
  - d. Adapt planning and management activities based on learning from the results of the analysis. This adaptation takes the form of modifying assumptions, models, data, and understanding of the system. This knowledge is then used to inform the planning process that leads to adjustment of plans and projects.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

## **42 - USE OF BEST AVAILABLE SCIENTIFIC INFORMATION TO INFORM THE LAND MANAGEMENT PLANNING PROCESS**

### **42.1 - Use of Best Available Scientific Information**

**The responsible official shall use the best available scientific information to inform the planning process required by this subpart.**  
(36 CFR 219.3)

The planning rule requires the responsible official to use the best available scientific information (BASI) to inform the planning process. While the BASI informs the planning process, plan components, and other plan content, it does not dictate what the decisions must be. First, there may be competing scientific perspectives and uncertainty in the available science. In addition, decisions may consider other relevant factors such as budget, legal authorities, traditional ecological knowledge, Agency policies, public input, and the experience of land managers.

The rule does not require development of additional scientific information but should be based on scientific information that is already available. New studies or the development of new information is not required for planning unless required by other laws or regulation. In the context of the BASI, “available” means that the information is currently available in a form useful for the planning process without further data collection, modification, or validation. Analysis or interpretation of the BASI may be needed to place it in the appropriate context for planning.

In evaluating the information, the responsible official shall be guided by the Forest Service’s policies for implementation of the Data Quality Act (Public Law 106-554). The responsible official may choose to subject key issues to reviews by the scientific community to confirm BASI appropriately informed the planning process.

The rule requires that the responsible official document how BASI was determined to be accurate, reliable, and relevant to the issues being considered. This includes relevant ecological, social, and economic scientific information. The BASI should provide a foundation of scientific information that the responsible official shall use and identify for the public in the planning process. Use of the BASI must be documented for the assessment, the plan decision, and the monitoring program.

#### **42.11 - Integration of the BASI in the Planning Process**

The BASI is integrated differently in each phase in the planning process to achieve the desired outcomes. Sections 42.11a through 42.11c discuss the role of BASI in each phase.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

### **42.11a - Assessment Phase**

The assessment phase identifies and evaluates information relevant to the issues that will be considered later in the development of plan components and other plan content. During the assessment, the responsible official identifies and evaluates the conditions and trends of the 15 assessment topics identified in 36 CFR 219.6(b) and the sustainability of social, economic, and social systems (36 CFR 219.5(a)(1)). This identification and evaluation uses information determined to be the BASI (sec. 42.13) and the uncertainties, risks, and assumptions associated with the BASI (sec. 42.14).

Early in the assessment phase the responsible official provides a venue for public and governmental participation, inviting submission of information, including scientific information that may be relevant to the planning process. The responsible official also provides opportunity for public and governmental participation in order to develop a shared understanding of the BASI and to make clear how the BASI was identified for the assessment process.

### **42.11b - Planning Phase**

The planning phase begins by identifying the preliminary need to change the plan as informed by the assessment. As part of the public and governmental participation opportunities provided in the early stages of the planning process, the responsible official should continue to engage governments and the public on the determination and use of the BASI. Governments and the public may submit any additional or new scientific information for consideration in the planning process.

The BASI informs the development of plan components and the evaluation of environmental effects in the National Environmental Policy Act (NEPA) documentation. Uncertainties, risks, and opportunities identified in the assessment, as well as the core scientific information, should be recognized as plan components are developed. The BASI may also indicate strategies or methodologies that could be used in the planning process to develop management approaches and plan components. In developing plan components, the use of the BASI may lead to specific plan components, or to a range of potential plan components. Additional BASI may be identified during the planning phase as a result of public participation and comment on the proposed plan.

### **42.11c - Monitoring**

The BASI must be integrated in the development of the monitoring program. The monitoring program should be designed to test key assumptions used in the development of the plan components and evaluate relevant changes and management effectiveness of the plan components. Typically, monitoring questions seek additional information to increase knowledge

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

and understanding of changing conditions, key uncertainties, and risks identified in the BASI as part of an adaptive management framework.

The BASI may be useful in identifying indicators that address the associated monitoring questions. The BASI is also important in the further development of the monitoring program in the identification of protocols and specific methods for the collection and evaluation of monitoring information.

#### **42.12 - Characteristics of Quality Scientific Information**

Not all information used in the planning process should be considered scientific information. The responsible official should determine what is the BASI based on, the information's accuracy, reliability, and relevance to the planning issues as described in 42.13.

In some circumstances, the BASI has been developed directly using the scientific method, with clearly stated questions, well-designed investigations, logically analyzed results, documented clearly, and subjected to peer review. However, in other circumstances the BASI may be information from analyses of data obtained from a local area, or studies to address a specific question in one area. The BASI also could be the result of expert opinion, panel consensus, or observations, as long as the responsible official has a reasonable basis for relying on that scientific information as the best available.

High quality and valid scientific information generally includes the following characteristics:

1. The science uses well-developed scientific methods that are clearly described. Either established or standardized methods for that discipline were used or, if not, the methods were appropriately peer-reviewed to assure their reliability and validity.
2. Logical conclusions and reasonable inferences were drawn. The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying those assumptions or are logically and reasonably derived from the data presented. Any gaps in information and inconsistencies with other pertinent scientific information are adequately explained.
3. The information has been appropriately peer reviewed. Peer review occurs when scientific information has been critically reviewed by qualified scientific experts in that discipline and the criticism provided by the experts has been addressed by the proponents of the information. Publication in a refereed scientific journal usually indicates that the information has been appropriately peer-reviewed.
4. A quantitative analysis was performed using appropriate statistical or quantitative methods. If an accuracy assessment of the data has been done, the information can be

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

considered more reliable and the accuracy of the information can be more easily evaluated.

5. The information is placed in proper context including spatial and temporal scales. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.

6. References are appropriately cited. The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature, and other pertinent existing information.

### 42.13 - BASI Determination Process

**. . . , the responsible official shall determine what information is the most accurate, reliable, and relevant to the issues being considered. . .**  
(36 CFR 219.3)

While the responsible official should consider the general characteristics of quality scientific information described in section 42.12, the determination of the BASI should be based on what scientific information is the most accurate, reliable, and relevant with regard to the issues being considered in the planning process.

To be:

1. Relevant. The information must pertain to the issues under consideration at spatial and temporal scales appropriate to the plan area and to a land management plan. Relevance in the assessment phase is scientific information that is relevant to the conditions and trends of the 15 topics in 36 CFR 219(b) or to the sustainability of social, economic, or ecological systems (36 CFR 36 219.5(a)(1)). Relevance in the planning phase is scientific information relevant to the plan area or issues being considered for the development of plan components or other plan content.
2. Accurate. The scientific information must estimate, identify, or describe the true condition of its subject matter. This may be a measurement of the specific conditions in the plan area, a description of operating behaviors (physical, biological, social, or economic), or an estimation of trends. Statistically, accurate information is near to the true value of its subject, quantitatively unbiased, and free of error in its methods.
3. Reliable. The scientific information must have the same or comparable values each time it is measured. Reliability also reflects how appropriately the scientific methods have been applied and how consistent they are with established scientific principles. The



**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

application of quality control to the scientific information usually improves the reliability of the information.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

Ultimately, the responsible official must determine the BASI based on these three criteria. The responsible official does not have to identify the BASI as a single source of scientific information that is “best” for a specific subject. Multiple sources of the BASI may be applicable to a specific subject, even when that BASI is inconsistent or contradictory.

#### **42.14 - Attributes of the BASI: Uncertainties, Risks, and Assumptions**

The BASI used to inform the planning process may include or reflect uncertainties, risks, and assumptions. The responsible official should acknowledge these attributes in the BASI and evaluate their influence in the planning process.

Most scientific information carries a degree of uncertainty. Potential indicators that uncertainty exists may include admission of uncertainty by the authors of the BASI itself, a range of different evidential results among studies, limitations of the methods used to generate the data, or different underlying assumptions and interpretations among studies. To the extent a scientific consensus exists, the range of uncertainty may be narrow. However, contradictory scientific information should also be recognized. In evaluating and relying on the BASI, the range of certainty and uncertainty of the information should be recognized in applying that BASI to the issues of the plan area.

The BASI may indicate key opportunities for the planning unit to contribute to sustainability and may also identify risks that may affect the sustainability of resources in the planning unit. These risks should be recognized early in the assessment. This recognition should include an explanation of the sources of the risk and whether these sources are within or beyond the ability of the planning unit to affect. Recognized major sustainability risks may drive plan components to reduce the sources of risk or mitigate the impact of these risk sources on the plan area. These risks may indicate important questions to include in the monitoring program.

Often the BASI is based on key assumptions that may not be completely tested or supported by scientific evidence. To the extent that planning relies on such assumptions, responsible officials should be clear about why the assumptions used in the BASI are reasonable to use for decisionmaking. These assumptions may be tested with specific monitoring questions and indicators.

#### **42.15 - Sources of Scientific Information**

Scientific data that may be considered the BASI, depending on the circumstances, include:

1. Peer reviewed articles.
2. Scientific assessments.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

3. Other scientific information, including, expert opinion, panel consensus, inventories, or observational data.
4. Data prepared and managed by the Forest Service or other Federal agencies. This information may include monitoring results, information in spatially-referenced databases, data about the lands and resources of the planning unit, and various types of statistical or observational data.
5. Data or information from public and governmental participation.

#### **42.16 - Data Quality**

The U. S. Department of Agriculture (USDA) and the Forest Service have data quality standards that apply to the use of information in the planning process. The USDA information quality guidelines ([http://www.ocio.usda.gov/qi\\_guide/index.html](http://www.ocio.usda.gov/qi_guide/index.html)) require transparency and documentation to ensure that information used to influence policy meets a basic standard of quality in terms of objectivity, utility, and integrity.

If the scientific information used is considered “influential,” the responsible official shall decide if the material should be, or should have been, peer reviewed according to USDA’s Quality of Information Guidelines and Peer Review Bulletin ([http://www.ocio.usda.gov/qi\\_guide/doc/peer\\_bulletin.pdf](http://www.ocio.usda.gov/qi_guide/doc/peer_bulletin.pdf)). To determine if there is a need for peer review, the responsible official considers the breadth and intensity of the potential impact, or whether the information affects a broad range of parties and may have a costly or crucial impact. The Forest Service provides guidance for the peer review process at: <http://www.fs.fed.us/qoi/peerreview.shtml>.

#### **42.17 - Documentation of the BASI in the Planning Process**

**... The responsible official shall document how the best available scientific information was used to inform the assessment, the plan decision and the monitoring program as required in 219.6(a)(3) and 219.14(a)(4). Such documentation must: Identify what information was determined to be the best available scientific information, explain the basis for that determination, and explain how the information was applied to the issues considered. (36 CFR 219.3)**

**(3) ... Document in the [assessment] report how the best available scientific information was used to inform the assessment (§219.3)...**

**(36 CFR 219.6(a))**

**(a) *Decision document.* The responsible official shall record approval of a new plan, plan amendment, or revision in a decision document**

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

**prepared according to Forest Service NEPA procedures (36 CFR 220). The decision document must include. . .**

**(4) The documentation of how the best available scientific information was used to inform planning, the plan components, and other plan content including the plan monitoring program (§219.3). . . (36 CFR 219.14)**

The responsible official shall document how the BASI informed the assessment, the plan decision, and the monitoring program as required in §219.6(a)(3) and §219.14(a)(4). The documentation of the BASI in the assessment report and the decision document should summarize how the BASI related to the planning issues was used in the process. These documents are not intended to be research papers or a comprehensive survey of the science used in the planning process. Rather, the documents are intended to provide a summary or key points sufficient to provide the reader with an understanding of what was determined to be the BASI, and how it was used to inform the planning process, plan components, and other plan content. In addition, documentation of the BASI may occur throughout the planning process in the planning record.

Documents associated with the planning process should use standard citations to link key findings or information to their sources. The assessment report, environmental documents, and the decision document should include citations of the BASI.

#### **42.17a - Documentation of the BASI in the Assessment Report**

Documentation of the BASI used to inform the assessment should focus on how it informed the evaluation of conditions and trends for the 15 topics of the assessment (36 CFR 219.6(b)), the sustainability of social, economic, and ecological systems (36 CFR 219.5(a)(1)), and any other topic identified by the responsible official for the assessment. In doing so, the responsible official shall:

1. Describe how the BASI was used to inform the topics of the assessment. This can be done through a brief description and citation of the BASI (sec, 42.13). Contradictory BASI should also be described.
2. Identify the key scientific information determined to be the BASI, based on the determination of what is most relevant, accurate, and reliable. This may be done through reference to a list of the BASI or other methodology as determined by the responsible official. Explain the basis for this determination.

The responsible official should also identify known uncertainties, assumptions, or risks associated with the BASI relevant to the evaluation of conditions and trends and sustainability in the assessment.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

### **42.17b - Documentation of the BASI in the Plan Decision Document**

Documentation of the BASI in the decision document should focus on how it was used to inform the development of plan components and other plan content, including the plan monitoring program. In doing so, the responsible official shall:

1. Describe how the BASI was used to inform the development of key plan components, or sets of plan components, and other plan content including the plan monitoring program.
2. Identify the key scientific information determined to be the BASI, based on the determination of what is most relevant, accurate, and reliable for the issues being considered (sec. 42.13). This may be done through reference to a list of the BASI or other methodology as determined by the responsible official. Explain the basis for this determination.

The responsible official should also identify known uncertainties, assumptions, or risks associated with the BASI relevant to its use in developing plan components and other plan content.

The responsible official should also summarize the general process of how the BASI was identified, evaluated, and used throughout the planning process. This summary would describe: outreach to gather scientific information, the evaluation process, models and methods used, evaluation of risks, uncertainties or assumptions, and any science reviews conducted (sec. 42.2).

### **42.2 - Optional Science Reviews in the Land Management Planning Process**

The responsible official, project manager, or interdisciplinary team leader, may choose to initiate a science review of the use of the BASI to inform the assessment or planning process. Science reviews may cover one or more specific scientific questions or the overall use of scientific information in the assessment or planning process. Science review can occur on a continuum from less formal reviews to validate specific BASI in the planning process to a more formal review of complete plan documents initiated by the responsible official. Science reviews are discretionary.

The purpose of science reviews is to support the quality and credibility of planning and to review whether the BASI adequately informed the planning process. The review may focus on a specific aspect of the scientific information under consideration or evaluate how scientific information was used throughout the planning process. Reviews should be conducted in a timely and expeditious manner to provide useful feedback and within the defined scope.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

A science review may be considered when:

1. There is substantial controversy regarding a specific science issue.
2. There is perceived to be substantial risk to key resources in the plan area or the broader landscape.
3. There is a lack of scientific consensus or a high degree of uncertainty around a science question.
4. The responsible official or planning team leader wants broader confirmation that the scientific information considered is credible or that its interpretation is correct.

A science review may address central questions, including:

1. Has applicable and available scientific information been considered and interpreted appropriately?
2. Has the responsible official appropriately determined the BASI?
3. Have the uncertainties, risks, and assumptions associated with the scientific information been accurately acknowledged and documented?

#### **42.21 - Levels of Review**

Each science review is unique, but the range of science reviews can be represented with different levels varying in intensity from the less formal to the more formal. For less formal or lower levels of review, the project manager or interdisciplinary team leader may initiate or conduct the review. For more formal or higher levels of review, the responsible official should initiate or conduct the review. Exhibit 01 displays factors to consider when determining what level of review is appropriate.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

**42.22 - Exhibit 01**

**Level of Review Factors**

<b>Factors</b>	<b>Lower Level of Review</b>	<b>Higher Level of Review</b>
State of the Knowledge	Well-developed routine analysis. Professionally recognized science findings.	Emerging science and technology. Inconsistent findings and interpretations.
Data Availability	Well-developed data. Well-accepted techniques.	Data gaps. Highly insufficient data or collection techniques.
Controversy	Generally accepted.	Highly disputed.
Risk	Risk to elements of sustainability is low.	Risk to elements of sustainability is high.

A lower-level review focuses on basic consideration and evaluation of specific scientific information and how to use such information in the planning process. Such review can be a check that the scientific information is being correctly interpreted and applied. Lower levels of review may be informal and use reviewers who primarily work for the Forest Service. Some draft material may also be reviewed for feedback that the scientific information is being correctly interpreted and applied. These reviews would normally occur early in the process.

Higher levels of review should be initiated by the responsible official. The purpose of these reviews is a check on the interpretation and application of the scientific information more comprehensively in draft documents such as the draft assessment or draft environmental document. The draft plan may also be examined to evaluate if effects of plan components reflect an appropriate interpretation and application of the BASI, but such review would not be used to evaluate the merit of plan components. Higher levels of review may involve reviewers outside the Forest Service who submit written comments for response by the responsible official that may lead to adjustments in the documents. Higher-level reviews need careful focus in forming questions for the review and overall management to ensure response is timely in the planning process.

## **43 - PUBLIC PARTICIPATION AND THE ROLE OF COLLABORATION**

### **43.01 - Objectives**

This section provides guidance on public participation and highlights the role of collaboration throughout all stages of the land management planning process. Because the term “collaboration” is often associated with only those activities on one end of the public



**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

engagement spectrum, the term “public participation” makes clear that the full spectrum of tools for public engagement should be used in the planning process.

Increased participation provides benefits throughout the planning process, such as improved relationships and plans that better meet diverse needs, which in turn will translate into more successful projects and activities developed under the plans. Even the objection process (see FSH 1909.12, ch. 50) is intended to foster continued participation in the administrative review process.

Public participation should:

1. Build and maintain working relationships, trust, capacity, and commitment to the plan.
2. Allow for shared learning and understanding between and among the Forest Service and public participants.
3. Promote a common understanding of the context for planning and the planning process.
4. Encourage public feedback through the planning process.
5. Support development of plans through an inclusive, transparent process that increases the integrity of plans and adds clarity to the decisionmaking process and the rationale for decisions.

#### **43.02 - Principles of Public Participation**

When developing, amending, or revising a land management plan, the goal is to develop better plans through public participation and collaboration. To achieve that goal, the following principles should guide collaborative and participatory activities of land management planning:

1. Public participation processes and opportunities should be transparent. The responsible official should clearly communicate the kind of feedback that is needed at each opportunity, when feedback should be received, and how feedback should be shared with the Forest Service. Notes, outcomes, or other available information from public meetings should be made accessible to the public.
2. Public participation should occur early and throughout the planning process.
3. Public participation opportunities should be meaningful. Meaningful opportunities for participation will vary by forest unit, type of decision, stage of planning, and local conditions. Opportunities should be structured to elicit the specific feedback and data needed at a given point in the process, and it should be clear how feedback will be used.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

4. Public participation opportunities should be accessible to interested and potentially affected parties. Websites, e-mail, and video conferencing may be ideal for some participants while traditional mail service or public meetings may be better for others. Possible limitations to participation should be considered, and opportunities should be structured to enable people with diverse skill sets and capacities to engage. A range of techniques may be required to ensure accessibility.
5. Public participation opportunities should promote problem-solving and creative solutions as well as constructive dialogue, debate, and deliberation.
6. Public participation opportunities should be efficient and practical for both planning unit staff and the public. Public capacity for engagement and contributions to planning should be considered along with a unit's staffing and financial capacity.

#### **43.1 - Guidance for Public Participation**

**(a) . . . When developing opportunities for public participation, the responsible official shall take into account the discrete and diverse roles, jurisdictions, responsibilities, and skills of interested and affected parties; the accessibility of the process, opportunities, and information; and the cost, time, and available staffing. . . . Subject to the notification requirements in § 219.16, the responsible official has the discretion to determine the scope, methods, forum, and timing of those opportunities. The Forest Service retains final decision making authority and responsibility throughout the planning process.**

(36 CFR 219.4)

**(1) *Outreach.* The responsible official shall engage the public—including Tribes and Alaska Native Corporations, other Federal agencies, State and local governments, individuals, and public and private organizations or entities—early and throughout the planning process as required by this part, using collaborative processes where feasible and appropriate. In providing opportunities for engagement, the responsible official shall encourage participation by:**

- (i) Interested individuals and entities, including those interested at the local, regional, and national levels.**
- (ii) Youth, low-income populations, and minority populations.**
- (iii) Private landowners whose lands are in, adjacent to, or otherwise affected by, or whose actions may impact, future management actions in the plan area.**

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

**(iv) Federal agencies, States, counties, and local governments, including State fish and wildlife agencies, State foresters and other relevant State agencies. Where appropriate, the responsible official shall encourage States, counties, and other local governments to seek cooperating agency status in the NEPA process for development, amendment, or revision of a plan. The responsible official may participate in planning efforts of States, counties, local governments, and other Federal agencies, where practicable and appropriate.**

**(v) Interested or affected federally recognized Indian Tribes or Alaska Native Corporations. Where appropriate, the responsible official shall encourage federally recognized Tribes to seek cooperating agency status in the NEPA process for development, amendment, or revision of a plan. The responsible official may participate in planning efforts of federally recognized Indian Tribes and Alaska Native Corporations, where practicable and appropriate. (36 CFR 219.4(a))**

**(3) . . .the responsible official shall request information about native knowledge, land ethics, cultural issues, and sacred and culturally significant sites. (36 CFR 219.4(a))**

Public participation may be used to:

1. Identify or clarify issues, conflicts, constraints, values, beliefs, or expectations.
2. Gather information.
3. Seek common understanding of facts and issues.
4. Identify information gaps.
5. Identify areas of common ground and disagreement about possible decisions or issues affecting decisions; gather meaningful feedback.
6. Increase transparency in decisionmaking.
7. Keep people informed.
8. Engage in collective learning, including developing monitoring questions, conducting monitoring, and reassessing conditions based on information gathered.

The extent of public participation varies by stage of planning and unit-specific conditions as well as the scope and scale of the planning effort. In taking into consideration cost, time, and available staffing, the responsible official should strive to find the right balance of engaging the

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

public and developing a planning process that is timely and within the fiscal capability of the local unit.

The list of public involvement tools in the definition of “participation” is not meant to be exhaustive, and other forms of involvement such as fact sheets, newsletters, media releases, websites, social media, or creative local methods are encouraged. For the purpose of this Handbook, participation is assumed to include the full spectrum of engagement (see 43.1 ex. 01). The responsible official should select public participation methods that are most effective for the particular issue or stage in the process. Public participation activities described in this Handbook fulfill public engagement requirements of both the planning rule (36 CFR part 219) and the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.).

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

**43.1 - Exhibit 01**

**Levels of Participation and Engagement**

<b>Level</b>	<b>Examples of Agency Activities and Tools</b>
<b>Collaborate</b>	Directly engage parties to exchange information and work together on one or more issues at a given stage in the process. Identify where there is agreement and disagreement. Potential tools: Facilitated or mediated group discussion, Federal Advisory Committee Act (FACA) groups, non-FACA groups, and partnerships.
<b>Involve</b>	Work closely with interested parties to address concerns and suggestions and provide feedback about how input is being considered. Potential tools: workshops, partnerships, and public meetings.
<b>Consult</b>	Interested parties are solicited for input about suggestions, issues, and concerns while continuing to be informed and updated. Potential tools: open house, public meeting, notice and comment, news release, website, and survey.
<b>Inform</b>	Sufficient objective information provided to interested parties to understand intended actions, processes, and preliminary issues. Potential tools: fact sheet, newsletter, mailing, news release, and website.

Source: Based on “spectrum of public engagement” in the Council for Environmental Quality’s “Collaboration in NEPA: A Handbook for NEPA Practitioners” (see [http://ceq.hss.doe.gov/nepa/nepapubs/Collaboration\\_in\\_NEPA\\_Oct2007.pdf](http://ceq.hss.doe.gov/nepa/nepapubs/Collaboration_in_NEPA_Oct2007.pdf))

**43.11 - Guidance for Collaboration**

**(1) The responsible official shall engage the public . . . early and throughout the planning process as required by this part, using collaborative processes where feasible and appropriate.**

(36 CFR 219.4(a))

Collaboration is the most intensive level of public participation (see 43.1 `ex. 01) and encompasses a wide range of external and internal relationships and entails formal and informal processes. When using collaborative processes, recognize that some participants may be more comfortable participating in other ways and that additional methods of participation should be offered.

Collaboration methods should be within the capacity and fiscal capability of the planning unit and the public. Many successful collaborative groups are led by external partners, and collaboration need not be managed by the Forest Service. When selecting collaboration as a method of engaging the public, the development of a framework or set of ground rules will help

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

sustain collaborative efforts. Such a framework should be developed collaboratively and include:

1. A statement of the issue at hand;
2. Defined collaborative parameters in keeping with FACA and responsible official's legal responsibilities;
3. A description of how often the parties will meet;
4. A description of how the parties will communicate with each other outside of meetings; and
5. Mutually agreed upon ground rules including common goals, shared values, realistic expectations, a decisionmaking process, and clear roles and responsibilities.

While the Agency is committed to public participation and encourages collaboration, the responsible official is accountable for all formal land management planning decisions affecting NFS lands (16 U.S.C. 1604, 36 CFR part 219) and may not relinquish that responsibility. The responsible official may consider the common ground agreements and recommendations of relevant collaborators but need not accept the recommendations in making a decision.

General guidance on collaboration, including collaborating across distances, is provided at the Partnership Resource Center website (<http://www.fs.usda.gov/prc>) and the collaboration cadre website ([http://www.fs.fed.us/emc/nfma/collaborative\\_processes/default.htm](http://www.fs.fed.us/emc/nfma/collaborative_processes/default.htm)).

In designing a collaborative planning process, the responsible official should:

1. Explore potential interested and affected parties with whom the agency could collaborate.
2. Determine the extent to which they are willing to involve different parties during each phase of the planning process, and avoid creating expectations that cannot be fulfilled.
3. Where another form of public participation is more appropriate, determine whether and how to engage parties at the “inform,” “consult,” or “involve” levels of engagement (see sec. 43.1, ex. 01).

Collaborative efforts and other public participation opportunities throughout the planning process are expected to lead to:

1. Improved analysis and decisionmaking;
2. Efficiency during the latter stages of planning;

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

3. Improved capacity to reduce uncertainty by gathering, verifying, and integrating information from a variety of sources;
4. Reduce the need for large numbers of plan alternatives and time needed for plan revisions;
5. Potentially offset or reduce monitoring costs as a result of collaboration or use of others' data during monitoring;
6. Improve perceptions regarding legitimacy of plans and the planning process; and
7. Increase trust in the agency, and potentially reduce the costs of litigation as a result of receiving public input before developing and finalizing decisions.

#### **43.12 - Developing a Public Participation Strategy**

A public participation strategy should be developed at the beginning of the planning process. The responsible official is strongly encouraged to work with the public to develop a broadly-supported strategy for public participation recognizing that public participation opportunities will likely evolve as more participants engage and the process develops. The type and exact timing of public participation opportunities may not be known at the beginning of the process.

The strategy should be flexible enough to easily adapt to public feedback and new ideas and information. Consider strategies that most efficiently use Forest Service and external resources. It may be most efficient to offer more intensive opportunities (such as collaboration) at critical points in the planning process and for issues that may be controversial. Alternatively, an email update or similar action may be appropriate for progress reports to keep people informed about the process. Other times, a series of public meetings may be the most effective way to engage.

In developing a public participation strategy for plan revision or development, the following process may be used as a guide. The intention is to offer a process that may be used while allowing for flexibility to meet the unique needs of each planning area. The planning rule requires public participation at certain stages of the planning process. These required public participation opportunities are listed below and are described in greater detail in the following paragraphs.

1. During the assessment process,
2. When developing a plan proposal,
3. When providing an opportunity to comment on a draft proposal and accompanying NEPA documents,

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

4. At the beginning of the objection period for a new plan, amendment, or revision,
5. To approve a final plan, and
6. In reviewing the results of monitoring information.

Public participation requirements for amendments are the same as for plan development, except that an assessment and the associated public involvement are not required.

1. Scan the situation. Items “a” through “f” below are not meant to be sequential and the order may change according to local conditions.

- a. Determine the scope of public participation. The scope should be commensurate with the scope of the planning effort and tiered to the level of interest, change, and controversy. This is likely to change as new information and feedback from participants are considered.
  - b. Identify the desired timeframe.
  - c. Identify resource needs and availability at the planning unit level to support public participation opportunities. Identify gaps that need to be filled or special resources that could be used. Consider external resources that may be available to support the planning process.
  - d. Consider entities and individuals that may be interested in or affected by planning unit management. Consider the range of interests that need to be involved to ensure an inclusive planning process. Consider the presence and appropriate role for existing collaborative groups. Consider the capacity and skill sets of various stakeholders.
  - e. Identify issues that may be controversial or issues that may require special considerations or relatively intensive public feedback.
  - f. Identify issues, points in the process, or aspects of the planning process for which the planning unit may want specialized information or for which external interests or entities may want to offer their expertise, specialized resources, or relevant information.
2. Identify places or times in the planning process where public participation is desired or needed, including the minimum requirements as identified in the planning rule at 36 CFR 219.4.

Public participation opportunities may be offered separately or collectively and may occur:



**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

- a. At the initiation of the planning process. Having a dialogue as early as possible about goals, principles, and expectations helps create a transparent foundation for planning and begins to build relationships among and with stakeholders.
- b. During the assessment process. Consider providing opportunities:
  - (1) At the start of the assessment to encourage participants to offer existing relevant information.
  - (2) To gather feedback and additional specific information during the assessment process including:
    - i. When a draft set of key ecosystem characteristics has been developed.
    - ii. When a potential list of species of conservation concern has been developed.
    - iii. When planning unit contributions to social and economic sustainability have been identified.
- c. When developing a plan proposal. Consider asking collaborative partners and stakeholders when they prefer to be involved. Formal public notification is required to initiate development of a new plan or plan revision or to announce whenever a planning process initiated under previous planning regulations conforms to the 2012 rule (see sec. 42.12, 42.13, and 42.14). Potential opportunities which could be offered individually or collectively include:
  - (1) As the preliminary need for change is developed.
  - (2) To provide feedback on the BASI used in plan development.
  - (3) To provide feedback on potential desired conditions, objectives, plan components, and other plan content.
  - (4) To propose or provide feedback on priority watersheds.
  - (5) To suggest or provide feedback on the planning unit's distinctive roles and contributions.
- d. When providing an opportunity to comment on a draft proposal and accompanying NEPA documents. Formal public notification and use of notice and comment procedures is required (36 CFR 219.16, see sec. 42.12, 42.13, and 42.14).

An opportunity for meaningful public feedback on plan components and plan content should complement formal notification procedures and build on public participation

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

opportunities that have occurred. Public feedback may specifically address how plan components and other plan content are likely to work together and whether key issues are adequately addressed.

e. At the beginning of the objection period for a new plan, amendment, or revision and to approve a final plan, amendment, or revision. Formal public notification is required at these points (see sec. 42.12, 42.13 and 42.14).

f. During development and implementation of the monitoring program, including:

(1) To develop the plan monitoring program. This occurs during plan development. Opportunities may invite feedback on questions and indicators and may request design strategies that allow for multi-party monitoring or build on existing data sets.

(2) In reviewing the results of monitoring information. The monitoring evaluation report must be made available. Public participation could be invited to:

i. Help develop the report.

ii. Gather feedback on the monitoring evaluation results.

iii. Support the process of adaptive management.

Additional sources of advice and training for developing public participation opportunities are available at the Partnership Resource Center website (<http://www.fs.usda.gov/prc>) and the collaboration cadre website ([http://www.fs.fed.us/emc/nfma/collaborative\\_processes/default.htm](http://www.fs.fed.us/emc/nfma/collaborative_processes/default.htm)).

### **43.13 - Federal Advisory Committee Act Committees**

The responsible official may seek help or advice from federal advisory committees, consistent with requirements of Federal Advisory Committee Act (FACA) and implementing regulations. Advisory committees established by other agencies may be used if arrangements are consistent with the intent and direction of Forest Service planning regulations. Agency FACA guidance (FSM 1350) on establishment and composition of formal advisory committees should be followed. Responsible officials should be aware that FACA may apply to the establishment or use of groups composed of individuals or organizations providing consensus views and advice. When working with formal or informal committees, whether established in conjunction with the Forest Service or not, in relation to developing, revising, or amending a plan, the responsible official should carefully consult with agency FACA guidance (FSM 1350) and the Office of the General Counsel to clarify the applicability of FACA. Guidance for complying with FACA is

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

available on TIPS (<http://www.fs.fed.us/TIPS>) and the Partnership Resource Center website (<http://www.fs.usda.gov/prc>).

#### **43.14 - Engaging a Diverse Set of Stakeholders**

Outreach should be appropriate for the target populations, and the responsible official should use contemporary tools, such as the Internet, to engage the public. Reach out to youth, minority, and low-income populations for ideas on how to best engage them in different phases of planning. Consideration should be given to working with schools, public service agencies, and non-governmental organizations at one or more levels of participation. Radio and TV spots (English and non-English), attendance at non-traditional meetings, and use of Internet and online media, are examples of how to reach some non-traditional audiences. Non-governmental organizations likely exist that work with these populations and can act as a bridge or offer support and ideas. Translators should be provided at meetings as appropriate.

#### **43.15 - Opportunities for American Indians and Alaska Natives**

**(3) *Native knowledge, indigenous ecological knowledge, and land ethics.***  
**As part of tribal participation and consultation as set forth in paragraphs (a)(1)(v) and (a)(2) of this section, the responsible official shall request information about native knowledge, land ethics, cultural issues, and sacred and culturally significant sites. (36 CFR 219.4(a))**

Direction for tribal consultation is found in section 44 of this Handbook.

In addition to consultation, the responsible official should encourage participation during early stages of planning and throughout the planning process by interested or affected Tribes and individuals. Information about native knowledge, land ethics, and cultural issues should be requested and should be identified during the assessment phase and considered throughout the planning process (36 CFR 219.4(a)(3)). This information helps sustain provision of services and benefits from national forests and grasslands for Tribes and can be an important source of information for management. The responsible official should also take into account opportunities to design and carry out monitoring with Indian Tribes or Alaska Native Corporations to the extent practicable and appropriate (36 CFR 219.12(c)(3)(iii)). Participation by Indian Tribes and Alaska Native Corporations in a collaborative process is voluntary and would supplement, not replace consultation. Consult with local or regional Forest Service Tribal Program Managers for best approaches to working with the Tribes in the local area.

The responsible official will protect confidentiality regarding information that is culturally sensitive information to an Indian Tribe or Tribes (36 CFR 219.1(e)).

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

### **43.16 - Participation and Coordination with Other Related Planning Efforts**

**(b) *Coordination with other public planning efforts.*** (1) **The responsible official shall coordinate land management planning with the equivalent and related planning efforts of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments.**

**(2) For plan development or revision, the responsible official shall review planning and land use policies of federally recognized Indian Tribes (43 U.S.C. 1721(b)), Alaska Native Corporations, other Federal agencies, and State and local governments, where relevant to the plan area. The results of these reviews shall be displayed in the environmental impact statement (EIS) for the plan (40 CFR 1502.16(c), 1506.2). The review shall include consideration of:**

**(i) The objectives of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments, as expressed in their plans and policies;**

**(ii) The compatibility and interrelated impacts of these plans and policies;**

**(iii) Opportunities for the plan to address the impacts identified or contribute to joint objectives; and**

**(iv) Opportunities to resolve or reduce conflicts, within the context of achieving the Forest Service desired conditions or objectives. (36 CFR 219.4)**

The responsible official shall coordinate land management planning with other related planning efforts. This requirement does not authorize the responsible official to direct or control management of lands outside the planning area, nor does it require the responsible official to conform management in the plan area to meet non-Forest Service objectives or policies. Coordination does not imply that planning efforts should occur at the same time.

The responsible official may consider participating in ongoing efforts to develop or revise desired conditions or objectives for broader landscapes of which NFS lands are a part when the responsible official considers it practical and appropriate. Examples include planning efforts of Indian Tribes and Alaska Native Corporations, States, counties, local governments, other federal agencies, community wildfire protection planning groups, soil and water conservation districts, watershed groups, or other non-governmental organizations.

Forest Service participation in other planning efforts is encouraged when it would:

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

1. Facilitate and support appropriate consistency between the current plan area plan and external efforts and contribute to social, economic, and ecological sustainability of the planning area.
2. Improve a community's capacity to enhance sustainability.
3. Increase a community's willingness to work collaboratively with the agency and other participants in carrying out the planning unit's plan.
4. Assist a community in identifying priority lands for conservation and restoration (for example, parks, source water protection) including for the purpose of providing ecosystem services and recreational opportunities (such as is described in the "Forest Service Open Space Conservation Strategy"  
[http://www.fs.fed.us/openspace/national\\_strategy.html](http://www.fs.fed.us/openspace/national_strategy.html)).

See also CEQ's NEPA Handbook for requirements related to Cooperating Agencies ([http://ceq.hss.doe.gov/ntf/Collaboration\\_in\\_NEPA\\_Oct\\_2007.pdf](http://ceq.hss.doe.gov/ntf/Collaboration_in_NEPA_Oct_2007.pdf)).

### **43.17 - Participation during Phases of Planning**

#### **43.17a - Participation during Assessments**

**(a) *Process for plan development or revision assessments.* An assessment must be completed for the development of a new plan or for a plan revision. The responsible official shall. . .**

**(2) Coordinate with or provide opportunities for the regional forester, agency staff from State and Private Forestry and Research and Development, federally recognized Indian Tribes and Alaska Native Corporations, other governmental and non-governmental parties and the public to provide existing information for the assessment.**

(36 CFR 219.6)

The intent of public participation in the assessment phase is to gather as much relevant information as possible to inform the plan development process. Participation offers opportunities to share concerns about existing conditions and trends and perceptions of risks to social, economic, and ecological systems. Public participation in the assessment phase also supports the development of relationships with and among stakeholders and can begin to develop a joint understanding of current conditions and available data, and it offers an opportunity for feedback to support a strategic, efficient planning process.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

Amendments do not require an assessment. The responsible official can rely on a documented “need for change” to the plan to propose an amendment without separate assessment and proposal steps. In cases where the responsible official elects to conduct an assessment for an amendment, opportunities for participation should be provided consistent with 36 CFR 219.4 (see sec. 43.1).

#### **43.17b - Participation during Development, Revision, or Amendment of Plan Components**

The intent of public participation during plan development, revision, or amendment is to develop and identify zones of agreement relevant to plan components, where possible, acquire assistance in designing effective plan components, and obtain other feedback as needed. Topics that may be included in public participation include potential desired conditions, objectives, other plan components, and other plan content.

Consider the most effective ways of presenting data and information such as by using visual displays (for example GIS-derived resource maps or historic and current photographs), tables, and so on. Ensure materials comply with the American with Disabilities Act of 1990 (42, U.S. C. 12101 et seq.).

#### **43.17c - Participation during Monitoring Program Development**

**(3) To the extent practicable, appropriate, and relevant to the monitoring questions in the plan monitoring program, plan monitoring programs and broader-scale strategies must be designed to take into account:**

**(i) Existing national and regional inventory, monitoring, and research programs of the Agency, including from the NFS, State and Private Forestry, and Research and Development, and of other governmental and non-governmental entities;**

**(ii) Opportunities to design and carry out multi-party monitoring with other Forest Service units, Federal, State or local government agencies, scientists, partners, and members of the public; and**

**(iii) Opportunities to design and carry out monitoring with federally recognized Indian Tribes and Alaska Native Corporations.**

(36 CFR 219.12(c))

The intent of public participation in this phase is to develop effective questions and indicators and the appropriate scale for each, identify key assumptions, identify where the monitoring program could build from existing efforts, identify where multi-party monitoring is possible or desired, and establish public support for monitoring questions and indicators. For broader-scale

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

monitoring, public participation can support the development of strategies that are best addressed at a larger geographic scale. Consider growing the capacity of participants and partners to contribute to the monitoring program in meaningful ways, including opportunities for multi-party monitoring.

The responsible official should coordinate with regional staff, research stations, and neighboring units in the development of strategies, questions, and indicators for unit and broad-scale monitoring. Data quality objectives, best available scientific information, and consistent protocols and methods should be used regardless of the party gathering or assessing the data.

Responsible officials are required to provide public notice of changes to the monitoring program. These changes may occur as administrative changes or through amendment or revision of a plan. The intent is to keep the public informed and engaged while allowing for adaptive management to incorporate new information and reflect changing conditions in a timely way.

*(c) Administrative changes. . . .*

**(1) A substantive change to the monitoring program made outside of the process for plan revision or amendment may be made only after notice to the public of the intended change and consideration of public comment (§ 219.16(c)(6)). (36 CFR 219.13)**

**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 . . . the plan, including the monitoring program . . . and monitoring evaluation reports (§ 219.12). (36 CFR 219.14)**

**(6) Additional 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. (36 CFR 219.16)**

#### **43.17d - Participation during Monitoring Evaluation Report Reviews**

Responsible officials shall inform interested parties about the availability of the biennial monitoring evaluation report and provide meaningful opportunities for participating in the review of those results. Public participation in the development of the monitoring report may be appropriate as well. The intent of public participation during monitoring report reviews is to help assess results and inform adaptive management.

**(d) Biennial evaluation of the monitoring information. (1) The responsible official shall conduct a biennial evaluation of new**

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**  
**CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

**information gathered through the plan monitoring program and relevant information from the broader-scale strategy, and shall issue a written report of the evaluation and make it available to the public. . .**

**(iii) The monitoring evaluation report may be postponed for 1 year in case of exigencies, but notice of the postponement must be provided to the public prior to the date the report is due for that year (§219.16(c)(6)). (36 CFR 219.12)**

The responsible official has discretion about how to best share information with the public, but at a minimum must post the monitoring report online. Interested parties should be informed about the availability of monitoring data that has been posted to publicly available locations.

Data will be made available to the public when possible, understanding that in some cases technology may be an obstacle or information may be sensitive (e.g., locations of threatened and endangered species or cultural resources) and need to remain confidential. The intent is to support transparency and efficiency by supporting data sharing.

#### **43.18 - Substantive Formal Comment**

For an individual or organization to have eligibility to file a predecisional objection, substantive formal comments on the specific issue of concern must have been received from the individual or organization by the Forest Service during the planning process. Because it is impractical for Forest Service staff to capture oral comments of participants at every field tour, workshop, or meeting, the responsible official should clearly communicate that in order for oral comments to meet the substantive formal comments requirements in 36 CFR 219, Subpart B, such comments must be made at specified times when formal substantive comments are recorded. Only those who provide substantive formal comments during opportunities for public comment are eligible to file an objection pursuant to regulations at 36 CFR 219, Subpart B. The purpose of offering a recording opportunity is to allow those who are more comfortable with this method to retain their ability to participate later in the process. A recording opportunity could also increase accessibility for specific target groups such as those for whom English is a second language.

Each public participation opportunity should be accompanied by clear and transparent information about how and when to submit substantive formal comments. The intent is to provide a practical and efficient method of collecting and tracking substantive formal comments while making the comment process simple and accessible to the public.

#### **43.19 - Participation during Pre-decisional Administrative Review**

The objection process and guidance for public involvement during pre-decisional administrative review can be found in FSH 1909.12, chapter 50.



**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

## **43.2 - Public Notice**

**(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)** When the notice is for the purpose of inviting comments on a proposed plan, plan amendment, or plan revision for which a draft EIS is prepared, the Environmental Protection Agency (EPA) Federal Register notice of availability of a draft EIS shall serve as the required Federal Register notice.

**(4)** For a plan amendment when an official other than the Chief, the Under Secretary, or the Secretary is the responsible official, and for which a draft EIS is not prepared, notices must be published in the newspaper(s) of record.

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

**(6)** Additional public notice of administrative changes, changes to the monitoring program, opportunities to provide information for assessments, assessment reports, monitoring evaluation reports, or other notices not listed in paragraph (a) of this section may be made in any way the responsible official deems appropriate.

(36 CFR 219.16)

The purpose of public notice is to provide timely information to the intended audiences in a way that is useful and informs the public of opportunities to provide feedback or access reports.

### **43.21 - Content of Public Notice**

**(d) *Content of public notices.*** Public notices required by this section except for notices applicable to paragraph (c)(3) of 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

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – KEY PROCESSES SUPPORTING LAND MANAGEMENT PLANNING**

**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. (36 CFR 219.16)**

A definitive timeline for public participation in the planning process need not be available at the time of public notice. A general overview with instruction on how to obtain additional information when available is sufficient. Public notices should be written in plain language.

All public notices for initiating development of a proposed plan, amendment, or revision and all public notices thereafter must include a statement that the action is subject to the objections procedures of 36 CFR part 219, Subpart B.

#### **44 - TRIBAL CONSULTATION**

The Washington Office, Director, Office of Tribal Relations, is responsible for advice and counsel on the government-to-government relationships and consultation with federally recognized Indian Tribes and Alaska Native Corporations.

***(2) Consultation with federally recognized Indian Tribes and Alaska Native Corporations. The Department recognizes that the Federal Government has certain trust responsibilities and a unique legal relationship with federally recognized Indian Tribes. The responsible official shall honor the government-to-government relationship between federally recognized Indian Tribes and the Federal government. The responsible official shall provide to federally recognized Indian Tribes and Alaska Native Corporations the opportunity to undertake consultation consistent with Executive Order 13175 of November 6, 2000 and 25 U.S.C. 450 note. (36 CFR 219.4(a))***

The Federal Government's government-to-government relationship with federally recognized Indian Tribes and Alaska Native Corporations is often based on treaties and intergovernmental agreements and requires consultation. Consultation during the plan revision should be in accord with FSH 1509.13 - American Indian and Alaska Native Relations Handbook, chapter 10 - Consultation with Tribes. Identify plan monitoring questions and associated indicators for the plan monitoring program as part of formal tribal consultation on the plan.